SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

2nd SESSION • 43rd PARLIAMENT • VOLUME 152 • NUMBER 55

OFFICIAL REPORT
(HANSARD)

Monday, June 28, 2021

The Honourable GEORGE J. FUREY,
Speaker

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

THE SENATE

Monday, June 28, 2021

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

Prayers.

SPEAKER'S STATEMENT

The Hon. the Speaker: Honourable senators, last week, the Cowessess First Nation announced that 751 unmarked graves had been discovered on their land, many believed to be children who attended the former Marieval Residential School in Saskatchewan.

Coming on the heels of the earlier discovery in Kamloops, this horrific discovery reinforces the deeply disturbing legacy of Canada's residential school system, and further underscores the importance of reconciliation with our Indigenous peoples.

On behalf of all senators, I again express our shock, and our hopes and prayers for the memory of the children, and for peace for their families and all those who have had their lives tragically affected by residential schools.

I now invite all honourable senators to rise for a minute of silence in their memory.

(*Honourable senators then stood in silent tribute.*)

SENATORS' STATEMENTS

MARIEVAL INDIAN RESIDENTIAL SCHOOL

REMAINS OF INDIGENOUS CHILDREN FOUND

Hon. Marty Klyne: Honourable senators, I am speaking to you from Regina, Saskatchewan within Treaty 4 territory, the homeland of the Métis Nation.

The confirmation of hundreds of victims at Cowessess brings another reckoning for our country. After Kamloops, Canadians must again face the truth and decide how to respond. We know this may only be the beginning, and based on the Truth and Reconciliation Commission's report, we should not be surprised.

I came across an article in the Friday, June 25, 2021, edition of the *Regina Leader-Post* entitled "Sask. First Nations brace for residential school discoveries after Cowessess findings."

The opening paragraph reads:

> After the heart-rending discovery of hundreds of unmarked graves at the former site of the Marieval Indian Residential School, other First Nations investigating nearby residential schools are bracing for their own encounters with long-buried tragedy.

Colleagues, there are no fewer than 15 schools in Saskatchewan that fall under the Indian Residential Schools Settlement Agreement. The opening and closing dates span over a period from 1860 to 1998.

At Cowessess, the Catholic Church operated the Marieval Indian Residential School, also known as Grayson, starting in 1898. The federal government began funding the school in 1901 as a state assimilation program. Indigenous children at Marieval faced coerced separation from their parents in an attempt to eliminate a culture, ceremony and language. In this attempt, many children will have died from neglect, overwork, and disease and dangerous conditions.

At Cowessess, the grave markers are thought to have possibly been bulldozed by a priest in the 1960s. Today, they are working to identify the people in the graves and protect the site as a place of healing and memorial. A vigil took place this past Saturday.

When reflecting and praying for the lost children, we must be mindful to acknowledge and honour the survivors. We also need to use the truth to change and grow as a federation of nations. As legislators, we need to keep the children in our hearts.

As Chief Cadmus Delorme said on Thursday:

> Canada, one day, hopefully when my 4-year-old is old, will have reconciliation through and through, through the spirit and intent, so Indigenous people in Canada can thrive on this land together.

I'd also like to quickly quote something that was shared with me from the Living Hope Alliance Church in Regina, and it says:

> To our First Nation, Metis and Inuit neighbours, as Lead Pastor of Living Hope and Moose Jaw Alliance Church, I say that I'm sorry for the indifference we've shown and the hurt the church has inflicted on you. I'm sorry we did not stand with you in the face of injustices both past and present. We desire to change. . . . We ask your forgiveness and desire reconciliation and desire to stand with you today.

I hope that we can all do that, colleagues.

Thank you. *Hiy kitatamîhin*.

[*Translation*]

STANLEY CUP FINALS 2021

Hon. Leo Housakos: Honourable senators, last Thursday, June 24, was a day of celebration, not just because it was Saint-Jean-Baptiste Day in Quebec but especially because the Montreal Canadiens won a historic victory. That win was not just for the people of Montreal and Quebec but for all Canadians.

[*English*]

Nothing brings us together from coast to coast to coast more than our passion for hockey. After all, this good old hockey game is the best game in the world, and it is our game, colleagues.

There hasn't been a Canadian team in the NHL Stanley Cup finals in a decade, and even sadder, there hasn't been a Stanley Cup winner in Canada since 1993 when none other than your beloved former colleague, the coach himself, senator Jacques Demers guided the Montreal Canadiens, or the Habs, to their last Stanley Cup championship.

There are many of us old enough to remember the glorious 1970s, 1980s and 1990s with fondness, when Stanley Cup parades were almost a regular occurrence on Sainte-Catherine Street in Montreal. Unfortunately, there is a whole generation of Canadians, fans right across Canada like my own two sons, who have never experienced the excitement of a Stanley Cup parade.

After defying the odds throughout the playoffs, including a game six win over the Vegas Golden Knights, the Canadiens will now focus on bringing hockey's Holy Grail back over the border for the first time since 1993 — 28 years ago.

This year also marks the twenty-fifth anniversary of the closing of the storied Montreal Forum.

• (1410)

[*Translation*]

Today, we want to congratulate the Habs, their team captain Shea Weber, Carey Price and all the players, coaches and managers for their great performance in the playoffs, which re-energized Montreal, Quebec and all of Canada. We wish the Habs all the best. Bring the Stanley Cup back home, boys. Thank you, honourable senators.

Hon. Senators: Hear, hear!

[*English*]

AIR INDIA FLIGHT 182

Hon. Ratna Omidvar: Honourable Senators, I rise five days too late to mark the downing of Air India 182 on June 24, 1985, over the coast of Ireland. I want to thank Senator Simons for her timely statement on the tragedy last week, but I want to add to her comments for reasons that I hope you will agree with.

This was the largest single terrorist attack on Canadians — in a sense our own 9/11. But we do not think of it in that way, neither do we mark it that way. So I will take every opportunity every year, along with others in the chamber, to remind us of it.

All 329 passengers on board were murdered, including 82 children, 6 babies and 29 entire families. Two children not on board lost both parents, making them orphans in a few minutes.

In the ensuing months and years, there was confusion. Former Prime Minister Mulroney offered his condolences to then-prime minister Rajiv Gandhi, when in fact it should have been the other way around. It was only in this 2005, a full 20 years later, when former prime minister Paul Martin finally claimed this tragedy as our own collective tragedy when he said:

> Make no mistake: The flight may have been Air India's, it may have taken place off the coast of Ireland, but this is a Canadian tragedy.

An inquiry led by a former Supreme Court justice concluded that a cascading series of errors, and a turf war among the Government of Canada, the RCMP and CSIS failed to prevent an attack that was indeed preventable.

It has taken us many years to come to grips that this was a terrorist attack perpetrated on Canadians. Many of us wonder what our reaction would have been if those 82 children had been blonde-haired and blue-eyed little boys and girls.

This past weekend, I visited the lonely Air India memorial in Humber Bay Park in Toronto. I ran my hands and fingers over the names etched into the grey marble and sent up a silent prayer for all those we lost. I also sent up a prayer for Canada, that before we celebrate multiculturalism, we need to do the hard work of living it. Whether we are hyphenated Canadians or not, we are all Canadians. That may be a thought worth remembering this Canada Day. Thank you.

[*Translation*]

STANLEY CUP FINALS 2021

Hon. Jean-Guy Dagenais: It may seem as though Senator Housakos and I talked beforehand about what we were going to say, but that is not the case.

Honourable senators, I did not think that I would rise to speak again before the summer recess, but what can I say? I am just so happy and excited right now.

For the first time since 1993, the Montreal Canadiens have made it to the Stanley Cup finals and, if the armchair quarterbacks are to be believed, a Canadian team may take home the prestigious trophy this year.

The last Canadian team to make the Stanley Cup finals was the Ottawa Senators in 2007. However, it has been 28 years since any Canadian team has hoisted the Stanley Cup, even though hockey is unquestionably our national sport.

Many of the new senators never had the chance to get to know Senator Jacques Demers, who served in this chamber for a number of years. He was the coach of the last Canadian team to win the National Hockey League championship and he was very proud to wear his famous 1993 Stanley Cup ring.

It is sad that, because of his current state of health, he is unable to enjoy first-hand the frenzy that has taken over Montreal, Quebec and Canada.

The current enthusiasm for hockey gives me an opportunity to remind you that Jacques Demers was not the only senator in this chamber who won a Stanley Cup. We also had the pleasure of serving with Senator Frank Mahovlich, who was appointed by the Honourable Jean Chrétien in 1998. Senator Mahovlich was a proud member of the Senate for 15 years.

Senator Mahovlich won six Stanley Cups during his hockey career, four of them with the Toronto Maple Leafs in 1962, 1963, 1964 and 1967. He was actually on the team the last time Toronto won the cup, in 1967. Frank Mahovlich went on to win two more Stanley Cups, in 1971 and 1973, as a proud member of the Montreal Canadiens alongside his brother Pete.

Hockey can help the vast majority of Canadians forget about a lot of things: politics, economic woes and even COVID-19. All those worries seem miles away when casual viewers transform into diehard fans. Some might forget or even disavow their early-season predictions. To be blunt, nobody thought the Montreal Canadiens had a chance.

I won't move a motion, but with the first game just hours away, I sincerely hope that all senators here will join me in wishing the Montreal Canadiens the best of luck. Here's hoping we'll be able to spend the summer celebrating the return of the symbol of hockey supremacy, the Stanley Cup, to our great land.

Have a great evening, everyone.

Some Hon. Senators: Hear, hear.

[*English*]

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 21, 2021, at 2 p.m.

QUESTION PERIOD

PUBLIC HEALTH AGENCY

NATIONAL MICROBIOLOGY LABORATORY

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, a couple of weeks ago I asked you how much further the Trudeau government would go to hide what it knows about the national security breach at the Level 4 lab in Winnipeg. Now we know the answer, leader. The government of Trudeau has defied four orders of the other place to provide the uncensored documents, and unbelievably, now the Trudeau government has taken the unprecedented action of suing the Speaker of the House of Commons, taking him to court to keep the documents sealed.

Leader, first you told us the documents couldn't be released due to privacy concerns. Then it was security concerns. Now your government is taking the unprecedented step of suing the Speaker of the House of Commons. How can you defend the Trudeau attack on our Parliament? What, leader, are you so desperate to hide?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As I said on a number of occasions, and I will repeat again, there were a number of considerations that led the government to resist the wholesale disclosure of those documents. They included privacy concerns — and I won't repeat that — and national security concerns.

The government has nothing to hide. The government is committed, however, to protect Canadian national security by not irresponsibly revealing the ways in which our security forces operate, their sources and the like. That is why the government offered to share these documents with the committee of parliamentarians set up for that purpose. It also offered to share them with the law clerk in the presence of national security experts. It is taking this step to go before the Federal Court — a court that, in our legal system, has jurisdiction over national security matters and judges with security clearance to deal with that — to make sure that our national security is not put in jeopardy because of the request for unredacted documents.

• (1420)

Senator Plett: It was not only a request, it was an order by the Speaker of the House of Commons. Are you suggesting that the Speaker is irresponsible?

The last time the Trudeau government didn't want to provide documents requested by parliamentarians was over the WE scandal, and we all know what the government did: they prorogued Parliament. Leader, if the Federal Court refuses your government's request — and I sincerely hope that they will — will the Trudeau government keep taking extraordinary steps to hide these documents from Canadians? Will your government finally hand them over as they should have done weeks ago, or will they call an election to hide this again, leader? Which is it?

Senator Gold: It is none of the above. The fact is, the Government of Canada is not hiding documents. It is making sure that the documents it provides to Parliament are properly redacted and vetted to ensure our national security is not put into jeopardy.

CROWN-INDIGENOUS RELATIONS

TRUTH AND RECONCILIATION COMMISSION— IMPLEMENTATION OF CALLS TO ACTION

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is also for the government leader in the Senate.

On Thursday, the Cowessess First Nation in Saskatchewan revealed that it had found an estimated 751 unmarked graves on the grounds of a former Indian residential school. This follows the announcement last month of the remains of 215 children at the site of a former residential school outside Kamloops, B.C. I know that all honourable senators join together to express our sympathies for the pain and sorrow being experienced by the survivors of Indian residential schools and for the families of the missing.

Leader, the Truth and Reconciliation Commission's Calls to Action 71 to 76 deal specifically with missing children and burial information. What is your government's comprehensive plan to implement these Calls to Action, and how quickly will you put them into place?

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada and all Canadians mourn and deplore the most recent discovery in Cowessess of these unmarked graves.

This government continues to take steps to put into motion the Calls to Action, most recently with the passage of Bill C-15, which is a major step in that direction. As you know, the government has offered its support to Indigenous communities across this country, who can take the lead in discovering and determining the sites where others may be buried and their identities. The government has also, in very strong terms, called upon the Catholic Church to provide all documents and has urged it to do so in order for the facts to be revealed. As you know, Minister Bennett has met with representatives of the Catholic bishops to do the same. The government is working with Indigenous communities in this tragic circumstance to do all that it can to assist those communities in this regard.

Senator Martin: Speaking of Minister Bennett, the Union of British Columbia Indian Chiefs and the Assembly of Manitoba Chiefs have both called upon the Minister of Crown-Indigenous Relations to resign over a text message she sent to her colleague in the other place, former minister of justice Jody Wilson-Raybould.

The Prime Minister defended Minister Bennett and said that he knows her heart. However, as the Union of B.C. Indian Chiefs said, "Now is not the time for promises to do better." If Indigenous groups no longer have confidence in the Minister of Crown-Indigenous Relations, why should the Prime Minister?

Senator Gold: Minister Bennett apologized, and properly so, for the ill-advised text. Minister Bennett has also worked tirelessly and with great devotion to the cause for which she is responsible, and she will continue to do so as a member of this government.

[*Translation*]

JUSTICE

REMOVING ILLEGAL ONLINE CONTENT

Hon. Julie Miville-Dechêne: My question is for the Government Representative in the Senate.

Last Wednesday, at the very end of the session, the Minister of Justice introduced a bill to combat online hate.

Imagine the disappointment of the many victims of porn sites who were expecting the government to address the non-consensual distribution of intimate images and child pornography.

Notably, over six months ago, in the wake of the Pornhub scandal, Minister Guilbeault promised that he would introduce a bill to that effect in the winter or spring so that the government, and not the victims, could take on the responsibility of having these illegal images removed from the internet.

Why are we left with this gaping hole in the bill?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, honourable senator.

There are a number of important priorities that the government wanted to move forward with, but that didn't progress as quickly as it had hoped they would. I know that all senators are ready and eager to get to work on these bills.

The Minister of Justice and the Minister of Canadian Heritage both worked on drafting a bill to better protect Canadians against online harm and hate.

The Minister of Justice tabled Bill C-36 on hate propaganda, as you've mentioned, and the Minister of Canadian Heritage is drafting a bill to make online platforms accountable, while requiring them to monitor and delete illegal and harmful content, including content showing child sexual exploitation.

The Canadian government remains committed to advancing the work on these important questions.

Senator Miville-Dechêne: Senator Gold, it has been six months since the Pornhub scandal first broke, and no criminal proceedings have been brought against a major porn site headquartered in Montreal, despite the growing number of devastating first-hand accounts from victims. Yet Minister Lametti has said repeatedly that we have all the tools needed to take action under our Criminal Code.

Just recently in the United States, last Friday in fact, the Texas Supreme Court ruled that Facebook can be held liable for child sex trafficking. So why are Canadian victims being left to fend for themselves?

Senator Gold: Thank you for the question, senator.

We do have tools, in the Criminal Code, along with well-established processes under which complaints and legal proceedings must be initiated by Crown prosecutors at the provincial level before eventually requiring a court hearing.

It takes time, but all I can say is that the court system is accessible. It's frustrating, undoubtedly, but the judicial process is slow.

[*English*]

CITIZENSHIP, IMMIGRATION AND REFUGEES

BRIDGING OPEN WORK PERMIT

Hon. Ratna Omidvar: Honourable senators, my question is for the Leader of the Government in the Senate. Senator Gold, I think we all understand how class shapes and limits opportunities for people, and our immigration system is no exception to this. The Ministry of Immigration, Refugees and Citizenship recently announced new permanent residency spots for 90,000 foreign workers: health care and essential occupations, such as farm workers and international students. But now we are finding out that only the elites — in this context, skilled workers and international students — can apply for bridging work permits that enable them to work while their applications are being processed. This route is not open to so-called "low-skilled" foreign workers, many of whom we now know are essential. The result is that poor people are impoverished even further.

Senator Gold, I provided your office with advance notice of this question. I hope you can tell me that the government has decided to reverse course and provide bridging permits to migrant workers so they can continue to work while waiting for their applications to be processed.

• (1430)

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question and for the advance notice.

As the Government Representative in the Senate, I have made inquiries but have not yet received an answer. The government is aware, of course, of the extraordinary contribution of newcomers to our country, regardless of their skills and the areas in which they work. The pandemic has thrown into sharp relief those contributions, whether it's in our agricultural sector, hospitals or old age homes. As soon as I have an answer, I would be happy to report back.

Senator Omidvar: Senator Gold, I would like to focus on caregivers. There are various streams for processing applications for caregivers, but they have been bedeviled by delay upon delay. In April of this year, the ministry decided to prioritize the processing of caregivers for 6,000 spots. That was in April, and now we are in June. My social media feed is somewhat overwhelmed by questions from foreign caregivers. Could you tell me how many applications have been processed to date?

Senator Gold: Thank you for your question, senator. The government is well aware that caregivers have been particularly affected by the international travel restrictions that were put in place during this pandemic. I've been advised that this year Canada has already welcomed over 100,000 new permanent residents. However, I do not have a specific number for caregivers. That said, the government does plan to make at least 1,500 first-stage decisions on applications for the Home-Child Care Provider Pilot and Home Support Worker Pilot by the end of this month, June 2021.

INTERNATIONAL TRADE

FORESTRY SECTOR

Hon. Robert Black: Honourable senators, my question is for the Government Representative in the Senate. I rise today to highlight the recent attempt to restrict forest exports from Canada by legislatures in California and New York. Certainly the forest sector is an important part of Canada's economy and a key source of prosperity for people and communities from coast to coast to coast.

According to Natural Resources Canada, about 205,000 people work in the forest sector, including approximately 12,000 Indigenous people. The forest sector contributed $23.7 billion to Canada's GDP. Canada is a global leader in the production of many forest products, including softwood lumber, wood pulp and wood pellets. In fact, over two thirds of Canadian forest products are exported, and the U.S. is our largest trading partner.

Honourable senators, these new efforts ultimately pose a real and deliberate threat to Canada's reputation, customer relationships, our ability to deliver on environmental and economic objectives and the confidence people should have in products being sourced from Canada. Most concerning, these bills could set a dangerous precedent for other states and governments to advance non-tariff trade barriers if successful.

Senator Gold, what is the government doing to protect both our domestic forest industry and the over 200,000 Canadians and families who rely on this industry?

Hon. Marc Gold (Government Representative in the Senate): Thank you, honourable senator, for raising this question. As you point out, forestry is an important industry, especially, though not exclusively, in the province of Quebec, which I represent. The government is certainly concerned with the government procurement bills on forest products that are currently before the New York and California legislatures. I've been advised that the government has been working with the provinces and with industry to meet frequently with both New York and California state governments to register our concerns and Canada's objections to their proposed bills.

Canada, as you know, is a world leader in sustainable forest management, with our legislative framework monitoring and enforcing structures across this country. The government will continue to work with communities, industry, provinces and territories to protect our industry and sustainably manage our forests.

CANADA MORTGAGE AND HOUSING CORPORATION

NATIONAL HOUSING STRATEGY

Hon. Dennis Glen Patterson: Senator Gold, as you know, housing is a major concern in the North. In Nunavut, I have had many people bring to my attention the skyrocketing insurance premium rates that many condominium owners are facing. One condo corporation is paying $95,000 per annum while another has been quoted $140,000 per annum. These are small corporations with only 10 to 25 units.

These costs on top of their mortgage and other home-related costs have led to some condo corporations foregoing insurance due to its lack of affordability. One condo corporation reported they haven't had insurance for over two years. This is both illegal and unsafe. Condos are a low-barrier entry point into home ownership, and not solving this issue could effectively eliminate an entire housing model from Nunavut's housing continuum.

Senator Gold, will your government step in with a stopgap measure to address this immediate crisis facing Nunavut's condo owners?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for raising this important issue, senator. It is my understanding that the question of insurance and insurance premiums are within territorial and provincial jurisdiction. But, thanks to your advance notice, I've made some inquiries with the government and I can offer the following.

First, the government is paying attention to the many different features that make life in Northern Canada so much more expensive than it is here in the South. For example, Budget 2021 proposes to expand access to the travel component of the northern residents deduction. Northerners without employer-provided travel benefits would be allowed to claim up to $1,200 in eligible travel expenses starting with the 2021 tax year. So, while it is the case that housing insurance is not within the federal government's purview, the government is committed to doing what it can to make life in the North more affordable.

Senator Patterson: With all due respect, Senator Gold, condo owners are having to abandon their investments and enter public housing because it was simply easier than fighting the insurance companies. Canada does have an interest and jurisdiction in this area, since the Canada Mortgage and Housing Corporation insures these mortgages, and they will ultimately be stuck with these units that can't be sold now because they are not insurable. There is an investment in the affordable housing stream delivered by CMHC through the National Housing Strategy with an allocation for Nunavut that is meant to support affordable housing solutions like this and support for at-risk populations.

So I'm asking and suggesting, Senator Gold, that CMHC should use some of the funds at its disposal in the affordable housing stream of the National Housing Strategy for Nunavut to provide a short-term solution to the immediate issue facing Nunavut condo owners, many of whom, by the way, are Inuit families with small children and single-income households.

Senator Gold: Senator, I will certainly take your suggestions seriously and convey them to the government.

It is important to note that, in addition, Budget 2021 delivers significant new support for housing in Nunavut: $25 million to be invested in immediate projects that this year alone will result in 100 new housing units. Nunavut will benefit from the $2.5 billion in new funding through the Canada Mortgage and Housing Corporation and the $4.3 billion for distinctions-based Indigenous community infrastructure, in addition to the over half a billion dollars the government is already investing to address housing needs across the territory, and $400 million in distinctions-based funding for Inuit-led housing in the Inuit Nunangat. I have been advised that details on how to apply to the various programs will be made available in the near future and, of course, the government hopes to see the Budget Implementation Act, Bill C-30, passed very soon.

HEALTH

MANDATORY QUARANTINE

Hon. Donald Neil Plett (Leader of the Opposition): Leader, I'm sure you'll be happy to see that I'm returning to questions about vaccines and quarantines. I'm sure you've missed them.

I want to return to the recent questions posed to you about Canadians entering the United States without quarantine once border restrictions are lifted.

Leader, on June 4, the U.S. Food and Drug Administration stated:

> Individuals who have received one dose of Pfizer-BioNTech [or Moderna] COVID-19 Vaccine should receive a second dose of [the same] . . . Vaccine to complete the vaccination series.

The U.S. Centers for Disease Control has issued a similar statement, as I mentioned previously.

• (1440)

Leader, you said last week that you would make inquiries, and I think I asked that we have an answer this week. I'd like to know what you found out, because there are people all across Canada who will want to know the answer to this question: Will the

United States allow Canadians who are vaccinated with two different mRNA vaccines to enter their country without quarantine, yes or no?

Hon. Marc Gold (Government Representative in the Senate): Senator, I have made inquiries, but I have not received the answer. I understand the preoccupation and the concerns of Canadians.

According to the Canadian health advice the government is getting, the use of Pfizer and Moderna, to cite the two vaccines, is a safe and efficient way to maximize our protection, so I encourage Canadians to take that option if it is offered to them. The Government of Canada is in constant contact with its counterparts in the United States on those and border issues more generally, and they will continue their discussions. As soon as I have an answer, I'll report back.

Senator Plett: Leader, I'm happy you think it is acceptable to have those two different doses and you think it's perfectly safe. Unfortunately, the United States of America doesn't seem to agree with you, and that's the important issue here.

Leader, both Senator Marty Deacon and I have raised with you whether Canadians who received the AstraZeneca vaccine will be permitted to enter the United States without quarantine. Ten days ago, the Prime Minister acknowledged that this issue was not resolved.

Leader, would the Prime Minister have time to come out of his cottage and answer this question for the Canadians who received AstraZeneca? Do you have an answer, or would the Prime Minister provide us with one?

Senator Gold: Senator, I don't have an answer to that question. Again, these are matters that the government is pursuing with its counterparts in the United States. When that has been resolved between our two sovereign governments, the answer will be shared with Canadians.

NATURAL RESOURCES

SUPPORT FOR ENERGY SECTOR

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, this is a question regarding the energy sector. It is directed to the government leader in the Senate.

In its 2019 federal election platform, the Liberal Party promised it would:

> . . . ensure energy workers and communities can shape their own futures by introducing a Just Transition Act, giving workers access to the training, support, and new opportunities needed to succeed in the clean economy.

Clearly, leader, the Trudeau government abandoned this promise, like many other promises. Could you tell us why?

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada is committed to assisting Canadians, industries, and provinces and territories in effecting a transition from our current reliance upon fossil fuels to a cleaner, more sustainable economy. In that regard, it has provided and will continue to provide support to industries so they can transition to a cleaner way of exploiting our natural resources and to workers for retraining. It's working with provinces, territories and governments, and it will continue to do so.

This is necessary for Canada's well-being and the well-being of our children and our grandchildren.

Senator Martin: I know your words are saying that the government supports the energy sector, the hundreds of thousands of workers, but we have yet to see the kind of support that has been promised. That legislation is nowhere to be found.

Also, throughout the pandemic, we know they didn't receive the kinds of support, financially or otherwise, that they deserve.

Leader, what does your government's failure to bring forward that legislation say to Western Canadian energy workers and their level of importance to this government?

Senator Gold: Senator, I disagree that the government has not been providing support. It is a fact of life that one can often complain about the levels, the nature or the extent of support, but the government has provided support to the energy sector and to Canadians who work in it throughout this pandemic.

The fact remains that in the environment we're in, including a minority Parliament, it is not always possible for things to advance in a way that would be necessarily desired. The government remains committed to working in that area, as in others, in the best interest of Canadians.

INTERNATIONAL TRADE

COUNTRY-OF-ORIGIN LABELLING

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, it's amazing how many questions one can get in when you don't get answers.

Here is my question again, leader. In 2008, when the United States implemented mandatory country-of-origin labelling on beef and pork products, both the Canadian and American livestock industries took a hit due to the highly integrated nature of the North American supply chain.

The previous Conservative government consistently fought against this protectionist measure at the World Trade Organization, and the World Trade Organization ruled against the U.S. four times. In recent weeks, however, there has been talk in the United States of bringing back this harmful policy, with the U.S. Secretary of Agriculture saying earlier this year that he would work to advance country-of-origin labelling.

Leader, how exactly will your government stand up for Canadian livestock producers and push back against any attempts by the U.S. to bring back country-of-origin labelling?

Hon. Marc Gold (Government Representative in the Senate): This government, like previous governments, stands up for Canadian industries. We have stood up to the United States using various mechanisms available, whether through the World Trade Organization, the procedures under our bilateral agreements or otherwise. This government, like governments before it, will continue to do so.

Senator Plett: Thank you. We've seen exactly how this government stands up for Canadian industries, such as the energy sector, or the livestock and grain sectors, with their carbon tax.

Leader, our livestock producers are right to be concerned about a return to country-of-origin labelling and about how the Trudeau government will stand up for them. The Biden administration is taking trade action against our dairy farmers, and it intends to more than double the duties on our softwood lumber. If the Trudeau government has plans to deal with these issues, we haven't seen them.

Keystone XL is now officially cancelled, leader, and the Trudeau government couldn't care less. The Trudeau government also waited until the last minute to defend Line 5 in U.S. Federal Court.

Leader, if the Americans try to bring back country-of-origin labelling in any form, mandatory or voluntary, will your government put up more of a fight than it has in any of the other disputes with the U.S., or should we expect more of the same?

Senator Gold: Senator, thank you for your question. The heart of your question is legitimate, though, unfortunately, you continue to wrap it in partisanship.

The American administration, like every American administration, previous and current, takes steps to protect its industries. This government, like previous governments, takes steps to defend our industries. Our government, the Government of Canada that I have the privilege of representing, has taken forceful steps in the face of former President Trump's outrageous actions against our aluminum industry and will do so regardless of the administration in the United States. The Government of Canada has a responsibility to its citizens and its industries, and it discharges and will continue to discharge that responsibility forcefully and with diligence.

That it does not necessarily share in this chamber or other venues the behind-the-scenes strategies — legal, political and otherwise — is a matter of smart, prudent management of our industries. This government will continue to do so in the best interest of Canadians.

• (1450)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding with Orders of the Day, I would remind senators who are not in the Senate Chamber to avoid shouting when on Zoom. If you wish to call for the question, please unmute and say so clearly and raise your hand promptly if not heard. Shouting can cause health and safety issues for our interpreters and others who are on the Zoom call, and it can also create confusion. Thank you once again for your assistance.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(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: second reading of Bill C-30, followed by second reading of Bill C-12, followed by second reading of Bill C-10, followed by second reading of Bill C-6, followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

BUDGET IMPLEMENTATION BILL, 2021, NO. 1

SECOND READING

Hon. Lucie Moncion moved second reading of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures.

She said: Honourable senators, I rise today to introduce Bill C-30, the Budget Implementation Act, 2021, No. 1. I'm proud that for the first time in the history of Canada, a woman finance minister introduced this fundamental legislation. I'm also proud to stand here today, as a woman, sponsoring this bill in the Senate. We must acknowledge these moments in our history and be grateful for the progress of women's equality in Canada.

Some Hon. Senators: Hear, hear!

Senator Moncion: This bill has many measures that will help women recover from the pandemic and provide them with the opportunity to fully participate in the economy for years to come.

This bill enables the government to move forward with selected measures from Budget 2021, to continue its response to the COVID-19 pandemic and manage the economic recovery.

[*Translation*]

Budget 2021, which was presented on April 19, is a blueprint for how the government wants to set the annual economic agenda. The budget sets out the plan for a greener, fairer and more prosperous economic recovery for all Canadians.

This plan includes many important measures that reflect our country's common economic and social foundations. It addresses the challenges we face and sets out our vision for the future.

A number of the proposed measures have a longer and broader scope, meaning that they will carry over to the next fiscal years. For example, the budget proposes the creation of a Canada-wide early learning and child care system, investments to reduce greenhouse gas emissions, an increase to Old Age Security to help seniors, and extended measures to help businesses. These measures reflect Canadians' current aspirations, and Bill C-30 is a first step towards implementing this ambitious plan.

The recession caused by COVID-19 has disproportionately affected certain Canadians, including low-wage workers, young people, women and racialized people.

For businesses, it has been a two-speed recession, with some finding ways to prosper and grow but many others, especially small businesses, fighting to survive.

[*English*]

The measures included in Bill C-30 seek to address difficulties the COVID-19 recession has created for Canada, to support individual Canadians and to put measures in place to help businesses return on a path of long-term growth.

Honourable senators, the government is confident that the spending in the budget is reasonable and sustainable. They have pointed to a couple of key markers outlined in the budget. The first is that the budget shows a declining debt-to-GDP ratio, falling to 49.2% in 2025-26. Second, there is a declining deficit, falling to 1.1% in the last year.

Outside validators have also weighed in and said the budget is sustainable. On April 26, Standard & Poor's credit agency reaffirmed Canada's AAA credit rating, the highest there is, and said the outlook was stable. Also, former Bank of Canada governor Steven Poloz, who was appointed by the previous prime minister, said that in his view the assumptions in the budget were actually small-c conservative and he believed there was a sustainable path forward.

The budget not only provides a sustainable path forward, but important economic growth. The budget provides prudent growth projections based on the average of private-sector economic forecasts. The use of these indicators is a long-standing practice that dates back to 1994. Further, a recent report by the PBO found that the budget measures:

> . . . will provide a temporary boost to real GDP growth in 2021 and 2022. By the end of 2025, we estimate that Budget 2021 measures will increase employment by 89,000 net new jobs.

[*Translation*]

First, we know that to revitalize Canada's economy, Canadians must be vaccinated. Vaccination campaigns are accelerating across the country. There is a glimmer of hope and optimism after a difficult year marked by many sacrifices.

To support these efforts, Bill C-30 proposes a one-time payment of $1 billion to the provinces and territories to reinforce the rollout of vaccination programs. The federal government's efforts to procure vaccines together with planned investments will make it possible for Canadians to kick-start the recovery with confidence.

Despite the progress being made with vaccinations, the COVID-19 pandemic continues to put significant pressure on health care systems across the country, and Canadians have urgent health care needs.

Bill C-30 proposes to contribute $4 billion through the Canada Health Transfer to help the provinces and territories address immediate pressures on the health care system.

These amounts are in addition to the federal government's investments in health care systems from the beginning of the pandemic, including the $13.8-billion envelope for health under the Safe Restart Agreement. This additional funding will help health care systems provide Canadians with the health care they need and address the backlog of medical procedures.

[*English*]

Bill C-30 also includes more than $2.9 billion in initial funding for potential agreements with provinces and territories to support the government's commitment of $30 billion over five years to provide high-quality, affordable and accessible early learning and child care across Canada.

As noted by economist Armine Yalnizyan, the pandemic is a "she-cession." After 15 months of the pandemic, women have accounted for 66% of Canada's job losses and have borne the brunt of increased costs. This was due to the rise of unpaid work as a result of school closures and the loss of services in the early learning and child care sector.

The government wants to support economic growth for women and families and child care can help lift them up from these difficult times. The government plans, within five years, to provide families everywhere in Canada with access to high-quality early learning and child care for an average of $10 a day.

The funding included in Bill C-30 kicks off a system that would work for families across the country, since quality early learning and care provide many social and economic benefits. A Conference Board of Canada report showed that for every dollar spent on early childhood education programs, the economy gets about $6 worth of economic benefits in return.

For children, the benefits are immeasurable. The *Early Childhood Education and Care: Next Steps* report from the Senate's Social Affairs Committee found that the earliest years for children are pivotal to a child's growth and development, and providing high-quality education and care provides that head start.

The chair of that report, our former colleague Senator Art Eggleton, used to say it more succinctly: "Study after study confirms that children who arrive at school ready to learn become adults prepared to succeed."

• (1500)

[*Translation*]

The Province of Quebec has been a leader in this regard, blazing the trail for the rest of Canada. The federal government's decision to get involved is timely and addresses a long-standing problem the pandemic forced to the forefront. COVID-19 exposed the fact that, without child care, parents, typically mothers, cannot work outside the home. COVID-19 exacerbated the situation and showed us just how serious this economic and societal issue is.

The government's plan to set up an early learning and child care system will help increase parents', and especially mothers', labour force participation. It will also create jobs for child care workers, more than 95% of whom are women, and give all children in Canada a solid foundation for a better future.

[*English*]

Colleagues, Budget 2021 and Bill C-30 contain measures to ensure that jobs come roaring back and hard-hit businesses can rebound as quickly as possible. The government, through Budget 2021, has committed to create nearly 500,000 new training and work opportunities for Canadians. As part of Bill C-30, the government is also proposing to extend existing supports for Canadians and Canadian businesses to help them through the third wave of the virus and towards recovery.

[*Translation*]

To date, the Canada Emergency Wage Subsidy has helped more than 5.3 million Canadians keep their jobs. A total of $81 billion has been paid out to 440,000 businesses. The Canada Emergency Rent Subsidy and Lockdown Support have helped more than 190,000 businesses with $4.14 billion in subsidies to help them pay their rent, their mortgage and other expenses. The wage subsidy, the rent subsidy and Lockdown Support were supposed to end in June 2021.

