SENATE SÉNAT

CANADA

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OFFICIAL REPORT
(HANSARD)

Thursday, May 28, 2026

The Honourable RAYMONDE GAGNÉ,
Speaker

**CONTENTS**

(Daily index of proceedings appears at back of this issue).

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# THE SENATE

**Thursday, May 28, 2026**

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

Prayers.

## SENATORS' STATEMENTS

### COMMEMORATION OF SPEECH FROM THE THRONE

**Hon. Salma Ataullahjan:** Honourable senators, I rise today to mark the first anniversary of the Speech from the Throne delivered by His Majesty King Charles III to open the Forty-fifth Parliament of Canada. This marked only the third time a monarch has read the Speech from the Throne, after Queen Elizabeth II delivered it in 1957 and 1977.

As you may recall, the Senate of Canada commissioned four artists from the Ottawa-Gatineau region to commemorate this historic moment. Stationed at four distinct vantage points — opposite the Senate of Canada Building's main entrance, within the Speaker's suite, on the mezzanine overlooking the Senate foyer and inside the Senate Chamber — the artists captured both the grandeur of the ceremony, as well as the quieter exchanges that defined the occasion.

Colleagues would be pleased to know that the Artwork and Heritage Advisory Working Group, of which I am a member and Senator Cardozo is chair, formally acquired these important works of art in December 2025. The artworks are now on view in the Senate of Canada Building foyer across from the portraits of French kings and were officially unveiled yesterday. A commemorative parchment signed by Their Majesties King Charles III and Queen Camilla is also part of the display.

The primary objective of this initiative was to document the Speech from the Throne and to incorporate the resulting works into the Senate Artwork and Heritage Collection. In doing so, the project advances the Senate's collection objectives by preserving and promoting the institution's cultural and historical record not only for today's public but also for future generations.

The artworks presented in this exhibition began not as finished compositions but as quick observations and sketches made in real time. Sketches in charcoal and ink, colour studies and annotated notes reveal the discipline behind the final works.

Three of the artists developed larger paintings from the preparatory material, refining composition and emphasis, while preserving the vitality of the moment. One artist chose, instead, to submit their entire sketchbook, which is also displayed in the exhibit and can be viewed online. Altogether, these drawings and sketches stand not simply as works of art but also as an important historical record of one of the most significant days in Canadian parliamentary history.

I invite colleagues and visitors to the Senate of Canada Building to check the display, which will be on view until early September of this year. Thank you.

[*Translation*]

### THE HONOURABLE FRANK MCKENNA, P.C., Q.C., O.C., O.N.B., AND JULIE MCKENNA

**Hon. Pierrette Ringuette:** Honourable senators, our fellow citizens in the Atlantic provinces and New Brunswick have been hit particularly hard by the geopolitical and economic tensions that we are currently experiencing. However, from time to time, we happen upon leaders who provide hope and give selflessly to the community.

Today, I would like to acknowledge the contributions that Frank and Julie McKenna have made through their charitable organization.

A few weeks ago, we learned that they had made a remarkable donation of $20 million to St. Francis Xavier University. Julie, Frank and their children are all graduates of that university, and I believe that some of our colleagues are as well.

Frank said that when you go to school at St. FX, you get a master's degree in civility and a PhD in character, which creates a new generation of leaders.

This historic donation to St. FX is not the first that Frank and Julie McKenna have made. They have made donations to every university in New Brunswick, endowing the McKenna Centre for Communications and Public Policy at St. Thomas University, the Frank McKenna School of Philosophy, Politics, and Economics at Mount Allison University, the Centre de leadership Frank McKenna at the Université de Moncton and the McKenna Institute at the University of New Brunswick, where a $5-million donation from the Frank McKenna Foundation was followed by a $50-million fundraising campaign.

I don't have enough time to list all of Frank and Julie McKenna's contributions to other charities, such as food banks, hospices and the Miramichi aquatic centre.

Frank McKenna is always working for the future of the people of New Brunswick, the Atlantic region and Canada. He considers himself a blessed and fortunate man, and he wants to give to future generations.

In my humble opinion as a francophone New Brunswicker, Frank McKenna's most important contribution was his service as premier. During that time, Premier McKenna and his government enshrined an obligation for New Brunswick in the Canadian Constitution. Section 16(2) of the Charter grants equality of status and equal rights and privileges to New Brunswick's francophones and anglophones. Equality at last.

I don't have enough time to point out just how important it is to have people of integrity, generosity and dedication on our side, people like Frank and Julie McKenna.

Long life to you both.

Thank you.

**Hon. Senators:** Hear, hear!

[*English*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation from the East Coast Leadership Academy. They are the guests of the Honourable Senator Ross.

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

**Hon. Senators:** Hear, hear!

## EAST COAST LEADERSHIP ACADEMY

**Hon. Krista Ross:** Honourable senators, I rise today to recognize the East Coast Leadership Academy, or ECLA, whose students, parents and teachers are joining us today in the chamber.

Situated in the beautiful capital of Fredericton, New Brunswick, ECLA's campus was thoughtfully designed to support experiential and community-based learning. From outdoor learning spaces to collaborative classrooms, the school reflects a modern and student-focused approach to education that encourages curiosity, creativity and connection. Founded in 2024, ECLA is a prime example of how innovative approaches to education can inspire our students and enrich the social and educational landscapes of our communities and provinces.

The academy places strong emphasis not only on academic achievement but also on leadership, citizenship, communication and critical thinking, qualities that will serve students well throughout their lives. What makes ECLA particularly noteworthy is its strong commitment to connecting students directly with their communities. As its students progress through high school, ECLA has partnered with the University of New Brunswick, or UNB, to launch a second campus on UNB grounds to provide opportunities for hands-on and integrated learning within a university environment.

• (1340)

I have had the opportunity to see firsthand the positive impact that ECLA is having on its students and our community through my participation in their Civic Engagement Award Program. This program encourages students to think deeply about what it means to be an engaged citizen, both inside and outside the classroom, while cultivating compassion, leadership and a sense of responsibility toward others.

It was inspiring to witness young people so eager to contribute to their communities and to better understand the importance of public service, civic participation and helping those around them. Experiences like these remind us that education is about far more than curriculum alone. It is about shaping thoughtful, compassionate and engaged future leaders.

We know that progress is achieved through collaboration, shared knowledge and a commitment to building stronger communities. East Coast Leadership Academy's presence here today gives us an opportunity to celebrate the outstanding work being done by its educators, students, parents and leadership team every single day.

It is my pleasure to welcome them here today to the Senate.

[*Translation*]

Welcome to the Senate of Canada.

[*English*]

Thank you. *Wela'lin*.

## VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Craig Hougen, board member of the Hougen Group and President of Taku Sports Group. He is the guest of the Honourable Senator Wilson.

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

**Hon. Senators:** Hear, hear!

## THE LATE VAUGHN SOLOMON SCHOFIELD, S.O.M., C.D., S.V.M.

**Hon. Marty Klyne:** Honourable senators, I rise to pay tribute to the life and legacy of the Honourable Vaughn Solomon Schofield, Saskatchewan's twenty-first Lieutenant Governor, who passed away on April 8, 2026, at the age of 82.

Ms. Schofield was extraordinary. Born and raised in Regina, she carried the spirit of Saskatchewan. She was resilient, generous and deeply committed to community and country. Her father, George Solomon, was an accomplished businessman, whose contributions, alongside those of the Solomon family, helped shape the growth and development of Regina Beach.

Before her appointment as Lieutenant Governor, Ms. Schofield built a distinguished career in business, philanthropy and public service. She served on numerous boards and organizations, championed volunteerism and worked to strengthen civic life in Saskatchewan and beyond.

Fluent in English and Spanish, she helped establish CrimeWatch organizations across North and South America and was twice named Florida's Crime Prevention Woman of the Year.

Ms. Schofield had unwavering support for those who serve our country. She was a passionate advocate for the Canadian Armed Forces, serving as Provincial Chair of the Canadian Forces Liaison Council and as Honorary Colonel of the 10th Field Artillery Regiment. For her contributions, she received the Canadian Forces Medallion for Distinguished Service.

From 2012 to 2018, she served Saskatchewan with dignity and grace as Lieutenant Governor. In that role, she embodied the best of public service: honour, compassion and a profound sense of duty. She carried out her viceregal responsibilities with humility and warmth.

She received the Saskatchewan Order of Merit, the Queen Elizabeth II Diamond Jubilee Medal and an Honourary Doctorate of Laws from the University of Regina.

Yet, perhaps Ms. Schofield will be remembered most for her personal qualities. She was glamorous, charismatic and endlessly spirited. She lit up every room she entered. Her warmth, wit, elegance and unmistakable laughter left a lasting impression on those who met her.

Above all, she was devoted to her family. Her children and grandchildren were the centre of her world, and she loved them fiercely and unconditionally.

Colleagues, Canada has lost a remarkable public servant, Saskatchewan has lost one of its proudest daughters, and many have lost a cherished friend and mentor.

On behalf of the Senate of Canada, I extend sincere condolences to her family, loved ones and all who mourn her passing. May the Honourable Vaughn Solomon Schofield rest in peace, and may her legacy of service continue to inspire Canadians for generations to come.

Thank you.

## THE LATE FRANK HAYDEN, C.C., O.C., O.ONT.

**Hon. Marnie McBean:** Honourable senators, I rise to recognize the extraordinary contributions of Dr. Frank Hayden of Oakville, Ontario. Dr. Hayden was one of the most influential figures in the history of sport and inclusion, whose groundbreaking research fundamentally reshaped how society understands athletes with intellectual disabilities. Dr. Frank passed away at the age of 96 last week.

As a Canadian academic and physical educator, he challenged the deeply entrenched belief that individuals with intellectual disabilities were less than us and couldn't benefit from structured physical activity or competitive sport. Through rigorous research and determined advocacy, Dr. Frank demonstrated conclusively that sport and training provide the same profound physical, psychological and social benefits enjoyed by generic athletes. At a time when exclusion was widely accepted, his work was truly transformative.

Dr. Frank's work also rejected the idea that participation in sport for individuals with intellectual disabilities should be viewed as merely symbolic or recreational. He showed that these individuals are athletes in every sense of the word: driven, disciplined, competitive and capable of excellence. Given the opportunity to train, compete and be supported, they can grow, perform and excel at the highest levels.

It was this evidence that caught the attention of Eunice Kennedy Shriver, who, in 1968, used his research to launch the Special Olympics. Without Dr. Hayden's vision and research, the global movement we know today would not exist in the same transformative way.

Since 1991, I have had the privilege of seeing firsthand the skill, determination and spirit of the Special Olympics and its athletes. I got to know many Special Olympic athletes, like Arthur Rea, a curler, golfer and floor hockey player, who was an advocate and ambassador for his sport in the same way I have been for generic sport.

Twenty-five years later, Arthur and I would still meet at events. We spoke like old veterans about sport and next-gen athletes, but also about our aging parents, life and how incredibly fortunate we were to still be part of a sport community that gave us so much support. That shared experience — that Arthur and his Special Olympic peers are seen as capable contributors of — is the very essence of the Special Olympics movement. It's lifelong. It's authentic. It's sport. It's life.

Dr. Hayden's contributions have been widely recognized. He was appointed Officer of the Order of Canada, was a member of Canada's Sports Hall and received numerous awards for his leadership and advocacy.

As we commemorate his contributions, we know that his legacy endures not just in the Special Olympics but in the simple, powerful truth he proved: The benefits of sport and training belong to everyone.

I'll conclude with the Special Olympics athletes' oath: "Let me win. But if I cannot win, let me be brave in the attempt." Rest in peace, Dr. Frank. Thank you for your life's work.

# ROUTINE PROCEEDINGS

## THE ESTIMATES, 2026-27

SUPPLEMENTARY ESTIMATES (A) TABLED

**Hon. Patti LaBoucane-Benson (Acting Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the supplementary Estimates (A), 2026-27.

## JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-11—DOCUMENT TABLED

**Hon. Patti LaBoucane-Benson (Acting Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-11, An Act to amend the National Defence Act and other Acts, pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, sbs. 4.2(1).

## AUDIT AND OVERSIGHT

TENTH REPORT OF COMMITTEE PRESENTED

**Hon. Marty Klyne,** Chair of the Standing Committee on Audit and Oversight, presented the following report:

Thursday, May 28, 2026

The Standing Committee on Audit and Oversight has the honour to present its

TENTH REPORT

Your committee, which is authorized to adopt a report to the Senate nominating two external members to the committee pursuant to rule 12-13(4), presents herewith its report, which contains the nomination for a second term for Hélène F. Fortin.

Respectfully submitted,

MARTY KLYNE

*Chair*

(*For text of report, see today's* Journals of the Senate*, Appendix A, p. 953.*)

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

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

• (1350)

[*Translation*]

## INDIGENOUS PEOPLES

BUDGET—STUDY ON VOICES OF YOUTH INDIGENOUS LEADERS EVENTS—SIXTH REPORT OF COMMITTEE PRESENTED

**Hon. Michèle Audette,** Chair of the Standing Senate Committee on Indigenous Peoples, presented the following report:

Thursday, May 28, 2026

The Standing Senate Committee on Indigenous Peoples has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Tuesday, October 7, 2025, to examine and report on the Voices of Youth Indigenous Leaders events, respectfully requests funds for the fiscal year ending March 31, 2027.

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

Respectfully submitted,

MICHÈLE AUDETTE

*Chair*

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 969.*)

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

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

[*English*]

## THE ESTIMATES, 2026-27

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (A)

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

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2027; and

That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, with rules 12-18(1) and 12-18(2) being suspended in relation thereto.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Patti LaBoucane-Benson (Acting 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: consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources, followed by third reading of Bill C-14, followed by second reading of Bill C-11, followed by all remaining items in the order that they appear on the Order Paper.

### ENERGY EFFICIENCY ACT

BILL TO AMEND—THIRD REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*Bill S-4, An Act to amend the Energy Efficiency Act, with amendments and observations*), presented in the Senate on May 27, 2026.

**Hon. Joan Kingston** moved the adoption of the report.

She said: Honourable senators, I rise today in my capacity as Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources to move the adoption of the third report on Bill S-4, An Act to amend the Energy Efficiency Act, as amended by the committee.

As you heard at second reading from the sponsor, Senator Wilson, Bill S-4 proposes measures to improve affordability for Canadian consumers and businesses through energy savings.

Given the unprecedented technological advances that have been made since the Energy Efficiency Act was passed in the early 1990s, this bill represents a necessary modernization of our energy efficiency standards and procedures.

This act was originally passed in 1992, but we live in a vastly different world than we did when my children were younger than my grandson is now. When it was adopted, the Energy Efficiency Act was visionary for its time. It established a federal foundation for strong energy efficiency regulations, enabling us to set minimum standards for residential, commercial and industrial products.

It is a legislative success story, but it is in need of an update to reflect the current reality. It strengthens the federal regulatory tool kit by updating definitions, broadening the scope to account for modern technologies and new market actors and expanding how energy efficiency standards can be applied, including to products, classes of products and product systems.

On April 14, 2026, the Standing Senate Committee on Energy, the Environment and Natural Resources began its study on Bill S-4. The committee held eight meetings, received 11 written briefs and heard from 19 witnesses.

We heard from a diverse range of witnesses, including representatives from industry and manufacturing associations and academic and policy institutions, as well as consumer and environmental advocacy organizations and First Nations leadership.

The committee also welcomed testimony from the Minister of Energy and Natural Resources, government officials and the Auditor General of Canada.

Thank you to everyone who appeared before the committee or submitted briefs. Your testimony and expertise were invaluable and played an important role in informing our work.

Three of the committee meetings were dedicated to clause-by-clause consideration. This was a collaborative effort that thoughtfully balanced the objectives of the bill with careful consideration of how its provisions would operate in practice. It was within this context that the committee examined and considered proposed amendments. During the process, five amendments and 11 observations were adopted in total.

[*Translation*]

The members of your committee determined that Bill S-4 could benefit from a few amendments.

[*English*]

In particular, our report includes: narrowing the definition of "energy efficiency standard" to speak to the bill's intent while still targeting envisioned performance improvements; at times, adding the term "renewable" to update references to "alternative" energy sources, recognizing that renewable energy is now mainstream; broadening the framework that compares Canadian energy efficiency standards to encompass a wide variety of international standards; and shortening the timeline for the first parliamentary review of the Energy Efficiency Act from 10 years to 5 years to ensure more timely oversight of legislation affecting Canadian businesses and consumers.

[*Translation*]

The committee observes that the purpose of the bill is to modernize an essential regulatory framework at a time when energy efficiency is increasingly tied to economic competitiveness, innovation and the transition to a low-emission economy.

[*English*]

The committee's amendments strengthen the bill by improving clarity and effectiveness. The amendments don't change the intent of the bill — they sharpen it, where needed, and support implementation.

The framework can adapt to new technologies and changing consumer behaviour so that it does not become outdated, while also supporting affordability, emissions reduction, innovation and energy security by ensuring regulatory tools effectively deliver those outcomes in practice.

Bill S-4 is a timely and necessary modernization of Canada's Energy Efficiency Act that responds to today's economic, technological and environmental realities.

The bill supports innovation through regulatory flexibility, improves enforcement and consumer protection and modernizes rules for online sales and emerging technologies.

Overall, Bill S-4 is a future-focused and balanced reform that strengthens competitiveness, enhances transparency and accountability and ensures Canada's energy efficiency framework remains effective in a rapidly evolving economy.

• (1400)

Before I conclude, I'd like to express my appreciation and take a moment to recognize the committee staff and members. I would like to extend our sincere thanks to our clerk, Catherine Cuerrier; our analysts, Emilie Doyon, Dana Fan, Sarah Lemelin-Bellerose, Natassia Ephrem and Caroline Mousseau; and Parliamentary Counsel Philippe Giguère.

I would also like to recognize the honourable senators serving on the committee, including the bill's sponsor, Senator Wilson, for their dedication and commitment throughout the study of this legislation. Their expertise, careful consideration and professionalism were instrumental in advancing the bill to the report stage.

Colleagues, in conclusion, the Standing Senate Committee on Energy, the Environment and Natural Resources recommends that the Senate adopt the third report on Bill S-4, together with the committee's amendments and observations, as a necessary step in modernizing Canada's energy efficiency standards and procedures.

Your committee also requests that the Government of Canada consider and address the appended observations.

Thank you, *meegwetch*.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Motion agreed to, on division, and report adopted.)

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

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

[*Translation*]

## BAIL AND SENTENCING REFORM BILL

BILL TO AMEND—THIRD READING—DEBATE

**Hon. Pierre J. Dalphond** moved third 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), as amended.

He said: Honourable senators, my task today as the bill's sponsor is to kick off the third 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).

