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OFFICIAL REPORT
(HANSARD)

Thursday, June 15, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, June 15, 2023

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

Prayers.

SENATORS' STATEMENTS

NEWFOUNDLAND AND LABRADOR FOLK ARTS SOCIETY

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 78 of "Telling Our Story."

Celebrating the unique heritage and culture of the people of Newfoundland and Labrador is something the people of our province take great pride in. We have been blessed with sons and daughters who have devoted their entire lives to this passion. Many of these people have been and continue to be involved in the Newfoundland and Labrador Folk Arts Society, whose mandate is the promotion and preservation of the traditional folk arts of the province. Active since 1966, the organization presents educational and cultural events that provide artists with the opportunity to showcase their work, and the society creates opportunities to engage our youth and the general public in the transmission of our intangible cultural heritage.

The society is responsible for the longest continually running live music event in the city of St. John's, known as Folk Night at the Ship Pub, which began in 1974. What a wonderful way to spend a Wednesday evening in the oldest city in North America, listening to some of our traditional musicians and our many up-and-coming artists.

Another popular event the society brings to us on an annual basis is Young Folk at the Hall, where support is amplified for young artists between the ages of 7 and 18. This event, held at the infamous LSPU Hall, has been the birthplace of some of our province's greatest artists and performers.

The Folk Arts Society's signature event is the annual Newfoundland and Labrador Folk Festival, which this summer will celebrate its forty-seventh year of production. This year's folk festival will be held on the weekend of July 7-9. From the start of the festival at the Ship Pub on Duckworth Street in the City of Legends, it will then move to the beautiful Bannerman Park, where the best of our province's music, arts and crafts will be showcased. Mix all that with our sweet summer air, open jam sessions, traditional dances, a warm and welcoming atmosphere, and you have all the ingredients for the creation of a precious memory that will last a lifetime.

Folk festivals of the past have seen performances by some of our best, including Ron Hynes, Anita Best, Shirley Montague, Jim Payne and Fergus O'Byrne, just to name a few. And who could forget the Cape Shore's own John Joe English, Gerald Campbell and Patsy and Bride Judge? Great times and wonderful memories.

This year's festival will continue the tradition of bringing back home some of our favourite traditions from the past and introduce new ones to celebrate our ever-changing and welcoming province. The festival will also showcase performers and artists from outside our province, including Quebec, Acadia and beyond. The *Réseau Culturel Francophone de Terre-Neuve-et-Labrador* will present to us as well. From traditional Newfoundland and Labrador folk music to many new and different genres of music, there is something here for everyone. From the Traditional Stage all the way to the Main Stage, attendees will have the opportunity to hear and see it all. If you enjoy music, dance, recitation, storytelling and learning about a proud and historic past coupled with the acceptance of a changing and diverse future, the St. John's annual folk festival is where you need to be.

May I offer a little tidbit of advice, though. If you are approached and asked if you would like to have a "scoff," that means you are invited for something to eat, but if you are invited for a "scuff," that means you are invited to dance or, as we say in Newfoundland and Labrador, you are being invited to "step 'er out." Either way, the best thing to do is say yes.

This year, the very talented and popular folk group Rum Ragged will take to the Main Stage and close out the festival on Sunday night. I am being somewhat biased but I am confident it will be a great time. Then we will all gather together and sing the "Ode to Newfoundland" because:

> As loved our fathers, so we love
> Where once they stood we stand
> Their prayer we raise to heav'n above
> God guard thee Newfoundland

Thank you.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Jon Reyes, Manitoba Minister of Labour and Immigration. He is the guest of the Honourable Senator Osler.

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

Hon. Senators: Hear, hear!

NATIONAL SICKLE CELL AWARENESS DAY

Hon. Jane Cordy: Honourable senators, this coming Monday, June 19, will be our sixth year of celebrating National Sickle Cell Awareness Day in Canada. Canada is the first and only country to recognize a National Sickle Cell Awareness Day. This day means a great deal to those within the sickle cell community. It is

a wonderful way to come together and to share their stories and to highlight the important work they have been doing to move the needle forward regarding sickle cell disease.

I have been so privileged to hear their stories and share their journeys. I have met so many wonderful people who are incredibly dedicated to this work.

There are many events happening this weekend in order to celebrate and to recognize National Sickle Cell Awareness Day. Just this morning, I had the pleasure of attending a breakfast organized by the African Canadian Senate Group. It was a lovely event. I'm always so delighted to meet new people and to see old friends who are so passionate and so motivated in helping the sickle cell community.

On Saturday, I will be attending the Sickle Cell Awareness Group of Ontario's annual Hope Gala and Awards in Toronto. It will be nice to meet with old friends and new after years of postponing and doing things virtually due to the pandemic. I know the community is eager to come together again and to celebrate one another.

Finally, on Monday, June 19, the Sickle Cell Disease Association of Canada will hold a sickle cell conference here, at the University of Ottawa. I am looking forward to taking part in what I am sure will be an educational session.

Honourable senators, I encourage you to seek out the sickle cell communities within your own regions and to further inform yourselves on the disease. A national day of awareness seems so simple and yet it is so very important in bringing groups across the country together to get their message out and to celebrate their incredible efforts and achievements. I would like to wish all Canadians a very happy National Sickle Cell Awareness Day.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Canadian officials and individuals working in the field of sickle cell anemia. They are the guests of the Honourable Senators Mégie and Gerba.

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

Hon. Senators: Hear, hear!

NATIONAL SICKLE CELL AWARENESS DAY

Hon. Marie-Françoise Mégie: Dear colleagues, I was honoured to see so many of you this morning at the parliamentary sickle cell breakfast. Thank you.

This event, which is put on in collaboration with Senator Gerba and sponsored by the African Canadian Senate Group, gave us a chance to watch a preview of a documentary entitled *Silent Suffering*, which explores the grim reality facing people with sickle cell disease and their loved ones.

About one in 20 people on this planet carry the sickle cell gene. In some parts of the world, it is one in four. The disease is most common among people with ancestors from Africa, the Caribbean, Latin America, India, the Middle East and the Mediterranean.

In Canada, about one in 2,500 children is born with the disease. Unfortunately, health care providers tend to have a poor understanding of the disease.

The shape of a healthy red blood cell is a biconcave disc. In people with sickle cell disease, red blood cells become rigid and stretch into a sickle shape, hence the name. A pin shaped like a hot pepper serves as a teaching tool for patients and an apt illustration: it burns, it hurts, and it causes suffering.

• (1410)

The most common symptoms of this disease are attacks of acute and chronic pain, or even a stroke, all at an early age. These painful attacks are so intense that they can only be relieved with narcotics, and they recur throughout the child's life. In such cases, when these young people are admitted to a hospital where medical staff are not familiar with this disease, they often don't get proper care because they're labelled as drug addicts.

In the 1970s, people with this disease rarely lived beyond the age of 10. These days, many patients live into their sixties.

That's why it's so important to increase awareness of sickle cell disease, and of the importance of neonatal screening and the search for better treatments.

Gene therapy research in Canada is yielding very promising results for the treatment of this rare, hereditary disease. Hopefully the potential cure will be accessible to all sickle cell carriers worldwide.

Happy National Sickle Cell Awareness Day.

Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ammar Al-Joundi and Martin Plante. They are the guests of the Honourable Senator Patterson (*Nunavut*).

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

Hon. Senators: Hear, hear!

AGNICO EAGLE

Hon. Dennis Glen Patterson: Thank you, Your Honour. Sean Boyd, the Executive Chair of the Board, is also here today from Agnico.

Honourable senators, I've always believed that mining is the key to generating the wealth and own-source revenues that Inuit and Nunavut as a whole need to thrive. So it's my honour today to rise in recognition of the contributions that Agnico Eagle Mines has made to Nunavut.

Over the past 15 years, this great Canadian company has invested over $9 billion in the territory and is a major contributor to socio-economic development. Inuit organizations receive millions through negotiated Inuit Impact and Benefit Agreements, or IIBAs. Mining companies also pay millions in employment, contracting and additional initiatives or project-based support. For instance, in 2022, Agnico Eagle paid $62 million in property taxes, royalties and IIBA commitments to the Government of Nunavut, Nunavut Tunngavik Incorporated and Kivalliq Inuit Association. To date, these payments amount to $245 million. Also in 2022, the company paid their 372 Inuit employees $33.6 million and spent $821 million on contracts with Inuit businesses.

Agnico is a model corporate citizen that goes above and beyond to give back to Nunavummiut, whether it's offering $5 million toward the university, supporting literacy and mental wellness initiatives, paying its Inuit employees 75% of their base salary to stay home and safe during the COVID pandemic, sponsoring a new arena in Rankin Inlet or exploring ways to support housing. Agnico Eagle has always been a generous contributor to the communities impacted by their operations and to the territory as a whole.

When I was first appointed to this chamber in 2009, I went to the opening of Agnico's Meadowbank mine, their first mining operation in Nunavut. I heard Jose Kusugak, the beloved late president of Nunavut Tunngavik, thanking the company for helping them break the cycle of poverty that the nearby community of Baker Lake was trapped in at the time. While visiting Baker Lake in 2018, I heard from a community member how steady employment and wealth generation for residents helped shift the focus from simply surviving to actually living. This, she said, was the reason Baker Lake has seen a revitalization of their local arts scene.

Therefore, it is my absolute pleasure to stand here today in my last year in the Senate to recognize the contributions of this great Canadian company in my territory over the past 15 years. Here is to many more years of Agnico Eagle operating in and continuing to benefit Nunavut.

Qujannamiik. Matna. Koana. Taima.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Neil Belanger, Julia McEathron and Jeff Ferguson. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

[*Translation*]

THE LATE LOUIS LEBEL, C.C.

Hon. Renée Dupuis: Honourable senators, a legal giant passed away on June 8, 2023, in Quebec City. Louis LeBel was a lawyer, a jurist, an author, a teacher, and a judge who served on the Quebec Court of Appeal from 1984 to 2000 and on the Supreme Court of Canada from January 7, 2000, to November 30, 2014. He participated in deliberations on social issues that marked Quebec, Canada and the world from the second half of the 20th century until well into the 21st.

Louis LeBel was a humanitarian and a sophisticated intellectual. He was a reserved, curious and independent-minded man. His commitment to the legal community took many forms. His writings are a clear indication of his keen analytical skills, his careful use of precise terms, not just broad legal concepts, and his desire to differentiate himself though his elegant, characteristic style.

Thanks to his in-depth knowledge of Quebec civil law and common law, Justice LeBel made a unique contribution to strengthening the bijuralism that characterizes Canada's legal regime.

In an interview that he gave shortly after he retired from the Supreme Court, Louis LeBel summarized what he was taking away from his 14 years at the Supreme Court: first, the diversity of issues; second, a considerable sense of responsibility for the future of law; and third, the seriousness of the social issues raised by some cases.

As he reaffirmed during that interview, Louis LeBel felt that the work judges do for the future of our country is serious enough that it imposes on them a cultural duty, that is, a duty to continue to learn, to avoid becoming wrapped up in the law and to understand what is happening around them.

Louis LeBel's work made an impression on generations of law students and lawyers and will continue to influence Canadian jurisprudence.

I offer my condolences to his wife, the lawyer Louise Poudrier-LeBel, his children Paul, Catherine and François, as well as his grandchildren.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Anthaea-Grace Patricia Dennis, as well as her mother and grandmother. They are the guests of the Honourable Senator Moodie.

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

Hon. Senators: Hear, hear!

ANTHAEA-GRACE PATRICIA DENNIS

Hon. Rosemary Moodie: Honourable senators, it is a pleasure to rise and recognize an extraordinary young woman: Ms. Anthaea-Grace Patricia Dennis. You may have heard of Anthaea-Grace. She made national news last week for making history as the youngest-ever graduate of a university in Canada's history at the age of 12 years old.

Hon. Senators: Hear, hear!

Senator Moodie: Yes, at the age of 12, Anthaea-Grace will be graduating with a Bachelor of Biomedical Science honours degree from the University of Ottawa. Anthaea-Grace started at the University of Ottawa at the age of eight years old after her mother, Dr. Johanna Dennis, noticed her talent as a young child who learned to read at two years of age. At the age of six, she was tested and found to be at a Grade 8 level.

Anthaea-Grace is a true researcher, having completed a 40-page thesis on the relationship between functional activity in the cerebellum — that part of the brain responsible for coordinating balance and movement — and handedness — that is, whether you are right-handed or left-handed. The paper concluded that connectivity between the brain and the hand is significantly different for people who are right-handed versus those who are left-handed. This is incredible work at any age, but particularly at 12 years of age.

• (1420)

Now, do not mistake Anthaea-Grace as simply a generational talent or a generational mind, if you will. She is in many ways a normal kid. She did ice-skating, musical theatre, dancing, swimming and she plays the violin. She loves hanging out with friends and, of course, learning.

There is no doubt that Anthaea-Grace owes a lot of her success to her mother and to her family. I want to acknowledge Dr. Johanna Dennis, an accomplished woman in her own right, for providing her daughter with the support, nurturing and environment that she needed to achieve this historic accomplishment.

What's next? Anthaea-Grace is considering pursuing her education and is looking forward to a career in academia, where she can gain new knowledge through research and share her knowledge through teaching.

It has been an absolute pleasure getting to know you, Anthaea-Grace, and to witness your humility, brilliance and love of learning. You are an example of the potential that exists in all our children if we take the time to discover their potential and to foster and nurture their growth. Who knows? You may be back here soon enough as a witness in front of a committee or maybe, in 18 years, as a senator. Until then, keep making us proud. We look forward to all that you will do. On behalf of all senators, congratulations, and well done.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Laura Eggerton and Keith Collins. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

MEDICAL ASSISTANCE IN DYING

SECOND REPORT OF SPECIAL JOINT COMMITTEE— GOVERNMENT RESPONSE TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response, dated June 13, 2023, to the second report of the Special Joint Committee on Medical Assistance in Dying, entitled *Medical Assistance in Dying in Canada: Choices for Canadians*, tabled in the Senate on February 15, 2023.

BUDGET IMPLEMENTATION BILL, 2023, NO. 1

TWELFTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 15, 2023

The Standing Senate Committee on National Finance has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-47, An Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023, has, in obedience to the order of reference of Tuesday, June 13, 2023, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

PERCY MOCKLER

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 1839*.)

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

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

STUDY ON MATTERS RELATING TO BANKING, TRADE AND COMMERCE GENERALLY

EIGHTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE TABLED

Hon. Pamela Wallin: Honourable senators, I have the honour to table, in both official languages, the eighth report (interim) of the Standing Senate Committee on Banking, Commerce and the Economy entitled *Needed: An Innovation Strategy for the Data-Driven Economy* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

THE SENATE

MOTION TO AFFECT THIS EVENING'S SUSPENSION ADOPTED

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

> That, notwithstanding any provision of the Rules, previous order or usual practice, the evening suspension provided for in rule 3-3(1) be for only one hour today, starting at 6 p.m.

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

Hon. Senators: Agreed.

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*]

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-294, An Act to amend the Copyright Act (interoperability).

(Bill read first time.)

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

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

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

CO-CHAIRS' ANNUAL VISIT, OCTOBER 10-15, 2022—REPORT TABLED

Hon. Stan Kutcher: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Inter-Parliamentary Group concerning the Co-Chairs' Annual Visit, held in Osaka and Tokyo, Japan, from October 10 to 15, 2022.

CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE ASIA-PACIFIC PARLIAMENTARY FORUM, OCTOBER 26-29, 2022—REPORT TABLED

Hon. Stan Kutcher: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Thirtieth Annual Meeting of the Asia-Pacific Parliamentary Forum (APPF), held in Bangkok, Thailand, from October 26 to 29, 2022.

CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP

GENERAL ASSEMBLY OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS INTER-PARLIAMENTARY ASSEMBLY, NOVEMBER 20-25, 2022—REPORT TABLED

Hon. Stan Kutcher: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Forty-third General

Assembly of the Association of Southeast Asian Nations (ASEAN) Inter-Parliamentary Assembly (AIPA), held in Phnom Penh, Cambodia, from November 20 to 25, 2022.

[*English*]

QUESTION PERIOD

PUBLIC SAFETY

CORRECTIONAL SERVICE CANADA—TRANSFER OF INMATE

Hon. Donald Neil Plett (Leader of the Opposition): My question, again, is for the Liberal government leader.

• (1430)

Leader, Minister Mendicino wasn't the only one who acted surprised that Paul Bernardo was moved out of maximum security. We're now told that the Prime Minister learned of the jail transfer the day before his minister did, and the Prime Minister's Office, or PMO, staff knew about it for months.

Under the Speaker's Ruling, leader, I'm not allowed to call it what it is, but yesterday, your friends were quick to come to the rescue — on another point of order — to further restrict our language. I can say that the incompetent Prime Minister and his minister were "acting," "pretending" or "putting on a sham," and I can call them "fake," or say that they were playing Canadians for fools, but I am not allowed to say that they lied — "lied" is the word that best describes what they did and who they are.

Leader, I'm at a loss for words; it doesn't happen very often.

Senator Gold, when something is said that is not true, that is misleading or that is a lie, what language would you suggest that we use in this chamber?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for the offer, as the son of an English teacher, to school you.

I think the best advice I could give would be to listen to the very impressive speech of the former leader of the Conservative Party, Mr. Erin O'Toole, which he delivered in the chamber, because he reminded all of us parliamentarians — and he included himself in that, to his great credit — that both the language of debate and the way in which more attention is being paid to creating video clips in order to serve the algorithms for "likes" are debasing our politics and endangering the things to which we should all be responsibly attentive.

Senator Plett: Thank you for that advice.

I'll tell you whom we did listen to again today: We listened to Minister Mendicino again today when he spoke to the media. Minister Mendicino has said that he invoked the Emergencies Act under the advice of law enforcement, but that was not true, leader. The minister then said that Beijing's police stations in Canada were shut down. Again, that was not true. The minister said his amendments to Bill C-21 didn't target hunting rifles or law-abiding gun owners. That was not true. Both the Prime Minister and Minister Mendicino said a memo about Beijing targeting Michael Chong never left the Canadian Security and Intelligence Service, or CSIS — but again, leader, that was not true. On the morning that the SNC-Lavalin scandal broke, the Prime Minister stood before reporters and said that the allegations in *The Globe and Mail* story were false. Again, leader, that was not true.

Now we can add when they knew about the jail transfer of Paul Bernardo to that list.

What word can I call this, leader? Aside from a lecture that Erin O'Toole gave about decorum, what word can I call that? What word would be acceptable to you, and what word does not negatively affect your delicate ears, or those of your Liberal colleagues?

Senator Gold: Thank you for your questions. If my ears were as delicate as you pretend, I'm not sure that I would even be able to hear, much less answer, your questions.

With regard to the many statements you've made, I've answered them on so many occasions — and I know that others are waiting to ask their questions — so I will refer you all to those previous answers.

Let us be clear: First of all, speaking as the son of an English teacher, there is a difference between a statement that is correct, for which corrections were then made, and the allegations of one being misleading or lying.

Second, with regard to the questions surrounding the transfer of Paul Bernardo, once again, our thoughts are with the families of Kristen French and Leslie Mahaffy. As you will now know, and as I will state now — here in this chamber — the minister has issued a ministerial direction to Correctional Service Canada to ensure the following: First, victims' rights must guide the decision-making process. Second, victims of inmates who are being transferred between maximum-security and medium-security institutions must be informed. Third, the Minister of Public Safety must be formally and directly notified by Correctional Service Canada in advance of the transfer of any high-profile or dangerous offenders.

The minister will also be working with the Privacy Commissioner to ensure the public interest demands are met with regard to the legitimate expectations of privacy, as well as the protection of those who hold such rights. It is imperative that victims' rights be at the centre of the correctional system, and that is what the minister has instructed his staff and Correctional Service Canada to do.