However, it's clear that the impact of the third wave and extended closures calls for the extension of these programs to keep businesses afloat during this time of grave economic uncertainty. Bill C-30 extends these measures until September 25, 2021, providing an additional $12.1 billion in support.

[*English*]

Bill C-30 also proposes to provide a bridge for people who are still unable to work by maintaining flexible access to EI benefits for another year until the fall of 2022. The government is also proposing to extend the number of weeks available for important income supports such as the Canada Recovery Benefit and the Canada Recovery Caregiving Benefit.

The Canada Recovery Benefit was created to support Canadians not covered by EI. Nearly 2 million Canadians made use of the program, with over $19 billion in financial aid. Bill C-30 would provide for an additional 12 weeks of benefits for Canadians.

This legislation would also extend the Canada Recovery Caregiving Benefit for an additional 4 weeks to a maximum of 42 weeks. It would also maintain the $500-per-week benefit in the event that caregiving options, particularly for those supporting children, are not sufficiently available as the economy begins to safely reopen. This income support has already helped nearly 420,000 Canadians, with $2.6 billion in payments.

The government has also committed through Bill C-30 to better support Canadians suffering from illness or injury beyond the existing pandemic supports by extending EI sickness benefits from 15 to 26 weeks. This extension, which would take effect in summer 2022, would, every year, provide approximately 169,000 Canadians with additional time and flexibility to recover and return to work.

[*Translation*]

Colleagues, in this budget, the government is committing to increase prosperity for Canada's middle class and improve equality of opportunity. In Canada, low-income workers are among the hardest hit by the pandemic. Over the past year, they have faced a high risk of infection and many of them have lost their jobs. These workers were the backbone of the Canadian economy during this time of great turmoil, and their many sacrifices made it possible to continue to provide Canadians with essential goods and services.

However, many of these workers live below the poverty line despite the fact that they work full time. Such injustices and inequities have no place in a privileged country like ours. The government is proposing to address this problem by expanding the Canada workers benefit, investing $8.9 billion over six years to provide additional support for low-income workers. That amount will provide a supplementary income to approximately one million additional workers and will help lift 100,000 Canadians out of poverty. Bill C-30 also provides for a federal minimum wage of $15 an hour, which will benefit over 26,000 workers.

[*English*]

Young people were among the hardest and fastest hit when the pandemic struck, experiencing more job losses than any other demographic. The government is committing to putting young people at the centre of Canada's economic recovery, not only to help them rebound today but to invest in their future success and the future stability of our economy.

The government's commitment to young Canadians is one of the largest plans in the world, totalling $13.1 billion over six years. This includes supporting Canadians in making college and university more accessible and affordable. To achieve this, Bill C-30 would extend the waiver of interest on federal student and apprentice loans to March 2023. Waiving the interest on student loans for one additional year will provide savings for the approximately 1.5 million Canadians repaying student loans.

At the other end of the age spectrum, no one has suffered more devastating health impacts than seniors these past 15 months. Older Canadians have also faced additional economic burdens as they took on extra costs to stay safe. Even before the pandemic, many seniors were relying on monthly benefits to make ends meet. As seniors get older, they tend to have lower incomes and often face higher health-related expenses because of the onset of illness and/or disability. This vulnerability is further compounded by a reduced ability to supplement income with paid work, the risk of outliving savings and the risk of becoming a widow or widower.

A recent report from the Canadian Centre for Policy Alternatives also showed that certain seniors are hit harder than others as they age. The report shows that Indigenous and racialized seniors have much lower retirement incomes and higher poverty rates than non-racialized Canadians. The poverty rate for Indigenous seniors is 22%, and for racialized seniors it is 20% compared to 14% for non-racialized seniors. Many have to rely on public pensions such as the OAS to look after themselves and their families.

They also found that there is a consistent gender gap between seniors from all demographic backgrounds. Senior women had lower incomes and higher rates of poverty compared to men. The report further said that the OAS, along with the GIS, is an important anti-poverty measure and is a crucial source of income for Indigenous and racialized senior women. To narrow retirement income disparities, they welcomed the increase to OAS for seniors 75 years old and above, which is outlined in Bill C-30.

[*Translation*]

To help ensure a safer, more secure and dignified retirement, in Bill C-30, the government is proposing a 10% increase in Old Age Security benefits for people aged 75 and over on a permanent basis effective July 2022. This will increase benefits for approximately 3.3 million seniors. In addition to this increase, the bill provides a one-time payment of $500 in August 2021 to Old Age Security recipients who will be 75 years of age or older as of June 2022, to bridge the gap between the permanent increases and the needs of older seniors now.

[*English*]

Colleagues, in this legislation, the government is also committed to supporting small businesses, which are at the heart of our economy and have been extraordinarily hard hit by lockdowns.

• (1510)

As part of Budget 2021, the government laid out a longer-term plan for robust, sustained growth for Canada's small businesses in addition to extensions to the wage subsidy, rent subsidy and lockdown support that are intended to bridge businesses into recovery.

[*Translation*]

Bill C-30 proposes to create the new Canada recovery hiring program, which will run from June to November and make it easier for businesses to hire back laid-off employees or to hire new workers. The government estimates that this measure will provide a total of $595 million in support.

Small businesses need access to financing in order to invest in people and innovation, and to have the space to operate and grow. To help businesses, Bill C-30 enhances the Canada small business financing program through amendments to the Canada Small Business Financing Act. This will mean broader eligibility and increased loan limits.

The proposed changes in Budget 2021 are expected to increase annual funding by $560 million, which will provide support to approximately 2,900 more small businesses.

Like small businesses, cities and towns have faced steep revenue declines because of COVID-19.

[*English*]

To support communities across Canada, to maintain and build the local infrastructure which Canadians depend on, Bill C-30 includes $2.2 billion to flow through the Federal Gas Tax Fund, which would be renamed the Canada Community-Building Fund. The projects that will be supported through this fund will help lay the foundation for long-term recovery and, through stronger communities, a more resilient country.

The final measure I would like to outline concerns measures related to corporate beneficial ownership transparency. Although Canada has faced some criticism over the years for the perceived lack of enforcement over money laundering and corruption, the measures proposed in Budget 2021 and Bill C-30 would jointly help reverse course towards a risk-based approach to anti-money laundering compliance.

The establishment of the beneficial ownership disclosure requirement, as proposed in Budget 2021, and the amendment to the Proceeds of Crime (Money Laundering) and Terrorist Financing Act to strengthen the criminal penalties in Bill C-30, are consistent with the approach adopted in several other jurisdictions.

I'd also like to point out that the bill contains specific measures to counter tax avoidance, such as the expansion of the scope of the foreign affiliate dumping rules. In addition, outside of Bill C-30, the government recently agreed with its G7 counterparts on setting a global minimum corporate tax rate of at least 15%. This is an important step in terms of coordinated action to address tax havens exploited by far too many multinational enterprises.

I wish to thank my colleagues Senators Wetston and Downe for their hard work on this matter over the years and congratulate them on their advocacy work on these important issues.

[*Translation*]

Colleagues, as you can see, Bill C-30, as presented in Budget 2021, is vital for the implementation of a strong, equitable economic recovery.

[*English*]

Not only does it include investments to support recovery from the COVID recession, but it also includes support measures for Canadians and businesses that are needed to bridge those hardest hit by the pandemic to better days.

[*Translation*]

I urge all senators to join me in supporting the passage of this vital bill. Thank you.

[*English*]

Hon. Kim Pate: Thank you, Senator Moncion, for your excellent and optimistic overview of Bill C-30.

Honourable senators, I am speaking to Bill C-30 with a specific focus on the millions of people in Canada who live below the poverty line. Depending on which numbers we use, between 1 in 10, or 1 in 7 Canadians live in poverty, many of them Indigenous and racialized women and children, which is particularly vital to reflect upon right now as Canada has yet to address housing and health crises, including boil-water advisories; as Canada continues to fight First Nations children in the courts; as Canada has yet to implement the Truth and Reconciliation Commission's Calls to Action and National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice; as Canada's shameful residential school record is replicated today in current child welfare, juvenile and adult prisons.

Despite some laudable initiatives in Budget 2021, the government persists in leaving far too many behind. Throughout this pandemic, we watched as unemployment rates reached the highest levels since the Great Depression as working-class, low- to middle-income households faced eviction, homelessness and food insecurity. We watched as one in three children accessing food banks still went hungry. We watched as women, Indigenous peoples, racialized people, newcomers, seniors and those with disabilities faced inequality intensified by the pandemic.

Today, Black and Indigenous peoples are 2.7 times more likely than the overall population to report difficulty making rent payments, and urban Indigenous peoples are 8 times more likely to experience homelessness.

Colleagues, many of us have had both the humbling privilege and the corresponding responsibility of hearing from people behind these statistics, whose well-being, health and indeed lives have been put at risk by Canada's policies; the people who have been left out of the forms of emergency response we have prioritized; people evicted from their homes and left on the streets in winter, during a stay-at-home order; personal support workers earning a pittance caring for elderly residents of care homes — some of the most vital and most risky work during this pandemic — yet who sleep in homeless shelters because rent is unaffordable even for those working full-time at minimum wage in nearly every Canadian neighbourhood; people on social assistance and kids transitioning out of foster care who were encouraged to claim the CERB, the Canada Emergency Response Benefit, as a desperately needed lifeline and therefore lost access to other support payments and programs for low-income people and for whom repaying CERB money to the government means they go without food or other essentials.

There is nothing in this budget to improve the prospects of people beneath the poverty line. A growing majority of Canadians of all political stripes and income levels are calling for guaranteed livable income to ensure that anyone who finds themselves in need can have access to income necessary to live securely and freely, making choices for their personal well-being.

In place of this type of permanent and comprehensive program, Bill C-30 provides short-term extensions and programs that meet some, but not all of Canadians' needs, for some but not all Canadians. Similarly, Bill C-220 provides for bereavement leave for those in the federal sector protected by the Canada Labour Code, and many are calling for sick leave, but none of these measures would be available to those who are self-employed, living with a disability or are caring for children or friends or family members who are elderly or who have disabilities.

The flagship program in Bill C-30 for people below the poverty line is a minor $1,000 annual addition to the Canada workers benefit. The government acknowledges that at best it might move about 3% of those currently in poverty who are working at minimum-wage jobs to a few hundred dollars above the poverty line. This measure neither responds meaningfully to the depth and breadth of poverty that exists in Canada nor the fact that so many people working full time at minimum-wage jobs cannot scramble above the poverty line.

Like CERB and Employment Insurance reforms, the current initiative fails to provide supports to everyone in need and, instead, picks and chooses people based on their work status. The assumption that some people are deserving of support, but others are not, belies Canada's commitment to human rights and human dignity. It ignores evidence from basic-income pilots that people receiving direct income contribute more, not less, to their communities through both paid and unpaid work. It is also willfully blind to the fact that keeping people in poverty costs much more than supporting people to rebound out of it. Poverty has health, human and social costs, but also financial costs in terms of loss of productivity and investments in emergency health care, shelters and criminal legal system costs, estimated at up to $33 billion per year for residents of Ontario alone.

Are we really so afraid that people will not work — despite the lack of evidence to suggest this — that we are willing to pay more to keep them in poverty than it would cost to give them supports?

Bill C-30 measures that support universally accessible childcare are touted as vitally important to support women in participating in the workforce and earning income. I agree. However, a childcare program on its own is of little use to those who cannot work or cannot find work; those earning so little that even a few dollars per day for childcare is an unaffordable expense; those working shift work or gig work at hours when childcare programs are not available; those in rural and remote areas where childcare programs are not operating; or those whose children need culturally sensitive or care tailored to meet specific health needs.

• (1520)

Some parents will still need or choose to stay home or will be unable to access this form of child care and have to pay more for alternatives. A direct income support measure like a guaranteed livable income could help ensure more equitable access to any child care program and other options for caring for children.

Budget 2021 and Bill C-30 also fail to take a long-term, anti-poverty approach to the affordable housing crisis. By October 2021, over 125,000 households will be struggling under the weight of rental arrears totalling $150 million and will likely face eviction. Census data shows that Canada lost 322,000 affordable housing units within the past decade. The demand for affordable rental housing far exceeds the amount promised under the National Housing Strategy and the Rapid Housing Initiative. Furthermore, the Bill C-30 amendments to the Income Tax Act do not limit the ability of large capital funds, including real estate income trusts, to purchase rental housing assets — a measure that could have helped prevent the rapid decline in affordable housing.

[Senator Pate]

Canadians who have reached out to us throughout this pandemic about guaranteed livable income asked if we, in this place of privilege, have ever struggled to make ends meet the way that impoverished Canadians we are placed here to represent do every single day. People ask what we would do if we and our families were on provincial and territorial social assistance incomes that provide less than half of the poverty line and that claw back and criminalize people for trying to earn enough to climb out of poverty, or if we were prohibited from saving money and taxed at 100% on other income, including loans.

As we head into a summer break and the looming possibility of another election, many of us share the concern that the status quo, supplemented by Bill C-30, is unacceptable. It risks delaying and denying people in urgent need of supports and abandoning them to months more of avoidable suffering.

Bill C-30 should make us all uncomfortable and urge us to act. We should not console ourselves with the inadequate measures it offers to those in poverty or rationalize why it does not go further. We should be revolted, quite frankly, by the maxim we sometimes hear about legislation — that perfection should not be the enemy of the good. When the question is one of human rights, of access to resources that are a necessity if people are to survive and thrive, it is not enough for the Government of Canada or for us as senators to advance only the rights of some and not others and claim that doing so is enough for now.

In our collective work, we have a duty to refuse to look away from the realities of those who are in poverty and the corollary obligation to accept responsibility for the consequences of, once again, leaving behind those most marginalized and vulnerable, not just to COVID-19 but to the ongoing legacies of colonialism and inequality, to the climate crisis and other crises that await us.

Let us amplify and urge the implementation of a guaranteed livable income prioritized in the national action plan of this government in response to the National Inquiry into Missing and Murdered Indigenous Women and Girls and advocated by provinces and territories such as P.E.I. and the Yukon, not to mention countless municipalities and community leaders. Let us move together, honourable colleagues, to build on the call of 50 of us last summer across groups and regions to alert the government to the need to evolve its emergency income support measures into a guaranteed livable income.

As colleagues — including Senator Galvez in her white paper and Senator Woo in his recent op-ed — have emphasized, a guaranteed livable income is not only an anti-poverty tool, but a vital part of the resilience, stability and vibrancy of the post-COVID-19 economy that puts the well-being of Canadians at the centre of recovery efforts. It would create the possibility for each to consider and act upon how best to contribute to society. It is the step forward that Canada needs.

I look forward to working together with each and all of you to honour and fulfill our responsibilities as we try to make this a reality. *Meegwetch*. Thank you.

[*Translation*]

Hon. Tony Loffreda: I'd like to thank Senator Moncion and Senator Pate for their speeches.

Honourable senators, I rise today at second reading stage of Bill C-30, the Budget Implementation Act, 2021, No. 1. As a member of the Standing Committee on National Finance and the Standing Committee on Banking, Trade and Commerce, I had the pleasure of participating in the pre-study of this bill.

I always knew that studying budget implementation acts was an enormous undertaking. Bill C-30 is no exception. It's 366 pages long and is divided into four parts and dozens of divisions that amend many different laws.

[*English*]

I would like to also congratulate our Deputy Prime Minister and Minister of Finance, Chrystia Freeland. This is the first federal budget in Canadian history to be written by a woman. Congratulations.

There is much to unpack with Bill C-30, and I do support it, but I want to focus my remarks on a few recommendations with respect to our strategy moving forward, while addressing the economy in general that would link in nicely to the recommendations.

In my view, the government has done a good job at supporting Canadians through this pandemic. At the outset of this global crisis, the government was quick to react and implement various targeted programs to help Canadians survive, and it was relatively successful at adjusting, adapting, improving and extending these programs along the way.

Let me start by outlining a few targeted programs that greatly helped Canadians and Canadian businesses. Some of these emergency programs included the emergency wage and rent subsidies as well as the Lockdown Support. Bill C-30 extends these programs until the end of September and extends qualifying periods to November, should the economic and public health situation warrant it.

With Bill C-30, the government is also introducing a new recovery hiring program for businesses, which is very important, that continue to experience qualifying declines in revenues. I welcome this measure because we all know that businesses have been impacted unevenly, and some are still struggling.

Another important measure in Bill C-30 that will definitely assist in a buoyant economic relaunch is in the changes to the Canada Small Business Financing Act. The changes proposed in Bill C-30 will help more entrepreneurs access financing by expanding loan class eligibility, increasing the maximum loan amount, extending the loan coverage period, expanding borrower eligibility to include non-profit and charities and introducing a new line of credit product to help with liquidity and cover short-term working capital needs. These changes are projected to increase annual financing by $560 million and support nearly 3,000 additional small businesses.

You can tell I welcome that, and I'm very excited about it for our business community. It is my hope that our business community will benefit from this and other measures in Bill C-30 and continue to contribute to our economic recovery and prosperity.

Other issues that were mentioned are housing affordability and supply, along with the reintegration of women into our workforce. These are major issues that have been properly addressed in Budget 2021. Senator Moncion did a fine job in outlining these issues.

Now, allow me to share some of my recommendations that may be considered going forward.

I would strongly recommend that we have an exit strategy on the additional stimulus spending. The $101.4 billion in new spending aimed at both supporting the country through the COVID-19 third wave and stimulating the economic recovery post-pandemic can be made conditional based on the actual strength of our recovery moving forward. That doesn't mean it won't be required, but let's make it conditional. The entire fiscal stimulus package may not be required, and it does not have to be fully spent.

An appropriate exit strategy would be preferable given the current high savings rate of Canadian households and the inflationary tendencies and expectations we are starting to see. The goal is not to diminish aid to those in need, but rather be prudent in controlling inflation and guiding this economy toward a full economic recovery, which includes inflationary control. The risk of increasing inflation through increased stimulus spending is real.

• (1530)

There are two major variables that can affect inflation: scarce resources and excess liquidity. There may be signs of both in many areas, which is a concern because it could increase the gap between the wealthy, the middle class and those working to join the middle class. Inflation is driven by expectations. Once it starts to climb, it is difficult to control. If there aren't conditions to the stimulus spending and inflation starts to increase, all we are doing is adding fuel to the fire.

To reinforce this point, globally, central banks are also starting to have inflationary concerns. Due to these concerns, some are projecting the possibility of increased rates in the near future. Another reason to monitor stimulus spending and inflation is the fact that any possible increases to the interest rate can be extremely detrimental, not only to our increased government debt but also to our Canadian household debt levels. It's worth noting that in 2020, according to the OECD, the Canadian household debt level was the highest among G7 countries at 176%. This concern was confirmed by our own Governor of the Bank of Canada during one of my recent interventions in our Banking Committee.

The consumer has historically proven to be the motor of many economic recoveries and an important driving force in our economy. These debt levels will be an even greater concern in an increasing interest rate environment, and it must be avoided. So we must ascertain that inflation won't become an issue and that the above-average inflation increase will be transitory only, and it will eventually restabilize and interest rates will remain low for the foreseeable future.

I would also like to address something I have previously raised in the chamber and in committee with our Deputy Prime Minister and Minister of Finance, which is the need for more solid, concrete and targeted fiscal anchors and guardrails. This is an integral part of any sound fiscal policy, particularly in times of crisis. I feel that Budget 2021 is a little vague on this issue. As our economic recovery gathers more steam and certainty, committing to less vague but firmer fiscal anchors and guardrails will allow us to better monitor our stimulus spending and debt levels. This strategy would also strengthen our capacity to allow for future spending in case it is required and when it is required, rather than spend with the possibility of creating further inflationary tendencies and expectations when the need is not as evident.

This leads me to another concern of mine: our increased debt levels. The additional spending, while necessary, has increased our debt levels to heights never seen before.

During her appearance before the National Finance Committee, Minister Freeland argued in response to a question on debt and deficits that her budget ". . . shows a sustainable and responsible fiscal track with . . . a declining debt-to-GDP ratio falling to 49.2% by 2025-26" and that the ". . . debt-to-GDP ratio continues to be the lowest in the G7." Yet Yves Giroux, the Parliamentary Budget Officer, reminds us that:

> The Government has decided to effectively stabilize the federal debt ratio at a higher level, potentially exhausting its fiscal room over the medium- and long-term. This means that any substantial new permanent spending would either lead to a higher debt-to-GDP ratio or have to be financed through higher revenues and/or spending reductions in other areas.

What recommendations can I make on this important issue? I would like to examine and comment on a few ways to repay debt, which is a growing concern for many Canadians. The most preferable way of repaying debt is by growing the economy. With targeted investments and job-creating programs, I'm hopeful measures announced in Budget 2021 will help reduce our debt burden.

In its April *Monetary Policy Report*, the Bank of Canada projected that the economy will expand by around 6.5% this year and 3.75% in 2022. The bank expects strong consumption-led growth in the second half of this year. It is my hope these encouraging projections will materialize and lead to enhanced debt repayment.

Second, if we cut spending and monitor and control the additional $101 billion-plus in stimulus spending, we can shift the money towards repaying our debt. The level of spending in the last year was obviously justified by the pandemic. But at this time, it's important to focus on finding the right balance between revenues and spending going forward. This should be a priority moving forward as our economy recovers.

Let me quickly mention three other common methods of debt repayment, which are not recommendable, but only to stress how important growing our revenues and controlling our stimulus spending is at this point.

A third method of debt repayment we must mention, although definitely not welcome, is inflation. Inflation has many negative outcomes and must be avoided, but it has a positive impact on debt repayment. As prices rise, so do profits and revenues, including government revenues and tax revenues, and it must be avoided.

A fourth way of reducing our debt is to increase taxes. I do not think that is a solution as it could stifle the economy. However, some targeted, strategic tax increases are welcome, like the increase in excise tax on tobacco products and the application of the GST/HST on e-commerce that Bill C-30 proposes. It is anticipated that the excise tax increase on tobacco could generate $2.1 billion in five years, which translates to much-needed new revenue to the treasury.

The last measure is monetizing the debt. This definitely can't continue long term going forward as it leads to an increase in total money supply in the system and hence inflation.

In Budget 2021, the government provided supplementary information on the sensitivity analysis of its fiscal projections to economic shocks and offered alternative economic scenarios on page 345 of the budget. The government illustrates the possible impact of three different economic shocks that could affect its projections for revenues and expenses.

I spent the greater part of my career in commercial and corporate banking where stress testing and sensitivity analysis were extensively performed and was never enough. With respect to Budget 2021, I felt that the sensitivity analysis could have been extended. However, I was reassured by a Finance Canada official during one of our meetings that the debt management plan, as it is developed, goes through a wide range of scenario analysis, including looking at different yield curves and profiles. He told us there is a considerable amount of joint work between teams at the Bank of Canada and Finance that look at this on an ongoing basis. I strongly recommend that this thorough sensitivity analysis be aggressively continued with creative "what if" scenarios to ascertain that all debt levels are sustainable.

In closing, honourable senators, I think it is important to remember what the government said in its Fall Economic Statement last November. It wrote that:

> . . . the government's fiscally expansive approach to fighting the COVID-19 pandemic need not and will not be infinite. It is limited and temporary. Canadians understand that the crisis demands targeted and time-limited support to keep people and business afloat.

As we reopen, I think it will be important to monitor closely and recalibrate the government's many emergency programs. What Canada needs now is a long-term plan for growth and prosperity. Innovation, investment and immigration will be three important factors in determining how successful we will be in recovering, relaunching and reimagining our economy today and well into the future.

We must pay close attention to housing supply and affordability, and find ways to accelerate the reintegration of women into our workforce. These are two major issues that have been accentuated by the pandemic and thankfully have been underlined in Budget 2021.

In my view, Bill C-30 proposes changes that should help grow the economy, support Canadians and increase our competitiveness while providing much-needed money to our health care system and other initiatives such as the much-touted and much-needed early learning and child care program. Indeed, relaunching and, more importantly, growing our economy will rely heavily on these targeted policies and sound investments as we safely reopen. I think we have reason to be hopeful that our recovery will be positive, steady and in an upward trajectory. But as we move forward, I think the government must not lose sight of the need to properly manage and repay our debt, consider an exit strategy, should the stimulus spending plan not be fully needed, and establish clear and measurable fiscal anchors and keep expanding its sensitivity analysis in light of the uncertainty that lies ahead, particularly with respect to inflation and the unpredictability of the future. Thank you. *Meegwetch*.

• (1540)

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

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

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

CANADIAN NET-ZERO EMISSIONS ACCOUNTABILITY BILL

SECOND READING

Hon. Rosa Galvez moved second reading of Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050.

She said: Honourable senators, I rise today to speak at second reading as the sponsor in the Senate of Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050. I will focus on the general context, the main principles and the objective of the bill.

Scientists are clear: Climate change is the biggest threat to humanity in the history of our species. Current average global temperatures are close to 1.2 degrees above pre-industrial levels, while Canada has experienced twice this warming and the Arctic three times. Here in Canada, these changes are leading to intense heat waves, the melting of permafrost, sea level rise, intense and frequent extreme weather events and the northern expansion of disease-transmitting insects affecting biodiversity and species health. Each of these impacts, in turn, cause a series of domino effects that impact every aspect of our life and society, whether urban, rural or northern.

We have upset the delicate balance of life-support systems provided by our planet, and we have breached several of the planetary boundaries allowing sustainable life on earth, one of them being a stable climate. Carbon dioxide in the atmosphere is at its highest level in the last 14 million years. Now, at over 400 parts per million, we have far exceeded the 200 milligrams per litre present when our distant ancestors began farming and that allowed the development we enjoy today.

Since the beginning of the Industrial Revolution, the extraction, processing and combustion of fossil fuels for energy have been the primary emitter of greenhouse gasses. In fact, 78% of the total increase in emissions between 1970 and 2010 are due to fossil fuel combustion and industrial processes.

We are learning more and more about how the fossil fuel industry has consistently furthered its interest at the expense of a safe climate. It has persistently lobbied governments for weaker environmental laws and further entrenchments of the use of fossil fuels. Their efforts have resulted in unprecedented subsidies, weak environmental regulation and the sluggish development of cheaper and safer low-carbon energy sources. A growing number of independent investigations and allegations in court cases around the world show how some of the biggest oil and gas corporations funded climate change deniers and hid important knowledge on climate change developed by their own researchers for decades.

As a result of these efforts, societies and ecosystems around the world are suffering the impacts of climate change and pollution. Close to home here in Canada, over 7,000 people die each year due to air pollution from burning fossil fuels. At a global level, there is an estimated 10.2 million premature deaths annually due to the burning of fossil fuels.

Considering Canada's history of environmental racism, these health costs are incurred disproportionately by structurally oppressed groups, such as Indigenous people, women, seniors, children and people with disabilities. This, colleagues, is socially and morally unacceptable.

According to the Canadian Institute for Climate Choices, insured losses for catastrophic weather events totalled over $18 billion between 2010 and 2019 and the number of catastrophic events was over three times higher than in the 1980s. According to the Insurance Bureau of Canada, these insured losses amounted to $2.4 billion in damage in 2020, and insured losses are roughly three to four times higher. Who can afford these catastrophic losses?

Some provinces are hit more than others with extreme weather events. British Columbia and Alberta have experienced the worst forest fires in Canadian history. The 2016 Fort McMurray wildfire caused the evacuation of 88,000 residents with an overall cost of $8.9 billion.

As I stand here with you, there is a record-breaking heat wave in British Columbia, setting and breaking record temperatures day after day.

[*Translation*]

We can no longer continue to argue, given the urgent need to reverse this trend by reducing our greenhouse gas emissions to avoid further destabilizing our climate and our society.

Our climate inaction is hurting our health, our prosperity and our safety. Refusing to make changes now condemns us to industrial obsolescence, and we are running the risk of weakening our competitiveness and tarnishing our international reputation.

Conversely, by achieving net-zero emissions, Canada would save between $30 billion and $100 billion in health care costs. According to the World Health Organization, health gains from climate action are twice as valuable as the cost of mitigation policies.

In December 2015, at the Twenty-first Conference of the Parties to the United Nations Framework Convention on Climate Change, 194 countries reached a historic consensus under the Paris Agreement to limit global warming to well below 2 degrees, and preferably 1.5 degrees, relative to pre-industrial levels. Canada has led the charge to adopt the more ambitious target of 1.5 degrees.

The Paris Agreement also introduced the concept of net-zero emissions, which is defined as:

> . . . a balance between anthropogenic emissions by sources and removals by sinks of GHGs . . . .

Achieving net-zero emissions became the objective after the 2018 special report was published by the Intergovernmental Panel on Climate Change, which concluded that limiting global warming to 1.5 degrees Celsius would require that net human-caused emissions of carbon dioxide reach net zero around 2050.

Esteemed colleagues, we must act now. For every year that we fail to take action, the cost of reaching the objective of 1.5 degrees Celsius goes up by $5 trillion.

The Paris Agreement must also be implemented fairly and in accordance with the principle of "common but differentiated responsibility." This has consequences for Canada, a rich and developed country that has the highest historic emissions levels and associated level of development. I should point out that carbon dioxide remains in the atmosphere for hundreds of years. The emissions from the early days of the Industrial Revolution are still in the atmosphere.

Canada is the tenth-highest contributor to climate change and our per capita emissions are among the highest in the world. They are twice as high as Norway's.

• (1550)

As you know, Canada has not managed to meet its territorial emissions reduction targets since the international negotiations started 30 years ago. Furthermore, Canada has since seen the largest increase in emissions among all G7 countries.

[*English*]

Colleagues, it is literally the time to go from zero to hero in this race for net zero. Bill C-12 is the first step and the starting gunshot. Bill C-12 is not a plan to make a plan. It is a comprehensive framework with a clear goal: attain net-zero emissions as soon as possible and, at the latest, in 2050. Countries, industries and corporations, have all heard the signal and they are off the starting line — some with advantage. The more we lag, the less chance we have to keep up and the more it will cost to us.

Fortunately, Canadians are ready for change and are demanding concrete action. The majority of Canadians from all provinces believe the energy transition is unavoidable. Two thirds of Canadians want Canada to do better than the average and shift to low-carbon energy and clean technologies. The pandemic has not altered this support.

Two weeks ago, the G7 committed to:

> . . . ambitious and accelerated efforts to achieve net zero greenhouse gas emissions as soon as possible and by 2050 at the latest, recognising the importance of significant action this decade.

There are 121 countries in the Climate Ambition Alliance which have committed to ". . . working towards achieving net-zero CO2 emissions by 2050."

Two nations have already achieved net-zero emissions and now claim to be carbon negative; thirty-four other countries have made commitments to achieve carbon neutrality prior to or by 2050, including five OECD countries that have net-zero commitments earlier than 2050.

Bill C-12 is about ensuring Canada finally joins the club.

In the private sector, at least one fifth of the world's 2,000 largest public companies have committed to meet net-zero targets. The companies together represent sales of nearly US $14 trillion. Even the Canadian oil sector is now on board. Earlier this month, companies operating approximately 90% of Canada's oil sands production announced an initiative to achieve net-zero greenhouse gas emissions from oil sands operations by 2050.

Last month, the International Energy Agency, an organization of fossil fuel suppliers, released a comprehensive road map for the global energy sector to reach net zero by 2050, which stated the transition to net zero is ". . . a huge opportunity for our economies, with the potential to create millions of new jobs and boost economic growth."

In their February 2021 report, *Canada's Net-Zero Future*, the Canadian Institute for Climate Choices examined more than 60 possible pathways to reach net zero by 2050, and in all of them Canada's GDP is substantially larger than it is today. Canadians understand and agree with the data. The majority feel that the economic opportunities of the transition outweigh the economic risk.

Racing toward net zero is a tremendous opportunity for a more prosperous and resilient future for all Canadians, especially our children and those who will follow. Bill C-12 is how we start acting for them. The way to ensure our climate goals are achieved is through climate accountability legislation, which was pioneered by the U.K. in 2008 and ensured that they reached the greatest greenhouse gas emissions reductions of all G7 countries since. At least 15 countries have legislated climate accountability since then.

[*Translation*]

Furthermore, climate accountability isn't a new concept in Canada. Six provinces have already implemented climate accountability laws. Quebec passed its own accountability framework last fall, which provides for the creation of an advisory body that must consist of a majority of scientists and must comply with provisions that prohibit all conflicts of interest.

Fully 75% of the members of Quebec's advisory committee on climate change are scientists. Prince Edward Island has set an objective to attain net zero by 2040 and Nova Scotia intends to be the first net-zero province. British Columbia's public sector reached net zero in 2010, and its laws require the publication of annual public reports containing detailed information.

With 29 clauses, Bill C-12 is a bill on climate transparency and accountability. Among other things, it requires the establishment of increasingly ambitious targets to reduce greenhouse gas emissions. Its final objective is to achieve net zero by 2050, at the latest, by setting new milestone targets every five years between now and then. It enables the federal government to implement an assessment of its target planning and progress, and provides for the creation of a net-zero advisory body to provide independent advice to the Minister of Environment and Climate Change. It requires the Commissioner of the Environment and Sustainable Development to assess Canada's progress in reducing greenhouse gas emissions, and it requires the Minister of Finance to prepare reports on the measures taken to manage financial risks and opportunities related to climate change.

[*English*]

Bill C-12 has been strengthened by over 30 amendments proposed in the other place. During third reading, I will explain how these amendments have resulted in stronger transparency and accountability, increased ambition and collaboration. Establishing these goals in legislation signals Canada's commitment to leadership and action on climate change and makes sure the government is being accountable and transparent to Canadians on the path to achieving net-zero emissions. It ensures continuity in setting targets that are grounded in science and developed with the input of the provinces and territories, Indigenous people and their knowledge, experts and Canadians from coast to coast to coast.

Bill C-12 will also establish a sustainable, transparent and accountable mechanism that will help Canada deliver on its commitments under the Paris Agreement to limit the risk of climate change. Adopting this bill will support the international momentum toward net zero by joining a growing number of jurisdictions in doing so.

Dear senators, climate accountability is greatly needed in our country to set the path toward a better future for our children and grandchildren. For all the reasons above, I urge you to agree with Canadians on the important need for this legislation and support this bill as amended by the other place. Thank you, *meegwetch*.

Hon. Denise Batters: Honourable senators, I rise today to speak on Bill C-12, the "Canadian Net-Zero Emissions Accountability Act."

I was initially excited when I saw this bill. What a change of pace, I thought, to actually receive a bill from the Trudeau government with the words "Accountability Act" in the title. My hopes were soon dashed, though, as it's just more smoke and mirrors — fake accountability from an insincere government.

My Conservative caucus colleague MP Dan Albas aptly calls Bill C-12 the "Seinfeld" bill because it is about nothing. It is a bill of empty environmental promises, as he puts it, "largely devoid of details or costs." Maybe the Trudeau government has taken guidance from *Seinfeld*'s George Costanza, who says, "Jerry, just remember, it's not a lie if you believe it!"

This Liberal government has a legacy of broken environmental promises. It keeps setting targets and failing to meet them, opting instead for performative politics. We've seen that play out in this

very bill. Bill C-12 requires that the minister set emission targets for the milestone years of 2030, 2035, 2040 and 2045 to achieve net-zero carbon emissions by the year 2050.

When the Green Party proposed the creation of an additional milestone year of 2025, the Liberals made a deal with the NDP to instead pass an amendment to create only a progress check-in objective in 2026 — not even an accountable target.