Later today, once this step is completed, the other place will be informed of the amendments proposed by the Senate, and it will then be up to the government to suggest whether MPs should accept them in whole or in part.

There are four parts to my presentation. First, I will summarize the bill's two main components. Second, I will speak to the context brought to light in committee. Third, I will look at the principal amendments to the Criminal Code that address this context. Lastly, I will make a few comments about the four amendments adopted by the Standing Senate Committee on Legal and Constitutional Affairs.

Although it contains 62 clauses amending the Criminal Code, this bill primarily concerns, as its title suggests, two major stages of the criminal trial process. The first takes place at the very start —determining whether to release the person who has charged— while the second occurs at the very end—sentencing persons found guilty of certain offences.

The purpose of these amendments is to improve public safety and protect victims from three categories of offenders: repeat offenders, people with ties to organized crime, and violent criminals.

[*English*]

I now move to the second part of my speech.

Canadians from every region of this country, in our largest cities and our smallest communities, have raised concerns about violent crimes committed by repeat offenders, auto theft with violence or home invasions, murders of women by violent partners, the rise of violent extortion, et cetera.

Provincial attorneys general and premiers belonging to different political parties across the country have been urging the federal government to step in and adopt measures to address violent offenders, repeat offenders and organized crime.

Their calls for action rest on many hard facts that I referred to in my speech at second reading. They include data gathered annually by Statistics Canada to establish its Crime Severity Index, which takes into account the volume and severity of crimes reported to the police. Between 2014 and 2024, this index increased from 66.9 to 77.9.

What's more, the Violent Crime Severity Index — reflecting violent crimes — increased in that period from 70.7 to 99.9, and that includes a jump of 15% between 2020 and 2023.

During the study at the Legal Committee, we heard more evidence in support of Bill C-14, which I will now summarize.

Police officers and municipal leaders complained about a bail system that has become ineffective. Those of you who are more familiar with the bail system will know that release pending trial is made under various conditions. It can include the commitment of a person to supervise an accused to ensure that they attend court and comply with their bail conditions. Such a person is called a surety. An effective surety must be willing to call the police if an accused person is about to breach or has breached their conditions.

The President of the Toronto Police Association said at the committee:

> Sureties are such a problem. I'll be frank, the system is kind of a joke, and sureties do not take it serious, period.

Ontario Provincial Police Commissioner Carrique, on behalf of the Canadian Association of Chiefs of Police, told us about a new tool put in place by 32 Ontario police services called the Bail Compliance Dashboard to provide a centralized database on bail conditions that is accessible to all Ontario police officers. He reported that, between 2023 and 2025, over 54,000 charges were laid by Ontario Provincial Police officers against 9,710 offenders on bail, which included 7,540 charges for violent crimes committed while on bail.

In May 2023, the Winnipeg Police Service, jointly with the RCMP, launched a unit focused on compliance with conditions imposed on individuals on bail, probation or parole. In 2024 and 2025, bail breaches were the most common violation reported by that unit. Winnipeg Mayor Scott Gillingham, when speaking about these breaches, said:

> Those were not petty crimes; they were violent offences. . . . So, there is a statistical pattern in our community of people on bail or court conditions repeating violent offences . . . .

He also stated that ". . . 20% of all arrestees were arrested more than once by the same unit."

That summarizes some of the testimony about bail and our current bail system.

The Federal Ombudsperson for Victims of Crime told the committee that he supports the objective of Bill C-14. According to data collected by his office, between 2018 and 2025, at least 52 women and girls were killed while a protection order was in place or the accused was on bail.

• (1410)

The representative of the London Abused Women's Centre told us that, according to the Training Institute on Strangulation Prevention, women who are strangled by their partners and survive are 750% more likely to be the victim of an attempted femicide at a later time and are 800% more likely to be killed by their partner in a subsequent assault.

Human trafficking also remains a pressing national concern, as we heard earlier this week during the second reading of Bill S-235, sponsored by Senator Ataullahjan.

According to data from StatCan:

> . . . there were more than twice as many human trafficking cases and three times as many charges completed in 2023/2024 compared with 2013/2014.

We heard comments about home invasions that have shaken too many families' sense of security, especially in the Greater Toronto Area, or GTA. Earlier this month, the CBC reported that there have been "45 home invasions, including attempts, across the city" between January and May, and that this crime was up 22% this year compared to the same period last year.

In the GTA, surveillance cameras have recently recorded masked young offenders violently attempting to break into dwelling houses using baseball bats and other instruments, mindful that scared families were behind the doors, resisting their entry and calling for help. In some GTA areas, residents have decided to hire private security agencies to protect their houses and families.

We have also heard of surges in extortion, and Statistics Canada data reveals that the police-reported extortion rate was four times higher in 2024 than it was in 2014. The rates are even higher in British Columbia.

Although motor vehicle theft is declining in Canada due to efforts such as the National Action Plan on Combatting Auto Theft, there are reports of an increasing number of violent attempts to steal cars.

In August 2024, the York Regional Police reported that the number of carjackings in the region had increased by 106% compared to 2023 and a 400% jump compared to 2019.

Équité Association, which tackles insurance fraud, published their *2025 Auto Theft Trend Report* in February of this year. It states that Canadians continue to bear auto theft losses of "$900 million annually in claims costs, which continues to be funneled into organized crime."

In this context, we have a responsibility to respond diligently to the calls from the premiers, the Federation of Canadian Municipalities, the police associations, the chiefs of police, groups for abused women and victims of crime and other organizations to amend the Criminal Code in connection with some aspects of the bail process and the determination of sentences for certain categories of offenders.

Before ending my remarks on the context and evidence presented at committee, I want to comment on some data used by opponents to Bill C-14. They made a great case about the fact that in Ontario prisons, the number of individuals on remand now represents about 80% of the inmates, while that proportion was only 40% in 2000. When I asked them if the increase in the percentage of beds in provincial prisons occupied by persons on remand had something to do with an increase in the population in Ontario without a corresponding increase in prison bed capacity, they could not answer.

Fortunately, StatCan provided not only the sheer number of persons on remand but also calculated the proportion per 100,000 population in Canada and in each province and territory.

In 2019-20, there were 51 persons per 100,000 on remand in Canada and 59 in 2023-24. This represents an increase of 8 people per 100,000, an overall rise of less than 15%. By sex, the numbers for men varied from 94 to 109 per 100,000 adult males, while for women it varied from 9 to 11. In Ontario, for the same period, the numbers for men varied from 96 to 115 and for women from 9 to 11.

StatCan explained that their counts of individuals on remand are a snapshot based on jail registers on the relevant day and includes individuals serving a provincial sentence while awaiting trial on other charges. In other words, the number of individuals on remand is likely inflated by repeat offenders awaiting trial for new offences.

Also of interest is the fact that provincial and territorial numbers vary a lot. The provinces of Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec and British Columbia have a significantly lower number of people on remand per 100,000 compared to the national average, while the provinces of Manitoba and Saskatchewan hold more than double the national average on remand. The Northwest Territories' number is three times the national average, while in Nunavut it is close to six times the national average. These disturbing variations may be indicative of the overrepresentation of some groups in these provinces and territories, a point that deserves to be further analyzed.

When considering these figures about the number of people on remand at a given time, it is also important to remember that this captures anyone there at that moment, regardless of the duration of the stay. Data from the Canadian Centre for Justice and Community Safety Statistics, which is part of StatCan, in 2019 revealed that:

> For adults released from remand, three-quarters (75%) were held for one month or less while just over half (50%) were held for one week or less.

At the committee, we also learned about specific data on bail published on the website of the Ontario Court of Justice. For all Ontario Court of Justice cases that have a bail outcome, the vast majority result in release orders, consistently ranging from 92% to 95% between 2018 and 2025. For the individuals who are granted release, the average time spent in the bail phase in the past five years has averaged around six days.

Research undertaken by Professor Nicole Myers, who appeared before the committee, shows us that when appearing before a justice of the peace or a judge, 74% of bail appearances, she observed, were adjourned, with about 60% of those adjournments being requested by defence counsel or the accused. That's normal. It takes a few days if you have one or two adjournments.

Opponents of the bill also referred to the fact that StatCan reports over the last 10 years indicated that roughly 30% to 50% of criminal files are either stayed or withdrawn. Based on that, they seem to conclude that many innocent people are held on remand until their charges go away.

Evidence before the committee indicated that there is a whole "host of reasons" for staying or withdrawing charges, to use the words of the representative of the British Columbia Crown Counsel Association. This includes cases where the Crown takes over the file from the police and decides to drop the charges, cases where the victims refuse to testify by the time of the trial, cases stayed because of excess delays and cases where alternative measures are agreed upon between the Crown and the accused. It is then not possible to affirm that all the accused in those cases were innocent. The refusal of a victim to testify does not mean that the accused was innocent, as those who are more familiar with domestic violence know.

• (1420)

As for cases with access to alternative measures, the accused must generally take responsibility and acknowledge the commission of the offence.

[*Translation*]

I will now move on to the third part of my remarks, which involves presenting the main amendments that will be made to the Criminal Code.

I would like to remind senators from the outset that these amendments seek to crack down on organized crime and repeat or violent offending while upholding the fundamental principles of our criminal justice system, which are fairness, proportionality and restraint. They are in no way intended to override the Canadian Charter of Rights and Freedoms.

[*English*]

In other words, Bill C-14 responds to the premiers' calls for action on the bail system in a careful, balanced and targeted way. The reverse onus on an accused person to show that their release will not constitute a risk to the victim or public safety is imposed only in those cases associated with organized crime and repeat or violent offending. In these cases, the criminal justice system will

remain guided by its fundamental principles and the Charter of Rights and Freedoms, including section 11(e), the right not to be denied reasonable bail without just cause.

As I mentioned before about the Ontario Court of Justice, 92% to 95% of the cases that have a bail outcome result in release orders.

In passing, it is to be remembered that the Supreme Court of Canada acknowledged years ago in *Pearson* that the reverse onus is justified for certain offences such as trafficking in narcotics. The court said:

> . . . trafficking in narcotics occurs systematically, usually within a highly sophisticated commercial setting. It is often a business and a way of life. It is highly lucrative, creating huge incentives for an offender to continue criminal behaviour even after arrest and release on bail. In these circumstances, the normal process of arrest and bail will normally not be effective in bringing an end to criminal behaviour.

The court concluded that, in such a case, the reverse onus was fully justified under the Charter.

In my view, similar reasoning should apply to human trafficking — if it applies to trafficking drugs, I think that it's even more serious for human trafficking — organized car thefts and violent extortion, which are all related to organized crime.

The reverse onus also appears justified in cases where release pending trial represents serious security risks to the victim or the community.

I was in Quebec City a few weeks ago, and I attended a lunch at a conference attended by 30 or 40 judges. Sitting next to me was a judge in charge of the criminal division of the provincial court. We discussed these things during lunch. I must tell you that he was very supportive of this obligation to impose on those who are associated with profiles that involve this type of risk, and he was not concerned about Charter challenges on that part.

The reverse onus also appears justified when release pending trial represents serious risks to the victims or the community. This is the case for those charged with assault or sexual assault involving choking, suffocation and strangulation, breaking and entering into a dwelling or where the accused has prior convictions for offences involving violence or weapons.

These targeted additions to the reverse onus provisions mean that it will be on the accused person to show why their release is appropriate ". . . by clearly demonstrating that their proposed release plan addresses the risks posed by . . ." them to the victim, the public or the administration of justice.

As has been made clear in this chamber and at committee as well, Bill C-14 does not change the applicable standard of proof. At a bail hearing, that will remain on the balance of probabilities.

I know that the Barreau du Québec and the Canadian Bar Association had expressed concerns about that. I want them to feel reassured today. The minister said in the other place that the intent of Parliament is not to establish a different intermediate level of evidence required from the person who has the burden of showing that he or she will not be a risk to the public or to the victim. It will remain on a balance of probabilities, as usual.

Rather, the intent of this specific language is to clarify the quality of the information that needs to be put before justices of the peace or judges to ensure that the accused poses no unmitigated risk of absconding or causing harm to a complainant or the community. It also ensures that justices of the peace or judges carefully scrutinize the bail plans of these categories of accused.

Furthermore, Bill C-14 does not abrogate the principle of restraint in matters of bail; rather, it clarifies that it must be applied in a manner consistent with public safety. This will guide decision makers, including police officers. Many people don't appear before a judge. They will be accused, go to a police station and will be let go on an undertaking. Only a small group will be brought before a justice of the peace to decide whether they should remain on remand or not.

The principle of restraint, as I just mentioned, will continue to apply. This will guide decision makers and address concerns that the principle of restraint has sometimes been misunderstood as favouring release over public protection.

Statutory guidance will also contribute to a more even and fair application of the law across the country.

On sentencing, Bill C-14 mandates consecutive sentences in defined circumstances, such as when certain serious offences are committed in tandem; for example, where extortion is committed alongside arson or where breaking and entering a place is committed alongside violent or criminal organization-related motor vehicle theft. By imposing consecutive sentences for each of those offences — for example, one for extortion and one for arson — the combined punishment is more meaningfully recognized.

However, it is important to remember that even where Bill C-14 mandates consecutive sentences, like some other parts of the Criminal Code, the principle of totality, pursuant to section 718.2(c) of the Criminal Code, will still apply, meaning that the combined sentence should not be unduly long or harsh.

At committee, officials from the department explained that where a consecutive sentence is mandated, the combined sentence is clearly intended to be longer or more serious, but judges are still able to reduce the ultimate sentence based on the principle of totality. The intent is to deter only.

Sentences, after all, must remain proportionate to the gravity of the offence and the degree of responsibility of the offender. This is the "fundamental principle," as it's called in section 718.1 of the Criminal Code. It is the principle of proportionality, which judges will continue to apply and will be obliged to apply.

The Charter, too, continues to apply. Section 12 protects against laws that will impose a cruel and unusual or grossly disproportionate punishment. The changes in this bill will function alongside these important existing principles.

The bill will also expand statutory aggravating factors to address repeat violent offending, crimes against first responders and transit workers, retail theft and offences that impact essential infrastructure and may jeopardize important services to the population.

• (1430)

Finally, Bill C-14 also amends the Criminal Code to restrict the availability of conditional sentence orders, which are sometimes described as house arrest, for the more serious sexual offences — those prosecuted by way of indictment — including offences against children.

As I explained at second reading, the bill also proposes changes to the Youth Criminal Justice Act in relation to access and retention rules for certain youth records, the publication of identifying information in certain urgent circumstances and the definition of a "violent offence."

Bill C-14 also amends the National Defence Act to increase penalties for contempt offences in the military justice context, which we heard about yesterday, that parallel those added in the Criminal Code for contempt offences in the civil system.

[*Translation*]

Now let's move on to the fourth and final part of my speech: the amendments that were debated for about six hours by the Standing Senate Committee on Legal and Constitutional Affairs.

First, I am pleased that the committee rejected all of the amendments that sought to undermine the principles of the bill adopted at second reading. The proposal to remove all but one of the new reverse onus offences would have undermined the very purpose of the bill. Such an amendment would have been ruled out of order by the House of Commons Standing Committee on Justice and Human Rights. Perhaps the time has come for our committees to adopt a similar mechanism.

However, it is the four amendments that were added to the bill as a result of the adoption of the report that are important today and going forward.

I moved one of those amendments at the government's request. It essentially seeks to defer the coming into force of the amendments to the Youth Criminal Justice Act that have to do with retaining and providing access to certain police records.

Some provincial police authorities now believe that it will be impossible for them to implement clauses 71 and 72 of the bill within 30 days of Royal Assent. The amendment therefore defers the coming into force of these two provisions until a later date, which will be set by a Governor-in-Council decision or by order in council. However, the rest of the bill will still come into force 30 days after Royal Assent, either at the end of June or the beginning of July.

What this amendment, which recently became necessary, means in practice is that we will have to refer the bill back to the House of Commons. As a result, the other three amendments will not further delay the legislative process.

As for their content, I suggest that we leave it up to the government to decide whether or not to recommend that the House of Commons agree to them either in whole or in part.

However, I will summarize them for you and comment on them briefly.

[*English*]

One of these three amendments relates to who can legally be named a surety. Bill C-14, as amended by the House of Commons at the suggestion of the Conservative Party, prohibits any individual who has been convicted of an indictable offence — not a summary offence but an indictable offence — within the last 10 years from acting as a surety. This seems to respond to the concerns expressed by the Toronto Police Service, which I referred to in my speech.

The amendment adopted by the Senate committee does not modify the Conservative amendment but, instead, only adds a limited safety valve. It allows a judge or justice of the peace discretion to name a person as a surety, notwithstanding such a conviction, only where the judge is satisfied that no other suitable surety is available in the community and that doing so would be in the interests of justice.

Of course, the person would only be named a surety if they are viewed as capable of providing the required supervision. To ensure transparency in such an exceptional situation, the judge would have to state on the record the reasons for the decision.

Representatives from Nunavut Legal Aid, the Indigenous Bar Association, the Canadian Civil Liberties Association and the Criminal Lawyers' Association urged us to consider such a safety valve.

On the other hand, officials from the Department of Justice stated that a surety is not mandatory for a release order and that a justice or judge may grant bail on other conditions, and often do so. Furthermore, subsection 515(2.03) of the Criminal Code, which requires bail courts to exercise restraint before imposing a surety condition, could continue to apply.

Another amendment would require the justice of the peace to inquire, on the record, if section 493.2 of the Criminal Code applies when not raised by the parties. Section 493.2 requires police and courts to give particular attention to the circumstances of Indigenous accused persons and of accused persons who are members of vulnerable populations that are overrepresented in the criminal justice system.

This is completed by subsection 515(13.1), which requires a judge to include in the record a statement that sets out how and whether section 493.2 applies. That amendment was adopted by the Senate on the proposal of Senator Bernadette Clement. Subsection 515(13.1) only came into force in January 2024 as a result of the Senate amendment.

At the committee stage, the Canadian Civil Liberties Association, or CCLA, reported that it had found only three cases where subsection 515(13.1) was cited, leading it to believe that this added provision was not being complied with. I heard this inference, which seems fragile. For example, the president of the Ontario Crown Attorneys' Association and a retired judge from the Ontario Court of Justice both testified at committee that section 493.2 is considered and applied. Furthermore, we were reminded at committee that most bail decisions are not reported and are, therefore, not easily accessible.

The last amendment would require the Minister of Justice to include, among the data to be reported in the annual report required by the bill, information on pretrial detention rates. In other words, it adds to the content of the prescribed statutory report, which could be quite useful.