[*Translation*]

VICTIMS' RIGHTS

Hon. Pierre-Hugues Boisvenu: My question is for Senator Gold. I too want to talk about the Bernardo case, which has sparked a lot of outrage across the country and among victims' groups.

Yesterday, Minister Mendicino used the word "victim" more times in one hour than his government ever did in eight years. The minister never talked about victims before the Bernardo case. Suddenly, victims of crime are his top priority. He even issued a directive to his department to ensure that victims' rights are central to Correctional Service Canada's decisions.

For the past eight years, I have been asking the Government Representative in the Senate why victims' rights are not being respected. He mentioned a directive, but that directive existed in 2015. The act that created the Canadian Victims Bill of Rights is a federal act, which means that all federal institutions must abide by it.

Senator Gold, why is Minister Mendicino now using victims for his own ends? Why did he not respect families? Most importantly, why did he not tell the truth?

Hon. Marc Gold (Government Representative in the Senate): Once again, thank you for your commitment to victims' rights.

As I stated, and you did point that out, the minister made these decisions to ensure that the relevant information is communicated, not just to him personally, but also to victims. It is a step in the right direction and I hope it will yield results.

Senator Boisvenu: Senator Gold, the directive issued by the minister yesterday to ensure that the Victims Bill of Rights is respected has existed since 2015. That means that Mr. Trudeau's government must have issued a directive in 2015 to not abide by the bill of rights, since it is now saying to abide by it.

Despite all his empathy for victims, the minister forgot that he was in Truro two months ago, where about 15 families were listening as the Mass Casualty Commission report was read out, but neither he nor Mr. Trudeau met with these families. Then, all of a sudden, he feels sympathy for the victims.

In light of the concerns raised and the minister's failure to protect and prioritize victims' rights, will the minister resign?

Senator Gold: The answer is no. The minister was asked that question, and he said no.

Also, to answer the preamble to your question, because the minister has given a directive to ensure that information is passed on to him and to the victims doesn't mean that the government has, as you suggested -- if I understood correctly -- given a directive to disrespect the victims.

That is not true, and there is no logical or necessary connection between the fact that the directive was issued at that time and what the government did or did not do in the past.

ENVIRONMENT AND CLIMATE CHANGE

CLEAN INVESTMENT TAX CREDITS

Hon. Rosa Galvez: My question is for the Government Representative in the Senate.

Senator Gold, the clean investment tax credits set out in budget 2023 seek to reduce our emissions while creating more clean energy, which we will need to meet the Net Zero Accelerator target before 2050.

That being said, the government failed to make one essential climate technology eligible for its series of investment tax credits, namely, the production of renewable biogas from organic waste.

• (1440)

In 2019, I wrote a report for Quebec that shows how biogas can transform greenhouse gas emissions from our farms and domestic solid waste into a source of clean energy.

Canada is not currently using this technology to its full potential. Municipalities and farmers need support to develop these important technologies, so that they can be competitive in terms of investments. When will the government include renewable biogas in its tax credit regime for investments in clean technology?

Hon. Marc Gold (Government Representative in the Senate): As I have already noted, the government made transformational investments in Budget 2023 to build Canada's clean economy and to fight climate change. With respect to your question, I will bring it to the attention of the appropriate minister.

[*English*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

SETTLEMENT OF IMMIGRANTS

Hon. Ratna Omidvar: Senator Gold, I have a question for you, and it is about immigration. A study by the Desjardins group has determined that planned large-scale immigration — planned by the government; I support it; you know that — will lead to higher real GDP growth at the national level and in all Canadian provinces. At the same time, the impact on per capita real GDP growth is more mixed, depending on where immigrants settle and possibly how quickly they are able to use their education and qualifications in the employment market. However, there is a real knock-on effect on housing. The current supply of housing is insufficient. This will lead to increased pressure in housing prices, and the impact will be felt across the country.

Senator Gold, my question to you is this: What is the government planning to do to increase the housing supply in Canada for Canadians and immigrants?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. It's an important one. It's clear that Canada is facing a supply shortage, as highlighted by the recent report of the Canada Mortgage and Housing Corporation, or CMHC.

I have said this on many occasions, and I won't belabour the point; I'm going to answer your question directly. As reported as recently as today in *The Globe and Mail*, the housing problem in

Canada is a function of so many things that are outside the scope of any one government or even all governments. My answer is that the government is doing its part in the hope it will assist in the face of market forces and demographic forces that are beyond its control.

Look, it's hard for Canadians to find affordable places to live in their communities. That's really obvious. What you could call the "financialization" of the housing market has exacerbated this problem, the way in which housing has been used as an investment vehicle. That's why the government has introduced a variety of measures that will put us on path. We hope to double the number of homes built in Canada over the next decade, to rapidly increase the supply of affordable housing and to help ensure that homes are used to house families, not simply as investment vehicles. It launched a $4-billion Housing Accelerator Fund to speed up construction and help create 100,000 new units; provided $4 billion for the new Urban, Rural and Northern Indigenous Housing Strategy; and made the largest investment in co-op housing in 30 years, in the amount of $1.5 billion.

This is what the federal government is doing and it hopes that others, governments and private sector, will contribute as well.

Senator Omidvar: Thank you for that answer, Senator Gold. The report by Desjardins also points to a solution, and that is the dispersion of immigrants to all parts of our country, not just the hot spots of B.C. and Ontario, in particular, to the Prairie provinces. They note that this would decrease the pressure on housing prices and housing affordability in certain parts of Canada and provide a substantive offset to the impact of higher immigration on home prices.

Can you help us understand the government's current plan with the current immigration numbers for better distribution of immigrants across the country? Thank you, Senator Gold.

Senator Gold: Colleagues, immigration is clearly the key to helping businesses find the workers that they need as they continue to grow our economy and our country. The *2023-2025 Immigration Levels Plan* will ensure that Canada continues to welcome immigrants at ambitious levels to meet our needs. With a focus on regional immigration, this plan will help strengthen our system and spread the benefits of immigration to communities across the country — the Prairies and elsewhere. This includes, of course, and importantly, francophone immigration outside of Quebec.

The government does know that affordable housing has become a barrier to pursuing those opportunities in many communities.

The government's *2023-2025 Immigration Levels Plan* selects individuals with the skills to build homes and encourages them to settle in parts of the country that have housing capacity issues. Again, the government will do its part in terms of housing capacity. It looks to provinces, municipalities and the private sector to do their parts. It's crucial that we factor in immigration, as you properly point out, in addressing our housing shortage because newcomers are undoubtedly part of the solution.

[*Translation*]

PRIVY COUNCIL OFFICE

GOVERNOR-IN-COUNCIL APPOINTMENTS

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate.

When it comes to making appointments, the Prime Minister obviously lacks the political acumen to get them right.

The list is long and disturbing. It includes a Governor General who doesn't speak both of Canada's official languages, a unilingual anglophone Lieutenant Governor in New Brunswick, the only bilingual province, a minister's sister-in-law as the interim Ethics Commissioner, a Special Representative on Combatting Islamophobia who made controversial remarks about secularism in Quebec, and a Special Rapporteur who didn't complete his mandate because his credibility was tarnished by his ties to the Prime Minister's family, ties he couldn't ignore.

Does the Prime Minister act alone in his bubble when it comes to making appointments, or does he have advisers? If so, don't you think it's time he replaced them with more competent people?

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

Look, the appointment process varies depending on the position and the process in place. Here in the Senate, we are eagerly awaiting appointments to fill the seats. This particular process involves a board consisting of members appointed by the federal government and members appointed by the provinces.

For judicial appointments, the process is under way and judges are being appointed. As I have said several times, yes, there are vacancies, but the Minister of Justice and the Government of Canada have appointed more than 600 judges since 2015 and are still going.

With respect to other vacancies, the process is designed to find qualified individuals and is always based on merit. These processes might seem slow, but they do make it possible to find the best people to serve the needs of Canadians.

Senator Dagenais: With regard to judicial appointments, the Prime Minister is not doing enough. For the second time in a month, the Chief Justice of the Supreme Court publicly criticized how slow the government has been to appoint judges.

According to the Chief Justice, having so many vacant positions essentially constitutes a threat to security and democracy. We know that a country like Canada is founded on justice, so how can you justify the Prime Minister's obliviousness and failure to act, especially when it comes to appointing judges?

• (1450)

Senator Gold: Thank you for the question, senator. As I have explained many times, I have immense respect for the Chief Justice and his late father as well.

The government is working to fill the vacancies in various provinces and there is a whole process in place to find interested, qualified candidates.

The department has spoken with members of the judiciary and bar to encourage more people to apply. The government continues to make appointments at a steady pace, and the number of vacancies continues to decline.

[*English*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

FOREIGN CREDENTIAL RECOGNITION PROGRAM

Hon. Andrew Cardozo: I want to return to the question of immigration, and my question is for the Government Representative in the Senate. You talked about the cost of immigration, but we have a situation where we have lots of jobs without people, and people without jobs. A certain amount of that occurs in the provincial jurisdiction, where colleges of various professions are not allowing the employment of people who don't have Canadian education and certification. When is the federal government going to ease the entry of immigrants and professionals to be able to work here? One has to think of the medical field where there are lots of people who can't find family doctors and nurses — yet, in fact, there are a number of immigrants who are doctors and nurses who can't become employed.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It's a complex one, and I'll try to be brief in my response.

You're right to point out that in many areas, the issue is not the need for people or jobs, but the fact that the credentials that allow them to practise their chosen professions are regulated either by the provinces or by agencies under the authority of the provinces.

Consider health care, for example: The government does not have the jurisdiction to legislate with regard to health care, but it has an important role to play, as we all know. In this regard, through the Foreign Credential Recognition Program, Budget 2022 provided funding of $150 million over five years, with $30 million ongoing, to help up to 11,000 internationally trained health care professionals per year find work in their field. That is one small, important example, though it's modest.

In other respects, the government and relevant ministers are in contact with their representatives in the provinces and territories in order to encourage them to adapt their particular rules to facilitate the accreditation of workers — in any field — in their provinces and territories. We've seen some very promising results of provincial initiatives in the Atlantic regions — I don't have the list in front of me — but those conversations continue.

Again, the government will do its part, and will work with the provinces and territories, in the hope that we can have a more seamless, robust and generous approach to welcoming the professionals, who are trained elsewhere, to make their contribution here in Canada.

IMMIGRATION, REFUGEES AND CITIZENSHIP

FRANCOPHONE IMMIGRATION

Hon. Andrew Cardozo: I note that some professions, such as engineering — due to the enormous lack of people — are beginning to make their standards more flexible in terms of newcomers.

I want to ask you about francophone immigrants.

[*Translation*]

As you may know, our Official Languages Committee proposed a bold policy for listening to francophone immigrants.

[*English*]

What is the federal government doing in terms of attracting francophone immigrants, both in Quebec and in the rest of Canada?

[*Translation*]

Senator Gold: Thank you for the question, senator.

As for the federal government's approach for all of Canada, as I mentioned, the program I referred to includes a measure aimed at promoting francophone immigration outside Quebec.

As far as Quebec is concerned, it gets a say — quite a bit of say, actually — in who settles there. It's a well-known fact that the Quebec government emphasizes the ability to speak French, or to learn French quickly, to ensure that immigrants to Quebec integrate fully into Quebec society.

[*English*]

PUBLIC SAFETY

MINISTERIAL RESPONSIBILITY

Hon. Leo Housakos: Senator Gold, the default setting of the members of your cabinet, including the Prime Minister, is always to claim that they weren't briefed, they didn't receive an email or they just weren't told. Are these familiar lines? Mr. Trudeau said it about MP Han Dong when he claimed ignorance — we now know that's not true. Mr. Blair said it about the threats against MP Chong's family. Ms. Joly said it about her staffers going to a garden party at the Russian embassy. Mr. Sajjan said it about the fall of Kabul, claiming he had too many emails, and he couldn't possibly read all of those emails. Of course, that isn't fitting on the part of that minister; that is complete incompetence.

Mr. Mendicino has said it on numerous occasions — most recently about the non-existent closure of illegal police stations being operated in Canada by Beijing, and now about the transfer of Paul Bernardo out of a maximum-security prison.

We have two options in front of us, government leader, and there is not a third option. Either the minister knew that the information he was giving to the House and the Canadian public was wrong, and he was intentionally misleading everyone, or he has absolutely no handle on his office, and his staff is running completely amok because of zero leadership on behalf of the minister.

Either way, this is my question for you: Where is the ministerial responsibility? If he won't do the right thing and resign, why won't the Prime Minister — your leader and the leader of this country — do the right thing and hold the minister to account?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Let me begin more broadly: We know that there is a problem with information flow from various sources, such as the intelligence sources, into the government and to ministers. This was underlined and made clear in the report of the Special Rapporteur, the Honourable David Johnston. Indeed, this is also a problem that Minister Mendicino has acknowledged with regard to the Paul Bernardo affair. It was an error made in the Office of the Minister of Public Safety. As the minister said yesterday, he has taken steps to address this mistake internally.

With regard to your statement about Minister Blair, he has said clearly that he was not aware of the information regarding Member of Parliament Chong, and that he found out about it for the first time in *The Globe and Mail*. The minister has stated that clearly and unequivocally.

Witnesses have pointed out the shortcomings that exist in the structure of how we share intelligence — it's clear that this needs to be reviewed. I fully expect that this will be one of the items that the next step of the public process will address once all parties agree on both a mandate and a way forward. This is important and is being taken seriously — I hope — by all members of Parliament, as it should. Canadians deserve to be kept safe, and we deserve to fix the problems that may exist in the way information is transmitted.

Senator Housakos: Government leader, thank you for highlighting the problem with your government. You just highlighted — in your talking points — exactly what I'm complaining about. It's never the fault of the minister or the Prime Minister — it's the employees in their office, it's the bureaucrats who didn't brief them or it's their email that is too blocked up. That is the problem with your government. This government always has its homework being eaten by the dog before it arrives at school, and it has to stop. Do you know what the concept of ministerial responsibility means? I think, in this Trudeau government, there isn't anyone left who understands how Parliament works.

I will ask you two simple questions: Can you define for this chamber what ministerial responsibility means as it applies to Parliament? And is the Prime Minister unwilling to apply ministerial responsibility to Minister Mendicino because no one has applied ministerial responsibility to him?

Senator Gold: The ministers in this government are responsible, and they have taken responsibility. With all due respect, Senator Housakos, I do not tell you what questions to ask, and I don't need you to feed me the answers. Thank you.

• (1500)

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, this week, we will be paying tribute to the Senate pages who will be leaving us this summer. Sofiya Sapeha will be entering her final year of studies at the University of Ottawa in the fall in public administration with a minor in economics. This summer, she will continue working in the public service.

Upon graduation, she hopes to pursue graduate studies in security and diplomacy. Sofiya is thankful to have had the opportunity to represent the province of Ontario and the Ukrainian-Canadian community in the Senate Page Program for the past two years, and would like to thank all of those who made it a memorable experience.

Skylar Johnson is very thankful to have had the chance to participate in the Senate Page Program this year and for all the learning opportunities and support she received along the way. Next year, Skylar will be completing her final year of study in communications and sociology at the University of Ottawa.

[*Translation*]

CANADA DISABILITY BENEFIT BILL

BILL TO AMEND—MESSAGE FROM COMMONS—CERTAIN SENATE AMENDMENTS CONCURRED IN, DISAGREEMENT WITH A SENATE AMENDMENT AND AMENDMENT

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

Wednesday, June 14, 2023

EXTRACT, —

That a message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-22, An Act to reduce poverty and to support the financial security of persons with

disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act, the House:

agrees with amendments 1, 4 and 5 made by the Senate;

agrees with the Senate proposal to make any necessary consequential changes to the numbering of provisions and cross-references resulting from the amendments to the bill;

respectfully disagrees with amendment 2 because it raises significant constitutional concerns by seeking to regulate the insurance industry specifically or contracting generally, both of which fall within provincial jurisdiction;

proposes that amendment 3 be amended to read as follows:

"New clause 10.1, page 4: Add the following after line 5:

"Appeals

10.1 Subject to regulations, a person, or any other person acting on their behalf, may appeal to a body identified in regulations made under paragraph 11(1)(i) in respect of any decision

(a) relating to the person's ineligibility for a Canada disability benefit;

(b) relating to the amount of a Canada disability benefit that the person has received or will receive; or

(c) prescribed by the regulations."".

ATTEST

Eric Janse

Acting Clerk of the House of Commons

Honourable senators, when shall this message be taken into consideration?

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

[*English*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(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: consideration of Motion No. 111, followed by consideration of the sixth report of the Standing Senate Committee on Transport and Communications, followed by second reading of Bill C-41, followed by third reading of Bill C-13, followed by all remaining items in the order that they appear on the Order Paper.

PARLIAMENTARY LIBRARIAN

MOTION TO APPROVE REAPPOINTMENT ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of June 14, 2023, moved:

That the Senate approve the reappointment of Heather Powell Lank as Parliamentary Librarian.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ONLINE NEWS BILL

SIXTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Transport and Communications (*Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada, with amendments*), presented in the Senate on June 14, 2023.

Hon. Leo Housakos moved the adoption of the report.

He said: Honourable senators, I rise to speak to the sixth report of the Standing Senate Committee on Transport and Communications. This report summarizes our committee's study of and amendments to Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada, or in short, the online news act.

This bill was referred to committee for study on April 18, 2023. We held nine meetings in total, heard from 58 witnesses, including departmental officials who were on hand during our clause-by-clause consideration. There were also 27 written briefs submitted.

During clause by clause, which was completed in one meeting this past Tuesday, June 13, 2023, there were 18 amendments proposed by Senators Carignan, Clement, Cormier, Dasko, Miville-Dechêne, Simons, Wallin and the government itself. Of those proposed, 12 amendments were adopted. I have to say, like its predecessor Bill C-11, perhaps what I found most interesting

about the bill was that even its most ardent supporters came to committee drawing attention to flaws in the legislation and seeking amendment.

While I do believe that some small changes of improvement have been made to the bill through some of the amendments we adopted at committee, I believe others run the risk of further complicating an already convoluted bill and making it even more unworkable.

While other reasonable amendments that were proposed and defeated were missed opportunities to vastly improve this flawed legislation, perhaps the most egregious of those missed opportunities was an amendment put forward by Senator Carignan that would have safeguarded against forcing platforms to pay for hyperlinks, including links that the news outlets themselves proactively post on those platforms.

This isn't a practice where a news item is reproduced. The item appears on Facebook, for example, as a link that goes directly to the website of the news outlet. Facebook is actually providing the news outlet the vehicle with which to drive more traffic to their own sites. That's why it's the news outlets themselves who post these links on these platforms and encourage others to do so as well. Had this amendment been adopted, it would have removed perhaps one of the main criticisms of this legislation. A failure to fix this not only cripples the legislation, but may very well result in platforms not allowing that practice and thus crippling the very industry this bill is supposed to protect.

Another opportunity gravely missed was one that would have removed the eligibility of CBC to take part in the scheme. As Senator Carignan pointed out in moving this amendment — and I wholeheartedly concur in my comments — the CBC can hardly be described as a struggling news outlet. Yet this whole bill is predicated supposedly on the government's desire to throw a lifeline to struggling media.

Smaller, independent and ethnic media outlets in this country already have to compete against the behemoth that is the publicly funded CBC for ad dollars. That's already an unfair advantage to CBC. Now they are getting a significantly larger piece of the pie from this funding scheme. It boggles the mind that they would be included, and even more so that Senator Carignan's amendment was defeated.