• (1600)

Of course, what does that 2026 date also allow the Liberals to do? It lets them dodge accountability for failing to hit their environmental targets, not only in this pending election cycle, but in the next election cycle as well. The Liberals are so committed to dodging accountability, they're now planning it years in advance. How about that? For the first time ever, I can actually say the Trudeau Liberals are overachievers. But my biggest problem with Bill C-12 is that, once again, it continues the Trudeau Liberal government's legacy of sticking it to Western Canada. As the lone official opposition senator in Saskatchewan and Alberta, I refuse to let this bill sail through this Senate Chamber without voicing my region's significant concerns.

The West has struggled greatly under Trudeau government policies punitive to our energy sector. The Liberal government's infamous Bill C-69, the aptly nicknamed "no more pipelines bill," established criteria for energy project impact assessments that had the practical consequence of stifling oil and gas investment in the West. Bill C-48, the tanker ban bill that banned oil tanker traffic only on the West Coast, effectively cut off new exports for Western Canada's energy products.

The Trudeau government's carbon tax has also had a detrimental impact on the West. It has driven up the cost of everything for everyone, from gas to groceries to home heating. The carbon tax hits farmers particularly hard. It costs them more to produce, because it is more expensive to dry grain and transport their agricultural products to market. Meanwhile, increased trucking prices also mean higher prices for consumer products, and farmers are squeezed at both ends.

In the 2019 federal election, the Liberals promised a cap on the carbon tax of $50 per tonne in the year 2022. Even as recently as February 2020, Senator Gold, as the Government Leader in the Senate, repeated that promise in this chamber. But, lo and behold, by last December, just after the House of Commons had adjourned for the Christmas break, the Trudeau Liberals announced they would, in fact, dramatically increase the carbon tax by a whopping 240%, to $170 per tonne in the year 2030. This is yet one more major broken promise from the Trudeau government.

The ways in which this government has failed the West are legion. A new Liberal fuel standard will mean yet another additional cost for consumers and a competitive disadvantage for Western Canadian energy producers — as though the huge carbon tax wasn't punishment enough. The Trudeau government's indecision, mismanagement and failure to support new pipeline infrastructure and development, combined with policies of regulatory uncertainty that contributed to a hostile investment environment, resulted in the loss of one pipeline project after another, each one cutting off yet one more potential export route. With each failure, more Western Canadians lose their jobs and our communities suffer.

As the West suffers, so does Canada. The oil and gas sector is the number one private sector employer in the entire country. It produces Canada's number one export. Our fortunes are tied together, honourable senators. While we all share a common vision to work toward a clean environment and sustainable development for future generations, we cannot do that by sacrificing the economic well-being of an entire region of our country.

I want to address the creation of the Net-Zero Advisory Body contained in Bill C-12; a body to which, incredibly, the Trudeau government had the arrogance to appoint people in February, four months before the bill establishing it had even passed the House of Commons, much less the Senate. Frankly, I'm shocked to see that the Leader of the Government in the Senate couldn't even be bothered to give a speech on this bill today, because I think he has some explaining to do about that.

Bill C-12 says:

> The Governor in Council appoints the members of the advisory body on the recommendation of the Minister and fixes their remuneration.

But the members of the Net-Zero Advisory Body were appointed by the minister in February, and there seems to be no order-in-council establishing the board. Certainly, as we stand here today, the bill has not even passed into law. Now we see that one of the Trudeau government's new Senate appointees, Hassan Yussuff, was named to the Net-Zero Advisory Body four months ago. He's still listed as an advisory body member and now he has also been appointed to this chamber.

What I would have liked to ask Senator Gold is: How much was Senator Yussuff getting paid as a member of this Net-Zero Advisory Body? Is he still getting paid for serving on that body while also being paid as a senator? How many federally appointed positions can Senator Yussuff hold at once? And under what authority did this advisory body get established in the first place? I would hope he knows these answers without needing to inquire.

In any case, the current membership of the Net-Zero Advisory Body lays bare a couple of the Trudeau government's blind spots for Western interests in relation to environmental concerns;

namely, those of the energy and agricultural sectors. It is obvious from the composition of this body that neither of these sectors were high on the government's priority list for representation in the board's membership. While there are only a few members with energy sector experience, none of the sitting board members come from the agricultural sector. That is shocking given that agriculture is an industry that can serve as a potential carbon sink. To meet the targets the federal government aspires to, it is crucial that the government hears the input of large-scale Canadian farmers — like those in Saskatchewan and Alberta — who are at the forefront of innovative and world-class agricultural techniques for carbon sequestration.

As witness and Saskatchewan farmer Corey Loessin testified before the House of Commons Environment Committee:

> We need to have agricultural representation on the advisory panel to show how things are evolving and what can happen into the future specifically with respect to soil sequestration and how that will enable the country to meet its targets.
>
> Quite frankly, the country can't meet its targets without agriculture, and that's just the reality of the situation. Why not have those involved who are actually doing it and find ways to perhaps do it better? The reality is that the country can't meet the targets without agriculture's being involved, so why not have them involved at the decision-making level and at the advisory level?

It would also be helpful to have representatives on the advisory board who could speak to the practicality of the government's environmental targets in a rural, remote or agricultural area, for example. They could bring a certain experience and pragmatism that may be missing on an advisory board filled with members selected, as usual, from big cities. The realities in rural Canada are very different. In Alberta and Saskatchewan, for example, many smaller cities, towns and villages have no public transit. With recent changes at Greyhound and other bus services, many communities in the West are also no longer served by passenger buses. Given the inclement weather of a bitter Saskatchewan winter, for example, or the unforgiving terrain of northern Saskatchewan, year-round bicycle commuting is not only impractical, but obviously unsafe. Furthermore, sheer distances and cost can make reliance on electric vehicles or equipment unrealistic.

As I mentioned earlier, not many of the members of the Net-Zero Advisory Body have energy sector experience. It is worth noting that many oil and gas companies have already committed to work toward a goal of net-zero carbon emissions by 2050. The federal government should be partnering with them and using world-class technology developed in Canada to find innovative ways to reduce emissions. In fact, much of that technology has been developed in my home province of Saskatchewan. My province is on the cutting edge of technologies in no-till farming, uranium development, land use management and carbon capture utilization and storage. In fact, we boast one of the few large carbon capture projects in the world, the Boundary Dam Carbon Capture Project in Estevan.

This project is dear to my heart. Not only did I live in Estevan for a few years, as it was my late husband Dave's hometown, but the Boundary Dam Carbon Capture Project was originally funded by the Harper Conservative government in 2008. When Dave was a Conservative Member of Parliament from Saskatchewan, he accompanied former Prime Minister Harper to the formal announcement of $240 million in funding for this world-class clean coal project. It was one of the last trips Dave made as an MP before he got very sick and retired later that year. To remember that today has a special poignancy for me, because tomorrow is the anniversary of Dave's tragic death, on June 29, 2009. But if he were here, I know he would be proudly standing up for Saskatchewan's interests just as strongly as I am.

The people of Saskatchewan have a lot of knowledge and wisdom to offer the federal government about being good stewards of the land and finding solutions to climate change. The only question is: Is the Trudeau government listening? Unfortunately, we haven't seen any evidence that it is. Not one minister at the cabinet table stands up for Saskatchewan or Alberta, and it's reflected in the Trudeau government's policies that too often harm Westerners. In fact, the ministers around the table don't seem to know or care much at all about life outside the Laurentian triangle of Montreal, Toronto and Ottawa.

• (1610)

Instead, all the Trudeau Liberals offer up is lots of talk and no action. Former Finance Minister Bill Morneau promised aid to the oil and gas sector at the start of the COVID pandemic. He sat right in this very chamber and promised us that help would be coming within days. Those words seemingly evaporated into thin air, and no help came.

This government's environmental policy has also been an endless jumble of empty promises. Their climate goals bounce from year to year, from percentage to percentage. Bill C-12 is just one more example. Juggling numbers and shifting targets, objectives and years are more ways for Prime Minister Trudeau to do the very thing he does best: avoid taking responsibility for his actions; confuse people into thinking you're taking action; conjure up pretty words, talk about lofty goals and shove off accountability until after the next campaign, maybe even beyond, until, hopefully, it's someone else's problem when the deliverables are due.

In the meantime, of course, all of the confusion creates massive uncertainty for businesses, economic investment and our export markets.

But fixing the problem was never the intent; being seen to be concerned about it was. As always with Prime Minister Trudeau, only the virtue signal matters. You can tell that net-zero emissions aren't really a priority for this government by the very way they have handled Bill C-12 in Parliament. They promised net zero in the 2019 election campaign, but this bill — essentially a plan to have a plan — wasn't even introduced until last fall, and even then, it wasn't called forward for further debate for months.

It is telling that Bill C-12 wasn't even called for report-stage debate until June 22, a full week after MPs' farewell speeches in the House of Commons. No sooner was the bill back in the House than the Trudeau government started ramming it through, invoking time allocation to shut down substantial debate and force it through before an election.

Prime Minister Trudeau is relying on the fact that he has now appointed a majority of senators to treat our Senate Chamber like a rubber stamp. He expects that the bills his government forces through the House of Commons at the very last minute will also be shoved through the Senate according to his whim. That is not how a reasonable government should be treating this equal and complementary chamber of Parliament. I call upon you, honourable senators, to not let yourselves and your votes be taken for granted.

To my fellow senators from the West, particularly from the provinces of Alberta and Saskatchewan, please ask yourselves the following: Will this bill do anything to help my region? Are these the kinds of climate solutions the people of my province need? Does this bill take their interests into account? Will it capitalize on the West's industrial and technical innovation, our farmers' and Indigenous people's knowledge of the land, our commitment to conservation and our pioneering spirit, or are these just more empty Liberal promises that will evaporate in a trail of hot air after the looming election?

I certainly know how the people of Saskatchewan view this bill and the Trudeau government's continued insincere commitments. That's why I hope you will join me in voting against Bill C-12.

Thank you.

Hon. Marty Klyne: Honourable senators, I am pleased to support Bill C-12, the "Canadian Net-Zero Emissions Accountability Act."

We all know why we need to address climate change, and knowing the "why," it's now time to turn to the "how." Bill C-12 will require the country to figure out the "how," formulating and following an emissions plan aimed at the key dates of 2030 and 2050, a blueprint for the accountability of our national leaders.

Debating the bill's principle, I submit three thoughts for your consideration as to how we as a country deal with climate change: first, Indigenous leadership and traditional knowledge around environmental protection; second, the need to consider regional and community differences, and available options in government planning; and third, the need for massive investment in green jobs in Western Canada.

On the first point, Bill C-15 received Royal Assent last week, meaning that the United Nations Declaration on the Rights of Indigenous Peoples will become national law through changes to federal statutes. This shift will require further legal recognition of Indigenous jurisdictions and self-governance in Canada, breathing life into section 35 constitutional rights, including treaties. This shift will encourage similar measures in other countries.

With Indigenous peoples' inherent rights now recognized in Canada, the country has unlocked huge opportunities for Indigenous leadership to contribute to both environmental protection, and sustainable development and resiliency. Indigenous nations and ideas can positively influence Canada's laws of general application, as well as bring responsible decision making to managing ancestral lands and waters.

The preamble of Bill C-15 states:

> . . . the Declaration can contribute to supporting sustainable development and responding to growing concerns relating to climate change and its impacts on Indigenous peoples . . . .

Senators, Indigenous peoples around the world have generations of values and traditional knowledge based upon environmental respect and stewardship, values and knowledge that can benefit all societies, practically and spiritually. Important aspects of reconciliation will involve sharing and learning Indigenous knowledge and laws, and interpreting ancient wisdom into modern policies and practices.

This is a practical example of reconciliation where all Canadians can benefit from the traditional knowledge of Indigenous peoples and Western science combined to help shape our nation's plan to address climate change.

We have heard Indigenous values about nature referenced in this chamber by our colleagues. Examples include Senators Francis and Christmas discussing the Mi'kmaq principle of *Netukulimk* around fisheries management, and Senators McCallum and Boyer speaking on the concept of "all my relations" in debates on animal cruelty. Indeed, the preamble of Bill S-218, the "Jane Goodall Act", would acknowledge the concept of "All My Relations" in federal law.

As the current sponsor of that important animal-protection bill based in Indigenous values, I look forward to our productive deliberations and debate in the fall, and to sharing updates from work under way.

As a legislator, I view reconciliation and environmental stewardship as being inextricably linked. From that viewpoint, Bill C-12 is an important advancement in reconciliation — or it has that potential.

As the Truth and Reconciliation Commission's report states:

> Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also requires reconciliation with the natural world. . . .
>
> . . . Indigenous laws stress that humans must journey through life in conversation and negotiation with all creation. Reciprocity and mutual respect help sustain our survival. . . .

In 2020, *Mongabay*, an environmental science publication, reported that Indigenous people currently manage or have tenure on 40% of the world's protected areas and remaining intact ecosystems. With meaningful jurisdiction, you can imagine the

difference that Indigenous leadership can make around the world in preserving biodiversity and critical ecosystems, and in mitigating the effects of climate change.

In Canada, many Indigenous people live in communities in remote areas. With generations of traditional knowledge around natural cycles and geography, these communities are best positioned to monitor and manage resources in collaboration with modern science.

Such systems of stewardship have increasingly become formalized, such as through the Guardians land and water management programs. Those programs have shown excellent returns on investment in terms of social benefits, as demonstrated by studies in the Northwest Territories and northern B.C. These programs can help to protect Canada's natural carbon sinks, to restore areas impacted by logging and extractive activities, and to bolster the resilience of wildlife populations against climate change.

Here are a few examples of Indigenous-led conservation efforts that contribute to Canada's environmental protection goals. In 2019, Thaidene Nëné came into existence as a 14,000-square-kilometre national reserve park in the Northwest Territories, co-managed by the Lutsel K'e Dene First Nation and the Canadian government. Other examples include the 64,000-square-kilometre Great Bear Rainforest in B.C.; the 29,000-square-kilometre Pimachiowin Aki in Manitoba and Ontario, being the largest protected area in the North American boreal shield; and the 108,000-square-kilometre Tallurutiup Imanga National Marine Conservation Area in Nunavut.

• (1620)

Another interesting Indigenous environmental innovation has come through collaborative efforts in Quebec between the Innu Council of Ekuanitshit and the regional municipality of Minganie. This year, these jurisdictions collaborated to recognize the Magpie River as a legal person with nine legal rights, including the rights to flow, to maintain its biodiversity and to take legal action.

Bodies of water have also received legal rights in New Zealand, India, Bangladesh and Ohio. Bolivia and Ecuador have legally protected the rights of nature.

In thinking about Bill C-12, and Canada's climate plan and environmental goals going forward, I would urge colleagues to contemplate that Indigenous leadership and jurisdictions will be huge advantages towards a mutually beneficial shared success.

My second point for your consideration today is to emphasize that the government should consider regional and local community differences and available options in formulating the climate plan. In this regard, I am encouraged by section 10(3) of Bill C-12, which provides that the plan can contain:

> . . . information on initiatives or other measures undertaken by the governments of the provinces, Indigenous peoples of Canada, municipal governments or the private sector that may contribute to achieving the greenhouse gas emissions target.

To paraphrase, we need to pull out all the stops and consider all the measures available to us and double down on achieving our climate goals.

In Regina, Saskatchewan, in a 2018 survey report, local executives imagined an audacious vision for 2050. Respondents believe our city's future economy will be driven by entrepreneurs and small business, with an increase in agri-value food processing and manufacturing sectors. Sustainable plant-based proteins represent one massive area of opportunity. Another area of economic focus and importance will be the information technology sector.

With climate goals in mind, the Regina of 2050 must be sustainable and resilient. In thinking about the transition to green energy sources, local executives saw entrepreneurs playing the most critical role. They viewed the keys to the clean energy transition as being the financial viability of green energy, the city's ability to leverage its abundance of wind and solar energy, municipal leadership in green planning and construction, better education on the importance of renewables and better utilization of non-renewables in a more effective manner.

In approaching this part of the climate solution, with other jurisdictions and the private sector, the federal government should be sensitive to and prolific in building public acceptance in all parts of this country. The federal government needs to be mindful of the undeniable regional and community differences across this vast country and accept that one-size-fits-all solutions may not work. For example, some communities may fully electrify, while others may make progress with clean options like hydrogen, biogas and waste heat capture and usage.

The point here is that government needs to understand the importance of including and respecting people in all regions. This must be achieved by cooperative approaches, not top-down edicts. At the same time, all Canadians must acknowledge that climate change is a shared emergency, and all jurisdictions must contribute to a successful plan, as must the private sector.

In closing, the third point I submit for your consideration today is that the government should invest substantially in green jobs in Western Canada. On May 27, at the National Finance Committee I had the opportunity to raise this issue with Deputy Prime Minister and Minister of Finance, the Honourable Chrystia Freeland.

I asked Minister Freeland about the language in the budget highlighting near-term potential to advance carbon capture, utilization and storage technologies in Alberta and Saskatchewan. I also raised the point that the Fall Economic Statement 2020

mentioned projects like zero-emission vehicle infrastructure, restoring natural carbon sinks like wetlands, green farming investments and small modular reactors, including interest from Saskatchewan.

Specifically, in terms of gaining public buy-in in the West on a climate plan, I asked Minister Freeland whether the government will need to demonstrate major creation of green jobs in the West and whether the minister views this as important to national unity.

I was pleased to hear Minister Freeland's response to this priority, as she said:

> Canada will only be successful in acting on climate change if we have a plan that involves the whole country and that creates great green jobs across the country, and also . . . a plan which recognizes the diversity of our country.

In this way — and thinking as a business person — all regions of Canada need to see the economic opportunity in addressing climate change. The public sector needs to be there to make major investments in green jobs in the West. I am confident that our energy sectors will prove versatile and adaptable in becoming leaders in green options, as well as in technology to mitigate emissions from oil and gas.

Climate change is a problem that needs to be solved. Innovations in green practices and technology are going to generate a lot of wealth, and I would like to see that prosperity occur in Saskatchewan and right across Canada from coast to coast to coast. I am confident that Canadian businesses can compete and lead in innovation on the global stage.

The *Financial Post* reported last week that jobs in Canada's clean energy sector are forecast to grow 50% to reach 640,000 positions by 2030, according to a report from Clean Energy Canada at Simon Fraser University. This sector already employs over 430,000 people, and is projected to grow at roughly 4% annually over the next decade.

The clean energy sector's gross domestic product is also projected to increase by 58% between 2020 and 2030, reaching roughly $100 billion by the end of the decade, and 29% of Canada's GDP.

As senators, in the critical years ahead, we can all be voices for our regions in the growth of the green economy. If Canadians can prosper while making valued contributions to saving the planet, I would call that a win-win.

Bill C-12 will give not only the current federal government, but any government in the coming decades, the framework for an organized national climate plan. Success through such a plan will require commitment and determination at all levels of society.

As parliamentarians, we can play our part through scrutiny of government actions, the contribution of legislative and other policy ideas, and public advocacy towards greater climate action when it's needed. When it comes to climate change, we are all part of the problem, and we must all be part of the solution.

Thank you. *Hiy kitatamîhin*.

[Senator Klyne]

Hon. Mary Coyle: Honourable senators, I rise today to speak with you from Antigonish, in the unceded territories of the Mi'kmaq people, in support of Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050.

Thank you to Senators Galvez and Klyne for your compelling speeches in support of this important bill, and thank you to Senator Batters for your cautionary remarks.

Introduced in the House of Commons on November 19, 2020, Bill C-12 requires the Government of Canada to set national targets for reducing greenhouse gas emissions and establishes a planning, reporting and assessment process with the aim of achieving net-zero emissions by 2050.

• (1630)

In Shawn McCarthy's recent iPolitics article entitled, "Senators should pass the Liberals' imperfect climate bill," he doesn't mince words:

> After more than two decades of fecklessness, Canada is finally on the threshold of having a climate-change-accountability law that would impose some discipline on the federal government to ensure it has a real plan to meet its emission targets.

Colleagues, Mr. McCarthy is right. We truly are at a point of no return. Canada is very late in introducing this important bill, which requires the government to seek credible scientific help, make an ambitious and realistic plan, share the plan publicly, be held accountable for the plan and adjust along the way to ensure we meet targets that simply cannot be missed.

Bill C-12 outlines a long-term goal to achieve net-zero emissions by 2050 and establishes milestone years for interim targets. These are 2030, 2035, 2040 and 2045.

When setting the emissions targets, the minister must consider the best available scientific information and Canada's commitments regarding climate change. The bill also includes sections on reporting, the advisory body, accountability to both houses of Parliament and the public, as well as a timeline.

Honourable senators, we know this legislation is urgently required because effective climate action in this decade — now — will be critical to our success in meeting our 2050 goal. Young people are demanding climate action and they remind us of the historic debt we owe to them. Climate activists, scientists, members of the Canadian public and environmental organizations have worked tirelessly to push the federal government to introduce a climate law that holds decision makers accountable for reducing emissions and puts Canada once and for all on the path to net zero by 2050, at the very latest.

Baroness Worthington of the U.K. House of Lords, principal author of the U.K. Climate Change Act 2008, reminded us last week that a good climate accountability law should be seen as a legal metronome, ensuring a steady pace and pulse of action towards meeting ambitious goals. Bill C-12 was lauded when it was introduced, but it was also criticized for falling short of meeting acceptable and expected standards.

Honourable senators, fortunately, the House of Commons Standing Committee on Environment and Sustainability was able to significantly improve the bill with their amendments. Most of my remarks today will focus on those improvements.

The House of Commons committee passed 28 amendments. Most were introduced by NDP and Liberal members, and one was introduced by a member of the Bloc Québécois. These amendments have improved the legislation in a number of key ways. First, they improve the bill's accountability mechanisms. Second, they increase the emphasis on the need to take early action. Third, they serve to strengthen the advisory body. And, finally, new wording has been added to ensure a more detailed engagement process with Indigenous peoples. These amendments do respond in large part to what the committee had heard from witnesses was needed to strengthen Bill C-12 and do provide a much better bill for us to consider here in the Senate of Canada. Bill C-12 also now includes a comprehensive parliamentary review of the act five years after coming into force by a committee of the Senate, a committee of the House or a joint committee.

Honourable colleagues, this could provide an opportunity for important engagement and oversight by our chamber. We know that ambitious long-term targets, supported by interim targets, are a key feature of climate accountability legislation. An amendment has been introduced to legislate the 2030 target, which will take effect immediately when the act comes into force. This will represent Canada's latest Nationally Determined Contribution, or NDC, for 2030. It's expected to be in the 40% to 45% range, Prime Minister Trudeau announced at the global leaders' Earth Day summit. This target will be reviewed in 2025. Milestone targets will now be set for 10 years in advance, instead of 5, which will provide greater medium-term certainty for industry, the government and for others.

The first emission reduction plan for 2030 must now include a greenhouse gas emissions reduction objective for 2026, which will be subject to progress reports. In addition to the amendment to include Canada's NDC as the 2030 target, several other amendments were made to ensure greater alignment with the Paris Agreement.

Now, colleagues, let's look at planning and reporting. The obligation on the minister to prepare a plan for achieving the targets and to recalibrate the plan, if needed, is foundational in this legislation. In order to strengthen the planning and reporting contained in Bill C-12, several amendments were introduced. Canadian governments of every stripe have missed every climate target committed to since 1992 — those set at Rio, Kyoto, Copenhagen and Paris. Now, why is that? This is because governments were not compelled by law to have a plan that they were accountable for.

Amendments made in committee to Bill C-12 now require more detail to be contained in emission reduction plans as well as in progress and assessment reports. A stronger early warning system has been created by requiring the minister to set out the additional measures that could be taken to increase the probability that a target will be achieved if progress reports indicate that achievement is unlikely.

Progress reports must now be tabled by the end of 2023, 2025 and 2027. This is to help ensure the effectiveness of the first plan, with three opportunities to course-correct during this period if there are signs that the 2030 target could be missed.

The minister must also publish a description of key measures one year after each milestone target is set, so nine years before the target itself. It must include projections of the emissions reductions that are expected to be achieved.

Honourable colleagues, the advisory body described in Bill C-12 is an essential element of the getting-to-net-zero plan. An independent, arm's-length expert advisory body is seen as an essential component of any climate accountability framework. Amendments made at the House committee have formally named the advisory body the Net-Zero Advisory Body, or NZAB. Amendments have expanded its statutory mandate to include advising on the five-year milestone targets and measures and strategies that could be included in emission reduction plans. They've clarified the areas of expertise that should be taken into account in future appointments to the Net-Zero Advisory Body, and these include a whole range of climate change science, other relevant sciences including economic analysis and forecasting, Indigenous knowledge, climate policy, energy supply-and-demand and relevant technologies. Amendments have detailed a range of factors that the Net-Zero Advisory Body should consider, including environmental, economic, social and technological, the best available scientific information and Indigenous knowledge.

They've added the requirement that the minister must publicly respond to advice given by the NZAB. This is particularly important if the minister adopts milestone targets that differ from what the body has recommended. As noted previously, indigenous knowledge has been added to several sections of the bill, including as a factor to be considered by the Net-Zero Advisory Body in their deliberations and as a factor to be considered in the appointment process for those who sit on the expert body.

Bill C-12 also now requires the minister when establishing an emissions reduction plan to take into account the UN Declaration on the Rights of Indigenous Peoples.

Honourable colleagues, given that early action in the next few years is crucial to avoiding even more catastrophic climate change, the amendments adopted compel short-term action. I would like to briefly highlight for you the requirements of the next five years. Annual reports will be prepared by the advisory body and the Minister of Finance. In 2022, the government will produce its first emissions reduction plan for achieving the 2030 target, including a 2026 interim objective and projections of the annual emissions reductions it will deliver. This will give us a year-by-year trajectory to the target.

In 2023, the government will table a progress report on the 2030 target. In 2024, the first assessment report from the federal Commissioner of Environment and Sustainable Development will be tabled. In 2025, we will have reached the deadline to set the target for 2035, and we should also see the second government progress report on the 2030 target, including a review of that target.

Finally, in 2026, there will be a statutory review by a committee of the Senate or the House of Commons or both, as I mentioned earlier.

These various requirements constitute a stronger early warning system. They should help Canada avoid our unacceptable tradition of missing targets and provide an opportunity to course-correct swiftly if needed. Colleagues, our Standing Senate Committee on Energy, the Environment and Natural Resources was able to complete a thorough pre-study of Bill C-12, which is why we are able to consider this important legislation at this very late date.

That committee's report was tabled in the Senate last week by Senator Massicotte, the committee chair. That report highlighted that, "The need for a national climate accountability framework in Canada is pressing." It went on to say that, ". . . the country will require immediate, deliberate, and ambitious new national policies. . . ." Although the committee was clear in pointing out the deficiencies in the bill, the report said, ". . . there can be no delay in implementing a national climate accountability framework."

• (1640)

Honourable senators, in the many emails we have received imploring us to act quickly and pass Bill C-12, several are from medical doctors who are members of MD Moms 4 Healthy Recovery. They have reminded us that, "The World Health Organization has identified Climate Change as the number one threat to human health." They go on to say:

> We are asking for your support of Bill C-12 so we can act boldly to secure a healthy and sustainable world where future generations can thrive.

Colleagues, in one of my favourite Dr. Seuss books, the book's namesake, the Lorax, says, "I speak for the trees for the trees have no tongues." Someone needs to speak for the trees, for the oceans, for the permafrost, for the Arctic sea ice, for the atmosphere, for the rich and diverse flora and fauna of our precious planet earth and for our children and future generations. The Lorax goes on to say, "Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."

Honourable senators, it's our job as senators to care a whole awful lot and to speak up for those who cannot speak for themselves. Let's advance and pass this historic climate accountability and transparency bill and get on with the planning, decision making and ambitious action required to get to net zero by 2050, while ensuring a just transition for all Canadians.

Honourable senators, let's demonstrate our climate leadership. Canadians and the people with whom we share this planet expect this of us. If we don't, we will have to heed the Lorax's words and acknowledge, "nothing is going to get better. It's not." Thank you. *Welalioq*.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

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

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

BROADCASTING ACT

BILL TO AMEND—SECOND READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

Hon. Donna Dasko: Honourable senators, I'm pleased to stand today to speak to Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, at second reading. I am pleased that agreements were reached to allow us to have this time at second reading, and I want to thank the Government Representative, Senator Gold, and the bill's sponsor, Senator Dawson, for their strong support for sober second thought on this bill. We, senators, have work to do.

Today my comments are brief, and I will comment on both the substance and the process of Bill C-10. One of government's most important roles is to respond appropriately to technological change. When it comes to television and radio broadcasting, for much of our history entry into the system was guided by something called spectrum scarcity, where choices were limited by the technology of the day and where licences were granted to companies by a regulator who set conditions, including Canadian content requirements, in return for the ability to reap advertising revenues. That was and is the business model of traditional broadcasting.

Does anybody recall or has anybody heard the phrase "a licence to print money?" That phrase was made famous, not by the owner of a sports franchise but by the owner of a television broadcasting licence, and that person was Canadian Roy Thomson, Lord Thomson of Fleet, who famously described his new licence to run a television network in Scotland as a licence to print money. That was 1956. But those profitable enterprises of the past now see their revenues declining, especially with the rise of the internet and its vast array of unlimited choices available to Canadian consumers through streaming services and social media.

The government has positioned Bill C-10 as a response to this changing broadcasting landscape and, just as governments regulated the cable and satellite technologies of the past — which in their day also vastly increased consumer choices — now government intends to regulate internet services. The model and framework are there.

The main goal of Bill C-10 is simple: to apply the rules that are set for traditional broadcasters in Canada to online enterprises that provide broadcast services to Canadian consumers, such as Netflix, Amazon Prime, Spotify and others. That will create a so-called level playing field, which is the government's key communication message of Bill C-10.

To use the more bureaucratic language, Bill C-10 brings businesses that provide audio or audiovisual online content to Canadian consumers within the scope of the Broadcasting Act such that they will adhere to regulatory obligations in a manner similar to conventional radio and television broadcasters. These so-called online undertakings will be subject to charges, expenditures and requirements to support and promote Canadian programming and Canadian creators.

In addition, Bill C-10 will require contributions for French language and Indigenous programming, and there is also mention of supporting opportunities led by women, LGBTQ+ communities, racialized and cultural communities, those with disabilities and other communities. Above all, the CRTC is charged with determining all of these requirements and how they will be carried out in a way that is flexible yet predictable, fair, information-based, equitable and informed by consultation.

The substance of Bill C-10 has raised many important and high-level questions, including whether and how the internet should be regulated and whether this really is the best way to do that, whether Canadian consumers will be left with less choice after these changes are implemented, the future of Canadian content requirements and how they might change going forward, the future of Canadian ownership of broadcast companies and whether any of this will assist traditional broadcasters to survive. And then there are a great many questions about how the requirements will be carried out, such as possible threshold levels needed for online undertakings to be included under the new regulations; how Canadian content can be made visible or discoverable on online platforms, including those with user content; whether the CRTC should have more direction from Parliament than Bill C-10 now provides; and many other similar questions. There is much of substance for our Senate committee to examine.

However, I want to talk briefly about the extraordinary process that has accompanied deliberations on Bill C-10 in the other place and how those events make our sober second thought even more important. The bill was introduced at first reading last November 3 in the other place. Pre-study of the subject matter began at the Standing Committee on Canadian Heritage on February 1 with two meetings and 17 witnesses. The committee then proceeded with seven consecutive meetings on the substance of Bill C-10 after they received it formally on February 19. Following that, over 50 interested stakeholders provided feedback.

• (1650)

The early committee meetings seemed to be proceeding quite smoothly, but proceedings went off the rails after clause-by-clause consideration got under way on April 16. On April 23, section 4.1 of the bill was removed by government members of the committee. This action effectively served to now include social media in the bill, which was contrary to early assurances that social media was not to be included in Bill C-10. This change significantly altered the scope of the legislation and set off a firestorm of protest, with critics charging that the change opened the door to blanket regulation of user content on social media. The minister and the Minister of Justice appeared at committee, an expert panel was convened and a second Charter Statement was presented, but the controversy continued.

This protest became very public and, in turn, it opened the door to opposition filibustering at committee — continuous filibustering by opposition members on the committee — until the government, with the support of the Bloc members on the committee, took the extraordinary step of invoking time allocation on the committee's work. According to media reports, this procedure — i.e., time allocation of committee work — had not been used in over 20 years. By the time the bill made it out of committee on June 10, they had met 30 times: twice in pre-study, 10 times to hear witnesses and 18 times working on clause-by-clause consideration of the bill.

Colleagues, I watched many of these meetings. Over the past two months, every Friday afternoon at 1 p.m., I fired up my computer and tuned in to the committee. ParlVu became my favourite online streaming service, and the Heritage Committee deliberations on Bill C-10 became my favourite television reality series with Canadian content. You never knew what was going to happen next.

But the drama was not over even after the committee finished its work. When the bill went back to the House, the Speaker ruled that more than 20 of its amendments were out of order because they had been voted on after time allocation had ended. And then most of these amendments were subsequently reinserted into the legislation in the marathon session at third reading, which took place last Monday night — just one week ago today — and went on into Tuesday morning at 1:30 a.m. Then, colleagues, it came to us.

Senators, 30 meetings and over four months at committee stage might be unheard of, but I stand here today to say that this legislation still needs further study.

There are many good elements in this bill. It has serious goals, a good framework and many important elements. Bill C-10 enjoys the support of stakeholders across Canada's arts and culture and broadcasting communities, including many people in the huge and substantial Toronto cultural community where I live, and this is very important to me. Organizations like the Writers Guild of Canada, the Alliance of Canadian Cinema, Television and Radio Artists, the Canadian Media Producers Association, the CBC and many of Canada's major television broadcasters support the bill. But there are outstanding issues, which I mentioned earlier, and the process in the other place was fraught.

Above all, colleagues, I feel that public confidence is lacking at this point in time, and I see a positive role for us in this chamber to play in this regard. I look forward to the Senate's study of this legislation. I strongly encourage colleagues to send this bill to committee so it can receive the sober second thought it so clearly needs. Thank you. *Meegwetch*.

The Hon. the Speaker pro tempore: Senator Dasko, I have two senators with hands raised. Would you entertain questions?

Senator Dasko: Yes, I will. Thank you.

Hon. Ratna Omidvar: Thank you, Senator Dasko, for that very thoughtful and factual speech about what Bill C-10 is and what it is not. I really appreciated that deconstruction. You posed a number of questions that you think are important for the committee to answer.

In my review of the legislation, I'm struck by one strand of thinking, whether it's articulated or not, and it is this: When the bill refers to Canadian content, it is talking primarily about legacy mediums, such as music, cinema, et cetera. What about digital content creation that is really spurring Canadians to innovate?

There is an artist in Ottawa, in fact, Laura Kelly, who has generated 18 million followers of her art over the pandemic and she's prolifically selling across the world, not just in Canada. How will Canadian digital content producers be supported through this new legislation?

Senator Dasko: Senator Omidvar, thank you for that question.

What the bill does is it extends requirements to support Canadian content across other platforms. Right now, when you refer to traditional media, what we are talking about are the requirements that traditional media have to produce Canadian content. For example, when it comes to, let's say, broadcast television, they have to present Canadian content at certain times of the day, a certain percentage of their material and programming has to be Canadian content and they are required to spend a certain percentage of their revenues on Canadian content or Canadian productions. This is going to extend that to online platforms.

Hon. Leo Housakos: Honourable senators, I would like to start by thanking many of you for recognizing the need for and engaging in thorough review of this legislation rather than expediting it, as the government had hoped we would have done. Yes, that was the desire of the government, not just the Bloc or the NDP. That was quite evident in a comment from Minister Guilbeault's chief of staff a couple of weeks ago, before we had received this bill, when she stated to the *National Post* that they — the government — expected this legislation to pass in the House and the Senate before we adjourn for the summer.