In addition, the amendment would require the minister to consult individuals and organizations with specific expertise in data collection in the criminal justice system and, to the greatest extent possible, to coordinate the collection of data with Statistics Canada.

That second part of the amendment appears to be prescriptive about the way the Department of Justice should operate. Many members of the committee expressed concerns about such a degree of intrusion in the department's operations.

Honourable senators, the time has come for me to conclude. One theme that has clearly emerged through both the House of Commons and Senate studies of this bill is the importance of better data collection on many aspects of the administration of the criminal justice system by the provinces and territories and easier access to all relevant information for all stakeholders, especially police and prosecutors.

Unfortunately, Canada currently lacks a centralized data repository addressing how bail operates across jurisdictions, and data collection practices and standards vary significantly from province to province. This makes it difficult to identify trends or measure disparities in a consistent and reliable manner.

Achieving consistent, high-quality data will require coordinated efforts across jurisdictions, including common standards and a shared commitment to transparency. However, I believe this is an investment worth pursuing.

A pan-Canadian bail compliance dashboard is also needed to assist in the enforcement and observance of bail conditions across Canada and to better protect communities and complainants. That said, Bill C-14 is only one piece of a much larger puzzle within the criminal justice system.

[ Senator Dalphond ]

• (1440)

At the committee stage, witnesses emphasized that this legislation alone cannot ensure public safety, as effective implementation depends on adequate resources across policing, prosecution, defence and legal aid, court capacity, bail supervision, victim services, mental health and addictions treatment, housing and community supports.

But the time has come for us to complete our piece of the puzzle and to send this bill back to the House of Commons for final consideration.

[*Translation*]

Thank you for your attention.

[*English*]

**Hon. Denise Batters:** Would Senator Dalphond take a question?

**Senator Dalphond:** With pleasure.

**Senator Batters:** You referred to the amendments that were passed at committee. You, first of all, described your own, which you said was initiated by the government.

There were three others; two of them — Senator Prosper's amendment and Senator Clement's amendment — passed the committee by one vote. Can you remind me? I believe you voted against both of those amendments. Did the Government Representative who was there at the time — Senator Moreau, I believe, was there for one meeting, and Senator LaBoucane-Benson for the second meeting, perhaps — also vote against those amendments?

**Senator Dalphond:** As I said in the speech, at the beginning and at the end, I leave it to the government to make the proper suggestions to the House of Commons. I know that they know about these amendments.

I know that these things are negotiated through regular channels between all the parties in the House of Commons. I know this process will be engaged; if it is not yet engaged, it will be engaged soon.

As I said, some of these amendments bring some plus value to the bill, maybe some less. I expect the House will agree to some and maybe dismiss some.

**Senator Batters:** That may well be. I wanted the facts of what happened at committee, because you didn't mention it in your speech.

Did you vote against both of those amendments? Did the Government Representative's Office senator vote against both of those amendments at committee?

**Senator Dalphond:** Yes. The results, I have them with me. You asked the question yesterday to Senator Arnot, and he didn't have the results. Some of these amendments were carried 8 to 7, 9 to 6 and things like that. I have all the results. They were on division, no doubt about that. I was amongst those who voted against.

**Hon. Kim Pate:** Honourable senators, the stated aim of Bill C-14 is to reduce crime. Why then has the government failed to provide evidence that these punitive approaches to bail and sentencing will actually reduce crime and increase public safety?

The Minister of Justice, when asked by the Legal Committee about this lack of empirical grounding, admitted, ". . . we have some data in Canada, but it's not great, to be honest."

What is this "not great" data? The sponsor shared the government's selective sampling of crime rates, focusing on those that have increased since 2014, 2021 or 2023. But there is also data that shows that crime rates have mostly decreased since the 1990s, including in 2024.

Crime rates fluctuate. There is no evidence that measures like Bill C-14 will affect these rates. This lack of evidentiary basis is all the more inexcusable given that, since 2019, two other government bills have enacted similar, increasingly restrictive approaches to bail.

Via Bill C-14, the government proposes "tripling down" on reverse onus provisions without any assessment as to how they have performed to date. Despite the unbelievable lack of data to support Bill C-14, it seems clear that political expediency will carry the day.

Before you vote to endorse this, honourable colleagues, please consider what the evidence and testimony at the Legal Committee actually revealed.

Criminology professor Dr. Nicole Myers testified:

> I encourage you to pursue empirically supported reforms rather than reforms that will make the problems with the bail system worse, increasing rather than remediating risks to public safety.

She went on to say:

> . . . long-term time in custody, or even short periods of time, makes it more — not less — likely that people will commit offences. . . .

And:

> Crime goes up and down for many reasons. Our laws are not one of them. . . .

She continued:

> The kinds of things that have an impact on crime are . . . related to . . . social policies we have in place around providing housing, education, access to social welfare and supports, mental health and addiction —

Dr. Anthony Doob, former chair of the Minister of Public Safety's advisory committee on legislative implementation, explained:

> A person detained in pretrial custody clearly is not committing offences in the community, but there is a growing body of research demonstrating that . . . .
>
> . . . unnecessary pretrial detention may actually contribute to more overall crime in our society . . . after the period of pretrial detention.

He went on to say:

> . . . what you find is that you have disrupted people's lives unnecessarily and led to more crime. The criminal justice system doesn't get blamed for that, though it should . . . .

Law professor Dr. Danardo Jones reported:

> . . . the empirical record . . . does not support the claim that further erosion of bail protections enhances community safety. Instead, the cumulative effect of these changes has been to normalize pretrial punishment, deepen existing racial disparities and undermine the constitutional presumption of release that has long animated Canadian bail law.

Professor of criminology Justin Piché warned:

> We can . . . expand the use of pretrial detention, but we're going to find ourselves back in this room in 5 to 10 years talking about more jail construction, more jails that are filled, more cases that are being thrown out of the courts, more communities that aren't any safer and billions of dollars down the drain that could have been spent upstream to prevent victimization . . . .
>
> . . . instead of spending a dollar on prevention — where every dollar spent saves $7 on police, courts, prisons and victim services — we're deciding . . . to . . . fill the jails up, and when they're full, we'll build more jails and fill those up."
>
> We can do better with the money that we have. It's scarce taxpayer dollars; those should be respected.

Former Department of Justice lawyer Catherine Latimer reminded us that:

> Bill C-14 does not address the fundamental problems in the bail system and will make them worse. It is bad criminal justice policy in that it will not achieve its stated public safety ends. Its underlying premise that tougher penalties and more people remanded into custody will reduce crime is false. And it is bad law reform in that it undermines fundamental justice principles, like the presumption of innocence, the right to reasonable bail and the onus on the state to prove its case against an individual.

Former Public Safety Canada lawyer Mary Campbell said:

> I give the minister full credit for his candour by stating that he had no data to support the bill. . . .

She added:

> It is so frustrating because we do know that targeted, individual-specific remedies can treat the source of the problem . . . but we don't do that very much.

The Indigenous Bar Association reinforced that they do not:

> . . . oppose bail reform. We oppose reforms that are constitutionally vulnerable and will disproportionately harm Indigenous people without demonstrable improvements to public safety.
>
> True safety is not achieved through expanded pretrial detention or reduced judicial discretion. It is achieved through fair, proportionate and culturally informed justice. . . .

The Native Women's Association of Canada asserted:

> . . . criminalized women often lack access to housing, employment and mental health support, leading to the criminalization of survival. This is especially true for Indigenous women.
>
> Without clear and intentional consideration of Indigenous women's lived realities, this legislation risks reinforcing rather than reducing these disparities.
>
> . . . public safety cannot be achieved through measures that deepen systemic inequities. . . .

Nunavut Legal Aid witnesses warned:

> Nunavut Inuit are more likely to be detained as a result of these amendments. We cannot afford to place more Inuit at risk by relying on a system of detention without addressing first the real issues that plague Canada's North. . . .

They added:

> . . . Nunavut has very few resources to address the major societal issues that we struggle with, including substance-abuse issues, overcrowding and dilapidated housing, the RCMP is called for any sort of conflict that might occur, including people in mental-health distress or even those who are threatening to commit suicide. . . .

They stressed that crime:

> . . . is an issue that must be addressed through intervention at the foundation of the problem, not by enacting stricter laws that favour imprisonment. This approach simply does not work.

[ Senator Pate ]

• (1450)

Witnesses reminded us that our current bail framework already provides judges with the necessary tools to detain people on public safety grounds and that the system has not been shy about using these tools.

According to Aboriginal Legal Services, past legislation and Supreme Court decisions on the principle of restraint have not led:

> . . . . to any reduction in the number of people detained pending trial. Indeed, all evidence points to the fact that there are more people than ever in custody in Canada awaiting trial.
>
> At the moment, over 75% of those in provincial and territorial custody in Canada . . . are just awaiting trial. . . .

Witnesses, including the Barreau du Québec, emphasized that Bill C-14 risks undermining the legitimacy of fundamental principles of justice, including judicial discretion and restraint, multiplying Charter challenges and ". . . . worsening normative instability . . ." by moving ". . . forward then backward on clearly established principles from the case law of superior courts. . . ."

Supporters of Bill C-14 have focused on rhetoric about being tough on organized crime that fuels car thefts, home invasions and extortion.

The evidence reveals, however, that those most likely to be incarcerated as a result of Bill C-14's approach to organized crime are not crime bosses, but rather impoverished Black and Indigenous young men and boys who will simply be replaced on the streets.

The Canadian Civil Liberties Association testified that marginalized youth are disproportionately exploited and recruited by organized crime operatives. The government's Gender-based Analysis Plus acknowledged this reality; yet, instead of focusing on correcting this misinformation, the government persists.

Media reports highlight an overlap with human trafficking: a crisis of missing Black boys in my home province — this province — who disappear after being groomed into gangs through activities such as car thefts. Those youth who are found — and too many are not — are treated as accused instead of victims of trafficking and exploitation.

Instead of disrupting organized crime networks and holding those profiting accountable, Bill C-14 will further fill jails with those easiest to catch: racialized and vulnerable youth.

Victims and survivors of violence as well as their supporters and advocates have been clear about what they want and need. The London Abused Women's Centre testified at committee:

> The criminal justice system receives the majority of investment, while front-line services are left to fundraise in order to survive. Yet it's those services . . . counselling, safety planning, housing and advocacy — that allow women to stay safe long enough to participate in their journey to justice — whatever that may look like for them. Without these supports, risk management is effectively downloaded onto survivors themselves.

The Barbara Schlifer Memorial Clinic said:

> The punitive, carceral lens and approach to violence within this bill fails to address the root causes and spectrum of gender-based violence, and focuses on punishing perpetrators over supporting survivors and ensuring cycles of violence are stopped.

Law professor Debra Parkes emphasized:

> We default to saying that we can solve this —

— violence against women —

> — through a short-term period of detention and tightening up these rules, which we know then have a disproportionate effect on marginalized groups. We have that data, so we know that's not what is working. . . .

She continued, saying:

> The person will come back out, and we will still have that woman being victimized if she doesn't have the resources she needs to have safe and affordable housing and be safe. That's what victims are asking for; that's what women in these situations are asking for. They want real solutions and not simply the rhetoric of locking someone up in the short term on bail.

The Minister of Justice himself acknowledged to the Legal Committee that:

> . . . . investments in affordable housing, investments in mental health and addictions support and investing in young people who may be at risk —

— are —

> . . . . the most important if we're going to see long-term progress when it comes to ending violent crime in Canada . . . .

In the continued absence of such investments, Bill C-14 will be most harsh on those most marginalized, including survivors of violence.

The Victims Ombud warned the committee about an urgent need for ". . . prevention and interrupting pathways to criminalization following sexual violence . . . ."

He highlighted:

> . . . . the need for access to housing, guaranteed basic livable income, mental health and substance use support, trauma-informed interventions, and victim rights.

About 9 in 10 women in federal prison experienced physical or sexual abuse before they were criminalized. Each is a victim of violence whom Canada failed to protect and to whose trauma and needs our systems failed to respond.

This chamber knows the name of Tona Mills. Her decades of institutionalization began after she fled abuse as a teenager. With nowhere to go, she sheltered in an empty building. When they found her, police did not go looking for her abuser. They charged Tona with breaking and entering.

If a young Indigenous woman like Tona were to shelter in an empty home after Bill C-14 passes, she would be captured by the new restrictions on bail.

Once within the criminal legal system, the fact that a woman who has experienced abuse does not have resources or positive supports around her will all too often be used to deny her bail, to profile her as high risk, and to obscure the harms that she has experienced and the obligations that we have to redress systemic violence, inequality and injustice.

I don't lightly oppose Bill C-14. I would never diminish the impacts of crime on the lives of victims, survivors and their loved ones. It is unconscionable, however, to promise safety to those who have every reason not to trust they will be protected — not when we know that Bill C-14 cannot deliver on that promise.

It is equally indefensible to jail those whom we have failed to adequately support and protect.

Looking around this chamber, I know that every one of us is united in wanting to support victims and survivors and increase public safety. Our vote on Bill C-14 reflects what we believe Canada owes to victims and survivors of violence. They certainly deserve more than a false sense of security. We must look for meaningful and effective responses. We must deliver more than political expediency, continued inaction and false hope.

*Meegwetch*, thank you.

**Some Hon. Senators:** Hear, hear!

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, we are a few minutes away from the start of Question Period. So as not to interrupt any senator, is it agreed that we suspend until 3 p.m.?

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

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• (1500)

[*Translation*]

## QUESTION PERIOD

(Pursuant to the order adopted by the Senate on June 4, 2025, to receive a Minister of the Crown, the Honourable Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency, appeared before honourable senators during Question Period.)

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, today we have with us for Question Period the Honourable Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency, to respond to questions concerning his ministerial responsibilities. I will now ask the minister to enter and take his seat.

Minister Fraser, on behalf of all senators, welcome.

I would like to inform you that a main question is limited to one minute and your response to one minute 30 seconds. The question and answer for a supplementary question are both limited to 45 seconds. The reading clerk stands 10 seconds before these times expire. I ask everyone to respect these times. Question Period will last 64 minutes.

[*English*]

### MINISTRY OF JUSTICE

PROTECTION OF FIRST RESPONDERS

**Hon. Leo Housakos (Leader of the Opposition):** Minister, thank you for being with us here today.

While I welcome the unanimous passage of Bill S-233 at second reading in the other place yesterday, the fact remains that the protections it seeks to provide for our first responders are long overdue. Given the bill's unanimous support and the fact that it is a straightforward reintroduction of previously adopted legislation by the House, I think we can agree that our front-line heroes shouldn't have to wait any longer for these protections.

I would like a commitment from you, minister, to ensure that Bill S-233 is passed before the House rises for the summer.

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you, senator. I share your enthusiasm for the adoption of the bill, and, of course, you will have noted our support for it, as well, in the House.

There are other cooks in the kitchen, so to speak, who control the parliamentary agenda. To give you some reassurance, my interest is to adopt these protections as soon as possible. I would note, in particular, similar measures complementary in nature that are included in Bill C-14, which treats crimes committed against first responders in the line of duty as an aggravating factor. Those two bills work very well together to extend protections to those on the front line.

My interest is seeing both adopted as expeditiously as could possibly be the case. Of course, the House leadership team, with the respective parties in the House, will have something to say on the matter.

**Senator Housakos:** Thank you, minister.

Bill S-233 predates Bill C-14, as you already know, and it's not in competition with it. It does not contradict it nor is it redundant to the provisions contained in Bill C-14. On the contrary, it complements the government's legislation by strengthening much-needed protection for our first responders.

So, thank you for that, and thank you for your support.

I hope you'll do your best to get some of those cooks out of the kitchen, because, as we all know, when there are too many cooks in the kitchen, we sometimes burn the delicious meal that we ought to be enjoying.

**Mr. Fraser:** Excellent. Thank you.

Just to perhaps drive home the importance of these measures to me, the issues at question in the legislation that you've put to me were raised with me not only in my capacity as Minister of Justice but also by a first responder in my community, in Vaughn, who asked me to take a look at these issues, specifically. I am thrilled to see them moving forward. We will do what we can in my office to advance things.

However, not being the head chef on matters of the legislative agenda, I'm not in a position to make a promise I can't personally deliver on, but you certainly have my word that I will make every effort to expeditiously advance the adoption of the bill.

REPEAT OFFENDERS

**Hon. Salma Ataullahjan:** It is nice to see you again, minister.

Retail crime has surged over the past decade, costing businesses more than $9 billion nationwide and putting workers and consumers at risk. Just last week in the Greater Toronto Area, police made over 65 arrests and laid more than 500 charges against repeat offenders in a targeted operation against organized retail theft.

Yet, your government sends mixed signals: You claim to be restoring tough-on-crime measures while introducing "safety valve" provisions that weaken them and rejecting common-sense proposals to strengthen bail and penalties for repeat offenders.

Minister, why do you continue to weaken the consequences for repeat offenders while law-abiding Canadians and small businesses pay the price?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** With enormous respect, senator, I would disagree with your characterization of the agenda.

Of course, the bail and sentencing reform act introduces some of the most serious changes that strengthen the Criminal Code's response to violent and repeat offenders that have taken place in Canada over decades now.

When you mention retail crime, I point you to two specific items. Of course, treating as an aggravating factor organized retail crime in Bill C-14 as well as specifically on bail, asking courts to consider not only the seriousness of an offence but the number of offences with which an accused has been charged and convicted of in the past. This would include widespread retail crime that is having very serious impacts on our downtowns.

With respect to the so-called safety valve, one of the reasons we've taken this approach, which I believe strengthens the Criminal Code by restoring mandatory minimums with some judicial discretion, is because it follows not only the guidance of the court but, in fact, the messages that have been put on the record in public by the Conservative Party of Canada, the Bloc Québecois and the Liberal government.

By understanding that we can work together through submissions that have been made — in this case, by the Conservative's public safety critic, MP Frank Caputo, who has been a terrific partner to work with on matters of intimate partner violence — we find that we can move forward in a way that will not only restore mandatory minimums that have been struck down but, in fact, protect those provisions that remain on the books, which have constitutional vulnerability as a result of the historic precedent of the Supreme Court striking down measures that have been found unconstitutional on the basis of having absolutely no discretion under any circumstances, despite the fact that penalties could be grossly disproportionate.

**Senator Ataullahjan:** Minister, you have served in a cabinet that, over the past decade, has presided over the erosion of confidence in our criminal justice system.

Why should Canadians now accept your claims of being "tough on crime" when they are living with the consequences of policies you helped advance?

**Mr. Fraser:** Canadians would do well not to simply trust the claims of elected officials, including me, my colleagues in government or any government. Instead, I would ask them to independently review the proposals that are being put into our legislation. You'll note that, not only when it comes to bail and sentencing, but also when it comes to gender-based violence, sexual exploitation of children online and in the real world, as well as hate legislation, we are moving forward with one of the most rigorous public safety agendas that this country has seen in decades.