As for the 12 amendments that were adopted at committee, they include amending language in clause 2 that will expand the definition to specifically include official language minority community news outlets; amending clause 2 to limit the definition of Indigenous news outlets to one whose primary purpose is to produce news content. This was an amendment by Senator Simons that I would be surprised if it is supported by Indigenous media, and certainly seems to be at odds with the emphasis typically placed, in theory, by the Trudeau-appointed senators on listening and taking into consideration Indigenous input.

• (1510)

There were several others from Senators Clement, Cormier and Miville-Dechêne that were adopted, including, as previously mentioned, some that further complicate an already convoluted bill.

One of the most meaningful amendments, as far as improving this deeply flawed bill, came from Senator Dasko in clause 27, page 11, thus limiting the CRTC's discretionary power as it relates to designating an eligible news business. This will leave it to news outlets themselves to determine if they wish to apply to be part of this program rather than having it forced on them.

Another important amendment came from the government, and it struck me that the bill made it as far as it did without this much-needed correction. That correction was in clause 36, page 15, line 11, which was amended to address a major gap to properly protect confidential information from being exposed during arbitration. This amendment adds further requirements and sanctions related to the improper disclosure of information by the arbitration panel or each individual arbitrator.

In fact, I was surprised that the government supported as many of the committee's amendments as they did. Despite all time they had to draft this bill and all the months it has been in the House of Commons, it's like they realized that it is really a bad bill, but they made promises to certain stakeholders to have this done so here it is.

Here we are, both chambers, in quite the spot at the end of the session, with only days left on the calendar. We will be rushing through third reading, with limited debate, in order to send an amended bill back to the other place so they have time to reply and we have time to accept their message before we all go home for the summer.

This is not the way Parliament should be conducting itself, but has become a hallmark of how it has been conducting itself. They make grand promises and either fail to deliver them altogether or throw together a piece of legislation at the last minute, resulting in poor drafting. Then it's up to Parliament to fix it, but doing so in a rush to meet the government's self-imposed deadline.

So now, despite all of the concerns raised by witnesses, committee members and many senators, the government wishes to move this bill into law as quickly as possible with the content of the bill itself becoming almost secondary.

That brings us to the last amendment adopted by our committee in clause 93, page 39, after line 26, that changes the coming-into-force provision. It now requires that the entire bill come into force within six months of receiving Royal Assent, which I have no doubt will happen in the next few days. When it does, the government will then have to show exactly how it will support small businesses, possibly without the involvement of large platforms and possibly in the face of significant trade implications.

With all of that said, I would like to thank all witnesses and senators, including Mr. Owen Ripley who has been a steadfast presence in our deliberations for a number of months. I would also like to thank Marc-André Roy and David Groves from our

Law Clerk office for their diligent work; Jed Chong and Khamla Heminthavong from the Library of Parliament; our committee's administrative assistant, Natassia Ephrem; and our unflappable committee clerk, who did tremendous work both on Bill C-11 and now on Bill C-18, Mr. Vincent Labrosse.

Finally, I would like to thank all my colleagues on the committee and our excellent staff who work to support us and provide the wonderful results that we see in the work we do. Thank you very much, colleagues.

An Hon. Senator: Hear, hear.

Hon. Paula Simons: Would Senator Housakos take a question?

Senator Housakos: Absolutely.

Senator Simons: I find myself perplexed. Perhaps it is the rush with which we did this, but, Senator Housakos, the amendment you described is not one that I proposed nor one that passed. We did have discussions in committee about the definition of Indigenous storytelling, but the amendment I proposed to clause 2, as I hope you recall, simply removed an example and broadened the scope rather than narrowing it. Can I help you clarify your understanding?

Senator Housakos: My position is what I stated in the report as I interpreted it. I've been consistent throughout the study. I don't think it actually broadens it — that's my opinion. You have the right to stand up and clarify, senator: We all have that privilege. And we have the privilege of agreeing to disagree on all issues. That's what we do here, so you are free to put forward your interpretation of your amendment as you see it, and you can do it in your speech. You can do it, of course, now in debate. I'm entitled to my opinion, as you are to yours.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

THIRD READING

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

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

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

Hon. Senators: Agreed.

Senator Harder: Thank you, Madam Speaker, and thank you, colleagues, for letting us commence this debate now.

I rise today on the ancestral and unceded territory of the Algonquin Anishinaabe people to speak on third reading of Bill C-18, the online news act. This bill compels large digital platforms, like Meta and Google, to compensate Canadian media outlets in return for posting news content on their platforms. It is a bill that we must urgently pass for the sake of the industry and, perhaps more importantly, for the sake of our public discourse and our commitment to democratic debate.

Senators are no doubt familiar with the bill, so I won't dwell on the specifics. At its essence, the online news act will encourage digital platforms to enter into voluntary commercial agreements between themselves and the news organizations whose content they post on their sites. Those who don't reach agreements will be subject to final-offer arbitration.

At issue is the fact that these same digital platforms derive economic benefit in the form of ad revenue from content that they do not produce. In some cases, they pay individual outlets for content, but in many others they do not.

Bill C-18 would ensure that those platforms can no longer pick and choose which outlets they will compensate. It is, in its rawest form, a bill aimed at levelling the playing field between those outlets that have agreements and those that don't.

Many of the latter are small- and medium-sized outlets that have continued to publish on shoestring budgets, having already slashed jobs and wages. Since 2008, Canada has lost over 460 outlets. Just five months ago, Postmedia, which operates more than 100 large and small newspapers across the nation, announced cuts of 11% of its staff.

Many of the publications that this bill will help have already made heroic efforts to serve the public. I am put in mind, for example, of the public service performed by our nation's minority language press in informing various diasporas on how to protect themselves from the coronavirus. New Canadians, many of whom don't speak either English or French, had nowhere else to turn for information that — it is no exaggeration — they needed to survive. These publications stepped up, with some operating at a loss. It's fair to ask whether they will still be there when the next public health emergency surfaces.

Others, like hard-pressed rural and northern outlets, have continued to publish the goings-on of their community, connecting the farthest-flung parts of our country to our larger population centres. This is a crucial role they play at a time when polarization in Canada and the rest of the world interferes with our ability to talk to each other.

Still other publications in the racialized, Indigenous and official minority language spheres work hard to inform their often underserved readerships. This initiative will help those I just mentioned if they want to be part of it.

Let me hasten to add, though, that Bill C-18 should not be seen by anyone as a panacea. It is but one of a number of programs already undertaken which are aimed at helping our challenged news industry weather and, hopefully, thrive in the ever-changing digital environment.

It is my own view that the future of journalism will be shaped not just by the surviving legacy media outlets, but by the many smaller, flexible and adaptable outlets that have begun to spring up.

A number of them appeared before us during committee hearings. One such outlet is The Logic, a digital-only publication that covers the innovation economy by providing in-depth reporting on organizations, policies and people driving transformational change. This is an issue, as senators might know, that is close to my heart.

• (1520)

Despite The Logic's devotion to such pioneering subject matter, it finds itself at a competitive disadvantage, forced to contend with larger outlets that already have agreements with the big digital platforms. Indeed, the publication's Chief Executive Officer, David Skok, has said it's unfortunate to be in a situation where he must rely on agreements with private industries like Google to help fund his publication's journalism. The Logic feels compelled to support the act because Big Tech selects which outlets it wants to support through voluntary agreements and refrains from supporting others. This creates an uneven playing field.

If we want to encourage the development of publications like The Logic — which I believe are the future — we cannot allow the larger platforms to sign deals only with the big players. This makes for competitive unfairness and, more disturbingly, allows Big Tech to pick winners and losers — exactly the criticism that gets levelled at government for launching initiatives like this bill.

It's far better, in my view, to treat everyone equally, particularly in an industry that provides such an important public service as does journalism.

Adding this initiative to others that have been enacted by government, including the Canada Periodical Fund, the Local Journalism Initiative and the journalism labour tax credit, will go some ways to sustaining the industry as it continues to find its legs in the new environment.

The bill, of course, is not free of criticism. Some have criticized it, for example, for potentially keeping alive publications that have not done the work required to adjust to the new reality. I will leave that judgment to others more familiar with the efforts being made at some of these outlets, many of which have been publishing for generations.

I would say, however, that the consequences of not supporting those publications risks the loss of something bigger than the publications themselves — namely, the infrastructure which supports the whole profession.

What is ultimately at stake here is the removal of experienced and guiding hands which maintain a mature industry over time. In our own review of the bill, it became clear that younger journalism graduates have fewer and fewer mentors to whom they can look up. These younger journalists are put into positions of leadership which, in previous years, would have taken many of them more years to reach. The pool upon which even the best publications rely on to hire promising up-and-comers is becoming shallower by the year.

Given this contraction, is it any wonder that publications that deal with misinformation and disinformation are becoming increasingly influential? Relying on such outlets to convey information would be bad even for Big Tech, which makes me wonder why they continue to use bullying tactics to oppose this bill. As you know, the big platforms have gone so far as to experiment with blocking access to news on their sites. Just this week, Meta began blocking news for some Canadians on Facebook in a test that is expected to last most of the month. Google did the same thing earlier this year.

Now, it's not my business to say whether such moves are counterproductive for a company's Canadian reputation or its bottom line. It defies credulity when these corporations argue that it is somehow their free-market right to derive ad revenue without compensating those who create the content.

Musicians who write pop songs get paid when those pop songs are played on the radio. Playwrights get a royalty when their work is put on a stage, even at the local community theatre. When a famous individual's image is used to advertise a certain product, that person is paid for the value of the personal brand he or she has created through many years of hard work.

As Ronald Reagan learned, if you want to use "Born in the U.S.A." as a campaign theme, you'd better ask The Boss first.

These platforms claim that news holds little value for them. This is too hard to buy. Users come to social media and search engines to access the totality of the internet; 77% of Canadians get their news online, including 55% of Canadians who use social media platforms as a pathway to news.

Professor Dwayne Winseck, who testified before our committee, estimates that in 2021 Google's advertising revenue in Canada alone was $4.9 billion while Meta's was $4 billion.

What these foreign multinationals are really worried about is a check on their dominant market position. International observers whose nations are considering similar compensation initiatives are noticing this behaviour. Damian Collins, a British MP and former tech minister — by the way, a Conservative MP — had this to say:

> It says a lot about the values of a company like @Meta that in Canada instead of paying modest compensation to news companies for the free distribution of their content, they'd rather block it. A big win for disinformation pushers if they flow through.

These same observers are watching the Canadian experiment and our experience very closely. That these internet giants would rather cut off Canadians' access to local news than pay their fair share is a real problem.

The international community is also measuring the effectiveness of this bill, in many cases to see if they can use it as a guidepost for their own legislation.

The United Kingdom and New Zealand are putting forward comparable legislation while the European countries are implementing the EU copyright directive, which puts comparable requirements on platforms to compensate news publishers.

They will, no doubt, create legislation tailored to their own circumstances. They may even improve on our bill, just as we have improved on the Australian version, which raises the better question: Could this bill have been made better? Time will tell.

Let me say, though, that the committee which reviewed Bill C-18 has done so in a rigorous and thoughtful way and added a number of amendments that are supported by the government. They include, for example, putting a tripwire in place for the full regime to come into force within six months after Royal Assent, guaranteeing that an outlet does not have to participate in the regime if it does not wish to do so, and adding language that deals with official minority language communities as well as Black, Indigenous and other racialized communities.

However, the government expressed opposition to one amendment passed by committee. This amendment would force negotiators to set boundaries on bargaining by setting a simple value for news content and potentially curbing negotiations over other items of value. I expressed opposition to this amendment because it would likely result in less favourable negotiations for news outlets.

Currently, the legislation intentionally does not set boundaries on what parties can negotiate overall, allowing them to bargain over the elements outside the scope of news content. Under the current bill, the CRTC — the Canadian Radio-television and Telecommunications Commission — would be required not only to consider the value of news content but also the value of a reader's personal information, which can be used for other purposes.

This amendment reduces potential compensation to the outlets. Don't take my word for it; take the word of the industry members who are surprised by this amendment. They say it handcuffs them and helps the platforms more than the media.

Paul Deegan, the CEO of News Media Canada, which represents 560 titles, said the following:

> The amendment would limit the ability of news publishers to negotiate fair compensation with dominant platforms. Value will be determined during negotiations.

Pierre-Elliott Levasseur, President of *La Presse*, agreed:

> This amendment would tie one hand behind our back and hamstring us in negotiations with the platforms that enjoy a massive power imbalance over news publishers. The majority of media outlets in Canada have tried to get deals with Facebook and Google, only to have the door slammed in their faces. This is particularly true in Quebec, where La Presse, the Quebecor titles and the Hebdos have all been left out in the cold. This amendment benefits the platforms at the expense of publishers.

So says Pierre-Elliott Levasseur.

Allow me, again, to underscore the need for urgent action. Big Tech would like nothing more than for this bill to be delayed beyond the summer, eating up crucial time to negotiate badly needed agreements with news outlets which are already in a very tight spot.

You need look no further than the announcement this week that BCE Inc. plans a news division consolidation by cutting 1,300 positions and closing or selling off nine radio stations.

It is also not hyperbole to say the very fabric of our democracy depends on a robust and diverse media; without it, the body politic will not have the information it needs to make informed decisions on our nation's future.

If you doubt this, have a look at the nations that do not have access to unfettered press and the unchecked power wielded by their often autocratic leaders. I am not just speaking of the most vicious examples, like Vladimir Putin. I also think of a nation like Hungary, led by authoritarian Prime Minister, Viktor Orbán. Reporters Without Borders currently ranks Hungary eighty-fifth in the world when it comes to press freedom. Ten years ago, it ranked fortieth.

• (1530)

Turkey is another example. In the month of April, during that country's recent election, the state broadcaster devoted 60 times more coverage to the incumbent — and the eventual winner — President Erdoğan than to his main opponent, Kemal Kılıçdaroğlu.

Both of these nations were heretofore relatively strong Western democracies.

Here in Canada, we are obviously not living in the same environment. But we must be more vigilant about protecting democracy than we have been.

If you believe I'm exaggerating, look at the threats to pluralism that have taken root in the country south of us — and I don't mean Mexico. We may not have appreciated it before, but it's clear that democracy is fragile.

This is an essential bill aimed at providing one of our most important democratic institutions with some degree of protection.

It needs to become law and receive Royal Assent before we rise for the summer to ensure that those who need it can derive benefits before it's too late.

I therefore urge your support for this important third reading vote. Thank you.

[*Translation*]

The Hon. the Speaker: Did you have a question, Senator Dagenais?

Hon. Jean-Guy Dagenais: Senator Harder, would you take a question?

Senator Harder: No.

[*English*]

Hon. Donna Dasko: Honourable senators, I rise today to speak to Bill C-18, the online news act, at third reading.

The news media business in Canada is in trouble, and Bill C-18 is designed to be part of the solution.

Many news organizations, particularly newspapers, are in dire straits. A 2021 Statistics Canada report surveying newspaper publishers in Canada revealed that operating revenue of Canadian newspaper publishers declined to $2.1 billion in 2020, down 22% from just two years earlier, in 2018.

Declines in revenues have led to closures and job losses; over 469 news outlets have closed from 2008 to 2022, including over 300 community newspapers, and one third of journalism jobs have disappeared since 2010.

Just yesterday, Bell Media announced the elimination of 1,300 jobs, mostly affecting their news operations, including nine radio stations and foreign bureaus.

The other side of this picture is that the internet has increased its share of advertising revenue as that of newspapers and other media has declined. Government background documents estimate that Google's and Facebook's revenues from digital advertising were $9.7 billion in Canada in 2021, which was 80% of the total digital ad revenue of about $12 billion.

Bill C-18 aims to fix the balance. The rationale behind the bill is that news organizations are not getting fair compensation for the news they produce from the digital platforms that distribute this news to the public.

Bill C-18 requires that major digital platforms make deals with news businesses to pay these businesses for information that is shared on their platforms.

Bill C-18 lays out the framework behind these deals. If voluntary deals are made between digital platforms and eligible news media within certain timelines that meet certain criteria, digital platforms would be exempted from the required portion of the act, which is to enter into a formal negotiation process that could lead to final offer arbitration. The CRTC will take the role in developing a code of conduct to guide the bargaining process and determine if agreements reached meet the conditions for exemption, among other roles it will take on.

Bill C-18 is a complex bill, and it needed fulsome study. We had a good process at committee, but I feel we needed to do more.

Bill C-18 came to this chamber at first reading on February 2. We heard the sponsor's speech on February 7 but did not hear the first witnesses at our Transport and Communications Committee until April 25. From February 7 to April 25 is a very long time at second reading during sitting weeks, which, in my view, should have been spent studying the bill at committee. Our 10 meetings might easily have expanded to 13, 15 or even more meetings. Let's compare our 10 meetings to the 31 meetings we had on Bill C-11, the Online Streaming Act, and I'm not saying we should go there, but that bill was a similarly complex communications bill. I feel we needed more time on Bill C-18.

I want to focus on some of what we learned at committee and where I see issues going forward that we were not able to examine.

Our nine meetings with witnesses — of course, we had one meeting for clause-by-clause consideration — focused primarily on the views of stakeholders. From our 60 witnesses, we learned that Bill C-18 has widespread support, particularly across the newspaper sector, including large and small organizations, as represented, for example, by News Media Canada, but it also has significant support among broadcasters such as the Canadian Association of Broadcasters. It has strong support among online publishers and multicultural media.

However, the two digital platforms, Google and Facebook, which would now qualify as the operators responsible for making deals with news organizations under the act, are aggressively opposed. During the period of parliamentary review of the bill, both companies launched "market studies" which involved blocking access to news on their platforms to some of their users and subscribers. While market studies are legitimate, and I can say this from 30 years in this industry, the timing of these studies was provocative, to say the least, and is rightly seen as a shot across the bow at the government and at the news industry in this country. Minister Rodriguez described these actions as threats, and even the Prime Minister weighed in, accusing the companies of using bullying tactics and saying that the federal government would not back down.

When both tech giants appeared as witnesses at committee on May 3 and were asked how they would respond if the bill were to pass in its current form, Google Vice President of News, Richard Gingras, did not want to speculate. He replied:

> We've been clear on the considerations we have, which is to do with whether we need to assess how we use links or whether we need to assess whether it is logical for us to continue to provide a service like Google News . . . . I have no certainty right now as to what we might do.

Facebook, however, was categorical. Rachel Curran, Head of Public Policy for Meta in Canada, stated:

> Because the legislation ignores the realities of how our platforms work, the preferences of people who use them and the value we provide news publishers, we have no choice but to comply with it by ending the availability of news content in Canada if Bill C-18 is passed as drafted.

We have two very large, very powerful, very angry foreign-owned tech giants required by law to negotiate with way smaller Canadian firms. What could possibly go wrong?

Some have debated whether the company's threats to leave are real or, in fact, a bluff. But if they are real, there is reason to be concerned. That is because we also learned at committee about how many news publishers rely on these platforms for their own business operations and successes.

• (1540)

Jeff Elgie of Village Media told us:

> . . . we benefit greatly from the traffic back to our sites that we, in turn, are able to monetize and form new audiences, subscribers and followers that we would otherwise be challenged to reach. . . . Google and Facebook combined generate almost 50% of our traffic on an ongoing basis. . . . You will find similar numbers across our entire industry, legacy or new.
>
> If that traffic were to be lost, the business would be over.

This sentiment was echoed by journalist and commentator Jen Gerson, who stated at committee that independent media, start-up media and media trying to build its brand in the marketplace are reliant on social media to build a brand, develop an audience and get a network across. The loss of Facebook, she believed, would be serious.

The policy framework behind Bill C-18 emphasizes that news organizations are not getting fair compensation from the platforms, but how will these realities figure in the negotiation process?