As I said at that time, it takes a certain level of arrogance to make such a statement so confidently. That didn't come from the Bloc or the NDP. That came from the government, and that desire to see, at all costs, this legislation pass was certainly evident in the procedural path it followed through the House of Commons, particularly at committee.

It was — at least in my opinion and that of numerous observers who are well versed in Westminster parliament and parliamentary democracy — an absolute affront to parliamentary practice and procedure. It did not serve the institution well, nor did it serve this legislation well. It is not a path that we as parliamentarians should aspire to follow in this chamber or even, again, in the other. We certainly can't control or even attempt to control what happens in the House any more than they can or should attempt to control what happens here. We can only control how we conduct our business. And where this bill is concerned, we should do so in a manner divorced from the politics and electoral considerations to which it was subjected in the House of Commons.

• (1700)

We must conduct our review in a robust manner with a focus on good policy and governance rather than on good politics, and that appears to be what's happening based on the debate that has taken place thus far. So I'd like to thank all of my colleagues for that.

I will tell you that my concerns with this bill are both in process and content.

[*Translation*]

Some of the concerns about the process were mentioned by the Speaker of the House when he rightly chose to remove the amendments made to the bill in secret by the committee. However, it is very clear to me this was more due to the fact that the official opposition raised a point of order than to the government's sense of duty to adopt these amendments in the House and before Canadians.

I'm not saying this to score political points for the Conservative Party, but to correct the version of the facts presented by the government, which stated that it had no choice but to adopt these amendments in secret. However, it did choose, when it had the opportunity, to rectify the situation by proposing these amendments to the Senate. This is a very "Liberal" interpretation of the facts.

[*English*]

But I do digress, colleagues. The point is that the process this legislation followed in the House remains a large part of the problem that many stakeholders and I have with Bill C-10 because of the consequences that have resulted from that process.

With all due respect to my colleague and friend Senator Dawson, the sponsor of this bill, it does not do what the government claims it does. Again, with respect, Senator Dawson's speech last week was an oversimplification of both Bill C-10's intent and its consequences. I would like to thank our colleagues who engaged in last week's debate, but in particular I would like to thank Senator Simons because I think she did an excellent job of breaking down what this bill is meant to do versus what it actually does. And I certainly will be touching on many of those same issues.

I'll start with the overarching goal of this legislation — the modernization of the Broadcasting Act. I doubt there is anyone among us who doesn't think this is a long-overdue endeavour. The Broadcasting Act hasn't been updated since 1991. Unfortunately, I believe this legislation misses the mark entirely.

In short, Senator Dawson and the Trudeau government characterize this legislation as levelling the playing field between big tech, foreign streaming companies and Canada's traditional broadcasters. They also describe it as a means to protect Canadian talent and in particular minority voices like Indigenous, LGBTQ+ and, in the case of Quebec, to protect and promote the French language and francophone culture.

It sounds great, but it is, as I said, an oversimplification of not only the legislation but also the problem it supposedly seeks to remedy.

The core problem with this bill is that it takes the regulatory tools designated for a small, fixed number of licensed TV and radio stations in the 1990s and attempts to apply it to the vast universe of the internet in the 2020s. In doing so, it gives the CRTC an unprecedented delegation of power with no clear framework or definitions as to how it will be used.

Just take the main mechanism this bill creates: the new category of online undertakings which will now have to be registered and regulated as broadcasters.

Bill C-10 defines these undertakings thusly:

> ". . . for the transmission or retransmission of programs over the Internet for reception by the public by means of broadcasting receiving apparatus . . ."

This definition is so vague that it could include anything from Amazon Prime to anyone with a website and a podcast.

A "program" under the Broadcasting Act is defined to include images and sounds or some combination of them in which written text is not predominant. This could mean videos, podcasts, photos and memes and could include everything from a $100 million film produced by Netflix to a 15-second video on TikTok.

As for the problem this legislation supposedly seeks to remedy, the government continues to frame the current landscape as one where big foreign streaming companies are gobbling up the poor little Canadian broadcasters, and Canadian talent is suffering as a result. And by golly, the government is here to save us because they're going to make these big bad streamers pay their fair share and Canadians will reap the rewards, especially Canadian talent and producers.

Even with today's technical briefing, the government draws a parallel between declining revenues for traditional radio and television and increased revenues for large, foreign streaming companies, and states that the level of support for Canadian content and Canadian artists is negatively impacted as a result.

And they claim, in the simplest of terms, that Bill C-10 will correct that imbalance and spread the wealth. And sorry, colleagues, but that's just not an accurate representation of the issues or the facts.

Yes, Canadian broadcasters are seeing a decline in revenue, while online streaming companies appear to be growing. But that highlights a problem with the business model for traditional broadcasters as well as the conditions of broadcast imposed upon them by the current Broadcasting Act.

But the answer to that solution shouldn't be to then impose those same regulatory burdens on the streamers. The answer should be to release the traditional broadcasters from those regulatory burdens. We should be using this opportunity to drag a very antiquated framework into the digital age rather than dragging the digital age backward to fit an antiquated policy.

As for the argument that online "broadcasters" aren't contributing to Canadian music and storytelling, that they are "free riders" and that the support system for Canadian content is at risk, that's just not the case.

Would it surprise you, colleagues, to know that according to the Canadian Media Producers Association's annual report of 2020, more than half of the productions in Canada are now global, fuelled by $5 billion of investment by global producers annually?

Through these investments, talented young Canadians have an opportunity to stay in Canada to learn and develop their skills, to work at the top of their craft and to create exceptional stories that resonate with audiences right around the world.

The training, experience and skills developed by Canada's creators working on global productions elevate their work on and contributes to the success of Canadian-owned productions.

Tens of thousands of talented Canadian creators across the country want more opportunities to work on global studio productions in Canada and want Canadian cultural policy to support their ambitions.

In fact, global players have undoubtedly been the driving force behind Canada's vibrant audiovisual sector, accounting for 90% of total growth over the last decade.

Foreign investment has also played a role in the production of Canadian content, with the level of foreign investment more than doubling over the last 10 years. Today, according to the CMPA annual report, it accounts for 26% of the total financing for Canadian content production.

This makes foreign financing the largest single source for Canadian television production for English-language productions and is second only to provincial tax credits for all Canadian film and television production.

I can provide you with specific examples, but I only have 45 minutes for this speech, but if you would like more specific examples, please reach out to me.

Now, our government is very much alone in creating a system that attempts to regulate everyone and everything. When the EU decided to regulate large streaming services, they adopted clear definitions of what streaming services and video libraries are in their legislation.

Australia, which the Minister of Heritage likes to cite as an example of what he wants to do, is limiting regulation to streaming services with more than $100 million in revenue and a million subscribers.

Only here in Canada do we have a government which, by its own admission in December, wants to go after individual websites, podcasts, audiobooks, sports streaming services, PlayStation games, home workout apps and even adult websites.

This lack of clear limits on what can be regulated was a fundamental problem with this bill even before clause 4.1 was removed.

And it is perfectly fair for us to ask whether this is really a bill about levelling the playing field for Canadian broadcasters and investing in Canadian culture, or if it's another power grab intended to control Canadians' lives and restrict their rights to free speech.

• (1710)

According to the bill's sponsor, though, in what in many ways resembled something Oprah Winfrey would say, everything will be fine, because everybody will be getting money. Senator Dawson may as well be saying, "A car for you! A car for you! Money for everyone! Life's a dream!" Apparently, Canadian creators and producers will be rolling in money as a result of Bill C-10. Everyone will be ecstatic.

However, as Senator Simons rightfully stated, "Don't be misled into thinking this is some kind of instantaneous cash bonanza for Canadian producers." Indeed, at the risk of being accused of oversimplifying, this legislation won't be funnelling more money toward artists. It will funnel more money toward intermediaries, or gatekeepers, as they are often referred to.

As I mentioned earlier, instead of modernizing the act to bring it in line with the digital age, we appear to be trying to bring the digital age backward, to align it with an antiquated framework that benefits the gatekeepers who have found themselves on the outside looking in with the advancement of the digital age, and they don't like it. They don't like the competition or want to up their game.

It isn't that Canadian talent is struggling; quite the contrary. Canadian talent is flourishing, including those minorities and racialized groups the government has focused on and not just here at home but around the globe.

Again, to quote Senator Simons:

> . . . production of Canadian film and television has never been more robust, with pre-COVID 2018-19 production levels at all time highs. Netflix, for example, though it has no regulatory obligation to produce Canadian content, funds a surprising and substantive amount of original Canadian production. It also exposes Canadian-made films and television shows such as "Schitt's Creek," "Kim's Convenience" or "Funny Boy" to broad international audiences.

Colleagues, why would we get in the way of that? Why would we? The problem isn't a lack of investment in Canadian talent and Canadian stories. The problem, if you see it that way, is that it's happening without the need for intermediaries like the Canada Media Fund.

The middlemen aren't getting their cut of the pie, and what's worse for them is that they're not controlling which artists and which producers are receiving funding. They want to pick the winners and losers. That's the beauty of the digital age. The success of artists and producers isn't determined by the gatekeepers.

This freedom of the digital age also allows artists and producers to post their work directly to the internet. It allows them to find each other and to make their own decisions about with whom they wish to work, again, without interference from professional associations or the need to go, with cap in hand, looking for funding from various agencies and boards.

Again, why would we get in the way of that?

[*Translation*]

I reiterate that Minister Guilbeault would like Canadians to believe that the sole purpose of this bill is to make the big digital broadcasters, the web giants, produce more Canadian content and pay their fair share of the taxes and contributions that traditional broadcasters must pay, all in the name of protecting Canadian jobs in the cultural sector.

The most obvious discrepancy between the rhetoric and reality lies perhaps in the promises of additional investments in Canadian content that the minister made to the artistic community — investments he claims to be able to compel web giants to make. In the last debate in the House of Commons, his parliamentary secretary stated that he had no idea what the web giants' revenues in Canada were, and that passing Bill C-10 was the only way to find out.

[*English*]

Yet, the minister also claims to be able to cost the expected investments in Canadian culture by these same web giants as a result of Bill C-10 at exactly $830 million and cited this number to stakeholders with total confidence.

The opposition members of the Heritage Committee repeatedly asked for and passed a resolution asking the minister to provide a detailed calculation explaining how he arrived at this number. Eight months later, he has yet to do so. This bears repeating. This isn't about creating investment in Canadian artists and Canadian stories. It's about redirecting those investments through third parties, so the middlemen, the gatekeepers, get their cut. There's nothing fair or level about it. It's certainly not fair for the creators and producers and not for consumers.

The content reinvestment requirements that the minister has mused over imposing on large streaming services under Bill C-10 at over 30% of gross Canadian revenue would be the highest in the world, and they could have exactly the opposite effect than what was intended.

Requirements that are too onerous will only lead to companies like Netflix and Disney+ to exit the Canadian market and licence out their U.S. programming to an existing Canadian platform — like HBO does to BCE's Crave — reducing consumer choice and affordability.

[*Translation*]

If that happens, Canada's cultural sector may not only miss out on the $830 million the minister promised, but also end up with less than what it is currently getting, because major digital broadcasters will no longer have any incentive to produce Canadian programs for Canadian consumers. That means consumers will pay more and have less choice, and Canadian jobs will be lost.

[*English*]

Right now, Netflix is investing more in Canadian productions than many conventional broadcasters. They are ensuring jobs for Canadian actors, producers, writers and crews — and they are featuring uniquely Canadian stories. However, a lot of what they're producing, in many cases, does not currently count toward their Canadian Content, or CanCon, requirements simply because their rights don't remain with a Canadian producer. That's how archaic a principle we're talking about here.

[*Translation*]

A program telling a Canadian story and written by a Canadian can be filmed in Canada with Canadian actors and still not be considered CanCon because Netflix, not a Canadian company, holds the rights. Case in point: Netflix's multi-million-dollar French-language Quebec film *Jusqu'au déclin* is considered a foreign film, not a Canadian one.

So much for protecting and promoting Quebec talent and francophone culture.

[*English*]

However, a production set in the U.S., telling an American story could count as CanCon if the rights holder is a Canadian producer or production house. We see it all the time with those true crime stories. Everything about the show is American. Then credits roll, and you see it received Canadian funding because it was a Canadian production.

That's only the impact the bill will have on conventional media productions. What about alternative media and the small independent content creators who use social media platforms to earn a living? They will be the biggest losers in this process.

If Bill C-10 passes as is, Canada will become the first and only country in the world that regulates social media algorithms to determine the discoverability of content, in other words, which videos are seen more or less. This has three major implications.

First, by prioritizing some content, the Canadian Radio-television and Telecommunications Commission, or CRTC, will naturally de-prioritize other content in ways that go beyond limiting speech. It will be picking, as I said earlier, winners and losers.

Second, the determination of what content gets prioritized for being "more Canadian" will have to be based on regulatory standards, which will probably look just like the complicated CanCon certification system that the CRTC uses now — the ones I described moments ago.

The beneficiaries of that system will be the established, well-funded media production companies with the lobbyists, their deep pockets and lawyers to work it to their advantage, more gatekeepers, not the independent YouTube performer looking to go viral and become the next Justin Bieber or Lilly Singh.

Third, if we become the only jurisdiction to regulate social media in this way, we can expect other jurisdictions to respond to us in kind. At present, the social media platforms offer what amounts to a free market for artists, with Canadian content creators often finding their biggest audiences outside Canada.

If Canada forces social media platforms to make certified CanCon appear first in global searches and video suggestions, other countries may reciprocate by restricting the discoverability of our artists to their viewers.

Given the EU's protectionist tendencies, the result of giving francophone Quebec artists preferential access to a market of 7 million in Canada could mean those artists end up with reduced access to a market of 60 million francophone Europeans.

The Canada-United States-Mexico Agreement, or CUSMA, negotiated by the government is one that includes the exception for Canadian culture that existed under the North American Free Trade Agreement, or NAFTA, except, colleagues, that it doesn't. Article 32.6(4) permits the U.S. to levy retaliatory measures of equivalent commercial effect whenever Canada relies on the exemption, and against any sector of our economy, from the cultural sector to dairy or softwood lumber. Bill C-10's intervention in social media algorithms, potentially affecting hundreds of millions of dollars in economic activity, could easily trigger that kind of response.

• (1720)

Further collateral damage of the bill could be like something Senator Loffreda alluded to — its effects on smaller streaming services and foreign content producers serving Canada's ethnic communities. Big foreign streaming services like Netflix may ultimately decide to continue operating in Canada under Bill C-10 and pass on the increased cost to consumers, but services that are based in India, Israel or Eastern Europe and broadcast to Canadian diaspora in languages other than English and French won't have big enough markets to justify staying and complying with the CRTC, and Canadian culture and diversity will be poorer as a result.

I'll say it again: It is the gatekeepers who benefit from this legislation, not the creators or producers. The same gatekeepers have been benefiting for many years from what is now an outdated Broadcasting Act, and they want to make sure that they continue to benefit.

This is no more evident than in the sweeping powers Bill C-10 gives to the CRTC to regulate the internet, including individual user content, with no clear guidelines for how that power will be used. Even last week, the bill's sponsor in the Senate assured us that those guidelines would be coming and that we just need to trust the process, that the minister would be developing those guidelines following consultation with stakeholders. Forgive me, honourable senators, but I don't trust that, and if history is any indicator, stakeholders shouldn't trust him either.

According to the government, this legislation was based on consultations with industry stakeholders who produced the Yale report and it has broad support from those stakeholders. We heard this from a Senator Dawson last week. Indeed, he offered up a list of stakeholders who support this bill. Honourable senators, I too can produce a list of stakeholders who feel very differently and are concerned about what's written in this legislation, even more so after all of the amendments that were made as the bill found its way through the House. What these stakeholders tell me is that the legislation before us is very different from what was being proposed during consultation. They tell me it's very different from what they expected, and were told to expect, when compared to what was tabled. They say that instead of getting better as it passed through the various stages and consultations in the House, it actually got worse.

The Hon. the Speaker: Just a moment, Senator Housakos. Honourable senators, it seems like there is a bit of a problem with translation. Can we suspend for five minutes? I will tell you how difficult that problem will be. If anyone is opposed to suspending for five minutes, please say "no."

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

The Hon. the Speaker: Honourable senators, it appears that the issue is resolved. Resuming debate on Bill C-10 for the balance of his time, Senator Housakos.

Senator Housakos: Honourable senators, consider this: 127 highly complex and technical amendments to the bill were tabled in committee after witnesses had been heard, including 28 from government members. Collectively, they were longer than the original bill itself. This doesn't happen often in Parliament, and when it does, it is a sign of a government that hasn't done its homework and of the need for further study. Stakeholders who have accepted inevitable regulation and taxation and who didn't see the need to testify at the committee in the House have since seen fundamental changes to the scope of this legislation. They rightfully feel it is imperative that senators hear their concerns about the consequences, unintended or otherwise, of those changes and consider amendments to address them.

• (1730)

That's especially true for the removal of proposed section 4.1 in a clause that protected user-generated content. The removal of that portion in particular appears to be the catalyst for the uprising of opponents to this bill who hadn't otherwise been heard from previously.

YouTube, Google, Facebook, TikTok, Spotify and other major social media services most affected by the change to 4.1 were never given the opportunity to testify regarding how it would affect them, nor did the committee hear from the groups representing digital-first creators; the independent artists who earn a living primarily through the content they post on social media. They are artists too, and deserve to have their voices heard just as much as those represented by major lobbyists. Again, however, they were denied that opportunity because by the time the clause that most affected them was removed from the bill, it was already too late for them.

I would also note that while the committee heard from many stakeholders supportive of the bill, it heard from very few independent expert witnesses, such as academics, legal experts and former CRTC staff and commissioners. Those experts could have explained the bill's impact and provided needed insight into how other jurisdictions like Australia and the European Union have dealt with the same issue of applying broadcast legislation to the internet.

I'm not here to tell the other chamber how to conduct its business, nor am I asking that of any of you. I'm merely pointing out that I sincerely don't believe, in good conscience, an argument could be made that this bill received the proper parliamentary review it requires. It certainly doesn't appear to reflect the consultations held with stakeholders, so why should we trust that the guidelines from the ministry to the CRTC will do so? But that's something we can and should correct easily by making sure we invite all those groups to appear before us and consider amendments based on their input.

That brings me to the impact that this legislation has on freedom of expression.

[*Translation*]

What worries me is that the government came to the debate on Bill C-10 from one position on freedom of expression and by the end of the process it had done a 180.

[*English*]

This is what the minister said during second reading of the bill in November 2020:

> Bear in mind that we are imposing a number of guardrails. . . . user-generated content, news content and video games would not be subject to the new regulations. Furthermore, entities would need to reach a significant economic threshold before any regulation could be imposed. This keeps the nature of the Internet as it is. It simply asks companies that generate large revenues in Canada to contribute in a fair manner.

The minister was specifically referring to the former proposed section 4.1 in the bill that the government itself introduced. That proposed subsection 4.1(1) states:

> This Act does not apply in respect of
>
> (a) programs that are uploaded to an online undertaking that provides a social media service by a user of the service — who is not the provider of the service or the provider's affiliate, or the agent or mandatary of either of them — for transmission over the Internet and reception by other users of the service; and
>
> (b) online undertakings whose broadcasting consists only of such programs.

In other words, colleagues, user-generated content was explicitly protected, thus stakeholders who were directly impacted did not feel the need to testify when the bill was considered in the other place. However, that explicit protection is no longer there. The removal of 4.1 is a fundamental change in the scope of the impact on the content they produce. As a result, they all deserve to be heard.

It is now proposed to give the CRTC the authority to make orders with respect to the discoverability of Canadian creators of programs. The CRTC would also have the power to force social media platforms to make financial expenditures on Canadian content and force platforms to provide information to the regulator.

Who was consulted on this change before it was made, colleagues? Not the users or the producers of user-generated content. Which recommendations in the Yale report suggested that user-generated content should be unprotected in the broadcast bill? There are none.

The bill's sponsor did note during debate last week that the government had received external pressure to remove 4.1. If that pressure didn't come from users or from the Yale report, whence did it come? I certainly think that's worth exploring, colleagues.

This is where it is absolutely imperative that the Senate committee hear from impacted and informed Canadians, as well as from the producers of user-generated content, about their views on those provisions.

The government claims that the provisions it has integrated into the bill are constitutional and that they do not impact the Charter rights of Canadians. They have produced a Charter opinion from the Department of Justice that says so. Specifically, the Charter Statement prepared by the Department of Justice in November of last year says:

> Users of social media services who upload programs for sharing with other users, and are not affiliated with the service provider, would not be subject to broadcasting regulation.

That seems fairly clear, except, of course, that the government has subsequently removed that explicit protection. The Justice Department's Charter analysis goes on to say:

> The Bill maintains the Commission's role and flexibility in determining what if any regulatory requirements to impose on broadcasting undertakings, taking into account the Act's policy and regulatory objectives, the variety of broadcasting undertakings and the differences between them, and what is fair and equitable.

Colleagues, in light of the government's decision to remove proposed section 4.1, I would say that potentially gives the commission considerable power to impose regulatory requirements on user-generated content. If so, that is a serious problem. The government claims that this potential for intrusion on freedom of expression is constitutionally sound and that the act provides that it must be interpreted and applied in a manner consistent with freedom of expression.

Whenever we raise questions about the protection of freedom of speech and social media, the government will always claim that users are protected by proposed subsection 2(2.1) of the bill and that proposed section 4.1 wasn't necessary. This argument never made much sense. If 4.1 wasn't necessary, they never would have included it in the first place, and Heritage officials wouldn't have said that both exemptions were needed in the memo they sent to the minister last December.

But let's take a look at these two sections and what they actually say. Proposed subsection 2(2.1) says that users who upload programs onto social media sites like Facebook, YouTube and TikTok are not by the fact of that use considered broadcasters, and so are not personally subject to conditions like Canadian content requirements or Canadian Media Fund contributions that will be imposed on streaming services like Netflix and Amazon. This exception is still in the bill, and it is a very narrow exception that basically says that just uploading a video is not enough in itself for you to be regulated, but you still might be, based on other criteria.

Proposed section 4.1 dealt with the programs users upload onto social media sites and said that the CRTC and the Broadcasting Act couldn't regulate such programs. The Liberal government MPs voted down this part of their own bill.

The key distinction here is that 2(2.1) protects speakers, while 4.1 protected speech. The fact that the CRTC doesn't consider you to be a broadcaster when you upload a video to YouTube means nothing if they can make YouTube change its algorithms so that almost no one will ever see it. It means nothing if they can instead make people see a video with the kind of content they prefer.

That is the threat to free speech to which our colleague Senator Wallin and others, me included, are referring. It is not that they will contact Millie and tell her to take down her cat video, colleagues, but they can certainly make sure that cat video never sees the light of day by forcing the platform not to prioritize it.

I would remind everyone that subsection 2(b) of the Charter protects "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication." It doesn't say that you can express yourself as much as you like but that politically appointed commissioners can go in and deliberately limit your ability to be heard in what has become the most important medium of communication of our time.

I would also caution you that Bill C-10 could be seen as part of a three-part assault by this government on the freedoms of Canadians online. Bill C-10 will let the CRTC decide what content they will see, more or less. Meanwhile, Bill C-36, introduced on the last sitting day of the House, brings back section 13 of the Human Rights Act, which threatens the rights to free speech and due process.

• (1740)

And in the fall, the Minister of Heritage plans to create a national speech regulator with the authority to remove any content it finds offensive within 24 hours. When asked about it he said, and I quote the minister, "If you thought C-10 was controversial, just wait."

We should also probably not take the Justice Department's Charter analysis on C-10 as the definitive word on this matter. The opinion of the Department of Justice on the constitutionality of a bill has not always coincided with the judgments of the Supreme Court of Canada. Our committee should hear from legal experts, persons with perspectives on all sides of this issue, to determine whether this bill and its provisions are actually fully compliant with the Charter of Rights and Freedoms.

Without prejudging that matter, I will note that a number of very informed individuals have been quite vocal on this matter already. Many colleagues are likely already very familiar with what Professor Michael Geist of the University of Ottawa has said:

> This speaks to the CRTC imposing conditions on what gets prioritized or promoted in user feeds. I believe that clearly involves speech regulation.

Geist added:

> This remains an unworkable, dangerous bill driven by lobbyists demands rather than the interests of Canadians.

He said that no other country in the world has adopted this kind of regulation.

> We need to put back in section 4.1 or exclude all scope of regulation of this kind of content, that would include discoverability which does go without question to . . . choices and then ultimately to net neutrality.

I would urge our committee to hear from Professor Geist directly and let him make his arguments to us.

Professor Geist is not alone. The former advisor to former prime minister Jean Chrétien Warren Kinsella said:

> No other country in the world is proposing to regulate the internet in this way — save and except China or Iran. Nor is the bill what lawyers call "proportional" — no other country is using a sledgehammer to kill a flea, as C-10 does.

Some senators may instinctively disagree with Professor Geist or with Mr. Kinsella, but I think what has struck me is that they are far from being alone in their assessment of this bill.

Timothy Denton was a commissioner at the Canadian Radio-television and Telecommunications Commission, or CRTC, from 2008 to 2013. He is now Chair of the Internet Society Canada Chapter. Mr. Denton wrote in an article in the *Financial Post* back in March that this bill is not about broadcasting, but rather about speech control over the internet:

> But their fundamental proposition is stunning: that freedom of speech through video or audio should be in the hands of the CRTC — including Canadians' freedom to use the internet to reach audiences and markets as they see fit.

Mr. Denton goes on to write:

> In practical terms, because of how the CRTC Act is constituted, one chairman and two commissioners constitute a hearing panel. Thus three political appointees could extend CRTC jurisdiction over speech . . . .

Bruce Pardy, Professor of Law at Queen's University, has expressed his own legal concerns about Bill C-10. He has argued:

> Bill C-10 will not directly regulate individual Canadians who use those services but will regulate the content that they post — and thus empower the CRTC to require tech companies to do the dirty work. The companies will regulate their users and manipulate the "discoverability" of content in accordance with CRTC policies. Bill C-10 will not supervise online speech directly, but indirectly threatens to strangle it.

Professor Pardy argues that this approach has serious constitutional implications, presenting the prospect of an ever-larger administrative state incrementally, but indirectly, eroding fundamental freedoms.

[*Translation*]

Colleagues, we need to study these criticisms very carefully. We need to hear directly from witnesses from all walks of life. I think these issues raise fundamental questions about the nature of the society we want to live in.

The Senate is uniquely placed to undertake this work, but I believe that the committee must also be given the time needed to properly study the serious issues at hand.

We will need to look carefully at the arguments made by the minister and the government and what the Department of Justice has said about the Charter implications of the bill, as well as the testimony of other legal scholars and communications experts.

In my view, a thorough review by a Senate committee is all the more imperative given the speed at which this bill moved through the legislative process in the other place.

[*English*]

As mentioned earlier, the Speaker of the House, himself a member of the governing party, was compelled to react to rectify the lack of proper parliamentary procedure that occurred in committee with the passing of amendments happening in secret.

As a former speaker, I was impressed by his integrity. One can only imagine the political pressure he was under to just look the other way.

Notwithstanding the Speaker's courage in this matter and the fact that these latter amendments did not find their way back into the bill during the chamber debate, I submit that the way this bill has been handled in the House should trouble every Member of Parliament and this chamber. It suggests to me that if there was ever a bill on which the Senate must exercise its sober second thought, it is this bill.

Colleagues, in summary, this bill is not about increasing investment in Canadian talent and Canadian storytelling; it is about control of that investment. It's about who gets to hold the purse strings. The truth is the digital age has afforded more freedom, more flexibility than ever for artists and producers to show their work to broader audiences all around the world and outside the confines of Canada.

And in so doing, the gatekeepers have been cut out of the process. For that matter, over the last few years, they've been caught off guard. They no longer receive their piece of the financial pie, and they no longer control which Canadian artist or producer should succeed or fail. This legislation seeks to restore that control to the gatekeepers, and it is the creators and consumers who have lost out.

That's why there is enough in this bill, in my humble opinion, for me to unequivocally vote against it. But, colleagues, it is imperative that we also start looking at how we can strengthen Canadian culture, Canadian content, how we can take the modern digital age and use it to our benefit to expose to the world the talent that Canadian artists and producers have. And we're not afraid of anyone. We can compete with the world. We've seen it with the Justin Biebers of the world, the Céline Dions of the world and the Bryan Adams of the world. Being Canadian is being strong and being able to compete with the world.

Colleagues, I ask all sides of this aisle to ensure that this bill is given full review by a committee and at bare minimum, perhaps, moving forward, the necessary amendments to fix this bill in order to respond to the needs of the cultural community, the artists in this country, and to make Canada the strong nation that we are and to expose Canada to the rest of the world.

Colleagues, I thank you for listening to my concerns, and I look forward to the work of our very capable committee and the ongoing debate on this issue.

The Hon. the Speaker: Senator Housakos, you have one minute and 45 seconds left. There is a senator who wishes to ask a question. Will you take a question?

Senator Housakos: Absolutely.

Hon. Dennis Dawson: Senator Housakos, who is a very experienced parliamentarian, said, "If I speak for 44 minutes, maybe I won't have time for questions." But I only have a few comments. Obviously, as you know, the list of witnesses was based on the fact that the majority of the committee in the other place are MPs of the opposition.

The CRTC is not an enemy of Canadians. The CRTC, for the last 50-odd years, has been defending, promoting and protecting the interests of Canadian artists and Canadian producers. They are not an enemy. They have never stifled free speech. Au contraire, they have been the lifeguards, the safeguards of all of what Canadians can do. Do you agree, Senator Housakos?

Senator Housakos: Senator Dawson, we're both experienced parliamentarians; you have a lot more than I do. But I can tell you this: I'm looking more than forward to, when we get this to committee, debating it thoroughly and trying to rectify this bill. I think every senator in this chamber agrees that it's full of holes. My problem is not with the CRTC. The CRTC was given a mandate by the Parliament of Canada. In this particular instance, like I said in my speech on a couple of occasions, we have a Broadcasting Act that was designed 30 years ago for a particular context.

You and I are immigrants, because of our age, to this digital era, but young Canadians, the people younger than us, recognize that the way they communicate today is far different from what it was 30 years ago. We need a broader review of what the CRTC should be doing and how they should be doing it. We should find a way to make sure that we encourage the digital platforms we have today to keep expanding and exposing Canadian talent, investing in Canadian talent —

The Hon. the Speaker: I'm sorry, Senator Housakos, your time has expired. My apologies for interrupting.

• (1750)

Hon. Pamela Wallin: Honourable senators, it is truly unbelievable that we are actually debating the need to protect free speech in Canada. What was supposed to be an update of the Broadcasting Act and new rules for big tech has become something else entirely. And as the minister himself suggested, if you think Bill C-10 is controversial, wait until you see the next one, meaning Bill C-36. And we can now quite clearly see the government's true intent with the introduction of this companion bill.

It might be a good time to remind ourselves that members of the current Liberal cabinet quite openly embrace the idea of empowering the federal government to control social media. Infrastructure Minister Catherine McKenna said that if social media companies ". . . can't regulate yourselves, governments will."

Let me also note that bills come into force and effect through regulations, and in a draft order from Minister Guilbeault in April he stated that the rules must be consistent with the "government's vision . . . and represents the government's broad intentions." He also said that these regulations should target "the damaging effects of harmful content" that ridicules politicians or diminishes public institutions. Seriously? Criticizing politicians should not be allowed, should be censored?

These bills are an affront to what many of us believe to be democratic and Canadian values. Bill C-36 is dangerous, Bill C-10 is badly flawed and both undermine free speech and impose censorship.

Let me focus on Bill C-10 and the many concerns raised by experts, academics, producers and internet users about what's in the bill, what was taken out and what's still missing.

First, remember the process by which Bill C-10 made it to the Senate. The tactics used in the other place to get this bill here before rising for the summer are both an insult to our parliamentary democracy and it's embarrassing for many.

Big tech lobbyists wanted section 4.1 out of the bill. That is a core clause, clearly protecting individual users on social media from being considered online broadcasters, and therefore subject to regulation and possible censorship. But the government summarily removed the protection clause from their own bill, against the advice of even their own drafters. When repeatedly asked to explain, the Heritage minister said simply it was "not necessary." Well, it is. If you are not explicitly exempted, then you are implicitly included.

Of course, this was an alarm bell for experts and the public; that the bill could give the CRTC the power to regulate free speech online. Even as these concerns were raised at committee and as public opinion soured, the government then invoked closure to shut down committee work on the bill, something that hasn't been done for 20 years. MPs — even Liberals — overruled their own committee chair in what looked like a mini coup, and introduced sweeping — and secret — amendments. The Speaker of the House, quite rightly, declared all these secret amendments to be null and void.

You would think, colleagues, that this would be a message to the government to rethink their approach and redraft the bill. No law should "accidentally" risk silencing free speech. And if a bill needs dozens of amendments just to appease an interest group or garner electoral support, then it's time to go back to the drawing board. We saw this same thing happen with Bill C-69.

Instead, the Liberals reintroduced all of their secret amendments and forced a marathon session just to get their way. This bill will not finally be dealt with until the fall, given the timetable, so there was no need for this shocking authoritarian display. But here we are. So let's look at what Bill C-10 will do.

It says that the Canadian broadcasting system should meet the needs of the Canadian public with a focus on ethnic, language and many other minority groups. It directs web giants to fund, invest in and produce Canadian content and media. And it grants the CRTC more powers of oversight and regulation. I refer you back to the minister's words. All of this must be in line with the government's vision of the world.

The requirement for online services to promote "Canadian" content through new "discoverability" rules is a problem, because section 4.1, that explicitly protected user-generated content — your tweets or Facebook posts or uploads to YouTube — is gone. The government argues that sections 2.1 and 2.2, which exempt some social media users from being considered online broadcasters are enough. Again, I disagree. You could drive a truck through these loopholes.

So let's be clear: If this bill becomes law, it will change what your internet content looks like, and no doubt how you choose to interact with it.

Senator Dawson tried the old prop up and then knock down the straw man trick, assuring us that government does not want to censor or regulate cat videos or photos of your lunch. But that's not the issue. This is about who gets to decide what a "Canadian" online broadcast undertaking is, and it's about what "Canadian" online content means and about what type of content will and won't be pushed onto your screens and, by definition, what content will be pushed so far down that it disappears. That is not just regulation; it's censorship.

Of course, there was no explicit language that says, "free speech will be banned." They don't have to say it. By requiring online platforms to promote "the government's vision" and CanCon, through discoverability requirements, as directed in section 2(6)(r), they are determining which programs are Canadian and what Canadian content is not.

We are giving tech platforms and the CRTC the authority to decide what is and isn't "Canadian." Some will pass the test and some will not. And so, who might pass the test? Well, according to the minister, perhaps those posting content critical of the government of the day would be deemed "un-Canadian."

What about content that reveals tough or controversial truths about the country's history? What happens to Canadians who regularly upload critical political content? Again, in the minister's own words, the government intends to introduce several pieces of legislation that are designed:

> . . . to support democracy and social cohesion in Canada by building citizen resilience against online disinformation and building partnerships to support a healthy information ecosystem.

Translation: If you disagree with what qualifies as disinformation, then be very careful about what you post.

You can see why so many are saying this is an infringement on free speech. If Canada tries to impose these broadcasting requirements, we would be the only democratic country to do so. It will meet great resistance and it will serve to undermine our ability to claim the adjective, "democratic."