What's more, you can look to those who have validated the approach we have taken. If you're concerned about public safety, I would point you to the commentary offered by the Canadian Association of Chiefs of Police, the Police Association of Ontario and law enforcement from Canada's big cities, including that of my hometown, the New Glasgow Regional Police.

[*Translation*]

SUPPORT FOR TOURISM SECTOR

**Hon. Victor Boudreau:** Good afternoon, minister. My question is about the Atlantic Canada Opportunities Agency, or ACOA, and the Commission du tourisme acadien du Canada atlantique, the CTACA.

The CTACA was established in 2001 to develop and promote Acadian cultural and experiential tourism. Municipalities and the Maritime provinces contributed to the initiative, but the main funder was the federal government, via ACOA. The CTACA's mandate was to create an Acadian tourism brand, and thus Experience Acadie was born.

For two decades, the CTACA supported Acadian tourism businesses by developing products and getting them to market in Canada and internationally.

ACOA funding dried up because of COVID-19, and the CTACA ceased to exist. Two decades of brand-building efforts were lost. Can you explain why ACOA cut the CTACA's funding?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for the question. It is official: With this first question, I've gotten more questions about ACOA's mandate here than I have in the House of Commons. It's clear that we have an opportunity right now to promote the tourism industry in Nova Scotia and the Atlantic region, including and especially in the Acadian communities there.

• (1510)

For example, in my riding, we have an organization called L'Acadie de Chezzetcook, which receives significant funding from ACOA.

I need to look into the details. Obviously, this decision was made before I became responsible for ACOA. If you want to have a conversation later to discuss options for supporting the industry, and the Acadian tourism industry in particular, then I think that is a good idea for the region.

To be clear, even though this organization isn't around anymore, we are still supporting initiatives that promote Acadian culture.

**Senator Boudreau:** Thank you, minister. I think you already answered my second question, but I am still going to ask it just to be sure.

The federal government is looking to grow the economy. Tourism accounts for approximately 10% of jobs in Acadian communities in the Maritimes.

The international Francophonie represents a population of nearly 400 million people who speak French.

My supplementary question is fairly simple. If Acadian municipalities and the Maritime provinces wanted to bring back the CTACA with the support of our tourism industries, would ACOA be open to coming back to the table and supporting the initiative like it did before?

**Mr. Fraser:** I am open to having a conversation about it, but, before I make any promises, I would have to assess the situation and ensure that there are opportunities for good investments that would boost the economy in the Atlantic region. If Acadian municipalities and communities want to hold discussions to identify the best strategies, then I think it would be a good idea for me to take part in those discussions.

## CRIMINAL CODE AMENDMENTS

**Hon. Pierre J. Dalphond:** Welcome to the Senate, minister.

Since Bill C-9 came to the Senate, we've received a lot of emails, letters, cards and messages from people concerned about religious freedom. Even a man I respect a great deal, Cardinal Leo of Toronto, has asked Parliament to rethink the issue. Can you reassure the members of all religious groups, churches and other denominations that the intention is by no means to limit religious freedom?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Yes, certainly.

[*English*]

Many of you may not appreciate that I grew up in a Catholic family. I read Scripture in church every week until I moved away from home. The messages of peace, love and acceptance, baked into the world's great religions, are messages I think governments can learn from and help promote.

To be clear, Bill C-9, from its very inception, was designed to promote religious freedom in Canada. We were deeply concerned about the intimidation and obstruction for peace-loving citizens of this country being denied the opportunity to practise their faith and to participate fully in the communities of faith to which they belong and which they cherish.

The decision to move forward with a change in terms of how the religious exemption operates was not something baked into the government's proposal at the outset, but became essential in order to preserve the protections I've just discussed that were in the bill as a result of dealings that took place at the Standing Committee on Justice and Human Rights, independent of my office, of course, on the House of Commons side of Parliament.

We have made progress, in my view, to ensure we establish protections in the definition of hatred, which not only sets a high standard but clarifies beyond doubt that the practice of your faith, the ability to read scripture, would not constitute a hate crime.

It is not possible, in my view, to commit a hate crime in good faith. To the extent that we can ensure there is language in the bill —

[*Translation*]

**The Hon. the Speaker:** Thank you, minister.

[*English*]

**Senator Dalphond:** If I understand you well, you say the definition of the crime makes it unnecessary to have what we used to have as a defence. Am I reading that correctly?

**Mr. Fraser:** Even more than that — philosophically, I believe it is stronger. The previous iteration of the defence would have suggested that the behaviour people may be concerned with was a hate crime to begin with, for which a defence was needed.

In my view, it would be a more accurate reflection of the government's intent to recognize that the practice of faith is not a hate crime in the first place that a defence is required for.

I want to take this opportunity to thank members of the Standing Committee on Justice and Human Rights, who have been sitting outside of normal hours and outside of sitting weeks to advance these important pieces of legislation.

Through the rigorous work on both the House and the Senate side, I believe we can get to a place where the intent of the government to protect religious freedom in this country is realized, without fear that there will be unintended consequences for the ability to practise one's faith in this country.

FUNDING FOR PROGRAMS

**Hon. Colin Deacon:** Minister, welcome. Thank you for being with us. I'm down here by Her Honour. She likes to keep an eye on me.

My question is related to your role as Minister responsible for the Atlantic Canada Opportunities Agency, or ACOA. My office identified 140 programs intended to support innovation across 28 departments and Crown agencies, including 8 programs at ACOA. We found that these disparate funding programs, across the whole of government, which were intended to support innovation, are siloed across government and lack KPIs that focus on their individual impact. They have a cumulative budget of $4.5 billion annually.

ACOA is unique in that many of its programs provide non-diluted funding; it is predominantly co-invested and uses third-party, arm's-length, private-sector due diligence and investment to assess investment viability. Could you speak to the effectiveness of ACOA's approach and whether the government is considering establishing a coherent national innovation strategy based on impact measures?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you. First, you've asked me to discuss the impact. These tools are essential to the well-being of my region, not just the businesses that are directly served by the Atlantic Canada Opportunities Agency. The ability to have not only program grants for community organizations but, as you correctly pointed out, non-diluted financing, often at 0% — or potentially non-repayable programs where the case can be made they will help grow the economy and provide an enormous advantage, particularly for early-stage, high-growth potential firms that have not yet demonstrated they can stand on their own two feet but have the potential to become region-leading economic powerhouses — places ACOA very well to meet their needs.

The approach we're trying to take now, across a variety of programs, is to say there should be one door. The business owner who is working on securing venture capital, developing their technology and making sales should not be wasting time navigating a Byzantine series of government programs.

To the extent that you reach out to your local ACOA office, we are willing to act as a sherpa to help you navigate the variety of programs that may exist. In the longer term, there may need to be a more formalized effort to break down the silos, so to speak, to ensure it is a simplified and streamlined process to get businesses the tools they need to grow.

But before we reach that utopian view of a government landscape, making sure the person who answers the phone can direct the client to the appropriate place is an essential part of the path in the short term.

**Senator C. Deacon:** My concern is that unless bureaucrats utilize the private sector domain, due diligence and investment expertise, they aren't catalyzing market forces. I worry that if we're not tracking KPIs around the individual impact of a program, these 134 programs will continue in perpetuity and not have to demonstrate their value.

I'm just wondering what you see at ACOA as a way to streamline — rather than having navigation to 134 programs, or 8 or so programs at ACOA — the number of programs around private-sector investment.

**Mr. Fraser:** Certainly, a range of different programs will demand that there is not 100% financing from the federal government on a given initiative. It's essential that we leverage private investment, where we know someone who has assessed the risk thinks it's a good idea to put their own money behind the project; that is an excellent predictor of potential success for the investment.

Certainly, I would be a supporter of the approach to streamline access to these programs. KPIs are actually something we do monitor. We seek to identify the jobs that can be tied to a specific investment, whether there are new market opportunities, increasing or seeking to measure the reach of ACOA into new clients, not just doing repeat business. We'd be happy to take your advice on how we can better measure success to ensure we promote it in the years ahead.

[*Translation*]

**The Hon. the Speaker:** Thank you, minister.

• (1520)

[*English*]

CRIMINAL CODE AMENDMENTS

**Hon. Marty Klyne:** Minister, welcome. First Nations communities have raised concerns that Bill C-9 does not adequately protect their cultural space as it does for non-Indigenous communities. As it is currently defined in Bill C-9, would the term "cemetery" in clause 6 of the bill include unmarked burial sites at former residential schools or ancestral Indigenous burial sites?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Before addressing your question directly, there are protections that are not specifically named as being for Indigenous communities but do specifically offer protection for them. For example, the stand-alone crime of hate would apply to a crime that is committed against a person because they are Indigenous.

Similarly, when I look at the intimidation and obstruction offences — which include cemeteries — my interpretation, using the ordinary principles of statutory interpretation, would see burial grounds typically considered.

This bill doesn't create a new right of access to, for example, an area that may be on private lands. That is a bigger conversation that I think Parliament and, of course, provincial legislatures ought to discuss given their regulation of property rights. That said, my interpretation of "cemeteries" would include those spaces.

There are also spaces and buildings that are uniquely used by Indigenous Peoples in this country. Those would certainly benefit from the protections included in Bill C-9. I hope we can communicate that unequivocally to Indigenous rights holders in this country.

MEDICAL ASSISTANCE IN DYING

**Hon. Marty Klyne:** Thank you. On a different tangent, minister, as Senator K. Wells has stated publicly multiple times, the Committee on Medical Assistance in Dying has not been fair and balanced in how it has studied the question of whether to extend MAID to persons with a mental illness as their sole underlying condition.

Will the Government of Canada support the further continuation of this study so that the committee receives a more balanced view, and/or will the minister send this important question to the Supreme Court of Canada for reference to finally have a definitive legal answer on this complex issue that matters so deeply to Canadians?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you. My view on the business of parliamentary committees, including joint committees in this instance, is that the committees themselves should make these determinations.

I was legitimately interested in hearing the perspective that would emerge through this exercise. I'm watching closely what's taking place but being very careful not to put my thumb on the scale in any way, shape or form with respect to whatever discussion may take place.

To the extent that members of the committee wish to examine further the issues at play, that is a decision that I believe should rest with the committee and not be dictated to the committee.

At this time, particularly before we understand what the result of that committee study may be, we have not made plans to move forward with a reference question, but I will watch with interest the conclusions of the committee at the end of the study.

PROGRESS OF LEGISLATION

**Hon. Denise Batters:** Minister Fraser, this week you were quoted in media that you were expecting Bill C-16 to pass the Senate within the next month, saying that it is urgently needed by then to "potentially save lives." My understanding is that the House of Commons may not be done with this bill before at least the end of next week.

Our Senate Legal Committee just finished a comprehensive study on your government's Bill C-14, and we are doing third reading today. We were attacked in the media by an anonymous senior government source, who said that we were delaying that bill by scheduling eight meetings and two clause-by-clause sessions, which is not unreasonable for a large bill like this.

Today, the committee just finished witnesses on a pre-study of Bill C-25 that was truncated to meet another tight government deadline. There is a further government bill, Bill S-6, awaiting study after that. Now you want to send us a complex bill in two weeks and have it done in the following week or two.

Why are you and your government treating the Senate and our Legal Committee like a rubber stamp?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** First, Senator Batters, let me express again my gratitude for members of Senate who have been sitting during non-sitting weeks and beyond normal sitting hours to advance the important work not only of the Justice Department but priorities for the government and for Parliament.

My view on the timelines for Bill C-16 is driven by the importance of Bill C-16. I will not ask the Senate to do the impossible, but it is very important and very difficult, and we should try to accelerate the adoption of this important bill.

My perspective is informed by decisions that I've seen that included commentary from judges from the bench about the urgency here, particularly with AI "deepfakes" being used to create intimate images of victims without their consent. We know that we can adopt a solution as soon as possible that will bring an end to this practice without impunity before the criminal law. If there is any reasonable way, shape or form to advance these protections, we know there will be many victims who could be spared serious consequences with the absence of criminal penalties to the wrongdoer if we are able to accelerate the adoption.

If the Senate determines it is not possible on the timelines that we have to work with before the House and Senate rise for the summer, I would understand, but if it is difficult but not impossible, I believe we owe it to the victims of this country to make our very best efforts.

**Senator Batters:** It's a complex bill. You should have split it if you wanted that part of it.

Your government's major justice bills, Bill C-14 and Bill C-16, are essentially this Liberal government trying to correct its own wrong-headed, soft-on-crime legislation that it passed years earlier. You voted for the problematic Bill C-75, and you were sitting in solidarity at the cabinet table when the damaging Bill C-5 was passed. Is it now a matter of saving lives if the Senate may not pass your complex legislation in one week?

Doesn't all of this stem from your government's incompetence at managing a legislative agenda — or is it an attempt to avoid our proper scrutiny of your legislation?

**Mr. Fraser:** I respectfully disagree with your characterization. I would note, in particular, Bill C-75 made it more difficult for offenders charged with offences tied to intimate partner violence to actually be granted bail. Bill C-5 rendered inapplicable house arrests for very serious crimes, including advocating genocide and attempted murder.

The protections we're moving forward with now are not related to decisions taken by previous parliaments but, instead, are motivated by feedback from law enforcement and from ordinary Canadians who are demanding more action on public safety. It is not a coincidence that a plurality of bills that have gone before the House of Commons touch on public safety measures since we formed government a little more than a year ago. My hope is that we can move forward with offering these protections to people informed by provinces and law enforcement bodies —

**The Hon. the Speaker:** Thank you, minister.

## OUTSOURCED LEGAL SERVICES

**Hon. Michael L. MacDonald:** Minister, how are John and Sally?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** For those of you who don't know, Mike's wife is my sister's godmother, and we've known each other for a very long time. I watched *The Fox and the Hound* in his basement many years ago.

They're doing great. Thank you.

**The Hon. the Speaker:** Order. Back to the question, Senator MacDonald.

**Senator MacDonald:** It was when he was in diapers.

Minister, recent analysis by *The Hill Times* shows that Department of Justice spending on outsourced legal services has more than doubled since 2015, reaching over $36 million this year and exceeding $237 million over the past decade. At the same time, minister, over 1,000 in-house legal positions remain vacant in the department.

Minister, how does the government justify spending millions of dollars on outsourced legal services while funded internal positions sit empty in the department?

**Mr. Fraser:** It's a good question, and I understand it seems like a logical inconsistency in the way that you pitched it. However, when I dug into the issue, I found it to be consistent with my own approach to how these issues ought to be managed.

The permanently funded positions within the Department of Justice help us keep up with the core demand and typically reflect the asks that we have from our client departments to provide legal services to them on an ongoing basis. Conversely, when we use shorter-term contracts to engage external counsel, it typically engages individuals who have some specific expertise. Sometimes, it's a history of appearing before the Supreme Court of Canada. Other times, it's deep policy expertise in a particular area, given a career that a person may have spent becoming a national leading expert.

My own view is it's appropriate to engage external counsel in those kinds of instances, and that's how I manage the affairs of the department when we have decisions to make about whether and to what extent we should engage external counsel on a given matter.

**Senator MacDonald:** Minister, are you able to provide the Senate with an up-to-date figure for the outsourced legal spending for 2025-26? Can you give the Senate any idea of when the 1,000-plus legal vacancies will be filled over the next little while?

**Mr. Fraser:** First, I don't have the figures in front of me. I expect, as part of the annual reporting on the expenditures of the department, that would all be public information.

I'm sorry, but what was the second part of your question again, senator?

**Senator MacDonald:** Ostensibly, there are over 1,000 positions that remain unfilled.

**Mr. Fraser:** Certainly. The timing would, obviously, depend on the specific post that individual demands would place on the department and the opportunity to find the appropriate candidate for the job.

The number of staff that we will bring into the department will also be a reflection of the demand that the department is facing from its client departments. We often staff up to meet an increasing demand that may be coming through government departments, but it's not as though there's a specific date for each one of these positions to be filled. That would depend on the individual position and the candidates available to do the job.

[*Translation*]

## SUPPORT FOR VICTIMS OF CRIME

**Hon. Manuelle Oudar:** Hello, minister. Thank you for joining us this afternoon.

First, I want to acknowledge the considerable efforts that the Government of Canada has made in recent years to improve its support for people impacted by crime.

• (1530)

Much remains to be done, but we have come a long way, and I'm sure Canada will continue to develop its approaches to safety, protection and support. Bill C-16 and its provisions explicitly recognizing femicide as first-degree murder and coercive control as an offence are major steps forward. I hope all my colleagues will support those measures.

How do you see this modernization continuing in future justice reforms?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for that excellent question. Every time I read another story in the newspaper about femicide, it saddens me. Every femicide is a tragedy, and we have seen many examples in just the past few months. It is an ongoing tragedy. We need to take action, and that includes the measures set out in Bill C-16.

This is not just about femicide. We are also looking at the developments at the Supreme Court of Canada regarding new cases related to violence against women. At the same time, in order to fully understand the potential for future criminal activity as a result of new technologies, we need to keep a close eye on how criminal elements are evolving across the country.

[*English*]

The law evolves to meet the changing practices that we see. Sometimes this will be new infractions that are included in the Criminal Code, and other times it will be new tools for law enforcement, including lawful access, for example.

Specifically keeping pace with the times, I would be remiss if I didn't point out the heinous behaviour tied to the use of AI to create "deepfakes" without the consent of the subject of those "deepfakes." We need to evolve the laws to adapt not only to shifts in behaviour but also to shifts in technology.

**The Hon. the Speaker:** Thank you, minister.

[*Translation*]

CYBERCRIME

**Hon. Manuelle Oudar:** Minister, my next question is actually about deepfakes. I'd like to know how you think the justice system can better protect vulnerable people from these new forms of exploitation.

[*English*]

**Mr. Fraser:** Certainly. This is awful behaviour that we are seeing. It is having a permanent and lasting impact on victims who had no knowledge and provided no consent to the use of their likeness for images that can be used to threaten, extort, embarrass and interfere with the integrity of their person.

Judges from the bench are calling for the government to take action expeditiously to amend the Criminal Code specifically to deal with this issue, and we have to listen to them.

In addition to changing the law insofar as it impacts the use of AI to create "deepfakes," we also need to realize there has been a shift in behaviour. We need to change the law so that it captures not only the distribution but also the threatened distribution —

**The Hon. the Speaker:** Thank you, minister.



WOMEN IN PRISONS IN CANADA

**Hon. Kim Pate:** Welcome, minister. In the last two decades, as you know, the number of women in federal prisons has doubled. I recently visited prisons in Edmonton, where corrections is spending millions to convert a prison for men to incarcerate yet more women, most of whom are Indigenous.