If we had those extra committee meetings I mentioned earlier, we could have invited more experts to dig deeper into the policy framework to understand how it works and its possible contradictions, and we might have been able to offer solutions. For example, how does the need for commercial deals, which must be negotiated privately, square with the regulatory requirements such as the transparency demands? We know that those transparency demands will increase. It seems pretty clear to me. What will be the impact of this policy on the internet, and what will be the impact on innovation? Does the long list of requirements that must be met for exemption, which go beyond fair compensation, create an undue burden on the commercial negotiation process as claimed by witness Philip Palmer of the Internet Society?

There were some other concerns: Our committee didn't look at advertising or consumer behaviour even though the movement of advertising and consumers onto platforms, social media and search engines is central to these developments. How will news consumers be impacted by this policy? These are all important issues going forward.

As I said earlier, our committee did excellent work in the time we had, passing nine substantive amendments in one meeting. These have already been described by Senators Harder and Housakos, so I will not attempt to go through them.

I am pleased the amendment I proposed, which would remove the ability of the Canadian Radio-television and Telecommunications Commission, or CRTC, to designate news businesses as eligible, was accepted. The news businesses should decide for themselves if they wish to apply and be part of this framework.

Colleagues, I love the news media, and it is painful to see what's happening to the news today. I deplore the threats of the tech giants. I feel that despite its flaws, Bill C-18 is our only hope at this particular moment in time to help this industry, which is vital to our democracy. If all the pieces fit together and if all the players do their part, it could be a wonderful thing. It could be a wonderful assistance to this industry. That is why I intend to support it today.

Thank you.

Hon. Leo Housakos: Honourable colleagues, initially, I thought I might actually support this bill, believe it or not, despite the report I gave earlier. The Coles Notes version that journalists should be fairly compensated for their work sounded noble enough, and, colleagues, we all recognize — as the reflex is — we want to protect and ensure a thriving free and independent press. It's crucial to our democracy. It's crucial to our society.

I remember as a young man in my university days that newspapers were teaching tools. All of us relied on them for more than just information. It all sounds good that we're trying to save, in a noble way, struggling journalism today, but you need only scratch the surface of Bill C-18 to understand that that's not what it seems to be really doing.

Yes, traditional news media in this country is struggling. I say "traditional" because the truth is the industry as a whole isn't struggling. It is just evolving, changing. It's not just in journalism. We see it in every walk of life. We see it the way the restaurant industry works, the food industry and the transportation industry. The digital world has made significant changes. The whole world and everything we do is moving online. It's progress. That's why you see even the traditional broadcasters slowly abandoning their business model and their old way of doing things because the world, eyeballs and consumers are going in a different direction.

Is that concerning given the lack of regulation and the rise of misinformation and disinformation available on the internet? Sure, but that doesn't mean, as Liberal MP Lisa Hepfner claimed, that online news is fake news, for example.

Somehow that we come to the conclusion that what's going on in online news is misinformation and somehow traditional news broadcasters are more accurate or that they have more rigid standards, I think, is exaggerated. The news industry has been self-regulated for years. They've been setting their own standards.

Shame on MP Hepfner for maligning decent, hard-working Canadians who are making their living in this country delivering solid online news. The fact is online delivery is the future of news, and traditional media know it to be true. They have to adapt their business model or they will be left behind.

Many have adopted their models. In the meantime, there are massive job cuts and have been for several years. Bill C-18 isn't going to fix that. I would support the bill if I were convinced that it would.

Certainly, it will give more revenue to large news outlets. It will make the big even bigger and the strong even stronger. The objective of trying to help diversify local news in the country will not be achieved with this bill. I believe quite the contrary. It will give more revenue to Bell Media, Rogers, Quebecor and tonnes more revenue to CBC, the government's favourite place to put taxpayers' money.

I want to also extend my concern, colleagues — and we all should — to the 1,300 employees who were fired yesterday by Bell Media. It is ironic. A lot of people are arguing that Bill C-18 is going to save media and journalists.

Well, we are on the cusp of passing this extremely important bill that is maybe not a magic bullet. I agree with Senator Harder that it is not a magic bullet, but why wouldn't they wait and see the outcome? We're rushing this bill through. Despite my reservations that this bill will not save and diversify journalism in this country, we are still giving it a shot. As you can see, we are not distracting from the objective of the government trying to put this bill forward.

I believe journalism is changing. It is inevitable. The reality of the digital world is changing, and journalists have to change with it.

Colleagues, once we pass Bill C-18, I suspect the 1,300 employees at Bell Media and all these journalists who lost their jobs in the next six months will be hired back, right? All the fat cats at Bell Media and CTV — I say fat cats because I guarantee the cuts we've seen in journalism over the years are not equivalent to the cuts we see in upper management of these corporations. I invite you all to go to the annual reports of Bell Media, Rogers and Quebecor and see what the executive salaries are. People think there are fat cats in the Senate and the gatekeepers here. Go check out the salaries of some of these executive vice-presidents. You'll find it staggering. These same people who are so concerned about journalism and our democracy, go see how much they get paid compared to some of the hard-working journalists in this country.

It's stunning to me that government talks a good game on following the science and embracing technology, but are doing the very opposite when it comes to digital internet media. The truth is companies like Bell have to adjust to the reality of the internet.

The other reality is that not one of these people who were let go yesterday will get rehired once this bill passes. I'm ready to bet on that and have that discussion when we review the outcome in a few months or even in a couple of years.

Contrary to what they said in their statement that things would have been different had Bill C-18 been passed sooner — the problem is we didn't move quickly enough; it's our fault — not one of those people who were let go yesterday would have held their jobs had Bill C-18 been passed one, two or six months earlier. I do want to point out how cynical Bell Media's move is, both the timing and the blaming of it on regulatory burden and the slow passage of Bill C-18. I noticed that unlike in the case of Facebook and Google and their responses in regard to the implications of Bill C-18, Minister Rodriguez didn't question Bell and their timing or accuse them of scare tactics and say he won't be bullied or intimidated.

• (1550)

Colleagues, Meta and YouTube have been hiring Canadians across the country for years. I invite you to go to any region of the country where Google and Meta and Facebook have operations and visit their facilities. They're hiring young Canadians at a record pace — these fat digital cats that need to be reeled in by the Canadian government because these are just terrible international corporations that are doing harm to our basic way of life. Go see all the thousands of young Canadians coming out of IT schools — the engineers and programmers — and see what kind of jobs they have and what kind of environment.

I went to visit a couple of the offices of Google last year, and, boy, let me tell you that I wish I was 25 or 30 again. That generation of kids, they know how to work, they know how to be innovative and they know how to create work-life balance. I was very impressed, and the future is bright. But we have to embrace them and give them an opportunity to grow, flourish and continue to be innovative.

Also, he can and should sympathize — I'm talking about my good friend Minister Rodriguez — with the people who lost their jobs yesterday, but I notice he didn't say anything about the people who made the decision or call them out about their timing, as I said. That's because it's very easy to demonize big tech.

I have issues with them as well. I don't think Meta and Alphabet are perfect. No corporation needs to be free to run wild, but I'm also not defending management at Bell Media or Rogers Communications or Shaw Communications, and I'm not picking sides. My sense is that when you look at this legislation, the government has a propensity to continue to defend traditional broadcasting, which we all know — we had this debate with Bill C-11 — is dead and done with, and they continue to side with big corporations: Bell Media, Rogers and Quebecor. They're giants in this country, and they're not giants because they offer the best service at the lowest price. Most of us in here

are old enough to pay cable bills every month. Take a look at that bill. Call your friends down south in the United States or in Europe or anywhere else around the world and compare some of those cable bills.

Senator MacDonald: Our phone bills.

Senator Housakos: We have cell bills and internet bills or connectivity bills, right? See what those giants are charging Canadians compared to other nations around the world.

By the way, they've become as big as they are because they gouge consumers and taxpayers and because of the regulatory protection we have afforded them for decades through the CRTC and through governments — successive governments, by the way — Liberal, Conservative and other ones. At some particular point, we've got to stand up for the consumer and for Canadians and say, "Enough is enough; some competition is good." And let's stop saying every time we have a business model that is failing because somebody is more innovative, more cost-effective and is garnering more customer service that we're going to step in and we're going to make it an equal playing field. We're going to help those with the bad ideas and bad fiscal results and we're going to prop them up with taxpayers' money. Let's call this what it is: a shakedown in an effort to protect the status quo.

Big tech isn't stealing content. They aren't taking the work of journalists and profiting off it without journalists being fairly compensated. The passage of Bill C-18 won't result in one journalist in this country getting a raise. More importantly, let's also keep in mind that a lot of the content that we are talking about that's being stolen by tech companies is being downloaded and placed there by journalists themselves.

As I have said many times before, these platforms are actually providing a service to news outlets to drive traffic to their products and to their content. We aren't talking about the reproduction of content without fair attribution or compensation. We're not talking about links taking consumers to the actual Global News or CTV News websites.

I consider Facebook to be the Uber or even the cab driver, and Global News is the restaurant. Would we expect the cabbie to give the restaurant a percentage of the fare that was collected? Of course not. Just because someone, in this case, has figured out a way to monetize someone else's product, it does not mean they are stealing that product. It doesn't mean the manufacturer of that product is being any less fairly compensated. As long as the copyright laws are being respected — and they are here — nothing is being stolen.

None of us are forced to post our work. Senators, local restaurants, every single business in the country, artists of all sorts — they're posting their stuff. We're all posting our stuff on these websites, and we're posting it because we're getting more reach. We're getting more of our constituents in our home provinces to see the work we do here in the Senate, advocating on their behalf.

Journalists add their links to their stories on Facebook because it accentuates their work; it drives more people to their website. So if you're writing articles for *La Presse* in Montreal and you post it on your Facebook account, it's because that journalist is benefiting from people that are being driven to *La Presse*'s website, and, of course, that's a paywall. If more people are driven to the site because of a journalist promoting their product, that paywall grows, and that business grows.

By the way, back to my earlier point, there is a lot of print media in the country that is flourishing because of digital platforms. There are a lot of them that have to be lauded because they were ahead of their time and they realized they needed to adjust. *The Globe and Mail* adjusted. *The Globe and Mail* is as effective today as they were when I was a kid. They have great coverage. They still have a great product, and they are still making money, but they were also one of the first to sit down and make a deal with these platforms, and the platforms understood that this was a good product for them to make a good deal with.

And there are many more. *Village Media* was cited by one of the colleagues who spoke earlier. They're a huge success story, as is Western Standard News Media Corp. There are so many out there, and, really, I don't want to miss any, but Blacklock's Reporter is another one. They're an online subscription digital paper. They're doing as well as ever.

The only one trying to steal their content, colleagues, is the government. They are in court right now because the Trudeau government that wants to protect independent journalistic organizations has been taking their product and spreading it around ministries without giving them their due. But Bill C-18 is going to save the industry? Why don't we start with having our government departments respect paywalls of journalists and respect their content before we start passing legislation to protect certain giants?

Traditional media and some journalists themselves are struggling to adapt to the digital world and what that means for delivery and consumption of news. Shaking down big tech and driving them to the point where platforms like Meta and Alphabet will stop promoting your content is not the win this government and a lot of people in media think it is. I fear this legislation will have the opposite of the desired effect.

We have seen how serious Meta is about stopping the dissemination of news information. The people that will be hurt when that happens — and I believe it will happen. I think there is no reason why a business model that's designed to be free to give consumer choice and to drive traffic is going to continue to drive traffic for the media and the journalists in this world if they have to pay for that service. Their whole business model will be disrupted, and the loser will be Canadian consumers. The loss will be the taxpayers' because I think there will be a detrimental growth. We had witnesses who came before our committee, including print associations that represent journalists in this country, who say that thanks to Meta, their traffic is up as much as 31%, 32% or 33%.

We all know that the only way you make money — I don't care if you're a journalist or if you're selling hotdogs or if you're a local gas station — is you need traffic and you need people to be attracted to your product. The only people who don't need to attract consumers are government agencies or government Crown corporations, because they have taxpayers' money to compensate, so they don't have to be that agile and they don't have to be that good. That's the truth.

Facebook and Google are at a point right now where, like any business, when you have a government that wants to come in and regulate you and tell you what to do with your business enterprise — and I don't care who it is — at some point, you're going to say, "You know what, I'm going to shut down and go elsewhere; there's no future here." Again, the loser will be our country because we live —

[*Translation*]

The Hon. the Speaker: I'm sorry, Senator Housakos, but your time is up.

[*English*]

Senator Housakos: Can I ask for five more minutes to wrap up?

Some Hon. Senators: No.

[*Translation*]

The Hon. the Speaker: Leave is not granted.

Senator Dagenais: Thank you very much, Madam Speaker. This is on debate.

I do not intend to block something that could become a financial lifeline for some of the country's traditional media outlets, even though I don't think they'll all be saved.

The most recent report on the federal government's annual advertising spending clearly shows that the government gave 55% of its budget to the digital media targeted by Bill C-18. That represents $64 million, versus $53 million for our Canadian newspapers and radio and television stations.

• (1600)

It made me wonder: How do we reconcile the fact that the government wants to pass a bill to tax web giants like GAFA for the benefit of traditional media, when the government and its advertising choices are largely to blame for making them so poor? That's my contribution to the debate.

[*English*]

Hon. Andrew Cardozo: Honourable senators, I am pleased to rise to say a few words on Bill C-18. We heard from a number of Canadians on this, and I listened to the many speeches that we have heard along the way, especially today. My comments will be brief and in three parts. I will speak first about the purpose of the bill, then about the role of the Canadian Radio-television and Telecommunications Commission, or CRTC, in overseeing the bill and then about the larger context.

[*Translation*]

The purpose of Bill C-18 is to rebalance the power dynamics in the digital news marketplace in order to ensure that Canadian media and journalists are fairly and equitably compensated. The bill creates a new legislative and regulatory framework. It also expands the mandate and powers of the Canadian Radio-television and Telecommunications Commission, or CRTC.

[*English*]

The bill rebalances the power dynamics in the digital news marketplace in order to ensure fair compensation for Canadian media outlets and journalists. It creates a new legislative regulatory framework to enable digital news intermediaries, such as Google and Facebook, to negotiate agreements. This is the core of the bill: negotiating agreements with Canadian media to authorize them to disseminate Canadian media content on their platforms.

The bill also creatively sets up a process that enables smaller media outlets to bargain collectively. It gives the CRTC responsibility to make the necessary regulations, as well as a code of conduct to govern bargaining between digital news intermediaries and news businesses in relation to content. It also mandates the CRTC to determine whether agreements are outside of the bargaining process — meeting the conditions for exemptions.

Here are a few comments about the CRTC in relation to this bill. I have addressed in the chamber — a couple of times — the general role of the CRTC in relation to this bill, and I don't want to be repetitive, but I'd like to summarize a couple of points that are made in criticism of the CRTC, and share with you my perspectives, given my experience with that agency.

The CRTC is an arm's-length agency that oversees or implements several acts, and does so rather diligently — sometimes standing up to the cabinet and the Governor-in-Council when they disagree with them. While commissioners are always appointed by the federal cabinet, the process of selecting commissioners is open and transparent, and people have to apply. Once they are appointed, they have to avoid interaction with ministers and parliamentarians, and must do so quite diligently.

I should tell you this: When I was appointed, the riot act on this matter was read to me by the director of appointments. There were a few MPs — that I knew from different parties — whom I didn't see for six years. At the end of those six years, I came out and met them, and found that their children had grown up, while they had become older and greyer, and it was like being in jail for six years. There were a lot of people who I had no contact with whatsoever for those six years.

It has been said that the CRTC can designate parties on a whim. Well, let me tell you, the CRTC does not and cannot do whim. It is incapable of doing whim, and that is by design. When I was there, I had a colleague who tried very hard to have a commission rule on certain issues from the bench. He tried throughout his time there, but was not successful. The process is always thoughtful, and they don't do things at the drop of a hat — for better or for worse. The CRTC always does extensive consultations before finalizing its regulations through a process that often has two rounds of negotiations.

Lastly, the CRTC, in my view, is well equipped to take on this responsibility, as it does regulate broadcasting, which includes broadcasting news. Therefore, it will be expanding its purview by

looking at print news and online news, and, in that sense, those are things that the CRTC has to learn, but they certainly have their base in place.

Let me address the larger context briefly: Here we are in the historic spring of 2023 — it needs a name. I recall the Arab Spring, but I think the artificial intelligence, or AI, spring of 2023 is a really interesting time. This is the time when AI has taken over the online world, and possibly taken over the whole world. The world has changed with the arrival of ChatGPT and other generative AI. In the context of the rapidly growing polarization in Canadian society and societies elsewhere, this kind of bill becomes all the more important.

Are we defending failing media or dinosaur media with this bill? Maybe we are, or maybe we're not. But if we are, we need to do everything we can to save the free, balanced and legitimate media that is generally balanced and edited — rather than only having all of our news be reduced to individualized social media, which we know is increasingly biased, myopic and unreliable.

There are, as mentioned, many new and developing online media that carry many of the same good values — such as being balanced and edited — as the traditional media, but they are generally small and struggling. Until such time that they are strong enough to have the same broad, edited and balanced nature, I think it is important that we do what we can to help the traditional media. The online world often drives Canadians into silos rather than brings people together to create Canadian discussion, dialogue and debate that is fair and respectful.

While the web giants are threatening consequences in this collision of democratically elected governments versus multilateral corporations, it is vital that democracy stands firm. The web giants, in fact, make the point very well as to why we need this bill. This is about our harmonious democratic society slipping away into a Wild West of disintegration of our society.

For these reasons, I strongly believe that we need to do whatever we can to save and grow traditional media: print, broadcast and online. This is one step along the way in helping a free and fair media, and in securing our democracy, which is more fragile than it has been in many decades.

The Hon. the Speaker pro tempore: I see that Senator Housakos has a question. Senator Cardozo, will you take a question?

Senator Cardozo: We are short on time. I will answer one quick question. It's always a compliment when I receive a Housakos question.

Hon. Leo Housakos: I appreciate that — I'm glad you find it such. It's a simple question.

The government says that they are so committed to helping print media, as well as diverse local and regional media. Can you explain to me why the government spends about $140 million a year in media buy-in for all of their government agencies, and why do they spend a maximum of about 2% to 2.5% on ethnic and local media, while the rest of the budget goes toward the giant broadcasters in Canada?

Senator Cardozo: I don't make those budgets, but I don't disagree with you at all. I think what we're trying to do here is help this media.

One of the things that you and I asked a number of people — who appeared before us in committee — is what is going to happen to the small media, ethnic media and so forth. One of the things that gave me the most assurance was our witnesses from Australia, who said that, in fact, the small media got disproportionately more resources than the big media, and that gives me some assurance. It's certainly an issue that we will follow, and I think it's an important issue that was addressed extensively in our hearings. Thank you.

• (1610)

[*Translation*]

Hon. Julie Miville-Dechêne: Honourable senators, I want to speak at third reading of Bill C-18, which I have been following closely in part because I was a journalist in my former life, but also because I met with several groups, read a lot of analyses and reports, and took part in the Standing Senate Committee on Transport and Communications' detailed study.

Essentially, Bill C-18 is a response to the fact that many media outlets, especially traditional ones, other than CBC/Radio-Canada, are struggling financially, having lost a significant portion of their advertising revenue to giants such as Facebook and Google, which are getting away with an awful lot — some would say too much — in our democracy.

That is a fact, and the government was right to intervene, because news and journalism contribute significant value to society in any democracy.

The chosen solution is based on the Australian model, which forces those platforms to either negotiate compensation agreements with media outlets or be designated by law and subjected to arbitration. The committee adopted an amendment I proposed, which states that the bill will come into force no later than six months after Royal Assent. That is essentially the window that Google and Facebook will have to negotiate voluntary agreements with the media.