So, again, should we be granting the power to decide what is and isn't Canadian to the CRTC or some new commission of appointees that the minister has referenced, or to big tech companies themselves? Our online activity is already easy prey to secretive, discriminatory and sometimes politically biased algorithms of tech companies like Google, Facebook, Twitter and Amazon — and they are not afraid to use their power to silence critics. We have seen this play out stateside. We have heard the threats here. Indeed, Bill C-10 and now Bill C-36 have been cheered on by proponents specifically for their powers to silence online voices with which they disagree.

I am reminded of the words of Noam Chomsky:

> If we don't believe in freedom of expression for people we despise, we don't believe in it at all.

So why doesn't this bill make sure that these algorithms are more transparent? As Senator Simons pointed out last week, ". . . you cannot accurately regulate digital forms with analogue tools." I agree.

The Broadcasting Act needs to be — to use the buzzword — "reimagined" to reflect the reality of the internet. Domestically produced content shouldn't need to be unduly promoted or mandated on streaming platforms. If it's good, people will seek it out and watch it. And they do. That's what the stats tell us. Wasn't that the whole point of the internet in the first place — to be an open platform for all content, to give us choices? Any changes to the Broadcasting Act should protect these freedoms for consumers, in line, of course, with the Criminal Code.

Colleagues, are we so insecure about our cultural identity that we need to forfeit our right to free expression and diversity of opinions in exchange for government-defined acceptable Canadian content?

• (1800)

The Hon. the Speaker: Senator Wallin, my apologies. I have to interrupt you. It being six o'clock and pursuant to rule 3-3(1) of the orders adopted on October 27 and December 17, 2020, I'm obliged to leave the chair until seven o'clock, unless there is leave to continue.

If you wish the sitting to be suspended, please say "suspend."

Hon. Senators: Suspend.

The Hon. the Speaker: The sitting will be suspended until seven o'clock, and you will have the balance of your time when we return, Senator Wallin.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

Hon. Pamela Wallin: Honourable senators, before we were stopped for time, I was talking about the importance of updating the rules to reflect the reality of the internet, an open platform that offers choice and free speech within the bounds of the law and the need to protect that.

Colleagues, are we still so insecure about our cultural identity that we need to forfeit our right to free expression and diversity of opinion in exchange for some government-defined, politically acceptable Canadian content? Let's celebrate Canadian talent, creativity and success in the international marketplace and on the global stage. Shouldn't we be modernizing the Broadcasting Act to empower Canadian content creators, whether or not they produce a predetermined kind of Canadian content? Imagine if we asked Canadian actors to star only in films shot on Canadian soil, or movies featuring only Mounties, maple syrup or mountains. Shouldn't we ask Canadians if they even want the internet to be regulated in this way? I think it's clear from the response to Bill C-10 what their answer is — a resounding, "No, thank you."

Most young Canadians get their news and entertainment online. It's even a career choice for some. Most people want to be free to choose what they watch, and free to say what they want. Yes, let's make big tech algorithms more transparent, not just more Canadian, whatever that might mean, but let's not stifle free speech in the process. There is a clear solution to the issue of Canadian cultural producers not getting their fair share of revenue from big tech — just tax them for it and pass it on.

Let me reiterate, if this bill becomes law it will change what internet content looks like and, no doubt, what you post. This is about who gets to decide and define what Canadian online content means and what will and won't be pushed onto your screens, because if some content goes up, other content goes down. That is not regulation, it is censorship.

Our colleague and CSG leader, Scott Tannas, used an old western saying to describe what the Senate's response to the government's disrespectful attitude toward this place is: "Your bad planning is not my emergency." We do have time. Let's do this right, consult, seek consensus and make changes that support creative Canadians. I ask the government to go back to the drawing board and present us with well-considered legislation. Then let us properly study a better Bill C-10 and other related bills.

It is our job to employ sober second thought. However, the track record of the government accepting Senate amendments is poor. We receive far too many bills that do not just need amendment, they actually need a rethink and a rewrite before they ever come to us. Bills must respect the Charter, not leave it to the courts to do the heavy lifting that the government should do before they even present legislation. It's lazy, but more importantly, it usurps our rights and responsibilities as parliamentarians.

The late Liberal MP Reg Alcock was perhaps the canary in the coal mine on this, warning that politicians are always wary of the internet's impact. He said:

> Information technology changes the balance of power. It changed the balance of power in society, and it changed the power balance in Ottawa — and Ottawa is all about power. . . . What you can't change, you desperately try to control. . . .

That is what these bills are all about: control.

Please, honourable senators, reconsider. This is a reckless approach. Just think of the consequences when it is someone else's turn in power, when those you don't agree with are the ones making the judgment call.

Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

Hon. Percy E. Downe: Honourable senators, as Bill C-10's sponsor, Senator Dawson, said last week, we have to update the Broadcasting Act and it hasn't been done for 30 years, making this review long overdue.

We have before us a rare opportunity to improve the Broadcasting Act and how it impacts Canadians. I have three specific concerns, and I intend to move amendments to the bill on the following items:

One is to prevent the Canadian Broadcasting Corporation — the CBC — from cancelling local dinnertime TV newscasts without authority or approval under the penalty of a $2 million-per-day fine; the second is to disallow sponsored content on the CBC, and; three is to increase transparency at the CBC to ensure there is no gender pay gap among on-air staff.

Honourable senators, the first amendment will correct a situation that developed at the beginning of the pandemic in March 2020, when the CBC cancelled many local dinnertime newscasts in direct violation of their broadcasting licence agreement. Under the CBC's licence granted by the Canadian Radio-television and Telecommunications Commission — the CRTC — the public broadcaster committed to at least seven hours of local programming per week, the only exceptions being special sporting events or statutory holidays. Moreover, the CRTC noted that the CBC cannot reduce the level of local programming under seven hours without the commission's approval following a public process. The CBC simply ignored these requirements and cancelled local evening television news shows with no public consultation and no approval from the CRTC.

In the case of Prince Edward Island, where we have a high percentage of the population identifying as seniors and some of the worst internet connections in the country, this was a significant problem for the distribution of required information on how Prince Edward Islanders should deal with the pandemic. Local radio and newspapers helped provide information, but "CBC Compass" is the only locally produced news cast in the province. The public has a right to expect that their public broadcaster will keep them informed at all times, but especially during an emergency like the pandemic. But in a time of crisis, Prince Edward Islanders were abandoned by CBC television as a direct result of a decision made at CBC headquarters in Toronto.

When Islanders complained about this, we discovered that, notwithstanding CBC's promised commitments in order to have their broadcasting licence renewed and the conditions imposed on the CBC by the CRTC, neither were able to prevent CBC from doing whatever they wanted with no penalty whatsoever. In other words, the CRTC had no mechanism to force the CBC to honour the conditions under which the CBC obtained its broadcasting licence.

Honourable senators, here is the situation: The CBC applies to the CRTC for their broadcasting licence, the CRTC holds public meetings and thousands of well-intentioned Canadians submit suggestions to improve the CBC during this process. The CBC makes all kinds of commitments on what they will and will not do, and the CRTC, based upon the hearings, applies conditions to the awarding of their licence. But, colleagues, it's all a charade. The CRTC has to award the broadcasting licence to the CBC. They cannot not award it. Section 24(2) of the Broadcasting Act states that the commission may not suspend or revoke the CBC's broadcasting licence ". . . except on application of or with the consent of the Corporation." In other words, the CRTC can only cancel the CBC's licence if the CBC agrees to have it cancelled. And the CBC faces absolutely no penalty from the CRTC when they do not live up to either their commitments or the conditions imposed upon them by the CRTC.

• (1910)

My first amendment will apply a penalty to the CBC if they don't keep their promise made to Canadians and the CRTC. For every day the CBC is in violation of their agreement to seek "Commission approval following a public process" prior to any change in their licence agreement, they will be fined $2 million a day for every day they are in violation of their licence, and that money will be payable to publicly funded libraries in the affected areas.

Colleagues, my second amendment is to ban sponsored content on the CBC. Sponsored content is advertising disguised as news. For a host of reasons that are self-evident in terms of the integrity of the CBC, the national broadcaster, which receives over $1.2 billion in yearly subsidies from the Government of Canada, should be leaving this promoted advertising revenue to private media companies.

Finally, colleagues, my third amendment is required to ensure that there is no gender pay gap among on-air staff at the CBC. It follows up on Recommendation 6 from the 2015 report of the Standing Senate Committee on Transport and Communications, which stated:

> CBC/Radio-Canada be more transparent in its operations, specifically with regard to the disclosure of financial information, procurement and contracts, and salaries; and it must make such disclosures easily accessible to the public.

For years, the CBC resisted any disclosure of salaries and has used language very similar to that of the British Broadcasting Corporation when they were presented with a similar recommendation. A spokesperson for the CBC stated in 2014 that, "In the competitive environment in which we operate, that information is not public."

A BBC spokesperson in 2016 stated, in regard to salary information:

> The BBC operates in a competitive market and this will not make it easier for the BBC to retain the talent the public love.

Of course, after the BBC was forced to publish the salaries of those earning more than £150,000, that publication exposed a massive gender gap. One of the women working at the BBC was quoted as saying:

> In 2017 just before the BBC published pay over £150,000, I was called unexpectedly offered an immediate pay rise. It became apparent that for nearly three years I had been sitting next to a man doing an identical job who was being paid tens of thousands of pounds more. . . .

A second woman stated:

> I am an award-winning broadcaster with more than 20 years' experience. In 2014, I was offered a contract to present a flagship arts programme. Two men with no broadcasting experience who had also been given trial shifts presenting the programme during the search for a new presenter were paid 25% more per programme. Then I found out that the existing male presenter was being paid 50% more than me per programme. . . .

The CBC did start to disclose some information, but it did not match the transparency of the BBC. The BBC names the individual, the program the individual works on and the salary to within £5,000. The CBC discloses nowhere near that level of information and only reports the number of individuals within a $50,000 salary band, combined with an average for that band.

For example, while we know that BBC "Today" presenter Nick Robinson earns between £295,000 and £299,000, we only know that five on-air CBC staff earn over $300,000, with an average salary of $342,518, but we don't know who they are.

Does a gender gap exist for CBC on-air staff? We don't know, but reaching the same transparency level as the BBC will address this issue.

What this final amendment will do is require the CBC to match the BBC standard and disclose any salary; and, since we don't want to ask anyone to do anything we won't do ourselves, they will be asked to disclose any salary over $160,000 per year, which is currently what senators earn.

Colleagues, I seek your support for these amendments and thank you for listening.

The Hon. the Speaker: Senator Downe, you have some time. Will you take a question?

Senator Downe: Yes.

Senator Wallin: Senator Downe, in your research, have you determined whether this is still the case at the CBC: When asked to provide information that could be evidence of discrepancies in salaries, is that information withheld because of the argument that has long been used, which is that it might undermine the independence of the journalists, so that information has to remain private? The rules seem quite uncertain.

Senator Downe: It is obvious that the CBC discloses the salary ranges of some off-air talent, such as the president and various vice-presidents, so that it is easy to identify them. However, on-air is a complete unknown. For example, we don't know if the people who have taken over the political talk shows in Ottawa are earning more or less than what Don Newman earned for years when he did this. I think this is something we should know, and we should try to meet the standard of the BBC.

Hon. Ratna Omidvar: Will Senator Downe take a question?

Senator Downe: Yes.

Senator Omidvar: Senator Downe, I don't doubt that you have a point, and I'm very sympathetic to the issue of gender discrimination in employee pay scales, regardless of whether they are with the CBC or the federal government. I'm just wondering how you can place your amendment within the context of Bill C-10. I think of it as being largely out of scope.

Senator Downe: Of course, as you know, senator, the name of the bill is "Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts," so it would certainly be in order. Since this is the first time in 30 years that we've had a chance to assess the Broadcasting Act, it's an opportunity to clear up what might be a problem — or we might find out after the disclosure that there is no problem, but let the light shine in.

Hon. Paula Simons: Senator Downe, I have some sympathy with your argument. I remember back to my early days working as an associate producer with the CBC. All of the associate producers were young women, as I was then, and we all compared our salaries and went to our boss to demand more money. He looked down at us and told us that it had not been ladylike — those were his words — and that we had not been good ladies to compare the salary information.

The Broadcasting Act is a broad regulatory framework that provides general guidance to the CRTC. The specificity you're requiring, whether it is to look at CBC pay scales or the CBC's mandate, is not part of the Broadcasting Act. It seems to me that if we were going to add these sorts of amendments, we would have to completely rewrite the act to encompass many other things about the CBC. At what point did you think we would make these amendments?

Senator Downe: We will have the committee hearings, obviously, and we'll have a discussion about all these things. As the sponsor of the bill indicated, the issue here is that it has been over 30 years since we've looked at the Broadcasting Act.

Let me go to my first amendment. Prince Edward Islanders found out that the CBC cancelled the local dinnertime news at the beginning of the pandemic when Canadians didn't know what to do; they were coming home and didn't know if they had to put their green pepper through the laundry machine to be safe. The CBC went off the air, in total violation of their broadcasting licence, in total violation of the commitments they made to the CRTC, and the only recourse, we found out, was that there was none. I'm sure many of us have read Joseph Heller's book and we all enjoyed it, but the Catch-22 here was that you couldn't fix it. They give the licence, they hold the hearing and so on. These problems have to be addressed.

• (1920)

Sponsored content is another problem. The CBC, in my opinion, needs some guidance from parliamentarians on how they're conducting their affairs. They should not be in the business of sponsored content. They should not be in the business of going in violation of their broadcasting licence. In the time of a crisis, when we needed it the most, they walked away from Prince Edward Islanders. It is totally unacceptable.

And the third point, since I was doing the first two, is we may as well address whether there is or is not a gender imbalance at CBC and fix that at the same time, and I think we can do all of that during these hearings.

Hon. Colin Deacon: Honourable senators, when I look at expansive, complex and controversial legislation like Bill C-10, I try to keep the problem that the legislation is trying to solve firmly in my focus. In this case, this seemingly simple objective proved challenging, so I went back to the genesis of the bill, which was the Broadcasting and Telecommunications Legislative Review announced in Budget 2017. It had the task of examining issues such as telecommunications, content creation, net neutrality and cultural diversity in the digital age, and how to strengthen the future of Canadian media and content creation. The purpose was to examine the existing legislative framework and tools in the context of the digital age and identify changes needed to support the Government of Canada in meeting these objectives.

That 2017 announcement spawned the Yale commission, as we all know, its report in 2020 and, subsequently, this legislation. So the problem that Bill C-10 is intended to solve is to define the legislative framework of tools that will strengthen the future of Canadian media and content creation in this rapidly digitizing world, and in a country with tremendous cultural diversity.

I want to begin with a few general observations about regulation in Canada and reflect on how the CRTC's actions and statements provide insight as to how they view competition. I will then discuss the regulatory platforms upon which the objectives of Bill C-10 rest, and finish with some questions I hope the Standing Senate Committee on Transport and Communications will consider.

According to the OECD's Indicators of Product Market Regulation, which is an economy-wide measure of the degree to which regulations promote or inhibit competition, Canada is thirty-fifth out of 38 OECD member countries, ahead of only Turkey, Colombia and Costa Rica. Indeed, Canada ranks last in this 2018 OECD report as it relates to the regulatory burden associated with business operations, a measure that considers retail price controls, public procurement, and command and control regulations.

In a country that already is one of the most overregulated in the world, we should be streamlining, not expanding, regulatory regimes. We cannot afford more regulatory complexity, duplication, confusion and control. Simply, overly complex and burdensome regulation limits investment in innovation, which is much needed to stimulate the creation of highly skilled jobs, deliver better services to consumers at lower costs and fuel the success of our exporters.

One particular statement made by the sponsor when introducing Bill C-10 got my attention. It was that Bill C-10:

> . . .would expand the legislative and regulatory regime to include online broadcasters by confirming that the CRTC has regulatory jurisdiction and authority over these services.

My question is: How can we possibly achieve this goal, which is to strengthen the future of Canadian online media and content creation in a rapidly digitizing world where borders are increasingly digitally porous without first focusing on our foundational privacy and competition laws? Updating our privacy and competition laws will better empower Canadians and our economy in this digital era. They are the platform and the foundation upon which Bill C-10 must be built if it's to achieve its purpose. Otherwise, an increasingly complex web of regulatory burdens will create countless unintended consequences and continue to diminish our ability to compete, not strengthen it.

I also find the pace of reform troubling, and especially in the context of Bill C-10. Our many regulators have been slow to respond to the global market realities that have disadvantaged Canadian businesses and consumers. I strongly doubt that these regulators will become more responsive as we increase regulatory burdens and complexities.

In a globally competitive world, Canada continues to sit at the crossroads as it relates to the role of government in sectors where technology, business models, customer needs, habits and expectations are all changing at an ever-increasing pace. I increasingly worry that we continue to sit at this crossroads while many of our regulators, including the CRTC, seem to continue to underestimate the speed and strength of global market forces and competition. And for those who think that we've already seen a lot of change and we needn't be too worried, I recall the words of BTO: "You ain't seen nothing yet."

If we were to compete in this rapidly digitizing world, we need to build competitive marketplaces. These marketplaces empower consumers and drive businesses to become more innovative and productive, improve product quality and decrease prices. One way for regulators to not increase competitiveness is to mandate private companies toward the services they are to deliver or how they should invest.

In this light, past and current announcements made by the CRTC provide insight into the thinking that may have guided at least some of the development of Bill C-10. Specifically, a recent CRTC statement observed that Canadians want to have better access to affordable wireless services for their cellphones and other mobile devices. Now, that's a CRTC statement that would garner the support of virtually every Canadian, but it was the next bit that was troubling. The CRTC stated:

> We are therefore expecting Bell, Rogers, Telus and SaskTel to offer and promote low-cost and occasional-use plans. . . .

The CRTC went on to state that these providers are expected to offer these plans by July 14, 2021, and the CRTC also specified the expected levels of service and the maximum prices. Colleagues, this provides evidence as to why we lead the OECD in the imposition of command-and-control regulations, which are counter to productivity growth.

In an earlier but related news release, CRTC chair and CEO Ian Scott was quoted as saying:

> While there are encouraging signs that prices are trending downwards, we need to accelerate competition and more affordable options for Canadians.

We will never strengthen the future of Canadian media and content creation in the context of this rapidly digitizing and increasingly competitive world by issuing what are effectively decrees. For that reason alone, I'm not a fan of the CRTC determining changes to our competition laws by default.

Colleagues, so far I have observed that Canada already has a weighty regulatory burden and that the CRTC does not look at competition in a way that is supported by competition law across the OECD and other peer countries. I contrast the approach Canada has taken with the ones taken by Australia, the U.K. and the EU. Each of these jurisdictions has chosen to ensure that their primary regulators — their privacy and competition regulators — had the authority, capacity and resources necessary to engage effectively in all markets faced with digital disruption. They employed a whole-of-government approach and did not let the platform regulations become fragmented.

These jurisdictions have recognized that the creation, collection and maintenance of consumer data can drive unprecedented levels of innovation and generate tremendous benefits for both consumers and businesses. However, without proper privacy and competition controls, harms emerge at an increasing pace.

Today, digital platforms are threatening the very existence of traditional media, as we all know. The reason why is a consequence of current market realities. Let's say you have a great product and you are looking to advertise. Why pay a broadcaster to advertise to a mass audience when a digital platform can precisely deliver that same ad to the exact profile of buyer who is already looking for the kind of solution your product delivers? No wonder the value of mass media advertising has plummeted, taking our newsrooms with it.

How can broadcasters possibly remain viable when the digital platforms have free access to data that gives them a powerful content distribution advantage? How can they remain viable when they have none of the regulatory guardrails that the broadcasters must adhere to? Our current legislative and regulatory process has taken more than a decade to respond to this pressing market reality. That's far too slow. We've got to become more agile. One way to become more agile is to keep intensely focused on the outcomes that our regulations must achieve and not create overlapping regulatory levers. This need for greater agility is yet another reason why I believe Bill C-10 cannot achieve its intended outcomes without being built on top of updated competition and privacy legislation.

• (1930)

Here I'm going to quote our current Commissioner of Competition, Matthew Boswell:

He said that competition fosters economic growth by empowering individuals and pushing businesses:

> . . . to make the best use of their resources, and innovate by developing new ways of doing business and winning customers.

And he said that, "Competition not only drives productivity, it also improves our global competitiveness and our standard of living."

To date, many big tech players have taken full advantage of weak privacy protections and competition laws. Big tech are data vacuums, and we're at the wrong end. This provides them with a staggeringly unfair competitive advantage. Don't take my word for it; take Mark Zuckerberg's word for it when, as a 21-year-old CEO of The Facebook, as it was called then, clearly stated in a famous 2005 interview that the platform was specifically designed to cause people to share information that they probably otherwise would not. That situation continues today.

I hope that you understand why I believe that our success and strength in the Canadian media and content creation and distribution is dependent on our updating the privacy legislation that will allow consumers to regain control over their data and on strengthening the competition laws that create a level playing field.

As I wrap up, I respectfully ask that our colleagues in the Standing Senate Committee on Transport and Communications consider three questions as they work to identify and question each of the witnesses intended to help in their critical review of this legislation.

First, how do we ensure that Bill C-10 will strengthen the future of Canadian media and content creation without conflicting and competing with expected and urgently needed updates to our privacy and competition laws?

Second, how do we ensure that we empower the private sector with an agile regulatory framework that embraces global market realities, empowering and enabling content creators, broadcasters and media companies to innovate and become and remain globally competitive?

Third, how do we ensure that the resulting regulatory framework and tools ultimately incentivize the creation of content and assets that generate recurring revenue? Recurring revenue is a foundational source of wealth and prosperity. If we just focus on jobs and incomes, and not the ownership of the assets we create, our media and content creators will never generate the recurring, low-cost revenue that is the foundation of wealth creation, especially in the digital era. We have heard a lot about the complexities here from our previous speakers just this evening.

Colleagues, global market forces and consumer behaviour are the final arbiters in the digital era, not regulators. Increased regulation does not result in increased competition; it results in the opposite. It creates increased barriers for the disruptive new entrants who can deliver dramatically improved services and greater value. It prevents them from ever getting a toehold in the market.

I'm with Senator Simons and other speakers; after a flurry of last-minute amendments and all the misunderstanding and misinformation, this bill is in desperate need of a thorough Senate study and revision. I hope that you consider the three questions that I have asked as you select and question witnesses. Let's stay focused on creating the conditions that will increasingly empower Canadian creativity, culture and competitiveness into an evermore digital and disruptive future.

[*Translation*]

Hon. Julie Miville-Dechêne: Colleagues, I rise today to talk about how important it is for the Standing Senate Committee on Transport and Communications, of which I am a member, to meet as soon as possible to conduct a serious study of Bill C-10 with its more than 100 amendments. It is essential that we thoroughly study the positive and negative effects of these amendments. Since this is an important bill that is highly anticipated by the cultural sector, I hope that our committee will be able to sit before Parliament resumes this fall and speed up the process.

I spent most of my life working for the public broadcaster, CBC/Radio-Canada, which is the very embodiment of the broadcasting policy on Canadian content, or CanCon, especially in terms of French-language content. You won't be surprised to hear that I believe in the importance of public policies that reinforce francophone, Quebec and Canadian content in TV programming and all other forms of artistic expression. I worked as a journalist, and I know that the only reason there are francophone journalists stationed around the world is that Radio-Canada is subsidized. It's the only francophone television channel in the country that provides that kind of international coverage from our own perspective.

Because Quebecers represent the only predominantly francophone society in North America, there's a broad consensus in the province that Quebec culture in all its forms must be supported by the state. It is a matter of survival because the French language and culture go hand in hand. Just recently, the Quebec minister of culture and communications encouraged all public agencies to promote French music on their phone lines because people sometimes hear English music when they're put on hold.

It is even more important for francophones in minority communities in Canada to see their realities reflected in the music and audio-visual programs they enjoy. When I became a senator and a member of the Standing Senate Committee on Transport and Communications, I realized that our broadcasting policies are more contentious outside of Quebec. One of my colleagues even felt that the only criterion that should be met should be related to what content the public wants to see on television, whether it is an American station or something else. He believed that hardly anyone cares about the CBC any more and so it wasn't worth preserving.

These are the extremes that are at the heart of the debate on Bill C-10 because the bill requires online streaming services, such as Netflix and Disney, to meet Canadian content requirements, which will be determined in stages by the CRTC. The companies affected called for adjustments, but overall, they were fairly receptive to the first incarnation of the bill because of the flexibility it offered. After all, Europe has already paved the way by imposing local production quotas of 30%. I think that the argument expressed in this chamber to the effect that taxing foreign broadcasters is enough to increase Canadian production is simplistic because Canadian production also needs visibility. We therefore need the restrictions imposed on Canadian and foreign broadcasters to be more fair.

Things became more complicated with the amendments aimed at extending the CRTC's jurisdiction to platforms like YouTube and even Facebook. Does this put Canadians' freedom of expression at risk? I don't think so. The government has imposed rather strict criteria on Canadian broadcasters regarding CanCon, its place in programming and the percentage of French-language songs on the radio, but we didn't think that constituted an infringement of freedom of expression. This same freedom of expression argument is also being overused when it comes to reducing children's access to pornographic sites. I heard Senator Housakos take offence earlier to the bill that Minister Guilbeault is preparing, which seeks to remove child sexual exploitation videos from the internet. Is removing illegal videos from the internet really a violation of freedom of expression? In my opinion, after years of laissez-faire, we need to find balanced solutions to regulate, not censor, the internet.

I want to take a moment to focus on a point that seems crucial to me, specifically discoverability. I became interested in this issue when I was working as a diplomat at UNESCO and we were involved in drafting the digital guidelines to implement the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which is a highly influential convention in Quebec. As far back as 2017, UNESCO was calling on states to ensure the visibility and discoverability of national and local cultural content and encouraging private operators to be more transparent in their algorithms. Canada is a signatory to that convention. Since then, the web giants have certainly not done anything on their own initiative to make their powerful algorithms transparent.

According to researcher Véronique Guèvremont, other countries are acting on these issues, and I would like to hear more about them in committee. Germany has opted to regulate the "findability" of content by requiring platforms to publish the criteria that their algorithms use to determine how content is sorted, as well as the choices that consumers can make. Austria has made the prominence of European works on platforms a criterion. Even France and Quebec are having discussions with a view to promoting greater visibility for French-language works, and not based solely on where they come from. Contrary to what I've heard in this chamber, we are not the only ones having this debate.

• (1940)

I myself ran into difficulty with Canadian content not being discoverable on Netflix when the first Quebec film produced by Netflix became available on that platform. I couldn't remember the title of the film, which was *Jusqu'au déclin*, and it wasn't among the top recommendations, even though it was a new release. I asked Netflix's spokespeople why this title wasn't made more visible for Quebec and Canadian subscribers. I was told that titles are ranked according to the interest displayed by members, and that I could simply have typed in "Canada" and the title would have appeared, but that wasn't something I was aware of.

These secret algorithms are key to Netflix's global business model. The broadcaster claims that changing the algorithms would have a negative impact on viewership for our own films outside Canada. I have to say I'm skeptical about that. How can consumers make real choices if films are featured according to some commercial logic? That is no small thing because 47% of francophones watch mostly anglophone content on Netflix. The algorithms are in no way neutral. That's the kind of issue we need to really dig into, understand and consider as lawmakers. Yes, there are huge Canadian success stories on platforms such as Netflix and YouTube, and they never relied on discoverability, but how many francophone songs from here never get exposure? How extensive does the legislative framework have to be? How can we make sure that targeted protectionist measures don't stifle creativity and the variety of programming available online? How can we make sure that the bill is flexible enough to remain relevant through the inevitable technological changes to come? Is the CRTC agile enough to take on this enormous challenge?

Like many senators, I have more questions than answers about this complex issue. I therefore urge you to refer Bill C-10 to a committee as soon as possible so we can give it proper sober second though.

Thank you.

The Hon. the Speaker: Senator Omidvar would like to ask you a question, senator. Would you take a question?

Senator Miville-Dechêne: Certainly.

[*English*]

Senator Omidvar: Thank you, Senator Miville-Dechêne. I really appreciated your comments.

I have a question about discoverability. It's a new word for new times, and I get that. However, are you not concerned that the CRTC will become the cultural arbiter for Canada, deciding what is discoverable and what is not? Beauty, after all, lies in the eyes of the beholder, who is the consumer in this case.

[*Translation*]

Senator Miville-Dechêne: You asked a good question that does not have a simple answer, senator. Certain decisions are already made in our existing broadcasting system, since broadcasters are required to broadcast a percentage of Canadian content during certain hours. It is all well and good to say that Canada can showcase itself around the world, but the United States is our neighbour. Protecting Canadian content, in both English and French, has always been considered important to helping our culture thrive and be seen by Canadians.

This bill attempts to do some things, and I think we need to study it in committee to see whether it is possible to do those things. Discoverability is one of the tools we can use to try to influence what people watch. We know that young people no longer watch Canadian content on TV. Instead, they watch Netflix and other digital platforms. The purpose of the bill is precisely to ensure that these young people have access to Canadian content. I don't think that it's a form of censorship. It's more a matter of shaking things up.

At present, the platforms pick the winners and the losers. There is nothing neutral about how these algorithms are designed. The idea is to put forward what represents us, that is, our culture and the French language. That is one element I wanted to focus on in my speech. French culture in North America is an altogether different matter. I hope to be able to strike a balance.

You are right when you say that this may seem worrisome. This isn't new to Europe, which has been giving serious consideration to these issues precisely to ensure that its own cultures can be visible on these platforms.

[*English*]

Senator Omidvar: I have a supplementary question.

Senator, do you know of another jurisdiction that uses discoverability in this way?

[*Translation*]

Senator Miville-Dechêne: I have not studied that at length. From what I understand, Europe has made the most progress in this area. I believe that Germany requires transparency with respect to the algorithms and their criteria. It wants to know whether consumers can choose programming by origin with these algorithms. It is one of the countries that goes the furthest on this issue.

I know that this is being studied seriously around the world, but I don't believe that, to date, all the measures that can be put in place have been implemented.

(On motion of Senator Richards, debate adjourned.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill C-6, An Act to amend the Criminal Code (conversion therapy).

Hon. Jane Cordy: Honourable senators, I would like to begin by acknowledging that I'm joining you from Mi'kma'ki, the ancestral land of Mi'kmaq people.

I am pleased to speak today at second reading debate on Bill C-6, An Act to amend the Criminal Code (conversion therapy). I would very much like to thank the sponsor of the bill, Senator Cormier, who shared his experiences and who spoke so articulately about Bill C-6 last week. In addition, when I reached out to him for information related to conversion therapy, he kindly sent me a huge package. Senator Cormier, I really did read all the material. Thank you so much for sharing it with me.

I must also thank our former colleague Senator Serge Joyal, who introduced Bill S-260, An Act to amend the Criminal Code (conversion therapy), in the Senate in April 2019.

I also thank those who have spoken prior to me on Bill C-6. You shared personal stories, you were passionate and informative, and I thank each of you. This is an issue where those experiences can be difficult to share publicly. Too many Canadians who are the victims of conversion therapy and the stigma inflicted by society about their sexual orientation or gender identity often suffer in silence. You have provided a voice for them in the Senate of Canada.

Honourable senators, I fully support this bill that bans the practice, the promotion or the profiting from the so-called practice of conversion therapy. The bill will also make it unlawful to practise, promote or profit from conversion therapy tourism. In other words, it makes it illegal to take a person outside of Canada to a jurisdiction that permits this cruel practice.

• (1950)

The so-called science behind conversion therapy has long been debunked as junk science, and, unfortunately, it often operates from within religious or faith-based institutions. The World Psychiatric Association found that there is no sound scientific evidence that innate sexual orientation can be changed. In 2020, the Independent Forensic Expert Group on Conversion Therapy declared that offering conversion therapy is a form of deception, false advertising and fraud.

Honourable senators, I have read that we don't have to worry because these cruel practices no longer take place. I only wish that were true. Data collected by a British Columbia research group shows that conversion therapy practices are still common across our country. The data was from the Community-Based Research Centre's 2019 Sex Now Survey, which included over 9,000 responses. As many as 1 in 10 gay, bisexual, trans, queer men, and two-spirited and non-binary people reported that they were part of conversion therapy practices.

In its wake are thousands of Canadians who were irrevocably traumatized by experiencing conversion therapy first-hand, while untold thousands more were made to feel devalued and ashamed of who they are. They were left feeling that there was something "wrong" with them.

These emotional, psychological conflictions didn't just naturally manifest internally but rather were uncaringly forged by external forces. Whether in the schoolyard, at the dinner table or places of worship, the effect was devastating for entire generations of gay, bi, trans and queer men and two-spirited and non-binary Canadians. If you were not a heterosexual male or heterosexual female, you needed to be "cured."

The idea that sexual orientation and gender identity is an affliction that can or must be cured is nothing but cruel. Unfortunately, as I stated earlier, those beliefs are not a thing of the past. Far too many in Canada still hold to those beliefs, and shame on them for continuing to promote those beliefs in our society in 2021.

The lasting results of conversion therapy on those Canadians unfortunate enough to be forced into it has been widely documented. We know that the practice is discriminatory. It starts with the premise that members of the LGBTQ2+ community are flawed and that they need conversion. Honourable senators, conversion therapy devalues lives. As Senator Cormier stated in his speech, ". . . it perpetuates stereotypes and myths that have no place in Canadian society."

Honourable senators, I have heard concerns that the legislation fails to safeguard voluntary conversations with friends, parents, doctors and clergy. Unfortunately, I have also heard this information from a few MPs, and an amendment in the other place in section 320.101 clarifies what conversion therapy means and, for greater clarity, what conversion therapy is not. Bill C-6 clearly states that:

> . . . this definition does not include a practice, treatment or service that relates to the exploration and development of an integrated personal identity without favouring any particular sexual orientation, gender identity or gender expression.

Colleagues, in 2018, the people of my province overwhelmingly supported criminalizing conversion therapy as Nova Scotia became the third province in Canada to ban the practice of conversion therapy for anyone younger than 19. Nova Scotia also made the practice uninsurable for adults.

As noted by others, Ontario, Manitoba, Prince Edward Island, Quebec and Yukon have also banned conversion therapy. It is well past time that we follow suit nationally and ban this harmful practice from coast to coast to coast.

Honourable senators, by not agreeing to outlaw the practice of conversion therapy outright, we risk legitimizing it. As others have said, this is Pride Month. Let us do the right thing so that everyone is supported for being themselves.

I am proud to support this bill. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to speak to Bill C-6, and although I rise as a critic of this bill, I wanted to make it very clear from the outset that I am very supportive of a well-defined ban on coercive conversion therapy. As much as the Liberals try to make it appear otherwise and, unfortunately, even my good friend Senator Cordy did just a minute ago, Conservatives agree that coercive conversion therapy is unconditionally wrong, and it needs to be banned.

In fact, this support for banning abusive and coercive practices of conversion therapy appears to be universal. As noted on the government's website, many professional associations such as the Canadian Psychological Association, the Canadian Psychiatric Association, and the Canadian Paediatric Society have denounced conversion therapy as a practice that is harmful to LGBTQ2+ persons, especially minors.

Faith-based groups are also in agreement, colleagues. The Coalition for Conscience and Expression is an alliance of faith groups that includes the Canadian Conference of Catholic Bishops, the Church of Jesus Christ of Latter-Day Saints, the Evangelical Fellowship of Canada, the Canadian Centre for Christian Charities and the Christian Legal Fellowship.