Punitive bail and sentencing approaches criminalize those unable to access adequate housing, health care and social and economic supports. They have produced skyrocketing rates of incarceration at staggering financial costs: It's as much as half a million dollars per woman per year for Indigenous women because of their simultaneous overclassification.

The human costs are even more devastating. Most women in federal prisons are Indigenous, mothers and survivors of violence.

Minister, before passage of Bill C-14 and Bill C-16, which entrench such approaches, what concrete steps are you taking to reduce the numbers of criminalized and incarcerated women, especially Indigenous survivors of violence?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you. On these issues, I expect there are things that we disagree upon and things that we agree upon.

The opportunities that we have should be grounded in the notion that despite the fact that we have had a changed posture compared to the previous government when it comes to matters of criminal law, the goal is not to have more people incarcerated. The goal is to have less crime that demands incarceration over time.

Part of that will involve strengthening the penalties that are included in the Criminal Code, but it will also include working with community organizations to ensure that they have funding to deliver programming that is aimed toward prevention, particularly trying to catch people earlier in life and to examine opportunities to prevent youth who are at risk, knowing the social determinants of crime, health and justice that we can examine.

Specifically, we're also seeking to do a better job of measuring the impact of some of the measures that we're putting in place. We're working to fund activities by provincial governments which, of course, are the custodians of the majority of data, particularly when it comes to bail, in order to help them better measure what is actually happening when bail decisions are taken. How do bail decisions taken today compare to bail decisions that will be taken after there has been enough time for the justice system to respond to some of the measures included in these bills?

There is no fixed set of policies that will be in place by X date that I can point you to because this is going to be a continuing conversation that will evolve over time, including policy areas ranging from housing to mental health and promoting the health —

**The Hon. the Speaker:** Thank you, Mr. Minister.

OVERREPRESENTATION OF INDIGENOUS PEOPLE IN PRISONS

**Hon. Kim Pate:** Thank you for that.

In 2015, 35% of women in prison were Indigenous. Today, despite Canada's missed Truth and Reconciliation Commission commitment to eliminate overrepresentation of Indigenous Peoples in prison by 2025, 50% of women in federal prisons are Indigenous.

Through Truth and Reconciliation Commission Call to Action No. 32, Canada also committed to ensuring that mandatory minimum penalties no longer interfere with courts' obligations to prioritize community-based alternatives to prisons under section 718.2(e) of the Criminal Code.

Bill C-16 does not reflect this commitment.

I trust your plan cannot be to further increase incarceration of Indigenous women survivors of violence, so the obvious question is: What is the timeline for implementing Call to Action No. 32?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** There is a series of different measures that we intend to put in place to help address some of these challenges, including a direction to the court in Bill C-16, where appropriate and applicable, to move forward with restorative justice initiatives where that will best serve the interests of justice in a given set of circumstances.

In addition, we want to better equip actors within the justice system to understand, from a trauma-informed approach, how to deal with the complexities that will sometimes lead to the overrepresentation of Indigenous Peoples who come before the court and who engage with law enforcement and who, in many instances, are underserved by the justice system despite that overrepresentation.

I don't have a date on the calendar circled with respect to your specific question, but it's an effort that we need to continue to work toward continuously every day —

**The Hon. the Speaker:** Thank you, Mr. Minister.

JUDICIAL AUTHORIZATION

**Hon. Krista Ross:** Minister Fraser, thank you for being here with us today.

I don't think that we can argue against the intent of Bill C-22 of helping our security forces protect Canadians. However, many organizations have raised concerns regarding privacy protection and judicial authorizations. My question is not about the intent of the bill but rather what is allowable in this regard.

Back in April, in a speech in the other place, you said:

> Let us keep in mind that throughout this process, even just to get the subscriber information, we are still requiring that law enforcement, under most circumstances, obtain judicial authorization before that information is shared. . . .

I would like to highlight that you said "most."

Can you please clarify and outline specific circumstances where obtaining judicial authorization would not be required?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you. It would be extremely limited. There is a narrow exception for what's referred to as "exigent circumstances," where law enforcement need to respond to something in real time. For example, law enforcement are aware of a specific individual who might be in the midst of a human trafficking operation where urgent action is required. Perhaps there is exploitation online that is taking place in a live environment that police become aware of through a tip from another law enforcement agency.

I expect this narrow set of circumstances to be rare, but we want it to preserve the ability in emergency situations to ensure that we're able to offer those protections. In the vast majority of circumstances, this is going to continue to require judicial authorization in order to access the very basic subscriber information. Again, it's not the content of individual communications, but it's cases where there is an ongoing criminal investigation where we have reason to suspect that a crime has or will be committed, and that would still typically require the court's authorization just to understand the person who may be connected to the concerning IP address or number that may be at issue.

• (1540)

**Senator Ross:** A recent article in *The Walrus* spoke about how, though not explicitly in this bill, it could, ". . . lay the legal groundwork for giving the US warrantless access to our data."

Can you speak a little bit about what this means for Canadian judicial authorization within the CLOUD Act agreement that we hear is currently being negotiated?

**Mr. Fraser:** I'll be careful, not because I'm afraid to share anything I'm thinking but only because there is another minister who has control of much of this file.

I don't view this bill to be giving the suggested warrantless access to a foreign power over our information; rather, we've put in place protections that are stronger than most comparator countries around the world who have embraced this kind of approach.

We've seen lawful access regimes in a number of other countries. Five Eyes and G7 counterparts do not have the same level of judicial authorization that is required under Bill C-22. The minister responsible for Part 2 of the bill, Minister Anandasangaree, indicated yesterday an openness to amendments to help quell some of the concerns along the lines that you and others have raised.

To the extent we can —

[*Translation*]

**The Hon. the Speaker:** Thank you, minister.

[*English*]

HATE CRIME DEFINITION

**Hon. Duncan Wilson:** Thank you for being here today.

Can you speak to the importance of the new hate crime provision included in Bill C-9 and the impact that this will have in appropriately recognizing hate crimes when they occur, which will standardize the national hate crime definition and lead to more accurate data collection on police-reported hate crimes?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Yes. This is a core piece of this bill, and it is very important.

There is a glaring gap in Canada's criminal laws that I hope to fill. I believe it's more morally culpable for a person to commit, for example, an assault or a robbery against a victim not just at random but because of their identity.

The reason I believe it's more morally culpable, in addition to being mean-spirited and awful, is that the consequences of that crime reverberate through the entirety of a community.

This was informed by a conversation I had early on with Professor Irwin Cotler, one of my predecessors in this job, who convinced me that we need to recognize the harm that an entire community lives with when they know their community members are subjected to hate.

We will have the opportunity when courts recognize the hate motivation behind a crime to better measure the prevalence of these crimes because, as you would well know, many of the motivations behind common assault, robbery and other crimes are not necessarily recorded in an organized way.

By measuring the prevalence of hate crimes that result in convictions as a result of their motivation to target a particular person based on their identity, we'll be better able to shape policies outside of the Criminal Code, informed by the consequences that are better measured as a result of court decisions that will come in the future.

**Senator Wilson:** Thank you. My supplemental relates to Senator Dalphond's original question, but I wanted to build on that.

Are you concerned that, should the provisions identified in Bill C-9 pass into law, they will have a chilling effect on freedom of expression, freedom of religion and the right to protest in terms of not the content maybe but how people feel about it?

**Mr. Fraser:** I don't personally have that concern, but I don't want to diminish the very real feeling that communities are experiencing as a result of the public conversation that has emerged around this.

My intent from the beginning, which I believe is specifically captured in the language in the bill that has come to the Senate from the House of Commons, is that it treats hate crimes more seriously and offers protection to communities of faith, while at the same time very specifically recognizes that reading scripture, attending your services and practising your faith does not reach the high standard required under the Criminal Code to be recognized as a hate crime.

We want people to be able to freely participate in their communities of faith; we believe that is good and serves the interests of Canada. It is a basic freedom to which Canadians are entitled under the Charter. That is the reason we included it.

VICTIMS' RIGHTS

**Hon. David M. Wells:** Minister Fraser, the family of a Toronto firefighter who was brutally murdered in 2013 is now left feeling helpless after his killer was released into a supervised residential facility located in a neighbourhood frequently visited by the family despite the Ontario Review Board's determination that the individual continues to represent "a significant threat to the safety of the public."

Of course, this is not an isolated case. Over the past decade, confidence in our criminal justice system and in the protection of victims' rights has steadily eroded.

Minister, will the government continue to advance a system that places the rights of offenders ahead of the dignity and security of victims and their families?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** The only qualm I take with your question is in the final comment; it assumes that there has been a decision to place the rights of offenders above those of victims.

Don't just take my word for it. Have a review of Bill C-16, the protecting victims act, specifically major changes that were informed by the report of the Federal Ombudsperson for Victims of Crime, which significantly renovates the Canadian Victims Bill of Rights, including specifically providing a greater voice for

victims and their families to have a role not only at trial when it comes to sentencing for victim impact statements but also on parole eligibility.

It's an issue that we're seized with, though I'm not familiar with the specifics of the individual case you mentioned. I fully understand why a person in that circumstance would feel the way they do. One of the things that we can do to foster a culture of confidence in the system is to give a role for those who are most impacted by crime, which, of course, are the victims.

**Senator D. M. Wells:** Thank you, Minister Fraser. I'm glad you mentioned Bill C-16.

How can victims and their families have confidence that the government will put them first because the flagship Bill C-16 undermines its own stated objectives by allowing judges to bypass mandatory minimum sentences, potentially returning serious offenders to the streets far too soon and, frankly, minister, against the wishes of citizens?

**Mr. Fraser:** Thank you. Let's actually examine what the bill does and does not do. It doesn't erode mandatory minimums; it restores them.

Mandatory minimums that have been struck down are of no force and effect. There is a constitutional vulnerability for most of the mandatory minimums that remain on precisely the same basis that others have been struck down.

We have recognized that, in a narrow set of circumstances where the penalty would be grossly disproportionate — I expect in circumstances that the drafters of the mandatory minimum legislation from inception would not have considered — we're able to protect their constitutional validity. This will have the impact of bringing mandatory minimums back on the books that have been struck down and protecting those that exist.

If the words in our Criminal Code are not actually having the effect and force of law, then they are not worth the paper on —

**The Hon. the Speaker:** Thank you, minister.

## EXTORTION OFFENCES

**Hon. Leo Housakos (Leader of the Opposition):** I want to pick up on that, minister.

Extortion-related crimes have surged in this country by 330% since 2015. Violent, organized criminal networks are targeting law-abiding families, and small- and medium-sized businesses are living and working in fear. It is unacceptable in Canada.

Last weekend, the Peel Regional Police charged 17 non-citizens connected to an international extortion ring, the so-called For Brothers criminal network, which was preying on members of the South Asian community in the Greater Toronto Area.

You know, minister, very well that the opposition supports certain elements of your crime legislation. It continues to fall short, unfortunately, in meaningfully addressing serious violent offences such as extortion.

How do you justify introducing so-called tough-on-crime measures while simultaneously proposing safety-valve provisions that would allow judges to sidestep mandatory minimum sentences under the Criminal Code?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Let's keep in mind that the operation of that safety valve comes on the recommendation of a number of different parliamentarians, including the Public Safety critic of the Conservative Party of Canada, who sits alongside me in the House of Commons.

More broadly, the issue of extortion could not be taken more seriously. Of course, there are extremely serious penalties that exist in the Criminal Code today, including some mandatory minimums, but those would only have some residual discretion where the penalty would be grossly disproportionate.

Moreover, in my engagement with law enforcement, what they've told me when it comes to extortion is not that the solution has anything to do with the response to the decision included in the bill but instead giving them the tools that they need to prevent and prosecute these crimes.

Specifically, Bill C-22, the lawful access act, 2026, is the number one tool that they cite to me that will help them bust extortion rings.

In addition, we have new measures relating to bail when it comes to violent extortion and consecutive sentencing when it comes to extortion and arson, for example.

We are taking action that is serious. There are serious penalties on the books. But the missing pieces of the puzzle, according to the law enforcement I've spoken with, are the investigative tools that they need in order to bust these extortion rings.

I take the Peel Region's news with 17 arrests as a good thing that will help reduce crime not only in the Peel Region but potentially across other parts of the country. I believe it will better equip police forces to continue their good work by advancing the important tools that they've asked for.

**Senator Housakos:** Minister, compassion and leniency are important, but I think things have gotten a little bit out of hand. Among those arrested in the Peel Region last week was an individual reportedly wanted for murder in his country of origin.

You were the Minister of Immigration, Refugees and Citizenship. You allowed these individuals into Canada. Now, in the Justice file, you're proposing measures that risk handing down lenient sentences for serious violent crimes.

• (1550)

Minister, our critic on the other side doesn't sit with you; he sits on the other side of you. We support, as I said, some measures of tightening up the Criminal Code, as your government is attempting to do. However, why won't you restore Canadians' confidence in the integrity of our criminal justice system and commit to removing the safety valve provisions from Bill C-16 that are not going to have the desired effect?

**Mr. Fraser:** With enormous respect, though Frank Caputo may sit on the other side of the chamber from me, we are both working alongside one another to serve the interests of Canada.

One point of agreement, given his public statements in the past — again, now serving as the Public Safety Critic — was that he didn't just suggest, he implored his colleagues in the Conservative Party, the Liberal Party and others to specifically adopt a safety valve approach. We have a high degree of confidence that it will protect the constitutional scrutiny that will inevitably come upon different mandatory minimums that exist in the code because it also follows not only the political statements of different actors but guidance from the Supreme Court itself. There were different ways we could have chosen to do this, but the manner we chose was to restore mandatory minimums, protect those which are on the books but offer some —

[*Translation*]

**The Hon. the Speaker:** Thank you, minister

DECRIMINALIZATION OF HIV NON-DISCLOSURE

**Hon. René Cormier:** Welcome to the Senate, minister.

As you know, the Government of Manitoba recently declared a public health emergency related to HIV. Our colleague in this chamber, Senator K. Wells of Alberta, also issued an apt reminder that Canada has among the harshest laws in the world criminalizing HIV non-disclosure. A number of public health experts and community organizations are sounding an alarm that this overcriminalization is seriously undermining prevention efforts. Instead of offering protection, it deters vulnerable individuals from getting screened and fuels a form of systemic stigma that is weakening our communities.

Minister, you know that a decent justice system adapts to the scientific and human realities of the times. When does your government intend to finally modernize the Criminal Code in order to harmonize our legislative framework with the science and put a stop to this unjust criminalization?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for the question, Senator Cormier.

Following my last appearance before this chamber, and in light of your questions and a few conversations I had with other people who work in Parliament, I have considered various options that the government could explore to address your concern. In my view, it is essential that politicians take into account the most recent science.

In these circumstances, we must first keep our election promises. However, having introduced a number of bills, I believe I am now in a position to consider other initiatives to propose to the government. I don't have a date yet, but I believe we will have the opportunity to advance this discussion very soon.

[*English*]

I can't make a firm commitment to you. This has not been adopted as a policy of the government of the day, but I have personally taken it upon myself to look into the set of circumstances around the use of protection and the viral load that backs the science to understand how we can ensure Canadians continue to benefit from protections while treating people fairly and equitably.

I expect this will be the subject of many conversations in the months ahead, but know that I am interested in continuing conversations with you and Senator Wells, among other interested parliamentarians.

[*Translation*]

**Senator Cormier:** Thank you, minister.

With all due respect, the government has been considering this issue for quite some time.

As you know, the Public Health Agency of Canada officially recognizes the scientific principle known as "Undetectable = Untransmittable." It is a fact that an undetectable viral load makes HIV transmission impossible. Even so, the Criminal Code continues to severely punish people even when there has been no transmission or intent to harm.

Minister, how do you justify this glaring inconsistency between public health policy and criminal law?

**Mr. Fraser:** Thank you for the question.

[*English*]

I understand the inconsistency. You will appreciate that, over the course of the few past years, I have discovered and come to understand many inconsistencies that exist in Canada's laws that remain on the books today.

We have an opportunity to advance good laws that respect science and allow people to live equally and freely in this country.

That said, I also know that, as a member of a government that has made a series of very specific commitments to Canadians during a recent federal election campaign, there is a to-do list that has subsumed the government's attention, certainly in the first year after the last election.

I do expect, as we complete some of the tasks we have committed to, there will be opportunities to take on new initiatives, and should this remain a priority for you and others —

[*Translation*]

**The Hon. the Speaker:** Thank you, minister.

[*English*]

CANADA'S BLACK JUSTICE STRATEGY

**Hon. Bernadette Clement:** Minister, it's good to see you. You won't be surprised to know that I am going to raise the Black Justice Strategy with you.

The amendment that I put forward to Bill C-14 just a few weeks ago, which was accepted by the Committee on Legal and Constitutional Affairs, is based squarely on one of the recommendations from that strategy.

I was heartened to see a reference to the Black Justice Strategy in a recent funding announcement: $8.6 million in funding over two years for 24 projects to support Black communities as part of advancing Canada's Black Justice Strategy.

Can you say more about the deliverables attached to this funding and how the government prioritizes investments in that strategy?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for the question and for your continued advocacy for the implementation of the Black Justice Strategy.

Every program operates somewhat differently. I'll place my comments in the context of this announcement, but you may be able to extrapolate based on what I'll share.

We called for proposals and targeted certain policy areas, but tried to be flexible in terms of the proposals that we would receive because, in my view and in the view of the program, communities often know how they can best have an impact, and we didn't want to define too narrowly what organizations could propose to do with the funding.

The Department of Justice would receive these applications and consider which partners have an opportunity and ability — preferably a proven history — to deliver on investments that the government has made. The particular announcement included a few different funds. Some were targeting the victims' fund that was focused on trauma-informed and culturally specific supports for survivors of crime. Some of that fund was made up the partnerships and innovation fund that was specifically around court workers and navigation services for Black Canadians as well as the Youth Justice Fund.

There was an enormous amount of interest on the back end of the delivery of these programs. We would typically engage with the recipient of the fund to understand if they have delivered a return on investment, which, of course, when you look at future iterations of a fund like that, can be a good way to establish partners to develop that history so they can prove success and potentially partner again in the future.

**Senator Clement:** Thank you for that, minister.

This funding seems like progress for the Black Justice Strategy. I guess I worry that such a great strategy will get shelved and sit somewhere collecting dust. So although I am happy to hear that there is funding here, how is your office going to measure and keep track of progress around this strategy going forward?