However, the committee study revealed that Bill C-18 does have certain shortcomings, which concerns me.

I'm concerned because I want Google and Facebook, which are indirectly responsible for the crisis in the media, to contribute to the economic viability of these businesses, and because I also want Google and Facebook to continue distributing Canadian journalistic content.

Unfortunately, certain aspects of Bill C-18 could result in platforms deciding to stop sharing this content. Yet for many media outlets, being visible on Google and Facebook is essential. The availability and sharing of hyperlinks to news content on these platforms often drives over 50% of web traffic to the media. It would be regrettable — catastrophic even, in some cases — if this traffic were to disappear as a result of the bill's overreach.

I want to highlight a number of things that I think are problematic in Bill C-18. First of all, while it was being studied, the House of Commons adopted amendments that significantly increased the number of media outlets eligible under Bill C-18. The list grew from about 200 organizations, which had been identified based on strict criteria of eligibility for tax credits, to 650 or 700. Actually, we don't even know exactly how many there are, which makes it hard to determine how many agreements the platforms would have to enter into to gain an exemption. That makes the negotiation process unpredictable.

This expansion also distances Canada from what is happening in France and Australia, where the number of news outlets included in the negotiation process is much smaller.

I have a lot of sympathy for community media and student radio stations, where many journalists begin their careers, but I personally believe that these organizations would be better served by targeted federal or provincial support programs than by business deals with Google and Facebook. As I see it, it doesn't really make sense to force those platforms to pay volunteer-run student radio stations for content that is of virtually no value to them.

During clause-by-clause study, the committee rejected an amendment that would have limited and clarified the number of media outlets covered by Bill C-18's commercial negotiation regime. Unfortunately, this rejection could give Google and Facebook ammunition.

I have a second argument. In the Australian code that was used as a model for Bill C-18, the platforms can be exempt from the application of the law if they have, and I quote:

> . . . made a significant contribution to the sustainability of the Australian news industry through agreements relating to news content of Australian news businesses. . . .

In the Canadian version, however, the possibility of being exempt depends on a long series of criteria that remain vague. For example, what is fair compensation? How will we know if the money received by the media goes toward the production of news? How will the platforms know if they have entered into enough agreements with diverse media? What is meant by the requirement that a "significant portion" of the agreements be concluded with official language minority communities?

I haven't even mentioned the additional requirements that could be specified in regulations.

[*English*]

I have no doubt that the intentions behind these criteria are noble, of course. And, of course, I also want strong, diversified and financially healthy media in our country. But this long list of criteria gives the impression that the survival of Canada's entire media ecosystem rests on commercial agreement with two — or one — foreign companies. Is this really the model that Canada wants to put forward? Do we really believe that the survival of Indigenous media, official language minority community media or local and community media should be made dependent on commercial agreements with American technological giants who can choose to remove this content from their platforms at any time? I am skeptical.

During our hearings, we also heard sharply contrasted views between the media and the platforms on the object of the negotiations. In its briefing documents, the government states that:

> Bill C-18 proposes a market-based approach that seeks to ensure digital platforms and news businesses reach fair commercial agreements based on market value. . . .

However, several news outlets have said that they expect Google and Facebook to pay around 30% of their newsroom payroll, which sounds more like a subsidy.

The question therefore arises: Is Bill C-18 proposing a subsidy model for newsroom expenses or a commercial negotiation based on the exchange of value between two parties? Unfortunately, the bill did not really settle this question.

In a brief submitted to the committee, Konrad von Finckenstein, former chairman of the CRTC, noted this problem. He writes:

> The Act should spell out the specific subject of negotiation (...). Without such precision negotiations (and possible arbitration) will be unfocused and raise issues not germane to the question to be determined.

The amendment we proposed, which was adopted by the committee, was inspired by testimony from government officials and even the minister, who all agreed that the negotiations should be about the value of the content of news for the platforms and the value that the big platforms bring to the media — in other words, an exchange of value.

[*Translation*]

In his testimony before the committee, Minister Pablo Rodriguez described the process set out in Bill C-18 as follows, and I quote:

> . . . what we want is to have them both sit down at the negotiating table and to make sure all of this is based on free and informed negotiations. The platforms would be on one side of the negotiating table and the news media would be on the other. The platforms will say that the fact that they're sharing the news media's content and that they're on their

> platforms has value — which it does — and the news media will say that they do research and that that has value. They will sit down together and negotiate based on that.

In light of this testimony, the committee adopted an amendment that spells out the purpose of the negotiations and that is also based on the Australian code, which served as our model.

The new clause 18.1 reads as follows, and I quote:

> The purpose of the bargaining process . . . is to determine the value that each party derives from the news content of an eligible news business being made available by a digital news intermediary and to determine the portion of that value that will be transferred to the eligible news business.

Of course, this amendment doesn't fix all of the problems with the bill, but it may help to clarify its objectives and bring the parties together.

In conclusion, as you can see, I'm more critical of this bill now than I was when I began my research. For example, I don't think Bill C-18 should cover mere hyperlinks. The European model seems to have a more balanced approach to that.

• (1620)

Google has actually entered into agreements that with 1,500 news outlets in 15 European countries. Those agreements don't cover hyperlinks.

Bill C-18 certainly has its flaws, but at least it offers an action plan to rebalance the power dynamics. The government drew on the Australian model in good faith. That was a good idea.

Obviously there's no way to predict what happens next. The government says the platforms are bluffing. Are they? They keep saying they're serious. Are they?

What happens if Google and Facebook take news content off their platforms, the media outlets don't collect a dime and their web traffic plummets? *Le Devoir* told us that nearly 80% of its web traffic depends on links from various platforms. What impact will this have on news available to Canadians?

I have to say that I'm concerned because it's clear that Google and Facebook see Canada as a bit player in an international negotiation and believe that we are out of our league.

I will therefore be voting in favour of the bill, but what I really hope, beyond this debate, is that the government's gamble will pay off. Thank you.

Hon. Senators: Hear, hear!

[*English*]

Hon. Paula Simons: Honourable senators, this Wednesday, Bell Media announced that it was consolidating its newsrooms across the country, laying off 1,300 people. Gone from the company are two names that those in the Parliamentary Precinct will know well: Joyce Napier, who was CTV Ottawa's bureau chief, and Glen McGregor, who was CTV's senior political correspondent. CTV will be closing its international bureaus in London and Los Angeles and scaling back its Washington bureau. The company is also closing six of its radio stations, including Edmonton's beloved sports talk station, TSN 1260. That station had been on the air in various guises and genres since 1927, a legacy of community service spanning almost a century. Then, yesterday morning — poof — it was gone.

These shocking new cuts are just the latest in a long and painful litany of media meltdowns. All across the country, our newspapers, magazines, radio stations and TV stations are fighting to stay alive in the wake of a seismic digital disruption that eroded advertising revenues, subsumed subscription sales and ruptured relationships with readers and audiences.

In the face of this crisis, we have before us Bill C-18, which holds forth what I fear is a false and illusory promise of media renewal. Now, you may not understand why I, a person who spent 30 years working as a journalist, do not support Bill C-18. So let me be as clear as possible. This bill is neither a plebiscite on the importance of journalism nor on the value of a free press. It should be starkly evident by now that Canadian journalism is in crisis and that this crisis is having a dire impact on our democracy and our society. If I thought this bill would save Canadian journalism, it would have my full-throated support. But it can't, and it won't.

In a year where *Everything Everywhere All at Once* won the Oscar for best picture and where *Spider-Man: Across the Spider-Verse* is the hit of the summer, it's hard to ignore the lure of multiverse metaphors. So let's look at two possible outcomes of Bill C-18.

In one timeline, it's possible that both Meta and Google will make good on their threats and block access to Canadian news. Imagine Canadians suddenly unable to read or share news on Facebook or Instagram, which are two of Canada's most popular social media sites. Imagine that suddenly you can't share a story with your neighbours about a hostage-taking in your neighbourhood or, less dramatically, about plans for a high-rise tower at the end of your block. Imagine that you can't share a story about Donald Trump's latest legal woes with your cousins or a story about wildfire smoke with your mother-in-law who has emphysema or a restaurant review from your local paper with your friend the foodie.

Meta has signalled its intent to block all news, including international news, the day Bill C-18 is given Royal Assent. That wouldn't just impinge on our ability to keep ourselves and our friends informed; it would undermine the ability of news publishers to post and share their stories, attract audiences and serve advertisers. It would reduce readership and revenues overnight, leaving Canadian publishers and broadcasters worse off than before.

As well, if Google stops surfacing Canadian and international news stories on its mighty site, well, the effects would be even more dire. Google curates the world — 90% of the globe uses Google as its search engine, an outrageous and dangerous monopoly that no country, including Canada, has truly challenged, although the European Union is trying, having just launched a major antitrust action against the search giant this very week.

If Google stops indexing us, well, suddenly, for millions and millions of Canadians who rely on Google, all news stories would just quietly disappear. And we wouldn't even know what we're not seeing. Our reality will just shift in ways we cannot imagine or anticipate. Indeed, many Canadians who — I hate to break it to you — have not been glued to the Bill C-18 debate might not even realize that their news just vanished — not, perhaps, until we face some kind of public emergency, health crisis or political upheaval, and they suddenly find themselves in the dark without vital information they need for themselves and their families.

According to Statistics Canada figures released just this past March, a full 80% of Canadians get their news online, and 90% of those with university degrees rely on the internet as their primary news source. As for Canadians between 15 and 34, well, 95% of them rely on the internet as their primary source of news. If Google and Facebook suddenly start blocking our access to our news, which will be their legal right as private American companies, then we'll all be cut off from the news, and Canadian journalists will be cut off from readers and viewers, reporting stories that no one can find.

At least that is one scenario. It may not happen — it's just, you know, one hypothetical. Let's look at another scenario.

Let's assume for the sake of argument that Facebook and Google are simply bluffing and that they are making empty threats and have neither the technical capacity nor the political guts to do anything so drastic. Let's assume that, after some huffing and puffing, they concede and enter into negotiations with Canadian news outlets and agree to subsidize Canadian journalism to the tune of, say, $300 million a year to pay for 25% or 30% or even 35% of the cost of Canadian newsrooms. Well, you may say, if that happens, then Bill C-18 will have done its job, Senator Simons.

But it's not that simple. What happens if formerly independent Canadian news organizations become utterly beholden to Google and Meta for their survival? What happens if we give these two American behemoths even more control over what we read, watch and hear? We have already had a taste of this because, in an effort to head off Bill C-18, both Google and Facebook have been busy striking secret side deals with major publishers across the country. Read a story about Bill C-18 in the media right now and you will quite often see a little note at the bottom of the page informing you that the media outlet is already receiving some form of compensation through a private agreement with one of the big social media giants. It will then be left to you to judge whether that subsidy has had any impact on the way the story about Google or Facebook was reported.

Just the other day, someone asked me why Bill C-18 has received so much less media attention than Bill C-11. I fear the answer is self-evident. Some — though perhaps not all — Canadian publishers both large and small have pulled their punches and engaged in self-censorship, whether consciously or unconsciously. Who could blame them? Bite the hand that feeds you too hard, and you could end up with a punch in the nose.

Now imagine just how independently and freely news might be reported if Facebook and Google held the purse strings in a stranglehold? You don't have to imagine. Dr. Sara Bannerman, who holds the Canada Research Chair in Communication Policy and Governance at McMaster University, has painted some ideas. In her brief to the Standing Senate Committee on Transport and Communications, she notes that there is nothing in Bill C-18 that prevents the growing influence of digital platforms over news coverage. Dr. Bannerman notes that companies such as Google and Meta could provide remuneration to news organizations in the form of training, technical support, technologies or technology licensing discounts. That sounds fine, but Dr. Bannerman writes that this, in turn, would deepen the integration of news organizations with digital platform data and technologies. Let me quote from her brief:

> Such technologies could not only allow data and information about users and news to flow back to platforms (the bill makes no mention of privacy), but also shape how newsrooms view and evaluate their own activities.
>
> The door is also open for platforms to invest in specific capital or projects rather than (or as well as) paying in cash. This would result in platforms gaining influence over the structure and infrastructure of news organizations and/or the content they produce.

• (1630)

Indeed, I would argue that Facebook and Google have already had a direct and detrimental impact on the way newsrooms present their stories whether it's because Facebook enthusiastically insisted that newspapers pivot to video, which largely turned out to be a waste of time, resources and talent, or whether it was because Google led newsrooms to rewrite and torture ledes and headlines in a vain attempt to search engine optimize their stories.

I can only imagine how much more direct that kind of influence might become in a regime where Facebook and Google are underwriting the news.

Let me quote again from Sara Bannerman:

> Allowing platforms' business models to potentially shape news in this way can be bad for news quality. It can result in newsrooms pursuing clicks and platform incentives rather than stories and formats that are important to an informed electorate and citizenry.

We certainly tried in committee to make small amendments to make Bill C-18 less damaging. I myself was quite disappointed when, by a narrow margin, the committee defeated my own amendment that strove to make Google and Facebook more accountable for the way they use their algorithms to boost some news stories and suppress others. I sought to model my amendment on the data transparency protocols that have already been embraced by the European Union to no avail, I'm afraid.

I did have one other tiny amendment pass, which simply removed the phrase "such as a section of a newspaper" from clause 2. That, by the way, was passed unanimously. I fear that Senator Housakos, in the rush today, might have confused me with my good friend Senator Clement, who did indeed propose an amendment that had an impact on Indigenous news reporting — although it broadened the scope rather than

narrowed it — but that was her amendment, not mine. Perhaps when Senator Housakos is back from his little walk — sorry, I'm not allowed to say that. Perhaps Senator Housakos will be able to offer an apology at an appropriate date to both me and Senator Clement.

Senator Dasko, however, was successful with a far more important amendment that allowed media companies that do not wish to be part of the Bill C-18 regime to opt out. Originally, the Canadian Radio-television and Telecommunications Commission, or CRTC, had the power to order companies to be part of the deal making with Google and Facebook, even if they didn't want to do so. I'm glad to say that Senator Dasko was able to make that important change.

Another critical amendment was proposed by our deputy chair, Senator Miville-Deschêne. Her amendment aims to create a solid framework for negotiations between platforms and news organizations based on a legitimate exchange of value, giving arbitrators some functional rubric to adjudicate. The amendment attempts to inject some economic common sense into the airy fantasy of Bill C-18, but even though the amendment was accepted by the committee, the government opposed it. I greatly fear it might not survive.

So what are we left with? Not a bill that saves Canadian media, but a bill that leaves us impotent and at the mercy of the whims of Alphabet Inc. and Meta, two slightly sclerotic giants that are both facing economic stresses all their own.

My friends, it breaks my heart. The government had so many other things it could have done. Suppose it had stopped buying so many millions of dollars in ads on Facebook and Google, and spent some of that money instead buying ads in local newspapers and ethnocultural, Indigenous and minority language publications. Suppose it had broadened its tax rebate program and rewarded Canadians directly for subscribing to newspapers and magazines. Suppose, as was suggested by one of our witnesses, independent writer and publisher Jen Gerson of *The Line*, they had simply given more money to the CBC and thus allowed the public broadcaster to stop selling ads and stop competing with newspapers and private broadcasters for advertising revenues.

Instead, we have invested so much time, energy and political capital on this weird Rube Goldberg device of a bill that might completely backfire or that might undermine the independence and integrity of Canadian news, if it works at all.

I got my first professional, full-time job as a reporter in March 1988 when I was 23 years old. I worked full-time as a journalist until October 2018 when I was appointed to the Senate. I still write a bi-monthly column for *Alberta Views* magazine and host my own monthly political podcast, "Alberta Unbound." My entire adult life has been made up of newsprint, ink and radio waves. Journalism was — and is — my life. In my Senate office, I have a bookshelf full of National Newspaper Award certificates to suggest that it was a life fairly well lived.

What has happened to the news industry in my city, my province and my nation doesn't just break my heart, it guts me, and it makes me fear for the health of our democracy and our society. I hope against hope that I am absolutely and spectacularly wrong about Bill C-18. I hope — I really do — that it works, and that its success makes me look like a cynical old fool. Instead, my friends, I have rarely felt more like Cassandra, the Trojan princess who was blessed with the power of prophecy and cursed with the inability to make anyone hear or believe her.

Thank you, *hiy hiy*.

Some Hon. Senators: Hear, hear.

Hon. Percy E. Downe: Your Honour, I stand on a small point of order.

I'm sure all senators want to follow the rules, but we all understand that who is absent from the chamber can't be stated in the chamber. I know you know that rule, but you might want to bring it to the attention of the senators.

The Hon. the Speaker pro tempore: Senator Downe, yes, that is the case. You cannot refer to a senator being absent from this chamber at any time. I believe that the senator said, "Oops, I wasn't supposed to say that," and I take that as an apology on her part.

Senator Simons: Your Honour, I do seriously wish to apologize. I'm slightly mortified. I apologize to Senator Housakos and to the chamber.

The Hon. the Speaker pro tempore: Very well. We are resuming debate.

Hon. Fabian Manning: Honourable senators, I rise today to speak to Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

When I spoke to this bill at second reading, I began by noting the government's claims as to the objectives it has for this piece of legislation. The government believes that its bill will address the problems that have been faced by traditional media over the last decade. We heard the minister say that he wants to build a fairer news ecosystem where legacy and traditional media can receive the support they need in order to remain viable. Senator Harder, as the sponsor of the bill, has repeated those same arguments, of course.

Both Senator Harder and the minister have repeated the assertion that, since 2010, about one third of journalism jobs in Canada have disappeared, and Canadian TV stations, radio stations and newspapers have lost around $4.9 billion in revenue. At the same time, they argue that online advertising revenue has grown considerably.

There is no question that the changes that have occurred over the past 15 years or so have had a very serious and negative impact on traditional media in Canada. What is less clear are the reasons for those changes. Nor is it clear that Bill C-18 is, in any way, a remedy for the problem.

When Professor Dwayne Winseck of the School of Journalism and Communications at Carleton University testified before our committee on May 10, he pointed out that the causes for the decline in traditional media are multi-faceted. In response to a question I posed to him at committee, he said:

> . . . I do not believe that Facebook and Google caused the crisis of journalism. . . . A decade ago revenue started to fall. . . . The crisis of journalism is multifactorial. It depends on where you want to start. Basically, per capita newspaper circulation begins to decline in the 1980s and 1990s. Revenue peaks around 2005-2006 and then starts to go down afterwards. And why? Because of the global financial crisis. These companies were ill prepared because of consolidation, and they were debt addled exactly as advertising started to plunge and the internet giants began to emerge.

So Professor Winseck emphasized this: Google and Facebook are not the cause of the crisis in journalism.

Yet then Professor Winseck went on to state that he does not believe this bill will do anything to address the monopoly concentration that he argues has occurred over the past decade and a half. Professor Winseck argues that this foundational failure in the bill will harm Canadians by not paying sufficient attention to what he believes should be the equitable distribution of whatever fruits are born out of this legislation to support smaller, upstart news entities that could liven our news ecology. He argues that this failure in the bill is a problem.

• (1640)

Other witnesses took a somewhat different perspective, though they tended to arrive at the same solution when it came to their analysis of the bill. Peter Menzies, a former vice-chair of the CRTC, told our committee on May 2 that "bill C-18 ultimately helps neither those that are struggling to survive nor those looking to enter the market . . . ." Mr. Menzies agreed that there has been tremendous dislocation in the news market in Canada and around the world during the last number of years. He noted that about 473 newspapers have died in Canada, but in his view, new entities have stepped in to take their place. He noted:

> Up to 700 websites owned by licensed commercial broadcasters, many of which look very much like an online newspaper, have launched.