Today, they represent millions of Canadians and are unequivocally united in opposition to all abusive and coercive practices, including those related to conversion therapy.

We have all heard the horror stories where techniques used in conversion therapy included things such as the application of electric shocks to the hand or genitals, ice pick lobotomies, chemical castration, nausea-inducing drugs, primal scream therapy and more. Attempting to alter a person's sexuality through coercion and demeaning treatments is not therapy, colleagues. It's abuse.

I am personally troubled by the experiences shared by victims of abusive conversion therapy. Too many members of the LGBTQ2+ community have been harmed by degrading and dehumanizing practices, which were imposed on them in an effort to change their sexual orientation against their will.

Colleagues, this is wrong. Everyone deserves to be treated with dignity and respect, and as parliamentarians, we have a responsibility to ensure that this right is reflected in our laws.

As noted on the Justice Department's website, Bill C-6 proposes to do this by creating five new Criminal Code offences: causing a minor to undergo conversion therapy; removing a minor from Canada to undergo conversion therapy abroad; causing a person to undergo conversion therapy against their will; profiting from providing conversion therapy; and advertising an offer to provide conversion therapy.

The idea of banning coercive therapies designed as sexual orientation change efforts is not new. In 2009, the American Psychological Association noted that following the removal of homosexuality from the Diagnostic and Statistical Manual of Mental Disorders in 1973, the publication of studies of sexual orientation change efforts decreased dramatically, and non-affirming approaches to psychotherapy came under increased scrutiny. Behaviour therapists became increasingly concerned that aversive therapies designed as sexual orientation change efforts for homosexuality were inappropriate, unethical and inhumane.

• (2000)

Today, conversion therapy is already banned in one form or another — Senator Cordy alluded to this — in the provinces of Ontario, Quebec, Nova Scotia, Prince Edward Island and the Yukon territory. Manitoba has adopted a policy stating that ". . . conversion therapy can have no place in the province's public health-care system."

Municipalities such as Vancouver; Edmonton; Calgary; Lethbridge; Rocky Mountain House; St. Albert; Strathcona County; Wood Buffalo; Saskatoon; Spruce Grove; Montreal; and Saint John, New Brunswick all have bans on conversion therapy, and plans to do the same are underway in Kingston; Regina; and Naimano, British Columbia.

In truth, colleagues, the federal government is a little late to the table on this one. When asked about banning conversion therapy in February 2019, they swatted down the idea, saying it was the responsibility of provinces and territories. But after Senator Joyal tabled his private member's bill, Bill S-260, in 2019 and then reintroduced it as Bill S-202, the government seems to have had an awakening and decided to take action.

It is regrettable, however, that so much of what this government does is crass political manoeuvring rather than simply being motivated to do the right thing. We see this again with Bill C-6. Banning coercive conversion therapy is the right thing to do, but instead of drafting a bill which clearly articulates those parameters that could have passed unanimously, the government chose to try to make it a wedge issue by making this bill overly broad and ambiguous.

Allow me to explain. Bill C-6 does not just ban coercive, harmful measures which are denounced by everyone. It casts a wide net which will have unintended and harmful consequences. Despite hollow assurances from the government, which we see regularly, as it is currently worded, this bill threatens voluntary conversations between individuals and their teachers, between individuals and school counsellors, between individuals and pastoral counsellors, between individuals and faith leaders, between individuals and doctors, and between individuals and mental health professionals, and friends or family members.

Ironically, however, it does not threaten conversations with Canadians who are heterosexual or cisgendered, only with those who are non-heterosexual or non-cisgendered.

For example, if a heterosexual is in a committed relationship and is struggling to stay faithful to his or her partner, they can seek professional help from a counsellor, therapist, spiritual leader or health professional with no fear of legal recourse. Likewise, those who provide them with assistance have no reason whatsoever to be concerned about the impact of Bill C-6.

However, colleagues, if a homosexual in a committed relationship is struggling to stay faithful to his or her partner, any professional help to reduce or manage sexual attraction would be criminalized.

Similarly, if a cisgendered person wants to seek out assistance in transitioning away from their biological sex, this bill does not erect any barriers to them in doing so. However, if a non-cisgendered person finds themselves wanting to transition back to their biological gender, this bill makes any such assistance criminal.

Where is the consistency? Much of this problem stems from the definition in the bill, which is both broadly and vaguely worded.

The definition currently reads as follows:

> . . . ***conversion therapy*** means a practice, treatment or service designed to change a person's sexual orientation to heterosexual, to change a person's gender identity or gender expression to cisgender or to repress or reduce non-heterosexual attraction or sexual behaviour or non-cisgender gender expression. For greater certainty, this definition does not include a practice, treatment or service that relates to the exploration and development of an integrated personal identity without favouring any particular sexual orientation, gender identity or gender expression.

This definition has a number of problems. For starters, the terms "practice," "treatment" or "service" are not defined. Because of this, many witnesses at the Justice Committee noted that it is difficult to have a clear grasp of the scope of the bill's impact.

The Coalition for Conscience and Expression said:

> Terms like "practice," "treatment" and "service" could be broadly construed to include not only harmful professional or commercial practices but also discussions and activities with family members, friends, faith leaders and others—whether in the settings of worship or other "services" or as "practices" in families or group settings—that have nothing to do with the ordinary meaning of conversion therapy.
>
> Moreover, the breadth of the terms "practice" and "service," especially when coupled with severe criminal penalties, threatens to unduly inhibit or restrict the good-faith promulgation or expression of religious doctrines, teachings, and beliefs regarding sexuality . . ..

Secondly, although it is conversion therapy that is being banned, nowhere does the definition point out that the practice, treatment or service needs to be therapeutic. This again opens the bill up to a broad interpretation and an overly broad application which, according to some constitutional lawyers, will threaten the constitutional freedoms of Canadians and leaves the act open to the possibility of being struck down as unconstitutional.

To address this problem, it has been recommended that the word "therapeutic" be added to the definition so that it would read "conversion therapy means a therapeutic practice, treatment or service" and so on.

As suggested by one committee witness:

> Adding "therapeutic" at the beginning of the definition of conversion therapy would go a long way in focussing the scope of this bill. It would alleviate the legitimate concerns

> of parents, teachers, and spiritual leaders from a diversity of faith groups that their good-faith conversations around identity are not targeted by this bill.

Third, the definition targets not only conversion therapy but also any attempt to ". . . reduce non-heterosexual attraction or sexual behaviour . . . ." This is highly problematic.

As noted by Jose Ruba at the Justice Committee, this phrase:

> . . . is not used by any professional body in North America. The Canadian Psychological Association, the Canadian Psychiatric Association and their American counterparts do not include the phrase, "reduce non-heterosexual attraction or sexual behaviour."
>
> There are legitimate reasons why Canadians would want to reduce sexual behaviour without changing their orientation. Sexual behaviour can include porn or sexual addiction or extramarital affairs.

• (2010)

Fourthly, as noted earlier, this bill's definition of conversion therapy only applies in one direction. It restricts the freedom of non-heterosexuals and non-cisgendered persons to voluntarily seek out certain kinds of professional help, but it does not restrict heterosexuals or cisgendered persons.

Mr. Ruba put it this way at committee when speaking about getting help for undesirable sexual behaviours:

> If Bill C-6 passes, heterosexuals would be able to get supports to reduce these behaviours, but LGBT Canadians will not. Consenting adults would not be able to pay for a professional counsellor and mature minors would have no choice at all. In fact, this bill says that only the counselling sessions of LGBT Canadians will be regulated by criminal law.

Lawyers at the Justice Centre for Constitutional Freedoms have noted that this one-directional nature of the definition is almost certainly unconstitutional. They said:

> A law that allows opposite-sex attracted Canadians to receive . . . supports to reduce unwanted sexual addictions or behaviours, but bars same-sex attracted Canadians from doing the same, is indisputable discrimination on the basis of sexual orientation. Similarly, allowing medical, psychological and other therapeutic interventions to help individuals transition away from their natal gender, while prohibiting such help for individuals seeking to detransition, is likewise discriminatory.

Fifth, the bill's overly broad definition will violate Canadians' freedom of thought, conscience and religion.

Article 18 of the United Nations' Universal Declaration of Human Rights says the following:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

But here's the problem: It is no secret that the practice of homosexuality is forbidden in some faiths. For example, while not universal in their doctrinal positions, the following religions believe that sexual relationships are permitted only between a husband and wife: Bahá'í, Christianity, Mormonism, Islam, Judaism and Hinduism. There may be more, colleagues, but those are the ones that I am aware of.

Take, for example, a person who goes to his pastor or imam and says, "I am experiencing homosexual desires. What does our faith say about that?" And the spiritual leader says to them, "Our faith does not believe that homosexual desires are wrong but practising homosexuality is." The person then says, "Well, can you give me some guidance or refer me to a program that will help me reduce my non-heterosexual attraction, so that can I live in accordance with our beliefs?"

In that situation, Bill C-6 is going to force that pastor or imam to answer, "No, I'm sorry. I cannot help you. The Criminal Code of Canada prevents me from giving you any such guidance or assistance. If I do so, I could go to jail for up to two years."

Although the person wants to live in accordance with their faith, Bill C-6 is going to make it a criminal offence for their religious leaders to offer them any assistance in doing so. That is a clear violation of their religious freedom.

I am aware that the government has responded to this concern by saying that the bill does permit consenting adults to be offered help. However, this is blatantly misleading. A person cannot advertise such a consulting service and cannot be paid for such a consulting service. Any religious leader who gets paid to serve in that role cannot offer this counselling or they would be charged with being paid to provide conversion therapy services, even though such assistance is being sought out and is neither abusive nor coercive.

Furthermore, the bill also says the following:

> Everyone who receives a financial or other material benefit, knowing that it is obtained or derived directly or indirectly from the provision of conversion therapy, is
>
> (a) guilty of an indictable offence and liable to imprisonment for a term of not more than two years; or
>
> (b) guilty of an offence punishable on summary conviction.

This means that not only the person giving the spiritual guidance could be charged but also their overseers, paid board members or even the organization's receptionist if they were aware that these counselling services were and are being provided.

When faced with these concerns, the government published the following statement on the Department of Justice website:

> These new offences would not criminalise private conversations in which personal views on sexual orientation, sexual feelings or gender identity are expressed such as where teachers, school counsellors, pastoral counsellors, faith leaders, doctors, mental health professionals, friends or family members provide affirming support to persons struggling with their sexual orientation, sexual feelings, or gender identity.

This, colleagues, is very misleading. First of all, these conversations can only provide affirming support. This does nothing to protect the Charter rights of Canadians to freedom of religion.

Second, the City of Calgary's definition of conversion therapy is almost identical to the one in Bill C-6 and freely admits that their bylaw impacts all clergy.

On a City of Calgary web page, they have a Q&A about their conversion therapy ban. One of the questions is this: "Will the bylaw apply to clergy and church organizations, such as synagogues, mosques and other faith-based organizations?"

Here's the answer:

> Yes, the Prohibited Businesses Bylaw includes not-for-profit organizations such as faith groups that provide practices/services designed to change, repress or discourage a person's sexual orientation, gender identity or gender expression, or to repress or reduce non-heterosexual attraction or sexual behaviour.

The simple fact of the matter is that Bill C-6 will criminalize the beliefs and teachings of many faith communities.

This, in spite of the fact that the government's own website says the following:

> Freedom of religion or belief, including the ability to worship in peace and security, is a universal human right. It is enshrined in both the *Universal Declaration of Human Rights*, and the International Covenant on Civil and Political Rights, among other key human rights documents. Discrimination against religious and belief communities, as with all forms of discrimination, causes suffering, spreads division, and contributes to a climate of fear, intolerance, and stigmatization.

Colleagues, I could go on, but for the sake of time, I am going to wrap up.

The bill before us today may be well intentioned, and Conservatives support it in principle. Abusive or coercive conversion therapy should be banned, but the bill has significant problems that must be addressed.

As my colleague before me, who opposed Bill C-10, has said, and as I have said many times, I do support bills going to committee for study. I cannot oppose a bill and then refuse that it go to committee for study. I will not do that today. I believe this bill needs to be sent to committee to examine how to resolve these issues properly.

If we do so, colleagues, I believe we could have a bill that passes unanimously in this chamber and in the other place.

• (2020)

I cannot think of a better way to send a clear, united message that abusive or coercive conversion therapy is unacceptable in today's day and age and will not be tolerated. Thank you.

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

Some 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 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 Cormier, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*Translation*]

PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Moncion, for the third reading of Bill S-203, An Act to restrict young persons' online access to sexually explicit material, as amended.

Hon. Pierre J. Dalphond: Honourable senators, the end of this session is very interesting for various reasons. We are seeing very few government bills and a lot of non-government bills introduced by senators and MPs. The official opposition has raised serious concerns regarding the government bills, whereas it basically supports the non-government bills and their quick passage. That is quite the contrast from what was happening in June 2019, and I am happy about that.

Perhaps it is the result of a dysfunctional House of Commons, but four government bills arrived in the Senate only last week. As the representatives of the four non-governmental groups in the Senate said, that should not prevent us from carefully analyzing these bills if they were not already examined as part of the pre-study process.

Obviously, Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, will be thoroughly examined. Many members of this chamber find this bill to be questionable because they believe it is proposing to regulate online content. At the same time, others are proposing that we pass, without any real debate, Bill S-203, which seeks to control online access to sexually explicit material available on the internet, regardless of its nature. The purpose of that bill is to prevent people under the age of 18 from accessing such material.

[*English*]

To this end, Bill S-203 proposes to regulate the internet by making it a serious offence for a commercial website, as well as its employees, officers and directors, not to put in place a government-approved method to verify the age of those seeking access to sexually explicit material.

At committee, it was suggested that the age verification could be done through government-issued documents or newer technologies such as age estimation using biometrics and artificial intelligence.

With regard to the targeted websites, the bill refers to commercial content providers, which could include platforms such as Netflix, HBO or Crave that all currently offer paid access to sexually explicit material without verifying the age of the viewer.

The enforcement authority could be the Canadian Radio-television and Telecommunications Commission, or CRTC, if the designated minister were to propose it. The CRTC would then be empowered to issue age-verification orders to websites. Failure to comply within 20 days would entitle the CRTC to seek a Federal Court order to have an internet service provider block access to a website for all Canadians — minors and adults alike — including parts of the website that do not contain sexually explicit material.

At the committee, we heard that the U.K. Parliament adopted the Digital Economy Act 2017, which contains a chapter on age verification for sexually explicit material. Professor Victoria Nash of the Oxford Internet Institute, who conducts research into digital policies targeted at children, explained that this chapter was never brought into force for four main reasons.

First, age-assurance tools are very blunt and have no regard for the maturity or vulnerability of the user. She explained that the tool won't tell you whether an individual is:

> . . . particularly vulnerable and might need additional protections or maybe is particularly mature and may be well placed to enjoy an element of online risk.

Second, the U.K. government was very concerned that user data could be inappropriately shared or used if proper safeguards were not in place.

Third, on competition, larger online companies could end up benefiting from high-cost regulatory barriers because they have the means to comply, while smaller sites do not.

Fourth, serious concerns about freedom of expression and information.

We were also told that an alternative is in progress before the U.K. Parliament: the Online Safety Bill that was tabled by the U.K. government in May 2021.

It is comprehensive legislation to regulate a range of online harms to protect children, crack down on hate speech and create a truly democratic digital age. Unfortunately, its second reading and joint committee study are not expected until after the summer recess, so we do not yet have the benefit of the results of the study of this bill. Suffice to say that the U.K. bill does not include any age-verification requirements. Rather, it imposes other duties through a new standard of care on websites to reduce risks and harms to children and other users.

Brian Hurley, Director of the Canadian Council of Criminal Defence Lawyers, explained that Bill S-203 provisions creating offences were not clearly drafted and will be subject to constitutional challenges.

Professor Emily Laidlaw, Canada Research Chair in Cybersecurity Law at the University of Calgary, stated:

> . . . website blocking . . . . has historically been frowned upon in democratic societies, because it's seen as a prior restraint on speech. It's hard to do it in a way that's human-rights-compliant. It can be a blunt tool, it's easily circumvented, it tends to block more than it should for longer than it should, it tends to be a bit of a due-process nightmare . . . .
>
> . . . blocking should be a last resort, if at all, and it's not structured that way at the moment in the bill.

The Privacy Commissioner of Canada, Mr. Daniel Therrien, expressed concerns about means to control access and the collection of users' personal data.

• (2030)

A representative of the sex workers talked about the migration, particularly during the pandemic, from in-person sex work to online and adult-film sex work. She strongly opposed the bill as putting sex workers' livelihood and safety at risk.

As for representatives of websites providing access to sexually explicit content and internet service providers, no one — I repeat, no one — agreed to testify or sent a brief to the committee. In this context, some members of the committee, including Senator Dupuis and myself, expressed strong reservations on many provisions of the bill. Additionally, I privately made suggestions to the sponsor to make the bill more compatible with our legal tradition and less authoritarian in its approach.

On June 9, at clause-by-clause consideration, the sponsor moved six amendments, including one three pages long designed to address some of the concerns raised. Without much debate because of scheduling limitations, the committee adopted these amendments on division and without observations.

On June 10, the Canadian Action Network for Digital & Personal Rights, an NGO advocating for civil liberties in Canada, published a post entitled, "The Senate's Committee for Constitutional Affairs Has Assaulted Democratic Values, and Canadians Deserve to Know About It." In the document, it is stated:

> . . . the Canadian Action Network for Digital & Personal Rights is deeply concerned about the wide ranging implications to free speech, free expression, constitutional rights, and the privacy of Canadians that would almost certainly come to realization as a result of this bill becoming law.

On June 21, a deputy chair of the committee made a four-minute speech and moved adoption of the report. He did not summarize the evidence adduced before the committee nor the concerns raised. No question was asked, and the report was promptly adopted. I barely had the time to say, "on division."

On June 22, after speaking for two minutes, the sponsor of the bill moved third reading, again with no summary of the evidence, no comments on the concerns raised and no explanation on the substantial amendments that she had moved.

An Hon. Senator: Where were you?

Senator Dalphond: I was there. I'm coming.

In her brief remarks, the sponsor said:

> I agree that it is perfectible. It seeks to innovate in a vast and complex area, the internet, and I refuse to give up because the technology is supposedly inadequate. . . .
>
> The other place can continue the work.

Then she moved the question while I rose to ask if the critic, Senator Frum, would speak to the substantially revised bill. The answer was no, and I adjourned the debate.

The following day, I informed my scroll colleagues that I was not ready to speak to the bill, and it was agreed, as is the usual practice at scroll, that the bill would stand when called.

But later that day, after the House of Commons had already adjourned for the summer, the sponsor and Senator McPhedran moved the question again.

I won't say much about this manœuvre but only that it cannot be conducive to a fulsome debate and good relationships between senators. As I said on debate on the reasoned amendment moved against Senator McPhedran's bill on voting age, I believe private bills must be debated and duly analyzed just like government bills. And on this, I understand I share the views of Senator Plett.

Furthermore, in my opinion, it does not help to improve respect for our work to send a bill to the Commons with a comment that it contains flaws that the other place could fix.

Finally, colleagues, it is important to realize that Bill S-203 and Bill C-10 touch in many ways on similar issues: namely regulation of online content, potential restrictions to access, users' privacy and the role of the government in controlling the content of the internet. But Bill S-203 goes further as it proposes to empower the government to seek orders against internet service providers.

No doubt, such issues will be reviewed carefully through the study of the government's Bill C-10, which will bring before the Senate many interested parties including internet service providers, digital economy experts, advocates for freedom of expression and other Charter rights, privacy experts and international experts who may offer some insight on why the balancing of individual rights and the public interest has been so challenging in the U.K. and elsewhere.

Colleagues, in such a context, can we, on the one hand, rush to adopt a private bill that controls part of the internet and, on the other hand, oppose a government bill because it might do the same?

In my humble opinion, there is no valid reason to rush through this new version of Bill S-203. The House of Commons has risen for the summer. If there's an election called this summer, this bill, like Bill C-10, will die on the Senate Order Paper.

However, if no election is called, we will have plenty of time this fall to debate Bill C-10 and then, well informed, to proceed to meaningful third reading of Bill S-203, including consideration of amendments to address its flaws.

For these reasons, I suggest that we adjourn the consideration of Bill S-203. Thank you for your attention. *Meegwetch*.

[*Translation*]

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

Hon. Senators: Question.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay?"

Hon. Peter Harder: Nay.

The Hon. the Speaker: Those in favour of the motion who are in the Senate Chamber will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion who are in the Senate Chamber will please say "nay."

Some Hon. Senators: Nay.

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

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.)

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Seidman, for the second reading of Bill S-219, An Act to amend the Corrections and Conditional Release Act (disclosure of information to victims).

Hon. Kim Pate: Honourable senators, I look forward to the opportunity to more fully debate Bill S-219. In the interest of ongoing, consistent, careful and evidence-based reflections on the goals and impact of the criminal legal system, we must consider what approaches will be most likely to realize our objectives for systems that contribute to more just, fair and inclusive communities.

• (2040)

Four decades of work with and on behalf of marginalized, victimized, criminalized and institutionalized youth, men, and especially women, make it painfully clear that the same factors of systemic inequality and exclusion that make women — particularly Indigenous and racialized women — the fastest growing prison population in Canada have also contributed to putting them disproportionately at risk of victimization. It is likewise painfully clear that conventional responses to victimization by encouraging people to play a role in the criminal legal system and advocating harsh punishments are not meeting their needs. These responses are not providing people who have been victimized with the social, economic, health and personal supports that they need and to which they are entitled. Nor are they successfully deterring crime, preventing future victimization or making communities safer.

I look forward to our further careful examination of this bill. But in the meantime, I adjourn the debate for the balance of my time. Thank you.

(On motion of Senator Pate, debate adjourned.)

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO IMPOSE SANCTIONS AGAINST CHINESE AND HONG KONG OFFICIALS FOR THE VIOLATION OF HUMAN RIGHTS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Oh:
>
> That the Senate of Canada call upon the Government of Canada to impose sanctions, pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*, against Chinese and Hong Kong officials for the violation of human rights, civil liberties and the principles of fundamental justice and rule of law in relation to the ongoing pro-democracy movement in Hong Kong.

Hon. Pat Duncan: I move the adjournment of the debate.

(On motion of Senator Duncan, debate adjourned.)

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE ONGOING PERSECUTION AND UNLAWFUL DETENTION OF UIGHUR MUSLIMS IN MAINLAND CHINA—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> That the Standing Senate Committee on Human Rights be authorized to examine and report on the ongoing persecution and unlawful detention of Uighur Muslims in mainland China, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2021.

Hon. Pat Duncan: Thank you, Your Honour. I move the adjournment of the debate until the next sitting of the Senate.

(On motion of Senator Duncan, debate adjourned.)

THE SENATE

MOTION TO CALL ON THE GOVERNMENT TO CREATE PATHWAYS TO CITIZENSHIP OR PERMANENT RESIDENCY FOR ESSENTIAL TEMPORARY MIGRANT WORKERS ACROSS ALL SECTORS AND TABLE A STATUS REPORT ON THE ISSUE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Woo:
>
> That, in light of a recent Nanos poll demonstrating strong support amongst Canadians to provide a way for temporary foreign workers to remain in Canada, the Senate call on the Government of Canada to create pathways to citizenship or permanent residency for essential temporary migrant workers across all sectors; and
>
> That the Senate call on the Government of Canada to table a status report on this issue within 100 days of the adoption of this order.

Hon. Robert Black: Honourable senators, I have risen on a number of occasions to highlight the important role that temporary foreign workers play in maintaining Canada's food supply. Today, I rise to speak to the motion to call on the government to create pathways to citizenship and permanent residency for essential temporary migrant workers across all sectors, tabled by Senator Omidvar. I would like to begin by saying it is an honour to work with my colleague Senator Omidvar, the liaison for the Independent Senators Group. As the chair of the Canadian Senators Group, we are both proof that senators from different groups can work together on issues of mutual interest. As a CSG senator I look forward to collaborating on other issues with my colleagues from all sides of the chamber.

Temporary foreign workers have been an important feature of Canada's labour market landscape for decades. Each year, thousands of foreign nationals travel north to fill shortages in our labour force. Agriculture is particularly dependent on these temporary foreign workers, who account for approximately 20% of the total employment of the sector. These workers come to Canada each year to work on our farms, provide care for our families and contribute to a wide variety of other industries. There is no doubt that these individuals positively contribute to our domestic workforce while also contributing positively to their home nations as they support their families from abroad.

While there are a number of ways that individuals from abroad can come to Canada for work, many of the agricultural workers come by way of the Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program. The Temporary Foreign Worker Program allows Canadian employers to temporarily hire foreign nationals to fill temporary shortages. The Temporary Foreign Worker Program is jointly operated by Immigration, Refugees and Citizenship Canada and Employment and Social Development Canada. While related to the Temporary Foreign Worker Program, the Seasonal Agricultural Worker Program, or SAWP, is an eight-month program that targets workers from Mexico and the Caribbean to fill shortages related to agriculture and specific commodities sectors such as dairy, mushrooms, poultry and grains, among others.

According to Statistics Canada, there were about 550,000 temporary foreign workers in Canada in 2017, accounting for 2.9% of total employment. Although the overall percentage of temporary foreign workers may not be large, they are particularly important in agriculture, forestry, fishing and hunting. In fact, Statistics Canada also reported that temporary foreign workers accounted for 41.6% of agricultural workers in Ontario and over 30% of agricultural workers in Quebec, British Columbia and Nova Scotia in 2017.

As we all know, COVID-19 has impacted every facet of our daily lives, from marking milestones with family, using Zoom on a screen, to hosting Senate sittings with only a handful of senators in the Red Chamber. No industry has gone untouched by this intrusive virus, including those requiring the services of migrant workers. According to research conducted by the Library of Parliament, almost 3,000 fewer Temporary Foreign Worker Program work permits came in effect in March 2020 compared to the average of the previous five years. This was, of course, a result of restrictions placed on travel early in 2020 to combat the effects of the virus. While restrictions were loosened and exemptions were made to account for the role of migrant workers, there was a decrease in the total number of workers who arrived in Canada last year, and a significant delay in the permit and travel process, which ultimately affected our agriculture producers and food processors.

The threat of COVID-19 also meant that workers faced increased risk as they made their way from their home countries to work here in Canada. Over this past year, we saw how the virus particularly impacted workplaces where workers can be found in close proximity to one another, which led to several outbreaks in locations such as meat processing plants and on farms. Tragically, some foreign nationals working in congregate settings lost their lives to COVID-19.

In an *Ontario Farmer* article from this past February, Ken Forth, a broccoli grower in Hamilton area and president of the Foreign Agricultural Resource Management Services, highlighted how the job of putting top-quality food on tables has always been difficult and risky, and that COVID-19 has only added to the already existing challenges.

Mr. Forth wrote:

> . . . the vast majority of farmers responded overwhelmingly well to the health crisis. They went to great lengths very quickly in difficult and rapidly changing circumstances to limit the impact of COVID-19 on their workers and their communities.

• (2050)

He went on to say:

> [Farmers] care deeply about the health and well-being of each individual who works for us, whether they were born here or elsewhere. We care about them as workers and, more importantly, as people.

While there are a few bad apples in any bunch, I would like to take this opportunity to say that the majority of farm operations across this great country that employ migrant workers do so with pride and respect for their workers. They know that it is because of these workers that their operations are able to feed Canadians year in and year out. Some workers have remained with the same farm for decades, and many of these operations would cease to exist without them.

Earlier this year, I asked the Government Representative in the Senate whether the government planned to prepare for the arrival of this year's temporary foreign workers in advance of another harvest season. I was hopeful that the government would work to ensure that employers and workers were better prepared and supported to minimize the risk of COVID-19, safeguard the health of those at risk and ultimately avoid the tragic events, such as the outbreak and deaths that were witnessed last year.

Although I appreciate the steps the government has taken to support these vulnerable sectors, I would like to call attention to the fact that this government will be retracting the funding made available through the Mandatory Isolation Support for Temporary Foreign Workers Program on August 31. Unfortunately, planting, harvesting and growing does not have an end date.

It is clear that the associated costs of the 14-day mandatory quarantine and the potential additional quarantine days in the event of an infection or failed test cannot be recovered through the marketplace, and growers, producers and processors need further assurance of support to maintain stable production. I implore this government to revisit this phase-out funding plan and instead commit to continued, sustainable funding until the quarantine requirement has passed.

While the aforementioned Temporary Foreign Worker Program and Seasonal Agricultural Worker Program are multi-faceted and complex programs, public trust in federal work programs is imperative. In order to gauge trust in these programs and gain an understanding of the Canadian perception of these programs and temporary foreign workers, Senator Omidvar and I worked with Nanos Research to poll Canadians on the importance of the agriculture sector to the Canadian economy, the role of temporary foreign workers and related programs in the agriculture sector and paths to citizenship or permanent residency for temporary foreign workers.

This poll, conducted last fall, found that more than 8 in 10 Canadians would support or somewhat support providing a way for temporary migrant workers to remain in Canada. The poll also showed that the vast majority of Canadians agree or somewhat agree that temporary migrant workers are essential contributors to the agriculture sector in Canada and that they should be entitled to the same benefits and protections as any other worker.

While it is important to highlight that not all migrant workers are looking to attain permanent residency here in Canada and prefer to come for a few months and then return home to their families for the rest of the year, we should still offer additional pathways for those who are seeking to become permanent residents.

As Dylan Wiens, an Ontario peach and fruit farmer in Niagara said to me:

> Farmers do not set the rules for immigration, but we are fully supportive of any international farm worker who wants to go through the government's process of applying for permanent residency.

In 2020, the federal government also launched the three-year Agri-Food Pilot. While not launched specifically in response to the COVID-19 pandemic, this pilot aims to address labour needs in the agri-food sector by providing a new permanent residence pathway for certain agri-food workers. Unfortunately, I learned that this program has had very little uptake since being announced last year.

In a December briefing, department officials shared that as of last October, only 153 applications had been received, while the program has an annual capacity of 2,750 applicants. While this is certainly disappointing, I am hopeful that the government is doing its utmost to inform and promote the available programs to those who are interested in acquiring permanent residency.

Some positive news then came this April, when the Minister of Immigration announced an additional pathway to permanent residency for over 90,000 essential temporary workers and international graduates. This welcome announcement created a one-time limited opportunity for truck drivers, caregivers, health care workers and agricultural workers to apply depending on specific criteria. While this is a wonderful step forward in further engaging with those who are interested in obtaining permanent residency, we must remember that not all workers are looking to do so. It is critical that all of the workers who come to support Canada's labour market, whether it is in agriculture, health care or otherwise, are supported by this country.

Offering pathways to permanent residency to those who are seeking it will only strengthen the Canadian workforce, support our economic recovery and enhance the fabric of our diverse society, but we cannot forget to support those who leave their friends and family to work abroad for only part of the year.

The popular Facebook page Faces Behind Food catalogues the stories of those workers who are often behind the scenes of our agri-food industries, including many migrant workers. I would like to share with you a post from earlier this year. On

January 14, Faces Behind Food shared Percy's story. Percy is a seasonal agricultural worker on an Ontario apple orchard and has been here for some time. He says:

> I've been coming to Canada to work for 30 years. It's nice to work here. When I come here to work, the money can go home and buy things. It helps feed my family, build a house, and then when I go back home, it's like a holiday. I come here to work for seven months, then I'm back home five months then back here again. I've got three kids, they're 28, 30 and 31. When you're here, you get to know everyone so they're like a family too.

Stories like this highlight the long-lasting relationships that have grown out of the Seasonal Agricultural Worker Program. I wholeheartedly believe that there should be opportunities for permanent residency made available for those who are interested. However, as I have said before, many Seasonal Agricultural Worker Program workers rely on the fact that they get to go home. Again, I'm hopeful this government will work not only to propose additional pathways to permanency but to also further promote and engage with those who are utilizing the already-available programs.

Honourable colleagues, it is undeniable that the past year has presented some of the most challenging issues, the likes of which none of us have experienced in our lifetimes. Despite its many downsides, the ongoing COVID-19 pandemic has given us all reason to re-examine our priorities, develop back-up plans and ensure that we're ready for anything. While we continue to adapt to this new normal, it is important to also recognize those who have continued to dedicate themselves to serving us in essential sectors.

Although I can't call myself an expert in many fields, I do know something about Canadian agriculture. As a lifelong advocate, I know that many farmers, producers and processors rely on the labour of migrant workers, many of whom have been travelling to work for the same employers for decades.

Canadian agriculture is a complex sector, with the labour needs of each farmer being different from the next, especially as the industry has faced increased stress, the result of COVID-19 and the pandemic. While the pandemic has exposed existing vulnerabilities in Canada's agriculture industry, particularly in regard to its insufficient and unstable labour supply, and highlighted the need for a national agri-food labour strategy and strategic investments in the agri-food industry, it has also made it abundantly clear that workers in the agricultural sector are essential to maintaining the Canadian food supply chain.

Now, honourable colleagues, I would like to share with you the words of Cyr Couturier, Chair of the Canadian Agricultural Human Resource Council. When I asked what the industry itself was doing to support migrant workers in agriculture, he said:

> Rest assured, the industry is working hard to develop sectoral strategies to develop pathways for recruitment and retention in Ag and Agri-foods sectors, including greater access to pathways to permanency.

In a time when almost nothing was certain, our agriculture sector has worked tirelessly to keep Canadian families fed without fear of shortages. It is critical that the Canadian government work to proactively support the many temporary foreign workers who return to Canada each year and to examine the possibility of additional pathways for permanent residency, as well as to encourage those who are seeking permanent resident status to apply. These temporary foreign workers do their best for Canada. Now, let us do the same for them.

To my colleague Senator Omidvar, I look forward to collaborating with you again in the future. Thank you for listening. *Meegwetch*.

(On motion of Senator Housakos, debate adjourned.)

• (2100)

MOTION TO CONDEMN THE PHILIPPINE GOVERNMENT'S UNJUST AND ARBITRARY DETENTION OF SENATOR LEILA M. DE LIMA— DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Woo:
>
> That, in relation to Senator Leila M. de Lima, an incumbent senator of the Republic of the Philippines, who was arrested and has been arbitrarily detained since February 24, 2017, on politically motivated illegal drug trading charges filed against her by the Duterte government, and who continues to be detained without bail, despite the lack of any material evidence presented by the Philippine government prosecutors, the Senate:
>
> (a) condemn the Philippine government's unjust and arbitrary detention of Senator Leila M. de Lima;
>
> (b) urge the Philippine government to immediately release Senator de Lima, drop all charges against her, remove restrictions on her personal and work conditions and allow her to fully discharge her legislative mandate;
>
> (c) call on the government of Canada to invoke sanctions pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* against all Philippine government officials complicit in the jailing of Senator de Lima;
>
> (d) call on the Philippine government to recognize the primacy of human rights and the rule of law, as well as the importance of human rights defenders and their work and allow them to operate freely without fear of reprisal; and

(e) urge other parliamentarians and governments globally to likewise pressure the Duterte government to protect, promote and uphold human rights and the rule of law as essential pillars of a free and functioning democratic society in the Philippines.

Hon. Peter Harder: Honourable senators, I rise today to speak to non-government Motion No. 75, which deals with the horrible conditions being meted out by the Government of the Philippines against Senator de Lima, the subject of which has been well described in the excellent speech by Senator McPhedran in presenting this motion.