**Mr. Fraser:** With respect to the specific investments that you've drawn attention to, it's probably too early to tell today whether they've had their intended impact. The programs are ongoing and rolling out.

But, on a case-by-case basis, for both programs and projects big and small, we maintain a relationship with funding recipients to understand what worked, what didn't work and, importantly, why it did or didn't work.

Keep in mind that, in addition to the $8.6 million that you referenced, the Fall Economic Statement of 2024, which is the source of those funds, included an investment starting this fiscal year of, I believe, in excess of $87 million. We're going to have to follow up on each of the program recipients to understand whether the program delivery, in fact, had the intended result —

[*Translation*]

**The Hon. the Speaker:** Thank you, minister.

JUDICIAL AUTHORIZATION

**Hon. Josée Verner:** Thank you and welcome, minister.

I would like to come back to something that my colleague raised earlier, and that is Bill C-22.

You told my colleagues in this chamber what the government's intentions are. However, judging from some of the news articles I've read, it seems as though a number of global digital leaders don't share those intentions. Some have expressed concerns about this bill, including Meta, the parent company of Facebook, Instagram and WhatsApp, as well as Apple, NordVPN and Windscribe. The latter two have threatened to leave the country.

What do you have to say to them?

• (1600)

[*English*]

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** We want to maintain a good relationship with different players in the space who have expressed real concerns. The idea that we would be asking a group, company or organization to do something that they have not done before or even, in some instances, that they have been doing but were not required to do always invites a conversation about whether we are doing it the right way. This conversation is ongoing.

You can see Parliament working to highlight some of these issues, which were initially included in Bill C-2. We said that we heard them and that we would go back to the drawing board to do significant consultation. We came back with proposals. Most of those proposals in Part 1 of the bill have been accepted by the majority of players in the community who expressed concern.

The minister responsible for Part 2 expressed yesterday, in a direct response to some of the issues you raised, a willingness to specifically look at amendments, including around encryption. To the extent that there are further amendments that would ensure that law enforcement gets the tools they need but can maintain privacy protections, which are important and need to be taken seriously, that is the best way to manage some of these issues, in my view.

But we can't allow these very real concerns to cause the defeat of a bill that is essential to help law enforcement protect our communities. I think this conversation could lead to a very good outcome. I hope we can all be pragmatic in understanding how we can offer privacy protections, respect for companies that do business in this country and, at the same time, deliver public safety outcomes that Canadians will appreciate.

[*Translation*]

**Senator Verner:** It has also been reported that the House Judiciary Committee and the House Foreign Affairs Committee in the United States have also expressed serious reservations about this bill. Do you plan to contact your American counterparts regarding this matter?

[*English*]

**Mr. Fraser:** I don't want to speak for a colleague. I expect that the Government of Canada will.

For my part, the portions of the bill for which I hold responsibility are not necessarily at issue in the same way that would require cross-border engagement. Of course, we always wish to maintain good relationships with partners around the world, including south of the border. The reality, however, is that the engagement on the issues that you have specifically mentioned will be dealt with by a separate department, and I can't provide an answer for my colleague as to what engagements he may have planned in his calendar.

## CRIMINAL CODE AMENDMENTS

**Hon. Andrew Cardozo:** Minister, thank you for being here. For my question, I want to come back to Bill C-9 and the amendments regarding good faith expressions.

The way I see it, this amendment was added by the committee. Then, because there was a lot of controversy, they added a clarification that said not to worry about the amendment; it doesn't really mean too much.

To my thinking, why don't we just get rid of the amendment that caused the original controversy? To me, the most important thing is that you've got a pretty good bill the way you introduced it. I really think it needs a wide range of public support. Combatting hate has to be something that everybody is in agreement with, rather than having a whole lot of people not being in agreement with it.

What do you think of that?

**Hon. Sean Fraser, P.C., M.P., Minister of Justice, Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency:** I sincerely appreciate your perspective.

Of course, we started with a bill that I advanced in Parliament. The committee, independent of my office at the time, in a minority set of circumstances, made a decision to make an amendment. Without that amendment's very important protections, I sincerely believe the bill might have been defeated. It was clear the Conservative members of the committee were in opposition, and it seemed as though the bill was at significant risk, since the Bloc representation on the committee would have voted against the bill altogether. I didn't want to see the protections that we had committed to Canadians during the election evaporate because I kept seeing news stories about how these protections were needed.

When I actually saw the initial amendment and heard the response from some political actors from communities of faith, I thought that if the committee could figure out a way to address this, they should. On their own, they actually came up with a proposal through engagement with different actors in the non-profit sector and communities of faith, which was a provision that made clear that the practice of your faith would not constitute a hate crime.

Philosophically, I do have a slight preference for the strategy the committee chose because, instead of suggesting that practising your faith is a hate crime that demands the protection of a defence, it recognizes that, by definition, the ordinary practice of faith is not a hate crime to begin with. In my view, that is a more reflection of what the law should be in this country.

**Senator Cardozo:** If the bill passes in its current form, I hope you think of some kind of PR strategy to explain the importance of it.

My supplementary question is to ask you what your plans are in the next 12 months in terms of legislation or policy on various issues. What are the major pieces you're looking at?

**Mr. Fraser:** Certainly.

I don't want to make assumptions. We are very close on three very important legislative commitments, with Bill C-9, Bill C-14 and Bill C-16, which I want to see through before I start looking at what's next. If you're playing golf and you look at the green before you make contact, you won't succeed.

We have an opportunity to push these forward. At the same time, however, there are other issues that we are working on. The implementation of the Canada Black Justice Strategy and the Indigenous Justice Strategy are front of mind for me. We obviously have significant pieces of legislation across government that need to be informed by the Justice Department's advice, including major projects in this country. We can do more to advance the rights of people living with disabilities in this country. Finally, delivering on the upstream supports across government that will help prevent violent crime in the long term has to be a priority for my office, for my department and for our government if we want to end violent crime in this country.

[*Translation*]

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired.

[*English*]

I'm certain that you will want to join me in thanking Minister Fraser for joining us today. Thank you, minister.

**Hon. Senators:** Hear, hear.

[*Translation*]

**The Hon. the Speaker:** We will now resume the proceedings that were interrupted at the beginning of Question Period.

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[*English*]

# ORDERS OF THE DAY

## BAIL AND SENTENCING REFORM BILL

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Coyle, for the third 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), as amended.

**Hon. Denise Batters:** Honourable senators, I rise today as the opposition critic to speak to the third reading of Bill C-14, the bail and sentencing reform act.

Let me begin by saying that it's somewhat unfortunate that the sponsor of the bill, Senator Dalphond, delivered his third reading speech only today. I had understood that he was slated to deliver it yesterday. Since the Liberal government has been insistent that the Senate concludes our third reading debate this week, I also must deliver my lengthy critic's speech today. It is not generally a good idea for the sponsor and the critic to deliver speeches on a bill on the same day because it significantly diminishes our ability to have thoughtful, responsive debate about legislation. It's not good Parliament, which I don't think is fair to Canadians. But here we are, so let's turn our attention to Bill C-14.

This bill is the Carney Liberal government's attempt to address some of the mistakes made by its predecessor, the Trudeau Liberal government, in the criminal law justice system. Over the last decade, we have all seen the devastating consequences of the Liberal government's soft-on-crime legislation. We hear daily media reports of more violent crimes committed by repeat criminal offenders who were on bail at the time of their arrest. Many of these offenders were released because of changes brought in by the Liberals under Bill C-5 and Bill C-75.

Not surprisingly, these lax Liberal laws have resulted in chaos. Canadians now feel much less secure than they used to in their homes, streets and communities, and with good reason. Since 2015, violent crimes have increased 55%, firearm crime is up 130% and extortion has increased by an eye-popping 330%. Sexual assaults are up by 76% and homicides have increased by 29%.

It is beyond high time that this Liberal government reverses the dangerous criminal justice policies it has put in place over the last 10 years.

Bill C-14 is one step in the government's attempt to do that. While I appreciate any movement to strengthen criminal justice laws, I still maintain that the reform in Bill C-14 is not comprehensive enough. It fails to make public safety a paramount consideration in bail decisions, and the legislation barely touches on meaningful sentencing reform. Canadians must be able to have confidence that the justice system is fair, balanced and effective, and while Bill C-14 is an improvement in that regard, it still falls short of that goal.

The legislation attempts to strengthen the bail system by clarifying the "principle of restraint," which is the guiding principle the Liberals introduced in Bill C-75 that an accused should be released at the earliest opportunity possible and be subject to the least onerous conditions necessary. Even the Liberal government has realized that this principle was sometimes misinterpreted by judges and justices of the peace to mean an accused should be released on bail, resulting in some inappropriate and even dangerous releases.

• (1610)

In Bill C-14, the government clarifies the principle's meaning, so that's an improvement. But the government refused to accept Conservative amendments at the House of Commons Justice Committee that proposed that the principle of public safety must also be paramount in bail release decisions. It's logical. It's what Canadians expect and what they deserve. But this Liberal government said no.

There are some popular misconceptions about our Canadian justice system, particularly due to the consumption of American news and entertainment in Canada. Our bail system is very different than that of our neighbours to the south. First, the U.S. has no principle of restraint. By comparison, Canada has relatively lenient bail requirements, and in this country, we mete out lighter sentences than do our American neighbours. Furthermore, in Canada, offenders rarely serve their full custodial sentences. Many are released after serving only one third of their actual and already light sentence, and virtually all are released after serving two thirds of their sentence. The context in both countries is completely different.

Of course, balancing the rights of an accused with the rights of crime victims and the best interests of the public is delicate. We heard compelling stories at our Senate Legal Committee that illustrated this.

One witness, Mr. Paul Wilson of Saskatchewan, told us of his experience as someone accused of a crime and held on remand for 18 months, then convicted and sentenced to eight years in prison. Mr. Wilson served three of those years in prison before having his conviction overturned in court. I asked him about the impact of that on his life. He told us about missing the funerals of his father and brother while he was held in custody.

Our conversation went as follows:

> **Mr. Wilson:** . . . I spent three years inside: 18 months on remand, and then I was sentenced and did another 18 months until my appeal went through. What bothers me the most about it is the loss of my kids' lives and the loss of my family. I missed out on a lot.
>
> **Senator Batters:** Yes. How old were your kids when this first happened and then later when it was finally over for you?
>
> **Mr. Wilson:** My boy was nine years old. I got out when he was 12 or 13 years old. My girl was around five years old.
>
> **Senator Batters:** Was she just a little girl?
>
> **Mr. Wilson:** Yes. I lost three years of her life.
>
> **Senator Batters:** Those are years in which they change so much.
>
> **Mr. Wilson:** I can't get that back.

Honourable senators, when considering legislation like this, we often get caught up in statistics, legal arguments and philosophical or academic debates, but it is also important for us to hear from people like Paul Wilson, whose lives are so directly affected by the legislative choices we make.

Similarly, it is vital that we seek out the voices of victims of crime in this debate, for they poignantly remind us of the devastating consequences of failed criminal policies.

Our Senate Legal Committee heard from Jackie Beisel-Cobb, the mother of 23-year-old Madisson Cobb. Maddy was gunned down in a parkade by her offender, who was out on bail at the time. Even though she had a restraining order against him, even though there was an outstanding warrant for his arrest, and even though Maddy's offender was known to be in possession of a firearm, he had still been released on bail on June 17, 2025. Just one month later, on July 19, 2025, he killed Maddy in that parkade.

Ms. Beisel-Cobb told our committee:

> Take a moment and picture your own daughter, sister or friend. Picture them walking into that parkade, not knowing that that was going to be the last breath she would ever take. Picture your own daughter's fear. Picture her left to bleed to death with no one there to help her. Imagine how your life would change if you got the same call I did.
>
> My life has changed forever. I will never see my daughter walk through that front door with an incredible smile, knowing she is safe. I cannot kiss her goodnight or say I love you or call her when something is exciting.
>
> I will not have the joy of seeing her walk down the aisle or having kids of her own. All I have left are photos and videos to help remember every detail of her appearance and listen to her voice on tape so I can hear how she spoke my name. Now I have to look at an empty chair at my dining room table where she sat when we ate.

Our committee also heard from Brett Broadfoot, whose teenage daughter Breanna was severely beaten and strangled by her ex-boyfriend. He was released the same day he was arrested. Four months later, the perpetrator attacked Breanna again, this time stabbing her. She died of her injuries two days later.

Mr. Broadfoot told us:

> Breanna passed away from her injuries on July 18, 2024. We lost our baby girl, and our worlds have changed forever. Anyone who has suddenly lost a loved one will wonder if the path of destruction that led to it could have been avoided. It is an entirely different and far more powerful thing to know that it should have been avoided.
>
> There is no doubt in my mind that Breanna would still be alive if her abuser had not been immediately released after the first attack. Why was he given the freedom to commit a second crime instantly, easily and without prejudice?

Honourable senators, as parliamentarians, we have the incredible responsibility to create laws that could save lives like Breanna's or Madisson's. What we do in this chamber matters. It is fairly simple. If these perpetrators had not been released and if their previous violent attacks had been considered by the courts, they could not have extinguished the lives of these two beautiful, vibrant, promising young women. We need to keep that foremost in our minds as we consider Bill C-14.

This legislation attempts to tighten bail in three ways. First, it stipulates that a judge considering the release of an accused on bail must consider whether an alleged offence involved random and unprovoked violence. Second, it creates additional release conditions for certain offences, including organized crime, extortion, motor vehicle theft and breaking and entering a dwelling house. Third, for more serious offences, the prosecution can propose a more restrictive level of release, rather than having to justify why a less onerous level of release is inadequate.

Bill C-14 also expands the offences to which a reverse onus would apply in the bail process, meaning that the accused would bear the balance of probabilities to justify why they should not be detained. This would expand to include certain violent situations — for example, where strangling, choking or suffocation is alleged — as well as human trafficking, aggravated motor vehicle theft, extortion with violence, breaking and entering a dwelling house and certain immigration-related offences.

Furthermore, Bill C-14 restricts the availability of house arrest, or conditional sentence orders, for certain sexual offences, including those involving bodily harm, assault or exploitation of a person with a disability and sexual offences against a minor.

For a small number of offences, Bill C-14 would allow consecutive sentencing in cases of aggravated motor vehicle theft and for extortion committed in the same event as arson.

The bill also expands aggravating factors for sentencing, including whether the victim of the offence was a first responder; whether the offence disrupts essential infrastructure; whether an offence involved the use, attempted use or threatened use of violence; and whether an offender had a violent conviction in the last five years.

Bill C-14 also amends the definition of "violent offence" in the Youth Criminal Justice Act and allows police to publish identifying information about a young person without a court order in emergency cases where there is an imminent risk of serious harm or to facilitate arrest.

Many of the best parts of Bill C-14 came from the efforts of Conservative members of Parliament, both through their past criminal justice legislative initiatives and through amendments they brought to the House of Commons Justice Committee during the study of Bill C-14.

For example, my former Conservative Senate colleague Mr. Bob Runciman proposed and passed Bill S-221, which made the assault on a public transit operator an aggravating factor for sentencing. My current Conservative MP colleague Roman Baber proposed an amendment to Bill C-14 that expanded that category to include public transit employees.

My Conservative MP colleague Todd Doherty advocated tirelessly for his bill, Bill C-321, which added as an aggravating factor for sentencing whether the victim of an offence is a first responder. Senator Housakos resurrected that bill in the form of Bill S-233, and it is currently before the House of Commons and, hopefully, will pass there.

Conservative MP Arpan Khanna proposed Bill C-242, the "Jail Not Bail Act," which would have replaced the principle of restraint with public safety as the primary consideration for release decisions. That bill would also have prohibited criminals with a recent conviction from serving as the surety for the release of an accused. Further, Bill C-242 proposed that the Minister of Justice table an annual report on judicial interim release. This was the genesis of a similar requirement passed in an amendment on Bill C-14 at the House of Commons Justice Committee.

Of course, there is also my Conservative colleague MP Frank Caputo's private member's bill, Bill C-225, which proposed measures to strengthen the prosecution of crimes involving intimate partner violence, including by making the murder of an intimate partner a murder in the first degree, regardless of premeditation. The bill also prohibits release if an accused was at large on a release order regarding an intimate partner offence or if the accused was convicted of an intimate partner offence in the five years preceding the arrest. This bill is now before the Senate.

• (1620)

Some of these Conservative proposals were brought forward as Conservative amendments during the House of Commons Justice Committee study of the bill. Several have been included in the version of the bill we have before us today, as they were passed by a majority of members of the House of Commons. These amendments have improved Bill C-14 significantly, but as I have said, the bill still has a ways to go. Regrettably, the House of Commons committee did not pass the Conservative amendment asking that the principle of restraint be replaced with a consideration for public safety in bail decisions. Until public safety is considered first and foremost in judicial release decisions, Liberal crime legislation will continue to fail to meet the mark.

Canadians want to have faith in their justice system. A recent poll conducted on behalf of the Police Association of Ontario shows that a majority of Canadians want meaningful bail reform. Of Canadians polled, 71% indicated support for a system of cash bail for violent and repeat offenders, and 72% agreed with placing limitations on sureties for bail, namely by prohibiting those with a recent criminal record from serving as the surety for an accused. Two thirds of Ontarians polled think Canada's bail system is not strict enough.

Canadians know in their gut what is right, and they know the kind of society they want: a society that is free, compassionate, safe and secure.

Canadian musician Paul Brandt, founder of #NotInMyCity and Chair of the Governing Board of the Alberta Centre to End Trafficking in Persons, told our committee:

> The lack of consistent denunciation, deterrence and accountability is not merely a debate about balancing the rights of victims versus offenders; it is about the health and safety of Canadian society as a whole. When crimes go undeterred and undenounced, criminals are emboldened, victims are denied justice, and society, as a whole, loses faith in the Canadian justice system. We are not winning this fight when the justice system treats documented child rape as discretionary.

> Judicial discretion has its place, but Canada's track record shows it has not delivered on public safety or confidence. When the system fails to impose proportionate consequences, it undermines the governability of society. Parliament has both the authority and the duty to set a clear floor for the worst crimes against children.

Prominent criminal defence lawyer Ari Goldkind testified at our committee that Bill C-14 doesn't go far enough to address the crisis in public confidence in Canada's criminal justice system. He said:

> Public confidence is foundational to the legitimacy of the criminal justice system. Bill C-14 does not restore that balance.
>
> Yes, judicial discretion is essential, but it must operate within clear and consistently applied boundaries. Like cases should produce like outcomes. That principle is becoming weakened. When that happens, not only does the system become less predictable, but public confidence erodes.
>
> Bill C-14 allows Parliament to say, "We've acted." But it will not meaningfully change outcomes in bail courts or sentencing courts across Canada. . . . If the objective is to improve public safety and restore confidence, the focus has to shift from legislative signalling to actionable judicial accountability. That is the conversation that has not yet been had.