He argued that this has occurred without state subsidies: ". . . 216 web-based news and commentary platforms have been launched by innovators and entrepreneurs." These include many diverse news and commentary platforms.

This is a somewhat different perspective from that held by Professor Winseck, but where these and many other witnesses seemed to have agreed is that Bill C-18 will not solve the problem it has supposedly been drafted to address. Minister Rodriguez has repeated many times that this bill is important to protect the free and independent press, but it seems clear from the witness testimony that we heard at committee that the bill will likely fail in that regard.

First of all, there were serious questions that were raised at committee in relation to who will benefit from this bill. According to testimony from government officials, Bill C-18 is forecast to generate about $215 million for eligible news businesses. The Parliamentary Budget Officer, or PBO, had a somewhat higher estimate of close to $350 million. As the PBO points out, about three quarters of that amount, or about $240 million, will go to the largest broadcasters, with the CBC, Bell Media and Rogers Media being the largest beneficiaries. Whatever remaining sum of money ends up flowing to smaller eligible media and Indigenous news outlets, that amount will have to be spread across the country to multiple news businesses.

Personally, it leaves me to wonder what level of funding will actually end up being available for smaller media in my own province of Newfoundland and Labrador. When we asked that question about likely provincial breakdowns, officials could not tell us. They didn't have any answers to our questions.

When the bill was reviewed at committee, Senator Carignan proposed a very reasonable amendment to exclude state broadcasters that already receive government subsidies from benefiting from the provisions in Bill C-18. But the majority of senators on the committee rejected that amendment. That means there will be less money for smaller news businesses and for Indigenous news outlets. Evidently, the Liberal government favours that outcome over giving yet more subsidies to state broadcasters.

That is unfortunate because even if we take the most optimistic number from the Parliamentary Budget Officer and then look at the likely per capita share for Newfoundland and Labrador's smaller news businesses, the amount comes out to less than $2 million — a paltry sum for those news outlets struggling to survive in today's market.

In the face of this reality, it is scarcely surprising that many witnesses were very skeptical that Bill C-18 will actually be successful in building the fairer news ecosystem that the minister claims to want. The potential of less than $2 million for smaller news businesses in my home province of Newfoundland and Labrador will be the most optimistic scenario.

The minister was absolutely unable to explain, when he appeared at our committee, what will happen if some of the big digital news intermediaries, such as Meta, Google and perhaps others, simply stop linking to news in Canada. Meta witnesses who appeared before our committee were quite clear that they would not participate, while Google witnesses noted that their company has not yet made a determination. The non-participation of just two large platforms would reduce the amount of funding for eligible news businesses by up to 30%.

Senator Simons asked the minister a very direct question on this at committee. She asked what happens if on July 1 the platforms have disengaged from the Canadian news market and have ceased to share Canadian content. A fair reading of the subsequent exchange between the minister and Senator Simons is that the minister simply refused or could not answer the question.

Once again, Senator Carignan proposed an amendment to at least try to address part of this problem by removing hyperlinks as part of the definition of news content. This might have assisted

in perhaps keeping platforms, which, after all, are at the heart of the government's funding model, within the funding regime. But, once again, the majority of senators on our committee — ironically including Senator Simons — said no, but I am encouraged by her speech here today about what will happen when it comes time to vote.

Colleagues, that should worry us all because it leads me to believe the government has no idea what will happen if the bottom drops out of the bill's funding model.

With the passage of this bill, many small news outlets in this country are on a journey to the unknown — a sad reality indeed. In that sense, the bill is a plunge into darkness, and I fear it is a plunge into darkness in another sense as well.

There is little question that the bill has serious trade implications for Canada. Last year, the Office of the United States Trade Representative, Katherine Tai, issued a press release in which she expressed concern:

> . . . about Canada's proposed unilateral digital service tax and pending legislation in the Canadian Parliament that could impact digital streaming services and online news sharing and discriminate against U.S. businesses.

Earlier this year, the U.S. embassy also stated, "We have concerns it could impact digital streaming services and discriminate against U.S. businesses."

True to form, the government has responded by saying that it would not be intimidated. Not being intimidated is all well and good when one has a sensible strategy to deal, but based on the witness testimony we heard, it is far from clear that Bill C-18 constitutes such a sensible strategy. In fact, Bill C-18 is creating the very crisis, I believe, which the government now has no strategy to address.

During my critic briefing on this bill, officials were asked what the likely hit will be on Canadian businesses should U.S. initiate trade retaliation. Officials responded that the hit would likely be equivalent to whatever the U.S. believed U.S.-based digital news intermediaries had lost or were losing as a result of Bill C-18. In other words, whether the amount is just over $200 million, as the government forecasts, or whether it is $330 million, as forecast by the PBO, U.S. trade retaliation will potentially wipe out all those gains. Once again, one is left wondering what the end net benefit of this bill will actually end up being.

I have to admit that I was extremely surprised and disappointed as several senators on our committee who profess a great knowledge and understanding of the media world here in Canada — much better than I do — did not do much to address many of the issues and problems that our witnesses raised during our committee meetings.

There are additional concerns with this bill which relate to the implications that this legislation has for journalistic independence. In their brief on Bill C-18, the Internet Society – Canada Chapter issued a warning about the implications that this bill could have for journalistic independence. Their brief stated:

> The Online News Act will make news organizations dependent on direct cash-flows from online platforms; it will give those platforms, under CRTC supervision, intrusive oversight powers over news organizations' business operations; it will undermine journalistic independence . . . .

This, of course, assumes that online platforms will actually participate in the regime that the bill creates, but if they ever do, concerns about the implications of this have been systematically ignored.

Further concerns were raised about the powers granted to the CRTC to compel the provision of any information it deems necessary from any news organization.

• (1650)

Phillip Crawley, Publisher and Chief Executive Officer of *The Globe and Mail*, raised this specific matter with our committee, asking that the information-gathering powers of the CRTC be ". . . limited to information necessary to confirm the eligibility of news organizations, or to investigate a complaint. . . ."

Here again, Senator Carignan proposed a very reasonable amendment to limit the authorities of the CRTC in exactly that way. But once again, the majority of senators on our committee defeated the amendment.

At the end of the day, none of the minor amendments adopted at committee have addressed any of the bill's fundamental flaws. Friends, we did not change the water into wine; we just muddied the water more.

Based on witnesses' testimony, there is absolutely no assurance that Bill C-18 can deliver support for eligible news businesses that the government claims it will. Those who will lose the most as a result of this will be the smaller news businesses in Canada. That is the sad reality of this piece of legislation. But all Canadians will lose if Bill C-18 fails to deliver on its objectives and if all that results from this bill are unfulfilled expectations and yet another trade war with the United States.

The Standing Senate Committee on Transport and Communications had an opportunity to send to the government a sensible message on all of these concerns. I believe we had a duty to exercise sober second thought on this bill; however, the majority of senators failed to do that, and it is Canadians who will now live with the consequences. In our democracy, the majority rules, and I fear that it is Canadians who will now have to live with the consequences of the decision to pass this bill. I wish that it could have been otherwise. Thank you.

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

Hon. Senators: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker: I think the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on the bell?

An Hon. Senator: Now.

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

YEAS
THE HONOURABLE SENATORS

Arnot
Audette
Boehm
Boniface
Burey
Busson
Cardozo
Clement
Cordy
Cormier
Cotter
Coyle
Dagenais
Dalphond
Dasko
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Downe
Duncan
Dupuis
Forest
Francis
Gerba
Gignac
Gold
Greenwood
Harder
Jaffer
Klyne
Kutcher
LaBoucane-Benson
Loffreda
MacAdam
Massicotte
McPhedran
Mégie
Miville-Dechêne
Moodie
Omidvar
Osler
Pate
Petten
Quinn
Ravalia
Ringuette
Saint-Germain
Shugart
Smith
Sorensen
Yussuff—51

NAYS
THE HONOURABLE SENATORS

Ataullahjan
Batters
Black
Boisvenu
Carignan
Housakos
MacDonald
Manning
Marshall
Martin
Mockler
Oh
Patterson (*Nunavut*)
Patterson (*Ontario*)
Plett
Poirier
Richards
Seidman
Simons
Tannas
Verner
Wallin
Wells—23

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1700)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Ratna Omidvar moved second reading of Bill C-41, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

She said: Honourable senators, I rise to speak to Bill C-41, An Act to amend the Criminal Code and to make consequential amendments to other Acts. Bill C-41 will create a regime to facilitate the delivery of certain types of international assistance in geographic areas controlled by terrorist groups. I will try my best to be brief but also comprehensive because, for many of you, this is the first time that you have heard about this bill.

The story of Bill C-41 begins in August 2021, with the fall of the Afghanistan regime in Kabul to the Taliban, which has had many dire consequences that have been raised in this chamber by my colleagues Senator Jaffer, Senator McPhedran and Senator Ataullahjan.

The consequences have been felt by the people of Afghanistan — the young people and, most particularly, women and girls. There has also been a humanitarian impact with infant mortality on the rise because of the lack of medication, water,

food and other life-saving interventions. Millions of Afghans have suffered through drought, earthquakes and other humanitarian disasters, and, of course, due to the repression by the Taliban.

The Taliban was and is a pariah in the world. Canada listed the Taliban as a terrorist entity many years ago. Now that it is the government, Canadians are prevented by law from paying any taxes or fees to it. This has a direct impact on aid to Afghanistan because when you are delivering aid, by default you have to access services and, therefore, directly or indirectly pay fees and taxes to the government of the Taliban — which may then use it for their own terrorist purposes. By doing so, any Canadian, or Canadian organization, can be charged criminally. Canadian aid to Afghanistan through our international development agencies, including agencies like the Afghan Women's Organization, which runs an orphanage in the Helmand region, has been blocked.

This bill is long overdue, in my view — it has been a little too long in the making. The Canadian international aid community identified this problem over a year ago, and came together in a coalition which they called the Aid for Afghanistan humanitarian coalition. There are 13 international aid agencies working together in times of disaster with a combined presence in 140 countries. They include World Vision, the Red Cross, CARE, Action Against Hunger, Canadian Foodgrains Bank, Canadian Lutheran World Relief, Doctors of the World, Humanity & Inclusion, Islamic Relief, Oxfam, Oxfam-Québec, Plan International and Save the Children.

I want to thank the Senate Human Rights Committee, chaired by Senator Ataullahjan, for its timely work on this issue. Last year, the committee produced an important report that gave voice to the concerns of the aid community, and provided many practical steps forward. Some of the central recommendations of the report have been included in Bill C-41. This is an example of a committee doing its work as it should.

As some of you may know, I have been involved with the Afghanistan issue in Canada through my work with Lifeline Afghanistan. But frankly, we need to now throw a lifeline to Afghanistan because of the context that you know, but let me describe it: Afghans have faced 40 years of conflict, and they have tried to survive this on top of staying resilient through many natural disasters, such as widespread poverty, unprecedented migration and, of course, earthquakes. If that wasn't enough, delivering aid to Afghanistan is already complicated due to its geography.

The de facto authority in Afghanistan, whether we like it or not, is the Taliban, and the delivery of aid, as I pointed out, one way or the other, will benefit this terrorist organization by default. As a result, Canadian aid organizations, including departments of the Government of Canada, risk inadvertently breaking the law if they attempt to provide aid within Afghanistan. As a result, Afghans continue to suffer, their lives continue to be at risk and they need our help, even with the most basic elements for survival: food, shelter, protection, education and health care. We must be able to deliver it to them, and to others in this situation, without distinguishing where the lives are at risk or which jurisdiction they fall under.

That's why the proposed amendments to the Criminal Code are critical. As the sponsor of Bill C-41, I would like to take a few moments to explain why, and delve into some detail. Currently, the Criminal Code contains very strong counterterrorism financing provisions, and that is as it should be. Specifically, under section 83.03(b), it is prohibited to directly or indirectly provide or make property available, knowing it could be used by or will benefit a terrorist group. These provisions, as I outlined, are having an extremely significant impact on Canada's aspirations on the global stage to provide aid to people whose lives are at risk.

The bill essentially creates two paths. One is for impartial humanitarian assistance, and one is for longer-term development assistance in areas controlled by a terrorist regime.

The original bill, which had its second reading in the House a few months ago, did not include a humanitarian carve-out. After much outcry from international aid organizations and from Doctors Without Borders, amendments adopted in the other place will modify the Criminal Code to create a humanitarian assistance exemption from the terrorist financing offences in section 83.03(b) for the sole purpose of carrying out humanitarian assistance activities conducted by impartial humanitarian organizations in accordance with international law while using reasonable efforts to minimize any benefit to terrorist groups.

Let me explain to you what this means: As we heard from the Canadian Red Cross at the Standing Senate Committee on Human Rights on Monday, the exemption allows for Canadian humanitarian organizations to undertake their work with the knowledge that Canadian law supports the international legal interpretation to provide neutral, impartial and humanitarian action that does not further terrorism. It allows for much-needed assistance to reach individuals and communities that are most often impacted, without requiring Canadian organizations to seek permission to undertake such work.

The humanitarian exemption covers a broad range of humanitarian work permitted under international law — not only life-saving assistance. These activities are vital for approving access to health care, and ensuring access to food, water, sanitation, the protection of detainees and the protection of human dignity.

The humanitarian exemption applies once the bill receives Royal Assent. It is a self-execution form of exemption, meaning that an organization does not need to go through any application process — in any way — if the organization concludes, after its own risk assessment, that they are protected under the exemption. I'm told by the Canadian Aid for Afghanistan humanitarian coalition — made up of the Red Cross, World Vision and others — that when the bill becomes law, they are ready to go. They have been waiting and waiting to act, and this will allow them to act and support vulnerable Afghans in need without fear of criminal charges.

• (1710)

Second, the bill establishes, for permissible development activities, that eligible persons and organizations could be granted certain authorizations by the government that would shield them from criminal liability for their operations in a geographic area controlled by a terrorist group.

Let me go off script for a moment. The definition of persons in this context does not mean me or Senator Tony Dean. It actually means the international aid organizations who would likely work on the ground, through the action of individuals and, therefore, the individuals would need to be named in the application.

The establishment of this regime will be developed through regulations, which I am told are aggressively under discussion because the minister promised that he wants to ensure that red tape does not get in the way of essential aid.

The authorizations will also cover implementing partners or service providers involved in the delivery of such permissible activities. These will include activities intended to support the longer-term sustainability of vulnerable populations, including the need to support women and girls and their safe and meaningful participation in society.

It also enables activities to support immigration processing for Afghans seeking to leave dangerous situations. Applications for authorization under this second stream would be accepted from persons in Canada, Canadians outside Canada and Canadian organizations.

Under this authorization regime, the Minister of Public Safety will consider applications that have been referred to it by the Minister of Foreign Affairs or the Minister of Immigration, Refugees and Citizenship, who would first need to be satisfied that certain conditions are met.

These conditions are as follows: One, that the proposed activities will occur in an area controlled by a terrorist group; two, that they will be carried out for one or more of the specified purposes; and, three, they will respond to a real and emergent need. Moreover, the referring minister — either the Minister of Foreign Affairs or the Minister of Immigration, Refugees and Citizenship — would also need to be satisfied that the applicant is capable of administering funds in high-risk environments and, furthermore, that they are effectively reporting on that administration.

Once a referral has been received by the Minister of Public Safety, the national security apparatus would conduct a security review to assess the impact of granting the authorization on terrorism financing.

Senators, this is an important step for security purposes. We must know whether the applicants of those involved in implementing the proposed activities have any links to terrorist groups. We must know whether they have been investigated in the past for terrorism activities. And to be absolutely clear, we must know that terrorism financing is out of the picture for all involved.

That's exactly the bar that must be passed for the Minister of Public Safety to grant such an authorization. But there is important redress for aid organizations if they are denied for any reason. If an application is refused, the applicant can reapply in 30 days. Applicants can also seek recourse through a judicial review.

Authorizations in this — please remember, the second stream — would be granted for a period of up to five years and would apply to any person or organization involved in carrying out the authorized activities. Authorizations may also be subject to additional security reviews and would be eligible for renewal. Granted or renewed authorizations may also be amended, revoked, suspended or restricted in scope.

For example, if the applicant fails to comply with the authorization and its requirements, then that authorization must be reconsidered.

Colleagues, let me summarize the process for you one more time. First, with the passage of the law, humanitarian assistance activities would be exempted completely and impartial humanitarian organizations would not have to apply for an authorization. They could be ready to go.

Second, the Minister of Public Safety would provide written information as to whether an authorization for other activities is required for a region.

Third, eligible applicants interested in conducting these permissible activities would submit their complete application to the Minister of Foreign Affairs or the Minister of Immigration, Refugees and Citizenship. They would assess the application for compliance with specific purposes, need and the applicant's capacity.

If these two ministers are satisfied that their conditions are met, they would refer the application to the Minister of Public Safety, who would initiate a security review. The Minister of Public Safety would either grant the authorization or refuse it on a risk-versus-benefit assessment. Authorization holders would be subject to reporting and compliance monitoring.

I should note that even though I have spoken a great deal about Afghanistan, the bill does not specifically mention Afghanistan. It does apply in other contexts to other regions, unfortunately, which may also fall under the control of a terrorist regime, which does not mean that the people who are suffering — whose lives are at risk — should not be able to avail themselves of international aid.

Colleagues, this bill is very different from the bill we considered at second reading. It was amended vigorously in the House of Commons Standing Committee on Justice and Human Rights with the participation of the stakeholders.

In the original bill, the onus was placed on humanitarian actors to determine themselves which geographic areas are controlled by a terrorist regime. In order to reduce the burden on humanitarian actors, the amended bill now puts the onus on the minister to do so.

The onus is also on the minister to provide written information as to whether an authorization regime for permissible activities is required. This is what the community is calling the go/no-go clause. This amendment considers the dynamic nature of terrorism and allows for the most up-to-date assessment of terrorist groups and their control of geographic areas.

Honourable senators, further amendments in the other place also increase the protections of privacy to explicitly restrict the use of applicant information for the purposes of the authorization request or its renewal. Information sharing by prescribed departments to collect and disclose information has been limited to the purposes of the administration and enforcement of the regime.

Honourable senators, in addition, the Minister of Public Safety will provide an annual report on the operation of this regime. The first annual report will be tabled on April 1, 2024, followed by an annual report every year, and then followed by a five-year parliamentary review.

The report must also include a plan and timeline to remedy any deficiencies.

As Martin Fischer from World Vision told us at committee:

> Given the need to strike the balance between addressing the urgency in Afghanistan, understanding the parameters of the Criminal Code . . . I think there's a fair balance. Anything that we will learn — and we will learn during that first year of round of applications — we're hopeful that we can go through the regulatory process and . . . if we find things we don't agree with, holding government to account and improving the bill at that point.

Finally, colleagues — and this is important — Bill C-41 moves us closer to regimes in other countries who are part of a global world order, and I'm talking specifying about regimes in the U.S., the U.K., Australia and the EU.

The government's approach is tailored to Canada but also based on our work with NGOs. We heard at committee that Bill C-41 is a step towards matching what other countries do. Dr. Jason Nickerson, from Doctors Without Borders, said several other countries have humanitarian exemption language contained within similar and some slightly different parts of their Criminal Code. Humanitarian exemptions are in country legislation, as I said, in Australia, the EU, New Zealand, Switzerland, the United Kingdom and the United States of America. The NGOs also believe that this is a step in a longer journey to broader humanitarian and development reform and that the learnings here will chart the course for the future.

• (1720)

In conclusion, colleagues, we need to help vulnerable people now. We know how quickly situations change in a dangerous, terrorist-controlled environment, and we know that right now we need action as opposed to more deliberation.