It had been my intention, while speaking in favour of the intent of the motion, to draw your attention to my concerns with particularly part (c) of the motion as it relates to explicit direction to the Government of Canada with respect to the use of the so-called Sergei Magnitsky Law. But rather than give that speech, I contacted Senator McPhedran and asked whether she would be open to amendments that would see this chamber being able to hopefully unanimously endorse this amendment and have the Senate of Canada join with other legislative bodies in bringing attention to Senator de Lima's treatment and call on the Government of Canada in an appropriate fashion to raise this attention with the appropriate officials in the Government of the Philippines.

I was delighted when Senator McPhedran expressed a strong desire to find wording that could accommodate the concerns I raised. By the way, those were concerns that were shared with other senators, both in speeches and elsewhere. I will now move that amendment so that we can get to the motion and hopefully adopt it tonight.

MOTION IN AMENDMENT ADOPTED

Hon. Peter Harder: Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended by replacing point (c) with the following:

"(c) draw attention to the plight of Senator de Lima and urge the government of Canada to join with other countries in actively advocating for her release, and to determine and pursue all mechanisms and options that can be brought to bear, be it moral suasion, diplomatic intervention and influence, multilateral action or legislative tools, up to and including the consideration of the use of sanctions pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*, within its discretionary executive remit and as it deems most appropriate to this cause;".

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion in amendment of the Honourable Senator Harder agreed to, on division.)

MOTION TO CONDEMN THE PHILIPPINE GOVERNMENT'S UNJUST AND ARBITRARY DETENTION OF SENATOR LEILA M. DE LIMA, AS AMENDED, ADOPTED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator McPhedran, seconded by the Honourable Senator Woo:

That, in relation to Senator Leila M. de Lima, an incumbent senator of the Republic of the Philippines, who was arrested and has been arbitrarily detained since February 24, 2017, on politically motivated illegal drug trading charges filed against her by the Duterte government, and who continues to be detained without bail, despite the lack of any material evidence presented by the Philippine government prosecutors, the Senate:

(a) condemn the Philippine government's unjust and arbitrary detention of Senator Leila M. de Lima;

(b) urge the Philippine government to immediately release Senator de Lima, drop all charges against her, remove restrictions on her personal and work conditions and allow her to fully discharge her legislative mandate;

(c) draw attention to the plight of Senator de Lima and urge the government of Canada to join with other countries in actively advocating for her release, and to determine and pursue all mechanisms and options that can be brought to bear, be it moral suasion, diplomatic intervention and influence, multilateral action or legislative tools, up to and including the consideration of the use of sanctions pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*, within its discretionary executive remit and as it deems most appropriate to this cause;

(d) call on the Philippine government to recognize the primacy of human rights and the rule of law, as well as the importance of human rights defenders and their work and allow them to operate freely without fear of reprisal; and

(e) urge other parliamentarians and governments globally to likewise pressure the Duterte government to protect, promote and uphold human rights and the rule of law as essential pillars of a free and functioning democratic society in the Philippines.

Hon. Marilou McPhedran: Honourable senators, I welcome this amendment and thank all of you who have supported it. I want to clarify that this motion has opened up a pathway for us, as Canadian senators, to join parliamentary colleagues in many countries and interparliamentary associations to support another senator imprisoned under conditions that are likely impossible for us, as Canadian senators, to even imagine. In particular, I wish to thank Senators Housakos and Boehm for their counsel and their willingness to support this motion as amended by Senator Harder.

Senator de Lima is watching and listening from her cell via her supporters. About two weeks ago, I received a letter from her. She wrote:

> Warm greetings from my detention quarters at Philippine National Custodial Center. . . . Four years of detention have passed, yet human rights violations are still rampant, activists are becoming victims of extrajudicial killings, voices of critics are being constantly silenced but despite all these, I remain enthused because fellow human rights defenders and legislators . . . persistently monitor and denounce the abuses worldwide.

Dear colleagues, this will make a substantive difference for Senator de Lima. Thank you for expressing your concern for this senator and for your respect for democracy and the rule of law.

Your Honour, I wish to call the question, please.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion as amended agreed to, on division.)

MOTION CONCERNING GENOCIDE OF UYGHURS AND OTHER TURKIC MUSLIMS BY THE PEOPLE'S REPUBLIC OF CHINA—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator McPhedran:
>
> That,
>
> (a) in the opinion of the Senate, the People's Republic of China has engaged in actions consistent with the United Nations General Assembly Resolution 260, commonly known as the "Genocide Convention", including detention camps and measures intended to prevent births as it pertains to Uyghurs and other Turkic Muslims; and
>
> (b) given that (i) where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of a genocide, (ii) there is a bipartisan consensus in the United States where it has been the position of two consecutive administrations that Uyghur and other Turkic Muslims are being subjected to a genocide by the Government of the People's Republic of China, the Senate, therefore, recognize that a genocide is currently being carried out by the People's Republic of China against Uyghurs and other Turkic Muslims, call upon the International Olympic Committee to move the 2022 Olympic Games if the Chinese government continues this genocide and call on the government to officially adopt this position; and
>
> That a message be sent to the House of Commons to acquaint that house with the above.

Hon. Yuen Pau Woo: Honourable senators, I am glad for the opportunity to speak to this motion, which is controversial for many reasons and has generated strong emotions. Unlike in the House of Commons, we are having a real debate about it, which I believe does honour to the chamber of sober second thought. There are, of course, different points of view, including some that are uncomfortable to many, but let's embrace the diversity of opinion rather than seek to shout it down.

The motion has two parts: the first has to do with the plight of Uighurs in Xinjiang and the second, which effectively calls for a boycott of the 2022 Winter Olympics in China. I will focus on the former, since the Olympics issue is a relatively straightforward question about how far we should allow politics to influence sporting events. My view, in short, is not very far at all.

On the thornier issue of Xinjiang, let me begin by saying that how you vote on the motion says very little about your feelings on the plight of Uighurs. Of course, there are those who want your vote on this motion to be a test of who you are and what you stand for. I empathize with those of you who feel you must vote for the motion in order to not be typecast in a certain way.

That is why it is not easy for me to make this speech, which is likely to generate a torrent of reflexive denunciations and crude labelling from my "fan club." I reject that kind of reductive logic and the insidious insinuations that come with it. It is an unfortunate reflection of our times that I even have to say this at the start of a speech in the Senate of Canada, but I am exploring with all of you what I believe is in the best interests of Canadians and of Canada. I hope we can make the same assumption about other Canadians — especially Chinese Canadians — who share some version of my views but who do not have the privilege and protections that I enjoy. There is a worrying trend in this country where discussions about China and Canada-China relations are framed in Manichean terms, and where Canadians with connections to China are received with discomfort, suspicion or outright hostility.

• (2110)

The crux of the motion is the labelling of Chinese actions against Uighurs in Xinjiang as a genocide. I would note that we have already passed a motion calling on the government to impose Magnitsky-style sanctions on Chinese officials responsible for human rights abuses in Xinjiang, and that motion does not include the genocide label. You already know my views on Magnitsky-style motions, but insofar as this chamber wants to demonstrate that "action" needs to be taken, a motion advocating such has already been adopted. The current motion does not add any actionable measure specific to the Uighur situation in China; it is simply an exercise in labelling.

Colleagues, we have heard various accounts about what is happening in Xinjiang, most of which is from American and Australian sources. But the best assemblage of information on Xinjiang is right here in Canada, at the University of British Columbia, by way of what's called the Xinjiang Documentation Project. It is extremely important for all of us to have as accurate and as comprehensive a fact base as possible, especially in forming a view on matters far removed from Canada. If you are interested in the issue of extrajudicial detention of Uighurs, Kazakhs and other ethnic groups in Xinjiang, the UBC portal is a great place to start. The URL can be found in the text of my speech that will soon be posted on my Senate website.

The UBC team does not tell us if the legal definition of genocide has been met, but I believe that there is no version of what is happening in Xinjiang that most Canadians would be comfortable with. Even if we accept the Chinese government's explanation that their treatment of Uighurs is for the benefit of the Uighur community, that the motivation is to counter terrorist acts, that the camps are basically vocational training centres and that the demolition of mosques is in the name of infrastructure development and modernization, I think it is safe to say that most Canadians would still be appalled. That is why I understand that for our fellow parliamentarians in the other place, and for many of you, it might seem impossible to contemplate not voting for the motion.

The fact that there is no version of what is happening in Xinjiang which Canadians can be comfortable with is as much a comment on us as it is a comment on China. We have a view of individual liberties that is embodied in our Canadian Charter of Rights and Freedoms that we hold sacred and which would not today allow our government to make mass arrests on the suspicion of terrorism, force whole communities to attend schools for what we perceive to be for their benefit, sterilize women so that they did not burden themselves and society with so-called "inferior" children, or relocate entire villages in order to give them modern amenities — except that we did all of those things, and we did them throughout our short history as a country, most appallingly to Indigenous peoples, but also to recent immigrants and minority groups who were deemed undesirable, untrustworthy or just un-Canadian.

The fact that China does not share our view of individual freedoms or, indeed, our interpretation of freedoms based on the Charter is not a basis on which to lecture the Chinese on how they should govern themselves. I suspect many Chinese nationals, or other nationals for that matter, will be aghast to learn that it is on the basis of our Charter that disabled people with an irremediable condition and whose death is not reasonably foreseeable can be accorded a medically induced death, to cite just one example of Canadian exceptionalism.

If the point of this motion is to remind us that the P.R.C. is an illiberal, authoritarian state, I have a news flash for you: The P.R.C. has been an illiberal authoritarian state since its founding over 70 years ago. Without minimizing any of the repressive — perhaps even genocidal — acts against Uighurs in recent years, the accusations against the Chinese government — forced relocation, demolition of traditional homes and ways of living, coercive birth control, mandatory re-education, suppression of individual rights — are as old as the P.R.C. itself. Why do you think the Chinese government recently announced a policy to encourage families to have three children? Because they are trying to reverse the disastrous and often brutal one-child policy of previous decades that was forced on the entire population, especially Han Chinese.

Perhaps the motivation behind this motion and other motions like this one is to point out that the P.R.C. is, indeed, an illiberal and authoritarian state and that after 70 years we should do something about it. This is, of course, the subtext of the geopolitical contest between the United States and China that will define at least the first half of this century and which poses grave danger to the world. It is not just that the U.S. and China are competing for markets as well as military and technological supremacy. There is more than a hint that the contest is between what some would deem as legitimate and illegitimate systems of government, with China clearly in the latter category. That notion is behind much of the current debate on Canada-China relations, which is increasingly framed as one in which we should pursue relations with "good" Chinese people but not the "bad" Chinese state.

The argument that the Chinese government is illegitimate is typically based on the observation that it is not democratic. You may be surprised to learn, therefore, that in the recent poll on the state of democracy around the world, 70% of Chinese respondents agreed with the proposition that their country is democratic, compared to 65% in Canada, 60% in India and only 50% in the United States. On a different question about the degree of democracy, respondents in China expressed greater satisfaction with the status quo in their country than did respondents in Canada or the United States.

Now, if you are suspicious about the source of this poll, I can tell you that it is from an organization known as the Alliance of Democracies, which has as its mission the promotion of democracy and free markets, and it is led by the former Danish prime minister and Secretary General of NATO Anders Fogh Rasmussen.

How is this possible, you say, when China does not even have elections for its government? Well, as political theorists will remind us, there are two kinds of state legitimacy. There is input legitimacy and there is output legitimacy. In the West we tend to place much more emphasis on input legitimacy, which is essentially about how we select our representatives. Hence our focus, rightly so, on free and fair elections. But in practice citizens also confer legitimacy to the governments based on the results that are produced by their government — that is to say on outputs.

Now like most of you, I was brought up in the orthodoxy that input democracy through free and fair elections will, in the long run, outperform because citizens can always vote out a government that has not performed and in that way seek to improve outputs by changing the inputs. But we are learning the hard way that democratic elections and changes in government over decades have not consistently produced better outcomes for citizens in many industrialized economies. Sure, there has been economic growth, but income and wealth inequality have increased, with stagnating median incomes and growing societal tension. That is the reason for what is now widely observed to be the problem of a democratic deficit in some Western industrialized economies and the rise of populist leaders who have illiberal instincts, but nevertheless command much support through democratic elections.

• (2120)

Let me be clear: I much prefer the vagaries of democratic choice to the certainty of authoritarian rule, but we cannot be smug about our preference for input legitimacy as the only way to validate state power. We also cannot deny that the Chinese state has its own claim to a kind of legitimacy, even if we don't like it.

What does political theory have to do with the current motion? The premise of the motion is that we have a special right to criticize an illiberal and authoritarian China because that government is illegitimate. Think a bit about gross human-rights violations by states that are ostensibly liberal and democratic, and the fact that there are no motions making similar criticisms of them, and I think you will see what I mean.

You might say, "Yes, I agree with Senator Woo's observation. We should indeed adopt motions criticizing states that are responsible for violations of human rights in all instances, regardless of regime type." But, colleagues, is this really what you want the Senate of Canada to be about — a body that passes judgment on the rest of the world with two- or three-paragraph motions that cannot possibly capture the complexity of a given situation?

There is a reason why Parliament has historically left matters of foreign affairs to the executive as part of the Royal Prerogative. The management of relations with other countries, especially great powers, is exceedingly complex and does not lend itself to one-off pronouncements that are based on the desire to perform without the responsibility to manage. Yet, it seems the Senate is increasingly activist on foreign-policy issues, with at least a dozen bills and motions directing the government to do this or do that on what is always a very narrow issue in a broader bilateral or multilateral relationship.

It isn't just that these actions are almost always gratuitous; it is also that they can be damaging to Canadian interests because of the distraction caused by the motion or the action, and the ability for our counterparts to use those distractions, sometimes cynically, to advance their own bargaining positions.

In this respect, I agree with Senator Harder that this motion and others like it are not helpful in resolving some of the most pressing problems in the Canada-China relationship today, especially efforts to secure the release of Michael Spavor and Michael Kovrig, who continue to languish in Chinese prisons.

Does this mean we say nothing about the plight of Uighurs? No. We must find ways to dialogue with the Chinese on the situation in Xinjiang. However, I do not believe that the performance of a Senate labelling motion is the right way to do it.

Let me share with you a version of how I broached this issue in my conversations with interlocutors. I had one such interaction very recently. To our Chinese friends, I say, "We are hearing very troubling news about the situation facing Uighurs in Xinjiang — that their religious and cultural rights are being repressed; that they have been sent to training centres against their will; that their leaders have been subjected to intimidation and abuse; and that their very existence as a people is being threatened. We understand that your actions are motivated by the fight against terrorism; a desire to provide employable skills for minorities; the need to modernize infrastructure and upgrade living standards; and a wish for greater national cohesion. We understand because our country made these same claims in our treatment of Indigenous people in Canada and of minority groups that have come to this country as immigrants. We had a system of residential schools for Indigenous children for over 140 years that sought to assimilate Aboriginal peoples into mainstream society, ostensibly for their own good. It did not work."

"More than that, we have come to understand that the policy of the assimilation of Indigenous peoples was not only ineffective, it was also morally wrong. The legacy of residential schools is one of individual and community trauma that will take generations to heal."

"We convened a Truth and Reconciliation Commission in 2008 to try and better understand what went wrong and how we can fix those wrongs. The findings were released in 2015, and we are still in the early stages of responding to all its recommendations."

To my Chinese friends, I say, "Many Canadians cannot listen to the news about Uighurs — even your own government's version of what is going on in Xinjiang — without reflecting on how terribly wrong our own experiment with Indigenous children in residential schools went."

In making those reflections, Canadians are saying to Chinese friends that we don't want them to make the same mistakes. We do so not because we have a superior moral position, not because we have the answers to the problems they are trying to solve and not because we want to embarrass China. We do it because of the pain we feel over what happened in our own country and for what we can learn from each other in not making such mistakes again.

Each country functions within its unique historical, cultural and political context, but we believe that there are universal values to be upheld and common lessons that can be shared across borders. When it comes to the treatment of Indigenous peoples and minorities, repression and forced assimilation only lead to longer-term problems for society at large.

Canadians are still wrestling with those longer-term problems in our society, and it is impossible for us not to express concern over what we hear about Xinjiang. We do it because we recognize our common humanity with Uighurs and all peoples in China, and out of a desire for China to succeed as a nation of many ethnicities.

Honourable colleagues, this is how I approach the issue. I accept that, for many of you, what happens today or happened decades ago in Canada is irrelevant to the question of whether we should label the treatment of Uighurs in Xinjiang as a genocide. I respect that point of view, but I hope you will also consider that a labelling motion, such as this one, is not the only way to respond to legitimate and genuinely felt concerns of Canadians about the news coming out of western China.

The fact that there is an alternative should give you a reason to vote against this motion. If you do vote against the motion, it is not because you are unconcerned about the human rights in Xinjiang but because you want to do something about it.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Leo Housakos: I would like to exercise my right to final reply on the motion, if there are no questions.

The Hon. the Speaker pro tempore: We still have senators to speak on debate.

Hon. Peter M. Boehm: Honourable senators, I am rising to speak on Motion 79.

I appreciate the speeches that have been given on this motion. I don't question the spirit of great concern in which it was brought forward, but with my intervention this evening, I wish to express my opposition to it.

It is clear that the world is very concerned about the situation confronting the Uighur and Turkic Muslims population in the Xinjiang province of China. The reports are troubling, from what is being told to us by individuals and, of course, the recent Amnesty International report, in particular. That said, whether and how this fits under the 1948 Genocide Convention is currently being discussed in international councils and among governments.

Like many of you, I have a very lively interest in human rights. In my previous life, I was quite engaged in the multilateral sphere in developing international instruments and attempting to exert pressure.

• (2130)

Colleagues, you will have seen the news out of Geneva at the UN Commission on Human Rights last week, where Canada has been joined by its friends and allies in calling for an on-site and unfettered investigation by the UN of human rights abuses in Xinjiang province. China and its allies — those paragons of human rights, Russia, Iran, the DPRK and Syria among them — have called for an investigation of Canada's treatment of its Indigenous peoples. This is a false equivalency, of course. In Canada, and despite our troubled history, we have had inquiries, apologies, a Truth and Reconciliation Commission and are going through a period of both reflection and investigation that will be ongoing.

Our current and previous prime ministers have addressed this topic. Former Prime Minister Harper provided an apology on residential schools in June 2008, as have our UN ambassadors, Bob Rae in New York and Leslie Norton in Geneva, in terms of addressing the issue.

Prime Minister Trudeau dedicated his speech to the United Nations General Assembly in 2017 to the sole subject of reconciliation. UN Special Rapporteur on the rights of Indigenous peoples, James Anaya, issued a report in 2014. I can't talk about the cabinet discussion then, but I was present for it. It was handled seriously.

I have spoken before on foreign policy-type motions introduced in the Senate. They are usually short and to the point, as this one is. They can call upon a foreign government directly to take action on a certain issue or modify a certain behaviour. They can seek to press the Government of Canada to act on an issue of concern by engaging directly with or taking measures against a foreign government, often in consultation with allies. Motion 79 does that.

But most of all, motions on foreign policy issues are designed to draw attention. This one does, as did the same motion in the other place on February 22. There was a lot of media and social media pizzazz afterwards, but it had no discernible impact.

I believe strongly that foreign policy action falls under the Royal Prerogative. Foreign policy-type motions have been challenged in the Senate on points of order, and I can think of one in 2007 asking China to engage in direct negotiations with the Dalai Lama on the future of Tibet. Then-Speaker Noël Kinsella ruled this motion could go ahead. Not much happened after that.

Under the Royal Prerogative, the executive branch, cabinet, can take sovereign decisions on foreign policy based on the best information and analysis from Canada's network of missions around the world, the public service, and intelligence services, including from our allies. We are simply not privy to that information in this chamber. Sometimes I wish I still was.

The motion in the other place was approved unanimously on February 22 with our Minister of Foreign Affairs registering an abstention on the part of the government. Nonetheless, to me, it appears that in the interval, the will of the House has been taken

on by the government in its diplomatic actions, both bilaterally with China and multilaterally, particularly with the situation in Xinjiang and its Uighur population.

I would like to mention a few motions from other Parliaments in the world and how they have been handled.

In the Netherlands, there was a reference that a "genocide on the Uighur minority is occurring in China." But there is no reference to the government of China. This motion is much more specific.

In Belgium, there was a reference to "a serious risk of genocide."

In the United States, Senate Resolution 131 has recognized what previous and current administrations have said regarding genocide — in particular, former Secretary of State Pompeo and current Secretary of State Blinken — but in operative parts of the resolution, condemns the atrocities committed against the Uighur and Turkic groups; urges the administration to speak publicly about the atrocities; urges an appeal to the UN Secretary General to take a more active stand; references human rights as a consideration point for all U.S. agencies engaged in bilateral relations with China; urges an investigation through the UN system of human rights abuses and urges the collection of evidence and the transfer of evidence to a competent court; and urges U.S. partners and allies to undertake similar strategies to build an international investigation if Chinese authorities do not comply with the UN investigation.

The will of our House was evident as well in that Canada is working with international partners and is leading an effort at the UN Human Rights Council in Geneva to demand that China allow "meaningful and unfettered access" to investigate so-called credible reports of widespread human rights violations against China's Muslim minority in Xinjiang province. This unfettered access is to include the UN High Commissioner for Human Rights, former Chilean president Michelle Bachelet. Many countries, including our traditional allies, the G7, Sweden, the Netherlands, Australia and New Zealand are supportive.

Recently, at their summit in Cornwall, the G7 leaders issued a communique that directly called upon China to respect human rights and fundamental freedoms in Xinjiang and also referenced the situation in Hong Kong. The leaders also endorsed their foreign ministers' communique from May 5 in London, where there were more specifics regarding forced labour, forced sterilization and also a call for unfettered access to the province for the UN High Commissioner for Human Rights.

And this, of course, is where the Genocide Convention could come into the picture.

The Canadian-led declaration against arbitrary detention was endorsed, and there are now 63 countries that have signed on. We need to think of the two Michaels and others, colleagues, as well as the nationals of other countries.

International cooperation is important. In July 2006, I had the honour of being the senior official to accompany then-prime minister Stephen Harper to his first meeting with former president George W. Bush in the Oval Office in Washington. In his meeting with the president, which I attended, Mr. Harper raised the case of Huseyin Celil, a Canadian citizen of Uighur background who was incarcerated in China. The prime minister asked for American support for his release. I reported on the meeting afterwards to my deputy minister, who incidentally is our colleague in the Senate, and we embarked on a global initiative to gather support from our friends to press for Mr. Celil's release. We did a lot of work on this, but to no avail, despite our strong efforts.

In my more recent experience, China has been discussed at every G7 summit I have attended as personal representative, either with Mr. Harper or Mr. Trudeau.

Human rights have also been discussed with China in dialogue by our past six prime ministers. This is on the record.

This is also diplomacy, colleagues, and it was no different two weeks ago at the G7 summit in the U.K., and this subject will also be on the agenda next year when leaders meet in Germany.

It was also no coincidence that Prime Minister Trudeau had a meeting with Australian Prime Minister Scott Morrison. I'm sure they were not discussing Vegemite and maple syrup in the context of the CPTPP. They were talking about our respective fraught relationships with the People's Republic of China.

Incidentally, the Australian Senate chose not to pass the motion that specifically mentioned the treatment of Uighurs constituting the crime of genocide.

There were no references in these meetings at the G7 to moving the Olympics. Several countries have suggested a diplomatic boycott of the Olympic Games or sponsorship curtailment, not pressing the International Olympic Committee, the IOC, which will not be able to move them either, or penalizing athletes.

Motions suggesting diplomatic action have been moved in the U.S. and in the U.K. Only Canada has adopted a motion to ask the IOC to move the Olympic Games.

This motion is, in my view, rather absolutist in its request to press the IOC to move the Olympic Games. There are other measures that might be taken.

I want to just make a quick comment on Magnitsky. It came up in the last motion with respect to Senator De Lima in the Philippines. It seems to be a Senate default position here. If we can't get something internationally, let's bring in the Magnitsky Act. Canada has never implemented Magnitsky measures on its own. It's not in this motion. I know that. But I just want to make the point that the government has many tools and a better-worded motion might have done the job in requesting the government to take all means necessary to support investigations and to work with its allies to press forward.

Also, were we not in the pandemic, our Standing Senate Committee on Foreign Affairs and International Trade could have and likely would have studied the relationship with China in all its complexities, which the other place can't seem to do: human rights; the South China Sea; Hong Kong; Taiwan; the Asian Infrastructure Investment Bank, which runs across several governments in recent history here; the Belt and Road Initiative, and that was indeed the intention of the steering committee. We were, however, confined, as we all know, to government business, and we did some good work on the international aspects of the pandemic. In my view, this is the good work the Senate can undertake.

• (2140)

The complexities of a bilateral relationship that is fraught, as is the case between China and Canada today, cannot be boiled down into a few paragraphs of what passes for megaphone parliamentary diplomacy by copying a motion from the other place of almost four months ago that had no discernible impact other than to spark an angry reaction from the Chinese government, which passage of this motion will probably do as well.

The very public denunciations that we make will only reinforce an internal Chinese view of us as adversarial. If that's what we want to do, fine. But in the event, it is the people of China who will change that country's behaviours, and if we wish to influence them, I would suggest this is not the way.

Why should we reiterate this now, becoming the only bicameral parliament in the world where the upper and lower houses issue the very same motion, when there is so much at stake now and in the medium and in the longer term for Canada? We can't forget the two Michaels and the other incarcerated Canadians. I think the point has already been made, but poking China again is unlikely to change things.

Determined international work with our friends and allies can hopefully make a bigger difference in dealing with what is clearly a troubling situation for the Uighur and Turkic Muslim minority in China. That is what is going on. This, I think, is the sobriety requirement that this institution, our Senate, should undertake.

Colleagues, effective diplomacy must weigh words carefully, and parliamentary diplomacy or motions in this chamber, as I see them, should be no different. Foreign policy is not binary. It is all about the shades of grey. This motion, in my view, will not advance the importance of addressing the situation in western China, nor will it contribute to resolving or alleviating an already fraught and complex relationship that we now have. For these reasons, I do not support the motion. Thank you.

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

Hon. Marilou McPhedran: Yes, please, if there is time.

The Hon. the Speaker pro tempore: Yes, there is just a little over a minute.

Senator McPhedran: Senator Boehm, I wonder if you could tell us briefly what could senators do, if not this motion.

Senator Boehm: Thank you, Senator McPhedran. That's a good question. I think I answered it by saying that if we looked at this in a committee, it would be a much better way. We could call forward witnesses and experts, including our ambassadors, and have a rather rich discussion that way and bring it then back into the chamber. Thank you.

[*Translation*]

Hon. Pierre J. Dalphond: Honourable senators, I want to speak briefly to Motion No. 79. First, I would like to thank Senator Housakos and Senator McPhedran for drawing the attention of the Senate to the disturbing acts committed by the Government of the People's Republic of China against the Uighur people. The wording of this proposed motion is the same as the one adopted by the House of Commons on February 22, 2021, without the participation of cabinet and the parliamentary secretaries.

Some significant events have happened since that motion was adopted. First, the Biden administration clarified its position. In addition, the Government of Canada responded to the motion and recently took certain positions, including the recent decision to put forward a statement signed by 43 other countries, including the United States, at the United Nations Human Rights Council. The declaration states the following:

> We are gravely concerned about the human rights situation in the Xinjiang Uyghur Autonomous Region. Credible reports indicate that over a million people have been arbitrarily detained in Xinjiang and that there is widespread surveillance disproportionately targeting Uyghurs and members of other minorities and restrictions on fundamental freedoms and Uyghur culture. There are also reports of torture or cruel, inhuman and degrading treatment or punishment, forced sterilization, sexual and gender-based violence, and forced separation of children from their parents by authorities.
>
> We —

— We are talking here of the 44 countries in question, led by Canada —

> — urge China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the High Commissioner, and to urgently implement the Committee on the Elimination of Racial Discrimination's 8 recommendations related to Xinjiang, including by ending the arbitrary detention of Uyghurs and members of other Muslim minorities.

In the end, the International Olympic Committee said that it was impossible to move the 2022 Olympic Winter Games to another city outside China.

[*English*]

The Chief Executive Officer of the Canadian Olympic Committee, David Shoemaker, said that relocating the 2022 Beijing Olympic Games ". . . would be next to impossible."

[*Translation*]

Under these new circumstances, I think it would be helpful to amend the motion so that it reflects the new reality, as it is now translated by the action of the government and the position of the Olympic Committee.

MOTION IN AMENDMENT—POINT OF ORDER—
SPEAKER'S RULING

Hon. Pierre J. Dalphond: Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended by replacing point (b) with the following:
>
> "(b) given that, where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of genocide, the Senate call upon the Government of Canada to continue, in concert with its allies, to urge China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the United Nations High Commissioner for Human Rights, and to urgently implement the Committee on the Elimination of Racial Discrimination's eight recommendations related to Xinjiang, including by ending the arbitrary detention of Uyghurs and members of other Muslim minorities; and".

I propose that we support the position taken by our government and that this chamber give its support to the Government of Canada. Thank you.

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

> That the motion be not now adopted, but that it be amended by replacing point (b) with the following:
>
> "(b) given that, where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of genocide, the Senate call upon the Government of Canada to continue, in concert with its allies, to urge China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the United Nations High Commissioner for Human Rights, and to urgently implement the Committee on the Elimination of Racial Discrimination's eight recommendations related to Xinjiang, including by ending the arbitrary detention of Uyghurs and members of other Muslim minorities; and".

[*English*]

Hon. Pat Duncan: Your Honour, as this is the first time we have heard the amendment, may I take the adjournment of the debate in my name?

Some Hon. Senators: No.

Senator Duncan: Motion of adjournment is non-debatable.

• (2150)

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Duncan, seconded by the Honourable Senator Woo, that further debate be adjourned until the next sitting of the Senate.

Hon. Yonah Martin (Deputy Leader of the Opposition): On debate on the amendment?

Senator Housakos: Senator Duncan was on debate. I'm on debate.

The Hon. the Speaker pro tempore: I have to put the question forward, Senator Housakos, that further debate be adjourned until the next sitting of the Senate.

If you oppose adjourning debate, say "no."

Some Hon. Senators: No.

Hon. Donald Neil Plett (Leader of the Opposition): Senator Housakos stood on debate on the amendment. You don't make an adjournment motion when a senator wants to debate an amendment. That is what Senator Housakos wanted to do.

The Hon. the Speaker pro tempore: Senator Duncan moved the adjournment, so we go forward.

Senator Plett, the process is the following: I called the motion, and we vote on the motion to adjourn the debate. If the majority do not agree, then we move back to the debate.

Senator Housakos, we are now on the vote. On a point of order, Senator Housakos.

Senator Housakos: Thank you. Your Honour, I know about procedure.

Senator Duncan certainly has the right to call an adjournment, but you also have an obligation, before you accept an adjournment request by a senator, to ask for debate first. I never heard at any point you asking for debate on the amendment before you went to the adjournment.

The Hon. the Speaker pro tempore: I recognized Senator Duncan, and she moved adjournment of the debate. We are now voting on the motion put forward by Senator Duncan.

If you oppose adjourning debate, please say "no."

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Those in favour of the motion and who are in the Senate Chamber will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion and who are in the Senate Chamber will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I believe the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: There will be a one-hour bell. The vote will take place at 10:52.

Call in the senators.

• (2250)

Senator Duncan: Your Honour, with leave, I would respectfully withdraw my motion for adjournment.

The Hon. the Speaker: Honourable senators, Senator Duncan is asking for leave to cancel the vote to withdraw her motion to adjourn debate on the amendment. If you're opposed to the request, please say no.

Carried; resuming debate on the amendment.

MOTION IN AMENDMENT NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator McPhedran:
>
> That,
>
> (a) in the opinion of the Senate, the People's Republic of China has engaged in actions consistent with the United Nations General Assembly Resolution 260, commonly known as the "Genocide Convention", including detention camps and measures intended to prevent births as it pertains to Uyghurs and other Turkic Muslims; and
>
> (b) given that (i) where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of a genocide, (ii) there is a bipartisan consensus in the United States where it has been the position of two consecutive administrations that Uyghur and other Turkic Muslims are being subjected to a genocide by the Government of the People's Republic of China, the Senate, therefore, recognize that a genocide is currently being carried out by the People's Republic of China against Uyghurs and other Turkic Muslims, call upon the International Olympic Committee to move the 2022 Olympic Games if the Chinese government continues this genocide and call on the government to officially adopt this position; and
>
> That a message be sent to the House of Commons to acquaint that house with the above.
>
> And on the motion in amendment of the Honourable Senator Dalphond, seconded by the Honourable Senator Galvez:
>
> That the motion be not now adopted, but that it be amended by replacing point (b) with the following:
>
> "(b) given that, where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of genocide, the Senate call upon the Government of Canada to continue, in concert with its allies, to urge China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the United Nations High Commissioner for Human Rights, and to urgently implement the Committee on the Elimination of Racial Discrimination's eight recommendations related to Xinjiang, including by ending the arbitrary detention of Uyghurs and members of other Muslim minorities; and".

Senator Mercer: Question.

Senator Plett: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Dalphond, seconded by the Honourable Senator Galvez, that the motion be not now adopted but be amended by replacing point (b) with the following — may I dispense?

Some Hon. Senators: Dispense.

Some Hon. Senators: Please read it.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Dalphond, seconded by the Honourable Senator Galvez:

> That the motion be not now adopted, but that it be amended by replacing point (b) with the following:
>
> "(b) given that, where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of genocide, the Senate call upon the Government of Canada to continue, in concert with its allies, to urge China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the United Nations High Commissioner for Human Rights, and to urgently implement the Committee on the Elimination of Racial Discrimination's eight recommendations related to Xinjiang, including by ending the arbitrary detention of Uyghurs and members of other Muslim minorities; and".

If you are opposed to the motion in amendment, please say "no."

Some Hon. Senators: No.

The Hon. the Speaker: I hear a no. All those in the Senate Chamber in favour of the motion, please say "yea."

An Hon. Senator: Yea.

The Hon. the Speaker: All those in the Senate Chamber who are opposed to the motion, please say "nay."

Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it. We see two hands up. Do we have an agreement on a bell?

Some Hon. Senators: Now.

The Hon. the Speaker: I hear a number of senators speaking in the background. We're at a stage now where we have two senators rising. We have an agreement to vote now unless there is somebody opposed to that. Is anybody opposed to the vote taking place now? The vote will take place now.

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

YEAS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	McPhedran
Bovey	Mercer
Cordy	Omidvar
Dalphond	Pate
Dawson	Simons
Downe	White—15
Francis	

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Marwah
Black (*Alberta*)	Moncion
Black (*Ontario*)	Ngo
Boisvenu	Oh
Boniface	Patterson
Busson	Petitclerc
Carignan	Plett
Cotter	Ravalia
Coyle	Richards
Dean	Saint-Germain
Duncan	Seidman
Griffin	Smith
Housakos	Stewart Olsen
Klyne	Tannas
Loffreda	Wallin
MacDonald	Wells
Manning	Wetston
Marshall	Woo—38

ABSTENTIONS
THE HONOURABLE SENATORS

Boehm	Gold
Cormier	Kutcher
Dagenais	LaBoucane-Benson
Deacon (*Nova Scotia*)	Lankin
Forest	Mégie
Gagné	Moodie
Galvez	Ringuette—14

• (2300)

MOTION CONCERNING GENOCIDE OF UYGHURS AND OTHER TURKIC MUSLIMS BY THE PEOPLE'S REPUBLIC OF CHINA—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator McPhedran:

That,

(a) in the opinion of the Senate, the People's Republic of China has engaged in actions consistent with the United Nations General Assembly Resolution 260, commonly known as the "Genocide Convention", including detention camps and measures intended to prevent births as it pertains to Uyghurs and other Turkic Muslims; and

(b) given that (i) where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of a genocide, (ii) there is a bipartisan consensus in the United States where it has been the position of two consecutive administrations that Uyghur and other Turkic Muslims are being subjected to a genocide by the Government of the People's Republic of China, the Senate, therefore, recognize that a genocide is currently being carried out by the People's Republic of China against Uyghurs and other Turkic Muslims, call upon the International Olympic Committee to move the 2022 Olympic Games if the Chinese government continues this genocide and call on the government to officially adopt this position; and

That a message be sent to the House of Commons to acquaint that house with the above.