There is a consensus among Canada's provincial and territorial governments that bail reform is welcome and long overdue. The provinces and territories — and, of course, their citizens — largely bear the burden of the failures of Canada's bail system, both socially and financially. While many provinces have tried to implement their own plans for dealing with this crisis within their own regions, they also require major action at the federal level to address the problem. For this reason, many regions support the aims of Bill C-14, but they worry it might not go far enough to actually fix the problems it's meant to target.

The Attorneys General of Manitoba and British Columbia appeared before our committee to express their support for Bill C-14. Manitoba Attorney General Matt Wiebe told us:

> In Winnipeg alone, approximately 82% of arrests involve individuals who are already under some form of supervision. This is not a marginal issue; it is a clear sign that the system is not effectively managing those repeat offenders.
>
> I am encouraged that Bill C-14 brings forward the urgent need for bail and sentencing reform, and includes stronger measures for repeat violent offenders.

He continued:

> . . . we recognize that bail reform is not a standalone solution but a necessary part of a broader strategy that includes policing, prevention, mental health supports and the treatment of addictions . . . .

He concluded:

> We are committed to collaborating with the federal government and with all levels of government to implement these reforms effectively.

British Columbia Attorney General Niki Sharma also appeared before our committee. She spoke of a need for tougher discipline to reinforce court orders. Deputy Premier Sharma said:

> Not only is justice important but also people's idea of justice, and that the justice system is working is important. I've heard from many people that there is a class of people who will repeatedly breach orders or repeatedly breach court orders. If a court order is to be meaningful, it has to be respected. If individuals come before the system and repeatedly do not respect the court order, shouldn't the level of sentencing be commensurate with that and shouldn't the court consider that?
>
> We didn't get as far as we might have wanted to when it came to that aspect of it in this bill, but we certainly had that discussion related to that with the federal government. . . .

Saskatchewan Justice Minister Tim McLeod submitted a substantial brief to our committee that detailed Saskatchewan's position on the bill. In essence, the Saskatchewan government supports Bill C-14 but feels it doesn't go far enough. Minister McLeod wrote:

> Saskatchewan takes the position . . . that it is necessary to amend the *Criminal Code* to introduce a reverse onus for anyone accused of a new violent offence, introduce a reverse onus for all firearms offences, and introduce stricter bail conditions for those charged with offences related to drug trafficking and organized crime.

Saskatchewan also objected to the continued availability of conditional sentence orders, or "house arrest," for serious offences, especially those involving violence, because public confidence is undermined by failing to impose meaningful consequences. My province would like to see the reinstatement of certain mandatory minimum penalties, many of which were upheld as constitutional by the courts, especially for drug trafficking offences.

Minister McLeod wrote that Saskatchewan supported the removal of house arrest for serious sexual assaults and sexual assaults against children, but he explained that the other proposed sentencing reforms in the bill missed the mark for Saskatchewan. He wrote:

> . . . many of the proposed sentencing reforms contained in *Bill C-14* appear directed at issues that are more prevalent in other jurisdictions . . . and do not adequately respond to Saskatchewan's primary public safety challenges.

Minister McLeod urged the federal government to:

> . . . consider further amendments to ensure the legislation meaningfully addresses repeat violent offending, organized crime and gang activity, and serious drug offending.

Yet when it came time for the clause-by-clause study of Bill C-14, many of the independent senators on the Legal Committee were not at all inclined in this direction. In fact, repeatedly they tried to completely remove certain fundamental pillars of the bill, including the major parts of the reverse onus and consecutive sentencing provisions — measures which would have essentially gutted the bill. This is not the proper way to oppose legislation, in my view, by gutting it like this. If you oppose it, you must give a speech in the chamber about why you oppose it and then stand and vote against it in the chamber.

In any case, the Senate Legal Committee passed four amendments in total, three of which I did not support. The first, brought by Senator Prosper, effectively neutered the limitation on who could serve as a surety, or guarantor, for an accused in a bail proceeding. The original much-needed limitation, which stated that no one convicted of an indictable offence in the last 10 years could stand as a surety, was brought by Conservative MPs at the House of Commons committee. Senator Prosper's amendment essentially reversed that limitation, instead leaving the issue up to judicial discretion, thereby creating an "escape valve" for a criminal to act as a surety.

Let's remember, honourable senators, that the original limitation would only have applied to those convicted of a recent indictable offence. These are the most serious crimes. It would not prohibit a huge number of people from acting as sureties. Senator Prosper's amendment passed by only one vote. It was opposed by me, by the sponsor of the bill and — actually, I looked it up — by the government.

At committee, Senator Simons said that an inability to find a surety without a recent indictable offence may sound ridiculous to those "sitting here in Ottawa." I assured her that this would also sound ridiculous to the Canadian public in Regina, Montreal, Vancouver and Toronto — all across this country.

We heard testimony from Mr. Clayton Campbell of the Toronto Police Association that the surety system in Toronto is a "joke."

• (1630)

He said:

> Sureties are such a problem. I'll be frank, the system is kind of a joke, and sureties do not take it serious, period.

It is unfortunate that the majority of the Senate Legal and Constitutional Affairs Committee voted to effectively nullify this prohibition, because it will have serious repercussions, not the least of which will be making Canadians lose even more faith in the integrity of their justice system.

Another amendment, submitted by Senator Prosper, was also passed at committee stage, with a subamendment by Senator Tannas. This amendment states that the minister must consult individuals and organizations with "specific" expertise in data collection and the criminal justice system, in the preparation of the annual report to Parliament, and that the collection of data should be coordinated with Statistics Canada.

As I stated at committee, I believe this amendment to be wholly redundant. I would hope that the Minister of Justice would already consult with experts with "specific expertise" in their areas. I don't think the minister requires direction from the Senate in that regard.

Furthermore, independent senators on the Senate Legal Committee often raise concerns in their observations in our reports on legislation that the Criminal Code is already too complex. In fact, it was one of their observations in the committee report on Bill C-14. It is puzzling that they then also vote for amendments like this, which add to the code unnecessarily.

Another amendment passed at the Legal Committee by only one vote was proposed by Senator Clement. It stipulates that, at a bail proceeding, if an accused or any other party does not raise whether the accused is an Indigenous person or from an overrepresented or a vulnerable group, the judge must ask. This could lead to a sizable increase in applications, not to mention confusion and delays in the bail process.

It also potentially leads to some absurdity, as the bill's sponsor and former judge, Senator Dalphond, pointed out at committee. For example, if a judge is presented with a consent order because the defence counsel and Crown prosecutor have come to a deal — and that happens frequently — the judge would then have to stop the process and second-guess the lawyers' evaluation, asking the accused if they are a member of a vulnerable group and if the relevant section was adequately considered in the making of the order. Again, this is unnecessary. Furthermore, I'm not convinced it will have the positive effect that Senator Clement intends.

The fourth amendment passed, brought forward by Senator Dalphond, the bill's sponsor, is a more technical amendment which delays the coming into force of two sections of the bill. This has to do with information sharing of the files of adolescents under investigation. Clause 72 dictates the files must be destroyed after two years. The provinces, namely Ontario, expressed the opinion that such timing would prove difficult and that more time may be required to make adjustments in their record management systems to accommodate these changes. Rather than coming into force 30 days after Royal Assent, those sections will be enacted through order-in-council when the provinces are ready. This was the only amendment I supported at committee.

It is interesting that the government brought this amendment forward, as it so often does, at this late stage in the legislative process and that, regardless of any other amendments that came forward at our Senate Legal and Constitutional Affairs Committee, Bill C-14 would have had to be amended and sent back to the House of Commons to accommodate this change anyway.

Our committee received some media attention during our study on this bill because an "anonymous senior government source" accused our committee of trying to delay the bill with our study. Of course, that wasn't true. We completed the study according to our original timeline, and although I am the critic of the legislation, I did not even introduce any amendments.

But clearly, the government itself needed more time and sober second thought to review the bill and fix this problem with this additional government amendment.

Much has been made of the increase of the number of legislative amendments brought forward by senators and accepted by the government since the era of the new "independent" Senate à la Justin Trudeau. Some flaunt this as evidence that the Senate is more "effective" or working harder than before. But here's the thing: Almost all of the amendments the government actually accepts are the government's own amendments. Other significant amendments are often rejected by the government and kicked back immediately to the Senate.

Because senators politically aligned with the Liberal government are ostensibly "independent," they no longer sit inside the Liberal government caucus. This is a considerable disadvantage to senators, who miss being informed about the activities in the House of Commons, and it is a decided disadvantage to the governing party. They miss out on good legislative and political advice coming from senators who have the benefit of a long-term view and tenure.

When the Conservative Party is in government, there is less need for government amendments to bills at late stages because our caucus's senators give input during the policy and early legislative development stages of bills, not just at the very end of Senate review. Many of these caucus discussions can help shape a bill before it is even tabled, making the process quicker and more efficient in Parliament.

I can tell you one thing, though: What was not quick and efficient was the clause-by-clause study of this bill. In fact, I think it's fair to say it was even a bit of a hot mess, particularly regarding the observations some committee members appended to the report.

Unfortunately, our Legal and Constitutional Affairs Committee, in recent years, has developed some poor practices in how it creates reports arising out of committee study. Much of this has to do with the drafting of observations.

Traditionally, observations were to be succinct, directive and usually arrived at by consensus. They were also relatively infrequent. Now, members routinely submit long, unwieldy, repetitive observations that often stretch into multi-page documents, sometimes rivalling the length of the legislation we're studying. They are often padded with meaningless reflections, sometimes far outside of the scope of the bill that is being studied. This is not the proper way to create a committee report.

If senators really have this much to say on a bill, they should stand in the chamber and deliver a speech about it and enter into debate about it, instead of writing pages and pages of observations for us to wade through at committee.

Some members seem to use the observations as an opportunity to write a summary of facts — as a committee would do to write the actual report — except they pick and choose only the facts that bolster their argument, according to their particular ideological point of view.

At least if the committee collectively writes a summary of facts in a report, it is mediated by requiring agreement on all sides. Instead, individual senators write their own observations and then begin them with, "The committee recognizes . . ." or "The committee is concerned that . . .," even though that view may be far from unanimous. For example, the observations in the committee report on Bill C-14 begin with this:

> The committee recognizes the seriousness of repeat violent offending, intimate partner violence, human trafficking, organized crime, violence against children and offences against first responders.

What is the purpose of recognizing the seriousness of these crimes in particular? It leaves some significant crimes out: murder and sexual assault, to name only two. And it begs the question: If you recognize the seriousness of these crimes, then why repeatedly vote for bills that remove tougher bail provisions and sentences?

If, as the next sentence states:

> The committee calls for stronger, immediate action to address violence against women and to support victims and survivors of intimate partner violence —

— then why routinely vote against their best interests in criminal law legislation?

Victims of crime would likely support toughening bail provisions and sentencing. In many cases, such changes would have meant their perpetrator would not be free to commit a crime against them in the first place.

Another observation calls on the government to create a national framework to address organized crime. How much good is a framework going to do? If we instead focused on creating and voting for laws that actually fought organized crime, we wouldn't need to create a framework so we can all talk about it some more. Furthermore, this observation wasn't based on a substantial amount of evidence we heard during committee study, which is supposed to be the point of observations.

But after having a five-and-a-half-hour clause-by-clause meeting, our committee ran out of time to debate this further because of pressure from the government to report the bill back to the chamber.

Another problem we ran into, as we often do, is that members of the same Senate group didn't coordinate their proposals. In this Bill C-14 report, the only observations submitted were from four different Independent Senators Group senators. Had these senators met and streamlined their submissions beforehand, they would have taken a lot less time for the committee and the steering committee to review and fix.

Furthermore, another poor practice the committee has developed is continuing to include the same observations in bill after bill at the Legal Committee, things we have asked the government for time and again and to which we have received no response or action. This includes asking the Law Commission of Canada to review the Criminal Code.

The Legal Committee even went so far as to write a letter to the President of the Law Commission of Canada a couple of years ago, asking that this be done. It seems to have been summarily dismissed and ignored because our committee did not even receive a response. Yet, the practice persists.

Senator Simons said this at clause-by-clause consideration of Bill C-14:

> We've talked about this. Senator Batters is correct; we keep putting it in, and it is performative and absurd, but I think that's why we should do it as a form of recognition of the absurdity of the exercise.

To which I replied:

> Just on that, if the Senate Legal Committee becomes part of a performative exercise that has existed now for several years, we used to be more than that, so I don't think we should continue to put it in. . . .

Unfortunately, this Carney Liberal government is not above a little performative absurdity of its own. The practice of conducting a Gender-based Analysis Plus review of legislation was something which started under the Trudeau government — largely, I am convinced, as a way to try and demonstrate its so-called feminist credentials.

• (1640)

The Gender-based Analysis Plus document for Bill C-14 is still not posted on the government website. This shouldn't be a secret document, hidden away from the public. Sometimes ministers have tried to claim the GBA Plus can't be made public because it is a matter of "cabinet confidentiality," but that's ridiculous. The GBA Plus, which I received from departmental officials, should address the detrimental effects that the bill will have on women and vulnerable, marginalized populations. But in the GBA Plus analysis on Bill C-14, there is almost no mention of female victims, despite the bill dealing specifically with choking or strangulation and sexual offences against a minor.

We often hear senators talk about the overrepresentation of marginalized and vulnerable groups in prisons, but rarely do we hear about the overrepresentation of these same groups among the victims of crime. For example, Indigenous women comprise roughly 4% to 5% of the overall female population in Canada, but they are far overrepresented as the victims of some of the most violent crimes committed in this country. They comprise 26% of all homicide victims, 26% of intimate partner violence-related homicides and roughly 21% of all gender-related homicides.

If we care about the welfare of Indigenous women in this country — and we must — we have a duty to protect them from falling prey to criminal perpetrators. And, yes, there are many complex factors that contribute to crime: economic and social realities, discrimination, poverty, homelessness, abuse, broken families, mental illness, addiction, family violence and institutional racism. All those things are important to address in preventing or reducing crime in the first place.

But let's not kid ourselves either. If perpetrators of violence are not immediately released back into the streets and if they face true consequences for the harm they have caused, they will not have the opportunity to harm or kill additional victims. This will save the lives of so many Indigenous women, non-Indigenous women and vulnerable and marginalized people.

Paul Brandt said at the Standing Senate Committee on Legal and Constitutional Affairs:

> As Ontario Superior Court Justice Antonio Skarica recently stated in a powerful sentencing decision, the Canadian justice system is at an inflection point and must decide whether to prioritize the needs of vulnerable Canadians or the criminals who abuse them.

We need to address the root causes of crime 100%, but we also need to ensure that we are protecting vulnerable people from being harmed, abused and killed. One fundamental way to do that is to ensure violent and repeat criminals are held in custody and are off our streets when they should be.

Bill C-14 is a step in that direction, but it is only one step. Quite frankly, the Liberal government has made a mess of our criminal justice system with their decade-long legacy of soft-on-crime policies. The result is reflected in the statistics. The Crime Severity Index declined steadily from 1998 to 2014, but then it started to increase, and 10 years later, by 2024, it was 40% higher than it had been a decade earlier. Non-violent crime rose by 7% over the same period. And what government was implementing their criminal law policy over almost all of those years? That's right: the Liberals. From 2019 to 2024, Statistics Canada reports that approximately one third of people accused of homicide were under some form of justice system supervision at the time of the incident. A soft-on-crime approach is simply not working.

We're to the point where even the Liberal government realizes a different direction is needed. They have developed Bill C-14 to try to address part of the problem, but there are still several outstanding issues with the bill. For example, even for serious crimes like human trafficking and child sexual assault, an offender convicted of a summary offence could still receive house arrest for their crime. Consider that a driver in a human trafficking operation might only be convicted of a summary offence of human trafficking. Yet, as I had confirmed to me by experienced police officers that I know, a driver in those kinds of organizations often acts as a violent enforcer to physically control the victims of human trafficking. Is house arrest appropriate in that scenario?

Although it is entitled the bail and sentencing reform act, there is precious little sentencing reform in the bill. As for the bail reform part of the bill, it relies largely on reverse onus, and it remains to be seen how effective that will be here.

Of course, the government's insistence on retaining the principle of restraint as a guiding principle for bail and its refusal to include public safety as a foremost consideration in bail decisions are still highly concerning. Applying the principle of restraint does not have to always result in an accused being granted full bail. In time, the government will likely find that a mere clarification of this principle is not enough.

Overall, Bill C-14 is a small step in the right direction. I would like to see it go further, and I know my Conservative caucus feels the same way. Important amendments made in the House of Commons, primarily by our Conservative members, made this version of the bill much stronger than it was originally. Their changes tightened bail, protected workers and increased accountability.

Those House of Commons amendments made Bill C-14 better, to the point where one could actually rationalize voting for the bill on the basis that something is better than nothing. But, unfortunately, with the amendments passed by the Senate Legal Committee, we've taken two steps back again. Most of the amendments undermine the aim of the bill, which is to restore public confidence in the justice system after years of disastrous soft-on-crime policies. Instead, these new amendments provide an escape hatch for perpetrators of crime and will create confusion, delay and inappropriate and potentially dangerous release, which ultimately threatens the safety of Canadians. I hope the Liberal government will do the right thing and reject most of these Senate amendments outright. Canadians deserve safe streets.

Thank you.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

## MILITARY JUSTICE SYSTEM MODERNIZATION BILL

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Black, for the second reading of Bill C-11, An Act to amend the National Defence Act and other Acts.

**Hon. Leo Housakos (Leader of the Opposition):** Honourable senators, I rise today on behalf of Senator Carignan, who is the critic for Bill C-11, the military justice system modernization act.

This bill raises a fundamental question: How do we deliver justice within the Canadian Armed Forces?

Before going any further, I want to begin by paying tribute to the women and men who serve in our forces. They wear the uniform out of a sense of duty. They accept sacrifices most Canadians will never have to make, and they serve our country with remarkable loyalty. The least we owe them is to ensure they can serve in an environment where they feel safe.

No one should have to fear their own colleagues. No one should have to choose between serving their country and protecting themselves from misconduct, harassment or abuse.

The government introduced Bill C-11 in a very specific context. Section 273.601 of the National Defence Act requires periodic independent reviews of certain provisions and how they are applied, followed by a report to Parliament, an obligation that has been strengthened over time.

In that context, in 2020, the government appointed the Honourable Morris J. Fish, former justice of the Supreme Court of Canada, to conduct an independent review, whose recommendations are reflected in Bill C-11, particularly with respect to the independence of certain actors and the governance of the system.