All the witnesses at committee told us that because of the humanitarian carve-out, because of the increased privacy safeguards and because of the one-year annual review they believe that this bill is now fit for purpose and should be passed without delay. Thank you for your attention.

Hon. Marilou McPhedran: I have a question. Will Senator Omidvar take it?

Senator Omidvar: Of course.

Senator McPhedran: Thank you so much for your work on this bill.

In the event that this bill is not passed rapidly, before we rise, what will be the most obvious consequence of it not passing this chamber?

Senator Omidvar: I will state again — and thank you, Senator McPhedran, for your question — lives will be at risk. Babies will die. Women will be at risk. They will have no food, no shelter, no protection. It is a matter of lives saved today rather than not saved.

Hon. Leo Housakos: Will Senator Omidvar take a question?

Senator Omidvar: Yes.

Senator Housakos: Thank you, Senator Omidvar, for the speech. Obviously, this is a pressing bill and a pressing situation. Given the fact it got such overwhelming support in the House and was sent to committee in the House for in-depth study, why isn't there relief to pass the bill right away? Why does it need to go to committee in this chamber and not pass quickly with leave?

Senator Omidvar: That will be the will of the chamber.

Hon. Mary Coyle: Honourable senators, I rise today in this chamber, on the lands of the Anishinaabe Algonquin people, to support what I hope will be the swift passage of Bill C-41. This important bill is urgently needed to enable our world-class Canadian humanitarian organizations to do what they do best: efficiently, effectively and compassionately bring necessities of life — food, water and health services — to people, young and old, no matter where they live and without fear of criminal prosecution for these historic organizations.

It's bad enough that the people these organizations serve and partner with live in fear and that their front-line staff face dangers, but our Canadian humanitarian organizations should not have to fear criminal prosecution in Canada simply because the people they are serving are living in places where a terrorist organization, such as the Taliban in Afghanistan, is in control.

As you heard Senator Omidvar describe in wonderful detail, very clearly, this bill provides a legislative solution by amending Canada's Criminal Code to enable the delivery of international assistance in areas controlled by terrorist groups. Colleagues, this is the logical thing to do and, colleagues, it is the right thing to do.

Honourable colleagues, I intend to speak very briefly, as you can see. I felt compelled to share just one important perspective on this with you.

In my first speech in this chamber, I introduced those of you who were here five years ago to people who have influenced me along my pathway in life. Allow me to cite a short paragraph from that speech, where I introduce one such person:

> Recently returned from her refugee experience in Iran, Bibi Gul is an Afghan widow with a dependent son. I met Bibi up on the Kabul mountainside where she had literally carved out her home —

— by hand, spoon, knife, whatever simple implement she could find —

> — from the rock face. She was making a living by embroidering badges for police forces and other officials. She was using micro loans to purchase equipment, and the specialized threads she was importing from Iran. Bibi had incredible drive and was proud of the home and business she had created.

I learned a lot from Bibi Gul about the power of human ingenuity. I think of her today and wonder how she and her son are doing in this new reality under the Taliban, whose terror she and her family had previously fled Afghanistan in the 1990s.

Bibi Gul was able to access those essential small amounts of capital from one of the many microfinance organizations supported through MISFA, the Microfinance Investment Support Facility for Afghanistan. MISFA was established to provide access to loans and other financial services to hundreds of thousands of people like Bibi so they could earn a living. MISFA was also committed to building a strong and sustainable microfinance sector for Afghanistan, to coordinate international donor contributions and, ultimately, to build the Afghan economy as an essential component of establishing a new, stable and resilient Afghan democracy.

In 2007, our colleague Senator Verner, then the minister responsible for the Canadian International Development Agency, announced a Canadian contribution of US$16 million for the Afghan microfinance facility. Her cabinet colleague minister Peter MacKay at the time asked me to join the board of MISFA to represent Canada and other international donors in Afghanistan. From 2007 to 2010, I travelled regularly to Afghanistan for board meetings and site visits like the one I did to Bibi's home-based business on the Kabul mountainside. The year after I completed my service to Afghanistan, our colleague Senator Rebecca Patterson was posted to that country by the Canadian Armed Forces.

Since the early 1960s, Canada has provided humanitarian assistance to Afghanistan, initially in response to national disasters. We have had diplomatic relationships with the country since 1968 and established our embassy in Kabul in 2003, which was closed, as we know, in August 2021, following the Taliban takeover of Afghanistan.

From 2001 to 2021, Canada provided $3.9 billion in international assistance to Afghanistan. Colleagues, we know that 40,000 Canadian soldiers courageously served as part of the NATO forces there, with 158 of them — including Captain Nichola Goddard, from my hometown, and one diplomat — losing their lives there.

With Canada's support, along with other international partners, Afghanistan, with its many dedicated and capable government and civil society leaders, made significant gains in women's rights; education; economic advancement, including at the grassroots level where Bibi and, frankly, most Afghans exist; in health; in peace and security; and the early very delicate stages of building a stable democracy.

Colleagues, these were hard-fought gains, and the situation was always precarious in Afghanistan — honestly. Even just going to Kabul for board meetings was at times frightening for me because of the instability at that time, including random bombings taking place and often in places I had just been.

Colleagues, quite frankly, after all that effort, investment and hope, the current situation in Afghanistan is heartbreaking.

At the initial briefing on Bill C-41, we heard from representatives of the Canadian Humanitarian Coalition and the Aid for Afghanistan coalition that our colleague Senator Omidvar just spoke to. One of the Canadian civil society leaders there said something which I found to be profound and highly relevant to this discussion and to Canada's engagement with the people of Afghanistan. That person said, "Healthy, well-fed people are a prerequisite to the necessary political pathway for Afghanistan." Obvious? Yes, but it is not what we often think about in the moment of immediate crisis.

Colleagues, in situations of humanitarian crises such as the one in Afghanistan, providing people with the basic necessities of life is the humane, critical and urgent thing to do in and of itself.

• (1730)

Also, this important reminder for our Canadian international humanitarian sector leaders is key to keep in mind at this time. For the Afghan people to be able to reclaim their lives, rights and country, and to protect and build on some of the gains they had previously made, they will need to be strong and resilient.

Colleagues, we know that Canada has been providing some humanitarian assistance to Afghans since the Taliban retook the country almost two years ago, but that has been through international organizations and not through our own robust sector.

With the passing of Bill C-41, Canadian organizations will be able to ramp up their humanitarian machinery, engage Canadians who want to join in supporting the effort to respond to the humanitarian crisis and immediately help more Afghans with more resources.

This important support will help Afghans weather these difficult times. I hope it will help Bibi Gul and the hundreds and thousands of women and men who were working hard to create their own sustainable livelihoods.

And, honourable senators, it is my hope that opening the tap on this important support will help Afghans like Bibi rebuild their strength for the next stages of their fight for peace, human rights, social and economic development and democracy.

Colleagues, let's not tarry. Honourable senators, let's move this commonsense bill forward to assist Afghan people today and others in the future who may find themselves in similar states of crisis in other places.

Manana, *tashakor*, thank you.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Bill C-41, an act to Amend the Criminal Code as related to humanitarian aid in countries Canada considers to have a terrorist regime.

I would like to thank Minister Mendicino and Senator Omidvar for sponsoring this bill, along with Senator Ataullahjan for all her work helping the people of Afghanistan.

The purpose of Bill C-41 is to address the fact that Canada's current legal framework has limited the ability of Canadian aid organizations to provide assistance to the people of Afghanistan due to the potential Criminal Code liability, as we view the Taliban as a terrorist regime.

Practically, Bill C-41 enables Canadian aid organizations to deliver their services through two separate mechanisms, as Senator Omidvar said; one is for humanitarian aid and the other for development activities.

I want to share with you the sad incident of Aziz Gul.

Many families are making desperate decisions to survive in Afghanistan, including selling their children — specifically young daughters — into marriage to receive a dowry from the groom's family to buy food.

Aziz Gul was sold into marriage at 16 years old to a man more than twice her age. Five months later, her family received a call informing them that their daughter had been killed. Her naked body had been found in a forest just outside the village where she had lived with her in-laws.

Aziz Gul had been beaten and shot four times in her back. She was 17 years old and four months' pregnant. As her grief-stricken parents embarked on the several-days-long journey to bring her body back to their home, they learned that, during the months that their daughter was married, Aziz Gul's husband had been prone to fits of rage and aggression.

Senators, this is not a unique incident. I am sharing it with you to illustrate the heartbreaking circumstances in Afghanistan. The situation in Afghanistan is overwhelmingly tragic. The humanitarian and development challenges are growing and intensifying as we speak.

Let me now share with you just a few disturbing facts about the crisis. Afghanistan is currently suffering the largest humanitarian crisis in the world with 97% of Afghans living in poverty, up from 47% in 2020.

Two thirds of the population — 28 million people — will need humanitarian assistance this year alone to survive. According to the World Food Programme, nearly 20 million people face acute food insecurity and 6 million are one step away from famine-like conditions. This increasing humanitarian crisis has been made worse by drought, floods, earthquakes and other natural disasters. Also, 2.3 million children are expected to face acute malnutrition this year alone, while almost a million of them will need treatment for severe acute malnutrition, a life-threatening condition.

Save the Children's Country Director in Afghanistan, Chris Nyamandi, described the toll this crisis has had on children with the following words:

> I've never seen anything like the desperate situation we have here in Afghanistan. We treat frighteningly ill children every day who haven't eaten anything except bread for months. Parents are having to make impossible decisions – which of their children do they feed? Do they send their children to work or let them starve? These are excruciating choices that no parent should have to make.

As you know, the Taliban came back into power on August 15, 2021. Their accession to power pushed the country into deeper economic turmoil and exacerbated poverty as critical aid stopped flowing into the country. They have completely stolen the rights of women and girls.

Colleagues, for my entire career as a senator, since 2001 when the first challenge in Afghanistan happened, I worked with Mr. Chrétien and many women to get women in power in leadership roles. Mr. Chrétien personally assured those women that they would get Canadian soldiers to protect them. That was in 2001. Now, in 2023, we don't even have a role in Afghanistan.

However, since August 15, 2021, when the Taliban came to power, all the Canadian support given to the Afghan women, children and marginalized people, as I said earlier, has come to a halt.

Canada stopped providing humanitarian aid and development aid to Afghanistan due to certain terrorism provisions in our Criminal Code as our government declared the Taliban a terrorist organization.

I am very sad to say this to you: It has taken Canada two years to find a way to send humanitarian aid to Afghanistan, whereas our allies — including Australia, New Zealand, the United States and the United Kingdom — quickly figured out a way to resume

humanitarian and developmental aid and made sure that aid organizations continued to receive funding despite their domestic terrorism laws.

• (1740)

Canada is the only G7 country that has not found a way to resume aid for life-saving activities in Afghanistan. Senators, this is absolutely unacceptable. It is shameful that Canada continues to drag its feet when there are ways to provide aid to desperate women and children.

Canada has an important role to play here. But more importantly, senators, Canadians want to play an important role. I can tell you the number of Canadians who call me regularly to say it is a shame that we have left Afghanistan. The delay of two years has meant that Canada and Canadian aid have disappeared from a country which is in dire need of support from Canadians.

Still, Bill C-41 will create, as Senator Omidvar said, a two-track system: one track for humanitarian aid and a second track for development.

For humanitarian aid, the bill proposes a humanitarian exemption which will allow the organizations to provide humanitarian services including food, shelter, hygiene and protection on the ground. These are emergency, life-saving activities that will be provided by humanitarian organizations that Senator Omidvar has already mentioned, meaning that humanitarian aid can be provided by a Canadian organization without any fear of criminal sanctions. This process is clear and straightforward.

I differ slightly from Senator Omidvar on the second track. The second track will be for development activities. The bill proposes something called an authorization regime which will allow Canadian individuals and organizations to be granted authorizations that would shield them from criminal liability. Specifically, it will allow organizations to provide health services, education services, immigration services, human rights programming and support for livelihoods. However, the process put forward by our government for obtaining authorization is complex and opaque.

The first step of the process requires the given Canadian individual or organization to apply to the Minister of Foreign Affairs or the Minister of Immigration, Refugees and Citizenship. These departments would then need to be satisfied that certain conditions are met. This includes, among other things, that the proposed activity aligns with a permitted purpose and responds to a real and important need.

The two ministers will then refer the application to the Minister of Public Safety. Once the application has been received by the Minister of Public Safety, it will be reviewed and assessed for impact of granting the authorizations.

Senators, factors to be considered include, among others, whether the applicants or those involved in activity implementation have links to terrorist groups or were investigated, charged or convicted of terrorism offences. Yet, we have not received clarity on these processes. We have not got an answer as to regulations. Senator Omidvar asked very specifically of the minister: When will the regulations be in place? In committee, the minister did not even answer the question, so we don't know how quickly these regulations will be placed. It is really worrying to me that after two years, will it take another year for regulations to be in place?

I want to point out to you that we are sending the initial applications to some of the busiest departments for approval before they are even sent to the Minister of Public Safety. This, I assure you, will cause long delays.

Honourable senators, let me once again reiterate the need to act. There are many devastating incidents illustrating the desperate conditions in Afghanistan, including many children getting hurt. I'm going to skip those examples. Canadian organizations are ready to provide support to the most vulnerable Afghan groups. They are waiting for permission.

There are containers of essential supplies waiting in the Port of Montreal to be sent out to Afghanistan.

Michael Messenger, President of World Vision Canada, said the heart of issue is simple:

> In Afghanistan's time of deepest need, Canadians want to help. . . . Our government needs to do everything it can to allow humanitarian aid to flow.

As these humanitarian organizations cannot continue their life-saving work if the government does not act quickly and provide the necessary clarity through regulation, humanitarian and development organizations need to be assured that their life-saving work will not be penalized under Canada's Criminal Code.

Honourable senators, let us remember that 167 children a day die in Afghanistan from preventable diseases, malnutrition and lack of clean water.

I heard a lot of activities going on while I was speaking. Normally, I would have sat down and thought it was very rude and that everybody should have been in their chair. I'm only hoping that it was to make this bill proceed faster. But be careful. Don't be in such a haste until the regulations are in place because it is not all that clear. Without the regulations, those two big ships are not going to leave the Port of Montreal.

Thank you.

Some Hon. senators: Hear, hear!

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak on Bill C-41, An Act to amend the Criminal Code and to make consequential amendments to other Acts, which would amend the Criminal Code to allow the provision of international assistance and immigration activities in areas controlled by terrorist groups.

Without this bill, humanitarian aid agencies would run the risk of breaking the law by attempting to provide aid within Afghanistan. Section 83.03(b) of the Criminal Code holds that every person is guilty of an indictable offence, making a person liable to imprisonment for a term of not more than 10 years, if

they directly or indirectly collect, provide property, financial aid or other services knowing that they will, in part or in whole, benefit a terrorist group.

The revised version of Bill C-41 aims to allow humanitarian aid agencies to provide life-saving food, shelter and health care in any geographic area controlled by terrorist groups without a team of lawyers.

Before I go any further, I would like to take a moment to thank my colleague Senator Omidvar for her continued efforts to help Afghans through Lifeline Afghanistan. Thank you to Senator Jaffer for her commitment to the people of Afghanistan, and thank you, Senator McPhedran.

I would also like to thank my colleagues on the Senate Human Rights Committee for their work on the issue. As Senator Omidvar mentioned, the committee presented a timely and practical report in December 2022, and many of the recommendations are reflected in the amended version of Bill C-41.

Today, I would like to echo the sponsor's support for Bill C-41, especially with its proposed amendments. Enough time has been lost since the Taliban took Kabul by force, and our priority should be to provide vital humanitarian assistance to starving Afghans. As it has been so eloquently explained, the amendments to the bill are critical to reducing the burden on humanitarian actors.

Colleagues, as many of you may know, Afghanistan has always held a special place in my heart. As a young child growing up in Peshawar, Pakistan, there were few things I would look forward to more than a journey to Kabul. I have fond memories of summers spent in Afghanistan where the people were generous, the landscapes breathtaking and the food incomparable. The Afghanistan of my youth was a laid-back, fun society where men and women were free to enjoy restaurants, discos — that's what they called them then — and open-air theatres. There were gardens everywhere, filled with families coming together to enjoy spending time in nature. Women had a very visible presence in every place in society, and it was common to see women owning businesses.

• (1750)

But life for the people of Afghanistan has changed due to the Soviet invasion in 1979. Since then, peace has eluded Afghanistan. Decades of war have taken its toll.

Currently, the country is facing an unprecedented humanitarian crisis. Two thirds of the country's population will need humanitarian assistance this year alone, and nearly 95% of Afghans are malnourished. According to Ramiz Alakbarov, the UN Deputy Special Representative, Resident and Humanitarian Coordinator for Afghanistan, "The fate of an entire generation of Afghans is at stake." Women and girls have been completely erased from society — being denied education, employment and freedom of movement because of their gender.

This is not the first time I have risen in this chamber to share my concerns for the people of Afghanistan. In February, I urged the government to help Afghans dying from the cold and hunger during one of the harshest winters that Afghanistan has seen in years. In March of last year, I spoke of the looming famine for 24 million Afghans, forcing many to sell a kidney, or worse, their daughters, as Senator Jaffer just mentioned. In November 2021, I expressed the heartbreak I felt upon witnessing the despair of Afghans left behind, and the complete erasure of women and the arts from public life.

Even as a new senator in 2010, I proposed a study on the role of the Canadian government in supporting women's rights after ending combat operations in Afghanistan. The committee recommended concrete ways that Canada could make the advancement of women's rights a fundamental element of its approach to Afghanistan post-2011.

More recently, the Standing Senate Committee on Human Rights presented a report on humanitarian assistance to Afghanistan, more specifically on how Canada's terrorism financing laws affect the delivery of aid to vulnerable people in Afghanistan. The committee heard from key stakeholders who explained that, because of section 83.03(b) of the Criminal Code, crucial services were put on pause. This included services, such as midwives in remote areas, shipments of aid and supplies aging in warehouses. Martin Fischer from World Vision Canada shared with the committee that an overly restrictive interpretation of section 83.03(b) ultimately only penalized the most vulnerable people in Afghanistan, including the women and girls that Canada's Feminist International Assistance Policy is meant to protect.

The committee put forth five recommendations, including that the Department of Justice urgently introduce legislation to create an explicit humanitarian exemption to section 83.03(b) of the Criminal Code, clarifying that legitimate humanitarian aid — absent of any terrorist intent — that results in an incidental benefit to a terrorist group would not fall within the ambit of this provision.

Colleagues, I am glad to see that the amended version of Bill C-41 includes a humanitarian carve-out proposed by the NDP, but I wish to remind you that over a year ago, Canada's allies, such as the U.S., the U.K., the European Union and Australia, had already issued blanket exemptions for humanitarian aid workers. NDP foreign affairs critic Heather McPherson stated:

> Canada's the only one that put barriers up for humanitarian organizations, instead of making it easier for them to be on the ground doing the work helping Afghans.

Although I fully support Bill C-41, I must share some of my concerns about this legislation. Fortunately, I believe they are completely avoidable with enough preparation and foresight. As you are now aware, Bill C-41 offers two pathways for humanitarian organizations to provide aid in areas controlled by terrorists. The humanitarian exemption protects impartial humanitarian organizations from Canada's anti-terrorism laws without having to seek authorization from the government. For permissible development activities, eligible persons and organizations must seek authorization by the government to be shielded from criminal liability. To this end, the Minister of

Public Safety must provide, upon request, information to organizations and persons wondering if they require such an authorization from the government.

However, I learned that some administrative details have not yet been defined, as it is not clear how organizations are meant to contact the minister. It was suggested that it may be a process similar to requesting that one's name be taken off the no-fly list: contacting the minister's office by email. If the issues that we have heard about this process are indicative of the efficiency of such a process, I believe there is room for improvement. As for the availability of information for potential applicants, Richard Bilodeau, Director General of Public Safety Canada, shared that it should eventually be found on a website, but nothing has been set in stone yet.