Hon. Leo Housakos: Your Honour, I would like to exercise my right of final reply on the main motion.

The Hon. the Speaker: Honourable senators, I wish to inform all senators that if Senator Housakos speaks now, it will close debate on the main motion. Does any other senator wish to speak before Senator Housakos?

On debate, Senator Housakos.

Senator Housakos: Honourable senators, it is very late. I will be very succinct and very brief. I will not relitigate the discussions and the debates, even though a number of points have been brought up by Senator Boehm, Senator Woo and Senator Harder since the last time I spoke.

I will just simply say this: At the end of the day, this motion is not about compelling the government to do one thing or another. As we know, there's the executive branch of government, which has its rights, privileges and obligations, and there's the Parliament of Canada that speaks as the democratic voice on behalf of this country and on behalf of the values Canadians hold dearly.

There are senators who speak on behalf of Global Affairs Canada. There are senators who speak and advocate on consistent talking points that we hear from the Canada China Business Council. At the end of the day, we have to look at the facts before us. The facts before us are that currently in China we have a minority population of Uighur citizens who are being held in the most atrocious conditions. I will simply say that there are voices that have been unequivocal about this issue: former justice minister Irwin Cotler, former senator Roméo Dallaire — the strongest voice when it comes to human rights advocacy for this chamber and this Parliament — Amnesty International and Human Rights Watch. It is undeniable. Even Senator Woo, Senator Boehm and Senator Harder have acknowledged the undeniable atrocities that are going on right now.

I implore you, colleagues, to understand that we don't speak on behalf of the government, but we speak on behalf of this place. The people of Xinjiang and the Uighur people require solidarity, like our allies around the world have expressed that solidarity — the Senate of the United States, the House of Commons of the U.K., the Parliament of Australia — and we should follow suit as a strong democracy and stand up in support of that solidarity.

• (2310)

In the last few weeks, days and months, we've been coming to terms with our own atrocities in this country. But you know what great democracies do? They acknowledge them, recognize them, apologize for them, and they try to redress and address them — even though these are so terrible that we will never fully address or redress them. When you're silent about equally atrocious things happening to fellow humanity right here and now — even though it's thousands of kilometres away — when we are justifying it, we're apologists for it or not taking strong enough action, then we as Canadians have learned nothing about our indiscretions and atrocities for which we so dearly claim to be taking responsibility.

I implore everyone to do the right thing and to speak up in solidarity with the Uighur people who are facing those atrocities as we speak today. Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Housakos, seconded by the Honourable Senator McPhedran that in the opinion of the Senate, the People's Republic of China — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Do I hear a "no" to dispense?

An Hon. Senator: No, you didn't.

The Hon. the Speaker: I'll ask one more time. May I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: If you are opposed to the motion, please say no. Carried.

Some Hon. Senators: Hear, hear.

Hon. Pat Duncan: We're having a vote on that.

Hon. Yuen Pau Woo: Your Honour, I think there was a misunderstanding. It seemed that you were still asking the question about dispensing and whether anybody was opposed to dispensing. With leave of the Senate, I would ask that you repeat the question on the main motion.

The Hon. the Speaker: All right. I'll repeat the question since there was some confusion and chalk it up to this virtual sitting.

Are honourable senators ready for the question?

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, a point of order, please.

The Hon. the Speaker: Yes, Senator Plett.

Senator Plett: Your Honour, it's not that I disagree with Senator Woo, but we had the same type of disagreement — chalk it up to whatever you want — before we had the one-hour bell on an adjournment motion.

I don't think the fact that senators didn't understand something is reason enough for you to change what you just ruled. I clearly understood you to ask whether there were people opposed to the motion. Nobody said they were not.

I'm sorry, Your Honour. You will again, in your infinite wisdom, make a decision and I will accept that, but this is the exact same situation that we had just over an hour ago, and the Speaker pro tempore refused to even listen to us when we raised points of order. She would not even give us time to explain our point of order because she said she had ruled. I think this is the exact same situation, Your Honour.

The Hon. the Speaker: Does any other senator wish to speak to Senator Plett's point of order?

Hon. Pat Duncan: Yes, Your Honour.

Your Honour, with all due respect to Senator Plett, it is not the same situation. In the instance of the adjournment motion, I had raised my hand immediately to ask for an adjournment and the Speaker pro tempore had recognized me. This is a different situation that you just ruled on this evening. It has happened before — I agree with Senator Plett on that — and there was some confusion and some misunderstanding because those of us online were not allowed to exercise our vote in the previous situation.

In all fairness, with the hybrid situation, I believe that Senator Woo is correct in requesting that we have a vote on this. It is not the same situation as the adjournment motion just discussed upon which the point of order was raised.

The Hon. the Speaker: Thank you, Senator Duncan. Honourable senators, I will ask for other senators who wish to enter the debate, but I thought I was very clear in saying that we were voting on the main motion. I waited to hear if anybody was opposed before I said carried. If anybody wants to speak to that, please enter debate on it now.

Hon. Lucie Moncion: Your Honour, the problem we have with the online situation is that we hear information that comes from senators who are sitting in hybrid motion. I was trying to understand if people were saying no to reading the full motion. That's where the confusion came from. That's why, when you asked to dispense — and I would like to go back to the transcript — I think that's where the confusion came in. That's why we did not pick up on the fact that we were voting on the main motion. So there's a confusion that has been caused by you asking to dispense and hearing people say yes and no. Then you asked the question again to dispense, and the second time it was yes. I'm just saying there's a confusion here that I think is important to acknowledge.

I don't think some of us are comfortable with voting in favour of this motion, and you did not even hear "on division" coming either from the floor or from the hybrid sitting. I'm saying there is a confusion here, and I think it's important that it be on the record. Thank you.

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

Hon. Pierre J. Dalphond: Quite frankly, I find it — reluctantly I will ask, Your Honour, do you consider you've made a ruling? If you have done so, I will then call on section 2-5 (3) of our Rules, which means that I will appeal the Speaker's ruling. But I'm not sure you've made a ruling, Your Honour.

Hon. Terry M. Mercer: Your Honour, I voted in favour of the motion, so I lost the motion. I wanted to put that in the context of what I'm about to say.

I accept your ruling, Your Honour. I think that you were clear and I respectfully disagree with Senator Plett on this issue. I accept your ruling.

[*Translation*]

Hon. Dennis Dawson: Excuse me, Your Honour, but I believe that in the confusion, there is obviously an interpretation. With all due respect for my colleague, Senator Mercer, I believe, as Senator Moncion stated, that senators thought that they were voting on whether to dispense with reading the motion rather than voting on the motion itself.

[*English*]

The Hon. the Speaker: I'm sorry, Senator Dawson, I'm hearing French and English at the same time. I don't know what's going on with the translation. Could you please start from the beginning of your intervention?

[*Translation*]

Senator Dawson: Excuse me, Your Honour. I agree with Senator Moncion.

[*English*]

The Hon. the Speaker: I am sorry, Senator Dawson. I'm still having the same problem. I don't know what is going on with the translation, but I'm hearing English and French at the exact same time. Just give me a chance to change a few buttons.

Senator Dawson: I've learned after a year that there can be some confusion. I'll speak English.

The Hon. the Speaker: No, please, Senator Dawson.

Senator Dawson: Senator Moncion said it's been a big sacrifice for francophones over the last year. Senator Moncion was right, there was a confusion. There was a reasonable confusion about the question of whether we were voting to dispense or on the motion. I'm not going to contest your ruling. I have a lot of respect for my friend Senator Dalphond, but if you decide to rule, I will accept your ruling.

Hon. Yonah Martin (Deputy Leader of the Opposition): First of all, I want to just express my thanks to you, Your Honour, that you have taken time to hear our point of order. We weren't even able to appeal on our point of order in the previous situation, and all of it was confusing, but today, on this particular item, we did dispense and then you posed the question. I trust that you will rule accordingly. Thank you for ensuring that we're

all being heard, because that's the key. If there is debate before an adjournment motion, we all need to speak, and then once people have spoken we have the adjournment.

• (2320)

The last situation was quite confusing. I guess it's very late, so I will pause here just to say that whatever your ruling is, I will accept.

Senator Plett: And I will not appeal it either.

Hon. David Richards: Thank you, Your Honour. I just want to say I understood it was on the main motion. There might have been some confusion with others, but it seemed to be clear to me. Whatever your ruling is, I'll go along with it, of course.

Hon. Frances Lankin: I was waiting to see if this issue had been raised. In a sense, Senator Richards just raised it from the flip side.

What I wanted to say to you, and it may be the peculiar situation and the rural area that I'm in, but there is a time delay. I can see people's lips move before I can hear their voices. In terms of seeing you ask a question, that's one thing. Actually hearing it — and by the time I could have reacted to say "no" online, the moment had passed in the chamber.

I just want to tell you that for my part, there was actual confusion. I'm not one who normally misses a vote, and I apparently did due to the time delay. Thank you very much.

The Hon. the Speaker: Thank you, Senator Lankin. I want to thank all senators who participated in the point of order raised by Senator Plett. I will take the matter under advisement and I will rule on this matter tomorrow before Motion No. 79 is called again. Thank you all very much for your input.

Senator Boehm, you are standing.

Hon. Peter M. Boehm: I am, Your Honour. Thank you very much. I, like others, of course, will respect your ruling. It's obvious there were some technical glitches or perhaps misunderstandings. This is a very important motion, and I would humbly suggest that if we can get to a vote, we should get to it however you decide. Thank you.

THE SENATE

MOTION TO DESIGNATE AUGUST 1 OF EVERY YEAR AS "EMANCIPATION DAY" ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bernard, seconded by the Honourable Senator Dalphond:

That the Senate recognize:

(a) that the British Parliament abolished slavery in the British Empire as of August 1, 1834;

(b) that slavery existed in British North America prior to its abolition in 1834;

(c) that abolitionists and others who struggled against slavery, including those who arrived in Upper and Lower Canada by the Underground Railroad, have historically celebrated August 1 as Emancipation Day;

(d) that the Government of Canada announced on January 30, 2018, that it would officially recognize the United Nations International Decade for People of African Descent to highlight the important contributions that people of African descent have made to Canadian society, and to provide a platform for confronting anti-Black racism; and

(e) the heritage of Canada's people of African descent and the contributions they have made and continue to make to Canada; and

That, in the opinion of the Senate, the government should designate August 1 of every year as "Emancipation Day" in Canada.

Hon. Wanda Elaine Thomas Bernard: I would like to call the question.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

MOTION CONCERNING THE CLOSURE OF PROGRAMS AT LAURENTIAN UNIVERSITY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forest-Niesing, seconded by the Honourable Senator Woo:

That the Senate:

1. express its concern about the closure at Laurentian University in Sudbury, of 58 undergraduate programs and 11 graduate programs, including 28 French-language programs, representing 58% of its French-language programs, and the dismissal of 110 professors, nearly half of whom are French speaking;

2. reiterate its solidarity with the Franco-Ontarian community;

3. recall the essential role of higher education in French for the vitality of the Franco-Canadian and Acadian communities and the responsibility to defend and promote linguistic rights, as expressed in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*; and

4. urge the government of Canada to take all necessary steps, in accordance with its jurisdiction, to ensure the vitality and development of official language minority communities.

Hon. Jean-Guy Dagenais: Honourable senators, I rise today to unreservedly support Senator Forest-Niesing's motion to show solidarity with the Franco-Ontarian community, especially francophones in the Sudbury area who are affected by the closure of French-language programs at Laurentian University.

First, I consider this situation to be completely unacceptable in a country where two official languages are recognized by law and where fundamental rights enshrined in the Charter of Rights and Freedoms are being threatened, essentially for what seem to be financial reasons.

Canada has two founding peoples, but the unfortunate fact of the matter is that francophones have always had to fight to secure respect for their language and ensure its survival.

This is essentially an ethnic battle that has been going on since Confederation. In 1871, New Brunswick stopped funding denominational schools, which provided instruction in French. In 1890, Manitoba did the same. In 1892, the Northwest Territories, out of which the provinces of Alberta and Saskatchewan were carved, dismantled schools that taught in French, and Ontario followed suit in 1912.

Of course, there are still francophones in all those provinces, but they are minorities that have always had to fight for their continued existence. We live in a country with so many rights for everyone, yet it seems that the co-founders' battle over language will never end, even though bilingualism is clearly defined in the British North America Act, 1867. Speaking French, living in French and especially studying in French are ethnic rights.

This is not the time for more committees to rehash an issue that has already been resolved by the Constitution and our laws. I would like to remind everyone about Prime Minister Justin Trudeau's statement, as delivered by his Governor General when the fall 2020 session of Parliament began. I will quote that statement in case anyone has forgotten it:

> The defence of the rights of Francophones outside Quebec, and the defence of the rights of the Anglophone minority within Quebec, is a priority for the Government.

In a country with two founding peoples and two official languages and where bilingualism should be applauded and considered an advantage, not a hindrance, I am always shocked, even appalled, when I sometimes see politicians spring out of their seats to oppose a quick debate, like the one we are having today, with a view to laying the foundation for collective action to help the Franco-Ontarian community.

Just as the anglophones of the country would stand up and fight if their rights were threatened in Quebec, we, as francophones, need to show the entire country that we disapprove of what is happening in Sudbury.

I have already said it, but, in closing, I would like to remind senators that we must leave no stone unturned when an ethnic right as fundamental as language is at risk. Higher education in French at Laurentian University cannot be eliminated because it helps to guarantee the vitality of the Franco-Ontarian community.

Senators of all political stripes need to show that they care about the concerns raised by the termination of French education programs at Laurentian University. We need to all work together to unconditionally adopt Senator Forest-Niesing's motion. That is what the members of the other place did unanimously because they understood the importance and seriousness of the situation. Thank you.

Hon. Rosa Galvez: Esteemed colleagues, I rise today to speak to Motion No. 85 regarding the massive cuts at Laurentian University in Sudbury.

First, I'd like to thank Senator Forest-Niesing for moving this motion and raising this important issue in the Senate. I commend her for her dedication to her community and to post-secondary education. Laurentian University is an extremely important academic institution for northern Ontario and the Franco-Ontarian community. I also recognize the importance of this motion given that cuts to the university disproportionately affect Ontario's minority language community, and I recognize it as an issue of national importance.

As you know, I myself come from an academic and university background, and so I recognize the importance of quality post-secondary education programs, first and foremost for the education of our youth, but also as a way to encourage innovation and research in Canada.

I'd like to outline a few points that lead me to support this motion.

First, the courses and programs offered at Canadian universities must be broad and varied. Canada wants to be among the world's leading researchers and innovators. To make that happen, our universities must offer a multitude of programs in all areas of study. Canadian youth must have access to these programs in all regions of the country if we are to produce the most qualified and sought-after workers and researchers in the world.

We must also consider the importance of the language of study. We know that Ontario is a majority English province where the main language of work is English. However, the ability to study and work in French increases the skills and the competitiveness of students on the job market, not only in Canada, but also internationally. The ability to do research in several languages increases opportunities for employment and research partnerships. In addition, the Franco-Ontarian community, which is the largest francophone community outside Quebec, has a fundamental right to education at all levels in their mother tongue. French-language post-secondary options in Ontario are already fairly limited, especially in northern Ontario.

The loss of several French-language programs at Laurentian University further reduces access to French-language post-secondary education.

• (2330)

I think this also has a major impact on Indigenous communities in northern Ontario. Sudbury and the surrounding area are parts of Ontario with a relatively high Indigenous population.

The university is situated within the territory of the Robinson-Huron Treaty of 1850, on the traditional lands of the Atikameksheng Anishnawbek and in proximity to the Wahnapitae First Nation. It's easier for regional universities near Indigenous populations to integrate members of the Indigenous community and advance reconciliation. Universities have an important role to play in reconciliation, and the loss of several programs at Laurentian University also limits Indigenous communities' access to post-secondary education.

We must also support our regional and mid-sized Canadian universities. Large universities have big budgets and are currently welcoming a record number of foreign students. They have much larger operating and maintenance budgets than our regional universities do. Still, our regional universities provide Canadian citizens with important educational programs. Considering Canada's low birth rates and increasing dependence on immigration and incoming international students, small and mid-sized universities are at a severe disadvantage compared to universities in big cities. The survival of our universities will therefore depend on targeted support from us. Let's not be naive. Laurentian University is not an isolated case. Other regional universities will be faced with similar cuts if we don't do something.

Finally, I would like to add that it will be easier to resolve a financial impasse at our regional universities than at the largest ones. The government has the ability to act to reverse the budget cuts, and it has a duty to act, given that this is a francophone university in a minority setting.

I support this motion and ask that the federal government intervene in this file, within its jurisdiction, to stop these massive cuts that will have a detrimental impact on worker education and training in northern Ontario.

Thank you. *Meegwetch*.

[*English*]

Hon. Patricia Bovey: Honourable senators, I rise from Winnipeg, located in Treaty 1 territory, the traditional lands of the Anishinaabe, Cree, Oji-Cree, Dene and Dakota, and the birthplace of the Métis Nation and the heart of the Métis Nation homeland. I rise to speak briefly to my concerns around and for the situation regarding Laurentian University. I support Senator Forest-Niesing's motion.

[*Translation*]

The financial concerns are real, and the spinoffs are significant. The cancellation of Laurentian University's agreement with federated colleges will affect many programs, most of them Indigenous and francophone.

[*English*]

I am not going to get into the details of what propelled the specific recent decisions to manage the financial realities; I'm too far removed. But I do worry about the people impacted directly by the situation: the many faculty and staff job losses, the loss of their pensions and lack of severance pay, I understand. I am concerned, too, about any potential negative effects on ongoing research and scientific experiments, some being long-term partnership agreements with other Canadian and international universities.

There is the impact on students, especially those nearing graduation after enduring a long and complicated year due to the pandemic. While I am pleased other universities have come forward to enable those nearing the completion of their studies to take their outstanding courses through their schools, I can only imagine the tension and anxiety the students must have been feeling.

I believe Canada's universities are well run and well governed. As the former chair of two of Canada's universities and adjunct professor at two others, I know the complexity and integration of funding, the rules and regulations that universities must abide by in all their activities and the multiple joint projects they undertake.

I am also aware that universities fall under provincial responsibility. However, not every aspect of our universities is provincial. The federal government has a clear involvement in our institutions of higher learning. Our universities are bicameral organizations with their boards and senates, each having distinct, yet related, responsibilities.

My point of speaking today is to ensure that we are all aware of at least some of those federal interconnections with our universities. They include immigration permits and visas for foreign students and faculty. Indeed, COVID has seriously negatively affected the enrolment of international students in all our universities, causing a definite loss of international student revenues. It is clear, for instance, that the Saudi Arabian decision to prohibit their students from studying in Canada had a huge impact on Laurentian's fate. I believe that the number of lost enrolments alone was 135 students.

Second, the federal government contributes significant and important research funds to our universities. As I have said, many of those have international implications. Their results are critically important to Canadian society as a whole, whether those researchers are working on COVID, autonomous vehicles or all sorts of substantive issues and societal needs.

Third, the federal government contributes to student aid.

Fourth, the federal government contributes to capital projects, often on a matching basis.

Further, I can add that the funding of francophone programs is aided by the federal government. As we in this chamber discuss the paper by Minister Joly on official languages, I think we need to underline that francophone education across this country is

essential. I fear the cuts to francophone programs at Laurentian will lessen that training when it is particularly needed, and I hope this will not be the case anywhere else. I trust it can be reversed.

Reconciliation is an important national goal, too. We have talked about it a great deal. It's particularly important now, especially in recent days following the horror of the discovery of the 215 bodies of First Nations children at the former Kamloops residential school and the 751 bodies of children and adults found last week in Cowessess First Nation in Saskatchewan.

Indigenous programs in our universities have federal support, and it is our responsibility to ensure that continues and that the programs are effective and timely. As Senator Sinclair has said many times, education got us into this mess; education will get us out of it. We must ensure those education doors are open at every level of learning. Cutting opportunities does not help. Further, Indigenous histories are critically important to all students.

Colleagues, our time is limited, as we're about to rise and we have had much on our plate, so I won't go on. Suffice it to say, I believe we must continue to monitor the situation at Laurentian University and the implications across the country at other universities and colleges, and in societal attitudes to higher education.

The federal government has a particular and important role to play in this situation and in all universities. While this situation is being spoken of by some as being an anomaly, I trust it will not become a precedent for all academic programs with small registrations. Many of those are absolutely critical to Canada as a whole. We have seen a number of important small programs die in recent years, and I hope the Laurentian University realities do not spell more.

As society is undergoing a paradigm shift in many aspects, we must ensure our universities are constructively part of those shifts. Universities are microcosms of their communities and regions, contributing significantly to the local economy and providing substantial leadership and expertise in all areas of regional development and citizens' lives. They train our future leaders and workers, so I support this motion. Thank you.

[*Translation*]

Hon. René Cormier: Honourable senators, I want to speak briefly this evening in support of Senator Forest-Niesing's motion calling on the Senate, among other things, to recall the essential role of higher education in French for the vitality of the Franco-Canadian and Acadian communities, to also recall the responsibility to defend and promote linguistic rights, as expressed in the Canadian Charter of Rights and Freedoms and the Official Languages Act, and to urge the government of Canada to take all necessary steps, in accordance with its jurisdiction, to ensure the vitality and development of official language minority communities.

• (2340)

Colleagues, although the Minister of Economic Development and Official Languages, the Honourable Mélanie Joly, recently announced $5 million to help Laurentian University, and although she's expressed her desire to work with the Government of Ontario to ensure that northern Ontario has a university by and for francophones, I want to add my voice to those calling on the federal government and all potential partners at the provincial and local levels to work quickly on identifying solutions and making this happen.

Northern Ontario has an exceptional culture and has, for generations, been a landmark of and a cultural hub for the Canadian francophonie. Everyone recognizes the essential role that institutions play in maintaining communities and helping them to flourish. Universities and colleges, much like cultural institutions, are the pillars of this ecosystem.

I want to share a quote from the Francophone Heritage, Culture and Tourism Corridor about the greater Sudbury area:

> In the 1970s, Sudbury was at the centre of a wave of turmoil surrounding Franco-Ontarian identity that eventually laid the foundation for a distinctive Franco-Ontarian culture. Artists at the forefront of the "Nouvel-Ontario" movement soon founded a theatre, a publishing house, a festival of emerging music and an art gallery in the city. Today, the broad range of French-language or bilingual social and cultural services available to the . . . residents make Greater Sudbury a rich and stimulating place to live.

This rich life is due in part to the presence of educational and cultural institutions. However, the drastic cuts made to Laurentian University have deprived this region of essential development tools. For instance, the theatre program at this post-secondary institution has been eliminated.

Greater Sudbury is home to one of Canada's most influential francophone theatres, the Théâtre du Nouvel-Ontario. Over the years, thanks to outstanding artists and artisans such as Brigitte Haentjens, Jean-Marc Dalpé, Paulette Gagnon and many others, northern Ontario has produced some of the most memorable theatrical productions of the past decades.

Firmly rooted in the Théâtre du Nouvel-Ontario, the Prise de parole publishing house has published the works of exceptional authors who've helped stimulate creative writing in minority communities in Sudbury and beyond.

Since it was established in 1973, Éditions Prise de parole has published 475 titles and showcased French Canadian authors such as Michel Ouellette, Herménégilde Chiasson, Alain Doom and Marguerite Andersen. Colleagues, this publishing house was strengthened by the presence of post-secondary institutions in that region and vice versa. Depriving northern Ontario of French-language educational institutions will have a catastrophic effect on the region and our country.

Honourable senators, Sudbury and northern Ontario need our support today so that they can continue to thrive in French and contribute to the francophone space in Canada, which is one of the pillars of our national identity.

This region is not the only one in this situation right now. I'm thinking of the Université de Moncton, which has made an immeasurable contribution to the development of the Acadian people. This institution is facing challenges that require urgent support and ongoing attention from all levels of government. The same goes for practically all of the francophone universities in minority communities, including Université Sainte-Anne in Nova Scotia, Université de Saint-Boniface, Campus Saint-Jean in Alberta and even the Office of Francophone and Francophile Affairs at Simon Fraser University in British Columbia.

The introduction of Bill C-32 on official languages suggests that the government is truly taking into account the challenges facing the entire education continuum, including post-secondary education. Let's hope that this bill becomes law as quickly as possible.

That said, esteemed colleagues, I encourage you to vote in favour of this motion as soon as possible. I sincerely thank Senator Forest-Niesing for this initiative, and I thank you for your attention.

Hon. Lucie Moncion: I would first like to commend Senator Forest-Niesing for this motion. It's a solid motion that shines a light on significant problems at Laurentian University and at other Canadian universities. The situation at Laurentian University in Sudbury is very uncommon. Its financial problems are so serious that it will be hard to help this university, given the size of its debt.

Sudbury's university community was severely affected by the cuts. Both French- and English-language programs were cut. Research funds for innovation have disappeared. The money is gone; it was used to fund the university's operations. Scholarship funds were also used to pay the university's operating expenses.

There are significant problems because Laurentian University has placed itself beyond the reach of creditors under the Companies' Creditors Arrangement Act, which prevents anyone from intervening in any legal process under way. That means the university is protected from creditors, but it's also out of reach of anyone who could provide assistance.

Another very worrisome point is that the Government of Ontario is not getting involved in this issue at all. It has yet to announce any potential funding or commit to any kind of assistance for Laurentian University. The university's situation is jeopardizing other Canadian universities. At some point, the provinces will want to opt out of their obligations regarding post-secondary and graduate education.

I commend Senator Forest-Niesing once again for moving this motion. I urge all senators to vote in favour of this motion and to remember that post-secondary education in Canada is at risk in several provinces. This is an issue we should study in greater depth to protect our teachers, our institutions, our students and higher education in Canada. Thank you for your attention.

Senator Cormier: Question.

[*English*]

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of the debate.

The Hon. the Speaker: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Plett, that further debate be adjourned to the next sitting of the Senate. If you're opposed to the motion, please say "no."

An Hon. Senator: No.

The Hon. the Speaker: I hear a "no." All those in favour of the motion who are in the Senate Chamber will please say "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it. Do we have two hands up, table, or two senators rising? No. Carried.

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

LONG-TERM CARE SYSTEM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Seidman, calling the attention of the Senate to weaknesses within Canada's long-term care system, which have been exposed by the COVID-19 pandemic.

Hon. Rosemary Moodie: Honourable senators, I would like to take the adjournment on the motion until the next sitting of the Senate.

The Hon. the Speaker: It was moved by the Honourable Senator Moodie, seconded by the Honourable Senator Woo, that further debate be adjourned to the next sitting of the Senate. If you are opposed to the motion, please say "no."

Hon. Donald Neil Plett (Leader of the Opposition): No.

The Hon. the Speaker: I hear a "no." All those in the Senate Chamber who are in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those in the Senate Chamber who are opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

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

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

• (2350)

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE IMPLEMENTATION AND SUCCESS OF A FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER WITHDRAWN

On Motion No. 71 by the Honourable Chantal Petitclerc:

That, notwithstanding the order of the Senate adopted on Tuesday, December 1, 2020, the date for the final report of the Standing Senate Committee on Social Affairs, Science and Technology in relation to its study on the implementation and success of a federal framework on post-traumatic stress disorder by the Government of Canada be extended from February 28, 2021 to October 28, 2021.

Hon. Chantal Petitclerc: Honourable senators, I ask leave to withdraw Motion No. 71 standing in my name on the Notice Paper.

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

Hon Senators: Agreed.

(Notice of motion withdrawn.)

[*English*]

THE SENATE

MOTION TO URGE GOVERNMENT TO CALL UPON CURRENT PARTIES TO THE ACT OF THE INTERNATIONAL CONFERENCE ON VIET-NAM TO AGREE TO THE RECONVENTION OF THE INTERNATIONAL CONFERENCE ON VIET-NAM—DEBATE ADJOURNED

Hon. Thanh Hai Ngo, pursuant to notice of February 17, 2021, moved:

That the Senate note that, by adopting the *Journey to Freedom Day Act* on April 23, 2015, and taking into account the first two elements of the preamble of the said Act, the Parliament of Canada unequivocally recognized violations of:

(a) the *Agreement on Ending the War and Restoring Peace in Viet-Nam* and its protocols (Paris Peace Accords); and

(b) the *Act of the International Conference on Viet-Nam*; and

That the Senate urge the Government of Canada to call upon six or more of the current parties to the *Act of the International Conference on Viet-Nam,* which include Canada, France, Hungary, Indonesia, Poland, Russia, the United Kingdom and the United States of America, amongst others, to agree to the reconvention of the International Conference on Viet-Nam pursuant to Article 7(b) of the *Act of the International Conference on Viet-Nam* in order to settle disputes between the signatory parties due to the violations of the terms of the Paris Peace Accords and the *Act of the International Conference on Viet-Nam*.

He said: Your Honour, I think I have only five minutes left and my speech is going to be at least fifteen minutes. I move the motion standing in my name for tomorrow.

(On motion of Senator Ngo, debate adjourned.)

MOTION PERTAINING TO SECTION 55 OF THE CONSTITUTION ACT, 1982—DEBATE ADJOURNED

Hon. Pierre J. Dalphond, pursuant to notice of June 1, 2021, moved:

That the Senate:

1. recall that, despite the commitment found in section 55 of the *Constitution Act, 1982* to have a fully bilingual Constitution, as of today, of the 31 enactments that make up the Canadian Constitution, 22 are official only in their English version, including almost all of the *Constitution Act, 1867*; and

2. call upon the government to consider, in the context of the review of the *Official Languages Act*, the 2018 recommendation of the Canadian Bar Association to include a section requiring the Minister of Justice of Canada to submit, every five years, a report detailing the efforts made to implement section 55 of the *Constitution Act, 1982*.

He said: Honourable senators, I move the motion standing in my name and I also move the remainder of my time to the next sitting.

(On motion of Senator Dalphond, debate adjourned.)

PANDEMIC-RELATED FISCAL CRISIS FACING NAV CANADA

INQUIRY—DEBATE

Hon. Paula Simons rose pursuant to notice of December 14, 2020:

That she will call the attention of the Senate to the pandemic-related fiscal crisis facing NAV CANADA and its impact on levels of air traffic control and public safety services at regional airports across Canada.

She said: Honourable senators, I wish to draw the attention of the Senate to the extraordinary challenges facing NAV CANADA, the private company that runs Canada's highly respected air traffic control system, and to the impact of NAV CANADA's financial situation on the long-term future of regional air service in this country.

NAV CANADA is a not-for-profit private company. Where once air traffic control in Canada was operated by Transport Canada, in November 1996 those traffic control assets were sold by the government for $1.5 billion and NAV CANADA was established as a private entity.

The company employs Canada's air traffic controllers and air traffic specialists who ensure that our airports, large and small, run safely and smoothly. NAV CANADA provides weather data to Environment Canada as well as weather briefings and aeronautical information for more than 18 million square kilometres of Canadian domestic and international airspace. This is a service essential to our safety, our economy and our national sovereignty. It is an internationally respected service noted for its safety record, technological innovation and sound economic management. Spinning off NAV CANADA as a private company has saved the government millions and provided Canada with decades of excellent safety services. Up until now, NAV CANADA has done well too, with annual revenues of about $1.4 billion per year.

However, the COVID-19 pandemic has been particularly and extraordinarily difficult for NAV CANADA, and that is because of the nature of the company's revenue model. NAV CANADA makes its money by charging fees based on the passage of airplanes through Canadian airspace. Of course, NAV CANADA charges a fee for every flight between Moncton and Hamilton or Calgary to Kelowna, but it makes even more money because it also charges fees to every international carrier that shortcuts over Northern Canada.

The Earth is, well, round, and that trick of geography means that many international flights cross our northern airspace as a way to shorten their trips. The polar route is not just for Santa Claus. NAV CANADA charges a service fee to every flight that overflies Canada, even if that flight is en route from Los Angeles to London, Beijing to New York, or Dubai to Seattle. The larger the plane, the higher the fee. NAV CANADA is also responsible for air traffic control over the entire western half of the North Atlantic, so even flights from the American Eastern Seaboard to Europe and the Middle East often pay fees to NAV CANADA even if they don't cross actual Canadian airspace.

In the 2017-18 fiscal year, NAV CANADA collected $404 million in fees from domestic flights within Canada. It made $389 million from international flights in and out of Canada, but it made $420 million from international overflights. The company uses those fees collected from international carriers and international cargo planes to keep Canada's domestic airports running, to keep our air traffic controllers in their towers and to keep our air traffic specialists on the ground monitoring the weather and runway conditions. Imagine the shock to the system when COVID grounded tens of thousands of planes, when all those fees kept global travellers on the ground, when flight volumes fell by 75%, and those shock waves were still reverberating.

In the second quarter of the 2021 fiscal year, flights were down 56% from the year before. NAV CANADA revenues in the second quarter of fiscal 2021 were $179 million, down from $322 million a year earlier.

Despite availing itself of the Canada Emergency Wage Subsidy and paying its senior executives bonuses of $7 million, the company laid off 720 staff in the first year of the crisis, with 14% of its workforce gone. Late last year, the company announced that it would be conducting level-of-service reviews at a number of mid-sized Canadian airports in Saint John, Windsor, Sault Ste. Marie, Regina, Fort McMurray, Prince George and Whitehorse, with an eye to completely closing down air traffic control towers in some or all of those six cities.

To be clear, that wouldn't have meant closing airports altogether. It would, though, have meant downgrading services, leaving those communities to rely on the services of air traffic specialists who assist pilots with information and ground support but who do not control airspace.

That, of course, was when I first served notice of this inquiry last December, when it was -40 degrees in Edmonton and not +40. Alas, it took this long for the item to finally be called to the attention of the Senate.

On April 15, I'm relieved to say, NAV CANADA announced it was suspending those service reviews and that it would leave all those towers open. I applaud that decision. Yes, COVID has had a terrible impact on domestic and international air travel, but it would have made no sense to lay off highly specialized staff and shutter towers to deal with a temporary crisis. Many smaller airports do function quite safely without air traffic controllers. Still, it's probable that closing towers could have meant a loss of flights, especially international flights for those communities. So I'm very glad indeed that NAV CANADA has belayed its plans to close those towers, including the tower at the Fort McMurray International Airport.

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Those seven airports weren't the only ones up for review. NAV CANADA was also conducting studies of completely eliminating air service stations at a number of other northwestern airports, among them Churchill, Lloydminster, Peace River, High Level and Castlegar. Cuts such as those would have been devastating. Those airports don't have air traffic control towers.

They rely on air-traffic specialists on the ground to monitor flights, ensure runways are clear and provide weather reports to pilots.

The Hon. the Speaker: Senator Simons, my apologies.

Senator Simons: I got as far as I could.

The Hon. the Speaker: At this late hour, you got as far as you could, indeed. My apologies for interrupting you. If and when we get to this matter again, you will have the balance of your time.

(*At midnight, pursuant to the order adopted by the Senate on June 23, 2021, the Senate adjourned until 2 p.m., tomorrow*.)

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