In parallel, the Independent External Comprehensive Review released in 2022 by former Justice Louise Arbour highlighted deep problems, particularly around sexual harassment and sexual misconduct. The government presents Bill C-11 as a response to these systemic issues and a step toward restoring trust within the Canadian Armed Forces.

And that is exactly why we have to be careful here. Recognizing the importance of the Arbour report does not mean we can cling to it indefinitely, as though it alone provides an answer to every reality we face today. Since its publication, the operational context has evolved. Conditions on the ground are no longer the same, and the practical consequences of this reform must be examined in light of today's reality.

That is why the real question, honourable senators, is this: Can we still rely on that report as though it were a complete and current answer without reassessing conditions on the ground and conducting the necessary consultations?

This question matters even more because the government invokes that report to justify shifting sexual offence cases toward the civilian system, even though witnesses at the other place reminded Parliament that several key parameters that existed at the time of those recommendations have evolved since.

• (1650)

The Minister of National Defence acknowledged at committee that he had not discussed this matter with Justices Arbour, Fish or Deschamps since taking office; that he could not say how many victims had been consulted during the drafting process; and, above all, that when the government retabled the bill — after the previous version, Bill C-66 — it did not consider it necessary to make changes because it believed the bill was already in the right form.

In short, this raises serious concerns about the method. A major reform is justified by reference to external authority without any demonstration that the diagnosis has been updated. This is not the first time the Liberal government has proceeded in this manner. We have seen it in other files, including Bill C-8.

At its core, Bill C-11 makes a few key changes. First, it changes the governance of the military police by transforming the position of Provost Marshal into Provost Marshal General. The appointment would no longer be made by the Chief of the Defence Staff but by the Governor-in-Council; and instead of a protected term with a structured removal process, the bill provides for a term of up to four years, with removal possible at any time.

The bill also changes the chain of accountability: Instead of general direction exercised internally and an annual report that moves through the military hierarchy, the Provost Marshal General would report directly to the minister, who could issue general written guidelines that must be made public and would receive the annual report directly.

Second, Bill C-11 changes the status of two key positions: the Director of Military Prosecutions and the Director of Defence Counsel Services. In both cases, the bill transfers the power of appointment to the Governor-in-Council and provides for a longer term — up to seven years, non-renewable — with vacancy rules requiring the position to be filled within a set time frame.

The stated goal is to strengthen the independence of these functions because, in practice, they determine whether a case is prosecuted and how an accused person is defended.

Third, it shifts a significant number of cases to the civilian justice system: For Criminal Code offences committed in Canada that are of a sexual nature or committed for a sexual purpose, Bill C-11 removes the jurisdiction of courts martial and also removes the military system's authority to investigate for that purpose.

Finally, the bill includes related adjustments: It expands eligibility for appointment as a military judge, changes the rules on complaints of interference relating to policing functions and clarifies that military judges no longer participate in the summary hearing regime.

[*Translation*]

Honourable senators, Bill C-11 was carefully studied by the Standing Senate Committee on National Defence, where several amendments were proposed to improve the bill.

The committee heard courageous testimony from survivors and victims. The message was clear: If we truly want to protect victims and restore trust, we need a system that reflects the realities of the military environment and the constraints on the ground.

Several witnesses emphasized the same key point, specifically that victims must have a real voice in how their cases are handled.

It is in this spirit that I want to acknowledge the excellent work done by my colleague, the Conservative MP James Bezan, who worked tirelessly to improve this bill. With the support of the Bloc Québécois and the New Democratic Party, he managed to get some amendments passed based on the evidence given by survivors, veterans and experts on the military justice system. Those Conservative Party amendments sought to place greater emphasis on victims and their needs. They were centred on four key areas: support for victims, the principle of choice in certain cases, the ability of the military police to conduct investigations, and the implementation of safeguards, including a sunset clause.

I can provide a very concrete example. One amendment would have recognized a victim's right to request that a different liaison officer be appointed when circumstances showed that the initial officer could no longer provide adequate support.

[*English*]

Honourable colleagues, it is precisely in light of that work that our disappointment with the approach taken by the government is so deep.

Rather than respecting the committee's work and listening to witnesses, the government chose a different path. At report stage, the Liberals brought forward several motions to wipe out these Conservative amendments and roll back improvements adopted in committee.

And the message this sends is that committee listening only counts when it serves the government's purpose.

Let us take the most telling amendment, one that directly affected victims and what they were asking for. The amendment put forward by James Bezan, supported by the Bloc and the NDP and adopted in committee, was straightforward. It added a clear rule to section 70: In cases involving the listed sexual offences committed in Canada, the victim, or someone acting on their behalf, could choose whether the matter would be tried by a court martial or a civil court.

Instead of imposing a single path, it was recognized that in these cases the reality is not uniform and that victims must retain some measure of control over the justice process.

Why was that amendment important? Because that is exactly what witnesses told the committee. They were not asking for abstraction. They were asking for something concrete: the right to choose.

As one survivor said in committee, "Choice is not procedural. It is freedom . . . ." And one witness put it plainly: Denying an informed victim that choice is paternalistic; it takes power away again from someone who has already been rendered powerless by the assault itself.

That amendment did not deny the advantages of the civilian system. It recognized a simple truth: Sometimes the military system is better placed to understand the operational context and act quickly, and sometimes the civilian system is preferable for other reasons.

The consequence of losing that amendment is that, in practice, we end up with a civilian-only approach. The victim's case is then pushed into an already overburdened system, with delays that grow and an increased risk that cases will stall or be abandoned before reaching any outcome.

Without a credible plan to add resources, transferring these cases to civilian police and criminal courts simply shifts the burden onto an already overstretched process. It means more investigations carried out by municipal or provincial police services, more files for Crown prosecutors, more court time and therefore additional costs for provinces and municipalities.

Meanwhile, the federal government offloads a responsibility that belongs to military justice and sends these cases into a system already weakened by 11 years of mismanagement and delay.

Moreover, several witnesses explained that, in practice, behaviours that were addressed and sanctioned in military systems are less likely to be prioritized in the civilian system, especially when evidence is difficult to obtain or resources are limited.

And for victims, civilian-only can also mean less control over matters that matter: access to services in their language, proximity to support and having the military context — the location, chain of command and workplace environment — understood from the start.

That is precisely why the amendment was put forward to preserve an option rather than impose a single route.

This is where we see the political failure of the Liberal government. By removing this amendment, they chose to erase what the committee adopted following courageous testimony. As Mr. Bezan said, when a government treats committee work in this way, it sends a bad message: that listening to victims is secondary, and that once it has the votes, it can simply override what Parliament approved and improved.

[ Senator Housakos ]

[*Translation*]

This is not the only example. A second Conservative amendment adopted in committee illustrates the same problem. We tried to address a very real shortcoming on the ground, and then the government decided to backtrack.

The government had included a clear prohibition in the original bill. For sex offences committed in Canada and covered by Bill C-11, the original bill provided that officers and non-commissioned members had no authority to investigate with a view to laying charges. It did not merely redirect prosecutions to the civilian system; it removed the ability of military police to take certain actions.

In committee, the Conservative Party of Canada's amendment 5, partly supported by the NDP, dealt with clause 8, the mechanism that applies when an offence is brought to the attention of authorities at a military base or training site in Canada.

[*English*]

Concretely, colleagues, it corrected two specific problems. First, it removed the explicit prohibition that stated the military has no authority to investigate with a view to laying charges for these offences committed in Canada.

• (1700)

In other words, it removed a "lock" written in that bill that limited action at the very moment when evidence and witnesses are most vulnerable.

Second, it rewrote the mechanism in a more operational way. It confirmed that military authorities can intervene and preserve evidence before civilian authorities arrive, and it framed the transfer by requiring that it happen as soon as possible, unless the victim or the representative had requested under the choice provided in section 70 that the case be tried by a court martial.

In short, this amendment prevented the victim's choice from being cancelled in practice by an automatic transfer. Why does this matter, you ask? It's because, on a base, we do not always have the luxury of waiting for civilian service to arrive and truly taking control of the situation in the file. Yes, the bill allows certain immediate steps to secure and preserve evidence, but that does not replace a complete on-site investigation. In this kind of file, every delay can cost witnesses, evidence and the case.

As Mr. Bezan noted, even the Canadian Association of Chiefs of Police recommended maintaining a form of concurrent jurisdiction and warned that the proposed approach risked harming cooperation between civilian police services and the Military Police. That is exactly what we must avoid: two systems watching each other while evidence withers away and is lost.

What happens when an incident occurs far from major centres? Consider a scenario like Operation NANOOK in the High Arctic. Civilian police cannot always travel there easily. The Military Police accompany our troops wherever they are deployed, colleagues. If we write into law an approach that delays actions or complicates intervention on the ground, we are accepting delays in advance and, therefore, a real risk that the investigation is weakened and that victims are less protected and re-victimized. At report stage, the Liberals passed the motion that removed this amendment.

[*Translation*]

Honourable senators, this debate isn't theoretical. It affects women and men who serve this great country. It affects victims of sexual assault. It affects the credibility of our institutions.

Yes, modernization is necessary. Yes, the scandals of recent years must be addressed. However, modernization doesn't mean easing our conscience on paper. Modernization means making choices that reflect military reality and truly protect victims.

What makes the situation even more troubling is the way the government proceeded. Committees adopted improvements informed by solid testimony and genuine cross-party collaboration, even between the NDP and the Conservatives, but all of that was wiped out at report stage by government motions.

[*English*]

This is where the political discomfort lies. The government — the Liberal majority today — is not a direct result of the last election. It was obtained afterwards through political calculation when MPs betrayed their voters by crossing the floor to give the Liberals a majority, but that's another story.

In a parliament where Canadians did not give the Liberals a majority mandate, it is deeply troubling to see the government use its after-the-fact majority to erase in one fell swoop all the committee work and impose through report stage motions what witnesses and parliamentarians had improved in good faith.

The consequence is to weaken the role of committees, weaken the value of testimony and, ultimately, weaken Canadians' confidence in our institutions, not to mention, erase victims and all the tragedy they have gone through.

This reversal also directly contradicts what Minister McGuinty said in committee when he claimed he was "very open" to hearing members' views on how to improve the bill.

For precisely these reasons, in its current form, the Conservatives cannot support Bill C-11. We do not challenge the objective of better protecting victims. Quite the contrary. We want to tighten it up. But the text as it comes back to us, after improvements based on testimony were erased, creates real risks: weakening on-the-ground investigative capacity and shifting the burden onto an already overburdened civilian system. We cannot endorse a reform like that, which, rather than strengthening justice for victims, risks making it harder to obtain.

It is in that spirit that I invite you, honourable senators, to carefully examine Bill C-11 with the rigour that it deserves and not to let politics and procedural manoeuvers in the other place have the last word over the facts, the testimony and the duty we owe to those who serve in uniform, particularly the victims of these very serious allegations.

On that, honourable colleagues, I recommend we send the bill to the Standing Senate Committee on National Security, Defence and Veterans Affairs for further robust and diligent review.

Thank you, colleagues.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Pupatello, bill referred to the Standing Senate Committee on National Security, Defence and Veterans Affairs.)

## ADJOURNMENT

MOTION ADOPTED

**Hon. Iris G. Petten (Acting Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of May 27, 2026, moved:

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## LIVING DONOR RECOGNITION MEDAL BILL

SECOND READING—DEBATE ADJOURNED

**Hon. David M. Wells (Acting Deputy Leader of the Opposition)** moved second reading of Bill C-234, An Act respecting the establishment and award of a Living Donor Recognition Medal.

He said: Honourable senators, I rise today as the sponsor of Bill C-234, An Act respecting the establishment and award of a Living Donor Recognition Medal.

I would also like to recognize the work of my colleague in the other place Member of Parliament Ziad Aboultaif, whose advocacy and commitment helped bring this important legislation before Parliament.

• (1710)

At its core, this bill is about recognizing extraordinary Canadians — individuals who willingly undergo major surgery, accept significant personal risk and make profound sacrifices in order to save or improve the life of another person.

Living organ donation is one of the clearest expressions of selflessness that exists in our society.

These Canadians do not act for recognition. They act out of compassion, generosity and love. But Parliament nevertheless has an opportunity — and, I would argue, a responsibility — to formally recognize these extraordinary acts. That is precisely what Bill C-234 seeks to do.

The legislation would establish a national medal to recognize Canadians who donate an organ while living, as well as individuals who donate a portion of an organ. The medal would be administered by the Governor General and awarded to those who meet the eligibility criteria established under the act.

Honourable senators, the importance of living organ donation in Canada cannot be overstated. Today, more than 4,700 Canadians are awaiting an organ transplant. Tragically, one Canadian dies approximately every three days while waiting for a transplant. These numbers remind us that organ donation is not an abstract issue. It is deeply personal for families across this country. Living donors help address that reality in a profound way.

In Canada, living donors most commonly donate a kidney, though they may also donate part of an organ such as the liver or bone marrow. These donations often allow recipients to avoid years on waiting lists and can dramatically improve quality of life and long-term health outcomes.

Living donation can also significantly reduce long-term health care pressures. Kidney transplantation, for example, is not only associated with better patient outcomes than dialysis but can also reduce health care costs over time by allowing recipients to return to more normal and productive lives.

But behind every statistic is a human story: a family waiting for a call, a parent hoping to see their child recover or a young Canadian trying to continue school, work or daily life while managing chronic illness. And somewhere in that story is often a living donor — someone willing to endure surgery, recovery and risk so another person may have a second chance.

The sponsor of this legislation in the other place, my colleague Member of Parliament Ziad Aboultaif, spoke passionately about the need to recognize living donors and described them as individuals who are “completely unselfish” in their willingness to literally give a part of themselves so another person may live.

At second reading in the other place, members from all recognized parties spoke in support of the legislation. The debate was notably collaborative and non-partisan.

Members emphasized several important themes: first, that living donors deserve national recognition for their courage, generosity and sacrifice; second, that establishing a medal could help raise awareness about organ donation and encourage more Canadians to consider becoming donors; and third, that the legislation reflects core Canadian values — compassion, community and service to others.

Several members also highlighted the burdens often carried by living donors. Donation is not a simple procedure. Donors may face travel expenses, time away from work, lengthy recovery periods and emotional stress, all undertaken voluntarily to help another person.

For some donors, recovery can take weeks or months. For others, there can be long-term lifestyle impacts. Yet despite those challenges, thousands of Canadians continue to step forward.

One donor from Edmonton described donation as “something you do for family.” Another spoke about the emotional experience of seeing someone regain their life because of the donation. Those comments capture something important.

Living donation is deeply personal. In many cases, donors are helping loved ones, like parents, children, spouses or siblings. But many donors also step forward to help complete strangers through paired exchange programs or anonymous donation systems. That level of generosity is extraordinary.

Honourable senators, I was also struck by the number of organizations, advocates and community leaders who have voiced support for this initiative. The material supporting this legislation includes endorsements from transplant recipients, donor advocates and awareness organizations across Canada. Their message is consistent: Recognition matters — not because donors seek public praise but because recognition helps elevate public awareness and reminds Canadians of the importance of organ donation.

In fact, many living donors say very little about their donation experience publicly. They simply move forward quietly after changing another person’s life forever. That humility makes their actions even more remarkable.

Honourable senators, Parliament has long recognized Canadians who demonstrate courage, sacrifice and service to others. We recognize military service. We recognize acts of bravery. We recognize extraordinary contributions to public life and community service. Living organ donors, unquestionably, belong in that category.

These individuals voluntarily undergo invasive medical procedures — not for personal gain, not for recognition, but purely to improve the life of another person. That is an extraordinary act of humanity. And while this medal is symbolic, symbols matter. National honours matter. Recognition matters, particularly in a time when, too often, public discourse focuses on division and negativity. This bill instead highlights compassion, generosity and service to others. It reminds Canadians of the very best qualities within our society.

Honourable senators, another important aspect of this legislation is its potential to encourage conversations around organ donation.

Many Canadians support organ donation in principle, but far fewer take concrete steps to register as donors or discuss their wishes with family members.

Awareness remains one of the biggest challenges. If legislation like this helps even one Canadian learn more about organ donation, register as a donor or have an important conversation with their family, then it will have had meaningful impact.

The debate in the other place also touched on the broader need to continue improving organ donation systems in Canada. While provinces administer health care systems and transplant programs, Parliament still has an important role to play in supporting awareness initiatives, encouraging national collaboration and recognizing Canadians who make extraordinary contributions to the lives of others.

This bill fits squarely within that role. It does not create financial incentives for donation, commercialize organ transplantation or alter medical eligibility standards or transplant systems. Rather, it simply ensures that Canadians who demonstrate extraordinary compassion through living donation receive formal national recognition.

Honourable senators, there are many ways to contribute to society. Some contributions occur in public life. Some occur through military service, volunteerism or philanthropy. And some occur quietly, in hospitals, operating rooms and recovery wards, where one Canadian makes the decision to help another person live.

Those acts may happen quietly, but they should not go unnoticed.

By establishing a living donor recognition medal, Parliament would affirm that Canada values compassion, selflessness and sacrifice. We would recognize Canadians whose extraordinary generosity has given others a second chance at life.

At a time when so much of our public discourse focuses on division, this bill reminds us of something profoundly important: that there are Canadians willing to endure hardship, recovery and personal risk simply to help another person live. That is worthy of recognition. That is worthy of gratitude. And that is worthy of Parliament's support.

Honourable senators, I encourage all colleagues in this chamber to support Bill C-234 at second reading. Thank you.

**Some Hon. Senators:** Hear, hear.

(On motion of Senator Moncion, for Senator Kingston, debate adjourned.)

• (1720)

## THE SENATE

### MOTION PERTAINING TO THE SITUATION IN GAZA— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Woo, seconded by the Honourable Senator Dean:
>
> That, in light of findings and orders from the International Court of Justice and the International Criminal Court on the situation in Gaza, the Senate call on the Government to examine the risk to Canada and Canadians of complicity in violations of international humanitarian law, including war crimes, crimes against humanity and genocide, and to report on its findings within three months of the adoption of this motion.

**Hon. Leo Housakos (Leader of the Opposition):** Honourable senators, I would like to take the adjournment for the balance of my time.

(On motion of Senator Housakos, debate adjourned.)

(*At 5:22 p.m., the Senate was continued until Tuesday, June 2, 2026, at 2 p.m.*)

# CONTENTS

**Thursday, May 28, 2026**

PAGE

## SENATORS' STATEMENTS



## ROUTINE PROCEEDINGS



## ORDERS OF THE DAY



## QUESTION PERIOD

## CONTENTS

**Thursday, May 28, 2026**



## ORDERS OF THE DAY