I understand that the amendments to this bill may have taken offices by surprise, but I am concerned that the necessary additional staff have not yet been hired to analyze incoming applications as soon as Bill C-41 receives Royal Assent.

I also asked Minister Mendicino about the projected timeline for processing and analyzing applications. I was informed that it would be on a case-by-case basis, as security reviews can take longer for organizations that they are less familiar with. I suggested to the minister that they might find a way to fast-track these assessments for certain organizations, such as the Red Cross, World Vision and Doctors Without Borders, to hasten the process and get humanitarian organizations in Afghanistan as quickly as possible.

Again, I must stress that these issues can be resolved, and that the government's latest budget included funding to staff affected offices. Indeed, the current version of Bill C-41 may not be perfect, but as Dr. Erica See, Senior Legal Counsel at the Canadian Red Cross, shared during the Human Rights Committee's pre-study on the bill:

> . . . it is what's needed to give the humanitarian sector a path forward — a door, if you will — to provide humanitarian assistance in contexts like Afghanistan.

Honourable senators, it is heartwarming to know that all the parties in the other place worked in committee to make Bill C-41 a better bill than what was introduced at first reading. Senators, as the critic of this bill, I urge you to pass this bill without delay, and to finally give a glimmer of hope to many Afghans.

As Dr. See told the Human Rights Committee on Monday, "Should the bill not pass now, we will see another anniversary in Afghanistan without greatly needed humanitarian support."

Like Senator Coyle said, *manana*, *tashakor*, thank you.

Hon. Donald Neil Plett (Leader of the Opposition): First of all, let me thank Senator Omidvar sincerely for moving this bill forward, and Senator Ataullahjan for her work on it.

Your Honour, there has been a pre-study done on this bill, so it has been at committee. We have had discussions amongst the leaders — in anticipation of this bill receiving Royal Assent as quickly as possible, and in speeding up that process, which we are led to believe will happen, the leaders have agreed, Your Honour, to moving this forward. With that and with leave, I would move that this bill now be read a third time.

[*Translation*]

The Hon. the Speaker: We will begin by completing second reading and then we will proceed to third reading.

[*English*]

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

BILL TO AMEND—THIRD READING

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

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

• (1800)

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is now six o'clock. Pursuant to the order adopted earlier today, I must leave the chair until seven o'clock unless honourable senators agree not to see the clock. Is it agreed that we not see the clock?

Some Hon. Senators: No.

The Hon. the Speaker: So ordered.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

[*English*]

SUBSTANTIVE EQUALITY OF CANADA'S OFFICIAL LANGUAGES BILL

BILL TO AMEND—THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne, for the third reading of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Hon. Tony Loffreda: Honourable senators, I rise today at third reading to speak to Bill C-13, an act for the substantive equality of Canada's official languages.

I support the vision and intention of this bill, but not in its current state.

[*Translation*]

Let's not forget that I'm a proud Quebecer. I am proud to live in a province where French is the common language of the people as well as the official language.

As I explained when I spoke at second reading, I'm simply concerned that including a reference to Quebec's Charter of the French Language is highly problematic from both a bureaucratic and legal point of view. Quebec's English-speaking community also shares my concern.

[*English*]

Many believe that the inclusion of Quebec's Charter of the French language, which was recently amended with the passage of Bill 96 last year is a serious flaw in the current bill we have before us. I will not repeat everything I said in my second reading speech. My views are on the record, and I stand by those comments.

What worries me is that once this bill receives Royal Assent, the French charter will now be included in the Official Languages Act. This troubles me, because we all know that the charter includes the pre-emptive use of the notwithstanding clause. I continue to believe that pre-emptively invoking the notwithstanding clause is not the way for a government to govern.

I think our former senator colleague Joan Fraser summarized it elegantly when she appeared before our Official Languages Committee last week. She said:

> As you know, the French-language charter was modified last year by Bill 96. It now pre-emptively invokes the "notwithstanding" clauses of both the constitutional Charter of Rights and Freedoms and Quebec's own Charter of Human Rights and Freedoms. This has only been done once before — in Quebec's Bill 21. The inclusion of references to the French-language charter in Bill C-13 thus tacitly accepts this pre-emptive use of the "notwithstanding" clause, and I submit that that should be of concern to all Canadians.

She goes on to say:

> We know that arguments have been made, that including the Charter of the French Language in the Official Languages Act will not diminish the rights of English-speaking Quebecers. I suggest that those arguments were perhaps conceived before Bill C-13 was amended to include a reference to the Quebec law in the purpose clause of the Official Languages Act. Our legal assessment has always been that to mention Quebec's French-language charter within the Official Languages Act does pose a danger to our community's rights.

As I have urged during my second reading speech, and as Senator Fraser offered in committee:

> . . . withdrawing the references to the Charter of the French Language from Bill C-13 would in no way diminish or abrogate the rights of, or support to, French-speaking minority communities. There is, however, danger in retaining those references — danger to the English-speaking community of Quebec and also danger in setting up an official-language regime that creates a precedent for other provinces to impose restrictions on their own linguistic minorities, as Quebec has done.

In response to a question from Senator Cormier, Marion Sandilands, a lawyer and member of the Quebec Community Groups Network explained that to see the Charter of French Language:

> . . . referenced in the federal Official Languages Act, whose purpose before Bill C-13 was to protect and uphold minority language rights, is a contradiction.

Ms. Sandilands asks:

> How can a provincial act that infringes constitutional language rights be referenced and upheld in the federal Official Languages Act?

She argues that:

> . . . citing a provincial law that pre-emptively and sweepingly uses the notwithstanding clause . . . will make it very difficult for a court to accept submissions from the Attorney General of Canada if the Attorney General of Canada ever gets up and opposes the use of the "notwithstanding" clause in that manner. It is contradictory to, on the one hand, disclaim it and, on the other hand, endorse it in this bill.

With all due respect to the Minister of Official Languages, the answer she provided to Senator Gold last week during her appearance before the Official Languages Committee was not reassuring at all, despite her many efforts.

[*Translation*]

The minister told us, and I quote:

> The reference to the Charter of the French Language in the bill is simply a description of the Quebec law. At no time do we say that we are in favour or not of the Charter of the French Language.

That doesn't inspire confidence.

In my opinion, by including the charter in the Official Languages Act, the federal government is saying that it agrees with the charter and its content, even though some argue that it doesn't constitute incorporation by reference.

I don't buy into the argument that it's simply a description of Quebec's reality. In fact, it is the reality in Quebec and the provincial government's use of the notwithstanding clause that is so worrisome and that poses a problem for anglophones in Quebec.

The minister also said that there was a lot of confusion when this bill was debated. I agree, and including the charter in the bill is only making things worse.

To avoid any confusion, I think that the reference to the charter should be removed from the bill entirely. In fact, I haven't heard any argument so far that would justify including it in the federal legislation. We've been told over and over that it doesn't infringe on the rights of anglophones, but no one is saying how it will help or benefit francophones in Quebec.

Why is the federal government insisting on keeping the references to the charter? In response to a question from Senator Mégie, the Commissioner of Official Languages, Raymond Théberge, explained that he shared the concerns of Quebec's anglophone community and that he could see how this might create problems down the line.

He stated that there was a great deal of speculation. He asked the following question:

> If changes are made to the charter at some point, will changes have to be made to the Official Languages Act?

That's a very legitimate question that continues to create confusion and uncertainty.

[*English*]

The commissioner acknowledges that English speakers in Quebec have a right to be worried. The community has genuine concerns regarding the impacts of the bill on the community and in no way do we want to harm the promotion or protection of the French language in Quebec.

As Eva Ludvig of the QCGN said before the Official Languages Committee, "English-speaking Quebecers understand the challenge of protecting and promoting French and support efforts that genuinely seek to do so." Anglophones truly do support increasing the use of the French language in the province, of protecting it and ensuring its vitality, provided their rights are not infringed upon or reduced.

In general terms, allophones and anglophones have integrated well into Quebec society, and many work hard to improve their knowledge of the French language and have embraced the culture.

In another op-ed I read recently on a different topic, I was inspired by its co-authors who wrote about the responsibility we have as members of the Senate to do the right thing with the legislative powers we have. They wrote:

> As legislators, we believe that any legislative, regulatory or policy approach should at all times aim to advance rights rather than limit them.

I definitely agree.

Yet, here we are today on the verge of adopting a federal bill that basically signs off on a provincial law that many believe is harmful to Quebec's English-speaking minority and that has limited its rights. Why are we holding the allophone and anglophone minorities in Montreal and throughout Quebec to a different standard than other minorities?

Again, I want to be clear: I support what Bill C-13 seeks to achieve. Its overarching goals are worthy and deserve our support. I simply want to remove the references to the charter that have many within the English-speaking minority in Quebec worried.

• (1910)

If we know the references to the charter will not contribute to the protection of the French language in Quebec or provide francophones any additional rights, yet we know that the English-speaking community completely opposes them and feels their rights are being breached and diminished, why not remove the references altogether?

I am reminded of what Dean Robert Leckey of McGill University Law School told the committee when referring to the inclusion of the "notwithstanding" clause in the Quebec language charter. He explained that:

> . . . the Charter of the French language in its current form . . . involves this sweeping override of all the Charter rights that are amenable to override in the Canadian Charter

and all the rights in the Quebec Charter of human rights and freedoms that you can derogate from. That's part of what the Charter of the French Language now means and represents.

Dean Leckey challenged all of us. If that's not what we want to endorse with the passage of Bill C-13 and if we don't feel right about it, then maybe we need to think about those references.

I, for one, do not feel right about it. I have given a lot of thought to those references. Including the references to the Quebec charter does not provide any additional protections to the French language in the federal law. Rather, if we adopt the bill as is, I feel Parliament will be putting its stamp of approval on a provincial law that is currently being challenged in the courts for its unconstitutionality and for its pre-emptive use of the "notwithstanding" clause. Personally, I cannot vote in favour of a bill with such an approach and endorsement, whether it be implicit or not.

MOTION IN AMENDMENT

Hon. Tony Loffreda: Therefore, honourable senators, in amendment, I move:

That Bill C-13 be not now read a third time, but that it be amended,

(a) in clause 2, on page 3, by replacing lines 18 and 19 with the following:

"the National Assembly of Quebec has determined that French is Quebec's official language;";

(b) in clause 3, on page 4, by replacing lines 5 to 12 with the following:

"predominant use of English; and";

(c) in clause 24, on page 21, by replacing lines 27 and 28 with the following:

"**(b)** the National Assembly of Quebec has determined that French is Quebec's official language;".

[*Translation*]

Hon. Pierrette Ringuette: Would you take a question?

Senator Loffreda: Yes.

Senator Ringuette: Thank you. I'm looking at the clauses that you want to amend, and these clauses refer to the New Brunswick Official Languages Act, which is a provincial act, and to Manitoba, which also has a provincial act.

In fact, I wish Ontario also had an act recognizing the francophone minority in Ontario. If that were the case, we could have referenced it in Bill C-13 as well.

Senator Loffreda, as far as your issue with references is concerned, I understand that you have concerns, but I don't see how this reference would be any different from the reference, in the same clauses, to language rights for the people of New Brunswick.

[*English*]

Senator Loffreda: The reference to the Charter of the French Language in Quebec, which includes Bill 96, is being challenged in the courts. The "notwithstanding" clause was used pre-emptively, which leads us to believe that it's not constitutional, and I don't believe that's the way to govern.

Now, I don't believe that is the situation or the case in the other provinces, and this is why I would like to remove these three references from Bill C-13. What happens when we change Bill 96, if we ever do change the Charter of the French Language law? Do we change Bill C-13?

I don't believe the same situation as in Quebec is present in the provinces you have mentioned, which is kind of diminishing English minority rights, and that is why I feel these references should be removed.

[*Translation*]

Hon. Claude Carignan: Along the same lines, I understand that you have concerns about the Quebec law, but I have issues with the fact that you want to get rid of references to all provincial language regimes.

With respect to Quebec's law, you know that MP Housefather tried to put that same amendment forward, but it was rejected in the other place. I don't see how you'd convince the other place to go for this.

The Hon. the Speaker: Senator Loffreda, you have very little time to respond.

[*English*]

Senator Loffreda: I think we have a right to defend minorities in this chamber. We are a voice for minorities. That is exactly what I'm doing.

I don't think every amendment made in this chamber concerns or reflects what the other place is thinking. As I said in my speech — and I don't want to repeat it — there is a danger in retaining those references, and that is why I'm amending the bill as is.

Hon. Judith G. Seidman: Honourable senators, I rise today to speak in support of Senator Loffreda's amendment. Thank you for introducing it, senator.

Colleagues, the words we use really do matter, and we should be especially mindful of the words that we include in our legislation. We can't know now just what unintended consequences these three references to the Charter of the French Language may have, but we do know with greater certainty that there will be no harm done by removing them. After all, Bill C-13 makes no references to New Brunswick's Official Languages Act nor to any other pieces of provincial or territorial

legislation. It is my contention that the unique Charter of the French Language references are superfluous and potentially harmful. Therefore, colleagues, they should be removed.

Last week, I listened to Ezra Klein of *The New York Times* interview Jennifer Pahlka about the machinery of government. In 2013, Pahlka was the Deputy Chief Technology Officer in President Obama's administration. In 2020, she helped California Governor Gavin Newsom's administration fix its Unemployment Insurance program. She has great insights about, as Klein puts it, "why things go wrong [in government] even when the people involved are trying to make them go right." She is focused on an area of policy that is too often ignored by policy-makers, which is implementation. Her insights are transferable to legislators in any country, including ours.

In the interview, Pahlka recounts the story of how a piece of technology that was included in a federal act merely as an example has, as translated through the hierarchy of government departments in the years since its adoption, become a requirement. That is because within bureaucracies, civil servants are most often held accountable based on whether or not they followed a process, and those processes are based on the words found in legislation.

Ms. Pahlka's experiences working with American governments at the city, state and federal levels demonstrate that the words used in legislation are really important and consequential. As legislators, we must carefully consider whether the wording of legislation might have unintended consequences.

• (1920)

Last week, Eva Ludvig, the president of the Quebec Community Groups Network, expressed concern about how Bill C-13 might be interpreted by civil servants. She said:

> Once something is in law, we don't know how that will be interpreted, not only by the courts but also by civil servants who implement it.

However, when I asked about the words included in Bill C-13, Minister Petitpas Taylor disagreed. She said:

> Yes, we made reference to the *Charte de la langue française* in our Bill, but it's only for descriptive purposes, to say that that regime applies in Quebec.

Justice department lawyers, she told us, have assured her that there is minimum risk to the reference to the charter. Minimum risk — but risk, colleagues. Meanwhile, the committee heard from lawyers not currently employed by the government who suggested that the references do pose a significant risk.

Honourable senators, in the introduction to his interview with Jennifer Pahlka, Ezra Klein noted:

> In our media . . . There's a ton of focus on politics, on elections, on big policy questions and fights and theories. But then the bill passes and the nitty-gritty of how that policy actually shows up in people's lives is left up to someone somewhere. And when it . . . makes people's lives worse because of how it is implemented, there's often no outcry because there's no attention, and so there are no fixes.

Colleagues, Senator Loffreda's amendment offers us the opportunity to reduce the risk written into this legislation now, when the spotlight is still on, so that we can avoid some of the unintended consequences that this legislation may have on people's lives. I urge you to join me in supporting this amendment.

Thank you.

[*Translation*]

Hon. René Cormier: Thank you, Senator Seidman. You know how much I appreciate your advocacy for Quebec's English-speaking communities.

I am looking at Senator Loffreda's amendment, which would make three changes, two of which target the simple assertion that, quote, "Quebec's *Charter of the French language* provides that French is the official language of Quebec." I don't see how anyone could oppose that.

Senator Seidman, do you agree that this amendment denies the existence of a diversity of provincial and territorial language regimes? As an Acadian, as a francophone in Canada, I am very uncomfortable with the scope of this amendment. I'm sure you can see why I'll be voting against it. I'd like to hear your comments on that. Thank you.

[*English*]

Senator Seidman: Thank you very much, senator. My understanding of what this amendment does is that it takes four clauses — clause 2 on page 3, clause 3 on page 4 and clause 24 on page 21 — and merely replaces the language *"Charte de la langue française"* with this language that has been presented.

[*Translation*]

Senator Cormier: I just want to say that it actually does more than that, senator. On page 4, the amendment takes away the notion that there's a diversity of provincial and territorial language regimes, and that makes me very uncomfortable. Thank you for your answer.

Hon. Jean-Guy Dagenais: I honestly believed I wouldn't have to speak to Bill C-13 again, but I find Senator Loffreda's amendment completely unnecessary and unacceptable. Let me tell you why it should be summarily rejected.

Unfortunately, Senator Loffreda's amendment indicates that he is playing the same game as the only member of the other place who voted against Bill C-13 to modernize the Official Languages Act.

Every member of every political party in the other place voted in favour of Bill C-13. All but one, who claims to be speaking for a few anglophone groups in Quebec. It's a shame to see just how willing Senator Loffreda is to endorse that member's

small-minded belief that the rights of anglophones in Quebec are threatened by the entirely justified reference to Quebec's Charter of the French Language in the text of the bill.

Quebec's Charter of the French Language exists. It was adopted by a duly elected government. It makes sense, then, that a bill like Bill C-13 should recognize and refer to it. Given that both levels of government are agreeing to work together for once to protect and revitalize the French language, it would be inconceivable for the Senate not to follow the example set by the members of the other place. After careful study and thoroughly negotiated amendments, MPs understood that this bill is an essential piece of legislation that protects the country's two official languages when they are in a minority situation.

I have some concerns that I would like to share about the use of devious means or linguistic subtleties to try to remove references to Quebec's Charter of the French Language from the federal bill. I wouldn't go as far as calling it contempt for Quebec's francophone community, but I would point out that within Quebec's privileged anglophone community, there is a dangerously entrenched desire to resist any political initiative designed to ensure that francophones in Quebec have the right to live and work in their own language in that province.

How can Quebec's anglophones claim that there's a threat? There are three English-language universities, four English-language hospitals, English-language colleges and a constitutionally protected English-language school board. Are there that many services dedicated to francophones in the other provinces?

I grew up in the Rosemont area of Montreal and, before becoming a police officer, I worked briefly for the Canadian Imperial Bank of Commerce, CIBC. However, I didn't work in Rosemont. Instead, I was exiled to the West Island to ensure that I learned English. Fortunately, things have changed, but we had to fight to protect our language, something that English-speaking Montrealers don't have to do and won't have to do, even when Bill C-13 is passed. It would be inconceivable for the Senate to jeopardize Bill C-13 because banks, airlines and a few other federally regulated companies are afraid of having to communicate with their employees in French.

Let us quickly revisit Senator Loffreda's amendments. In his speech at second reading, he stated that he had heard no convincing argument as to why the references to the Charter of the French Language needed to be included in the bill. Maybe he should have contacted the Quebec government to ask for details of the discussions that led it to reach an agreement with Ottawa, rather than seeking to create an environment conducive to misunderstandings, as we have seen all too often. In his speech at second reading on Bill C-13, Senator Loffreda described himself as follows, and I quote:

> I'm very proud to be a Quebecer, proud to speak French, proud to live in a province where French is the common language of the people . . . .

All the pride he spoke about is represented and enshrined in the charter to which he says no reference should be made.

• (1930)

Given the anemic pride he is expressing today, I doubt that he will get an invitation anytime soon from the Premier of Quebec to celebrate his contribution to the development of the French language.

To be honest, I would have expected a bit of restraint from our colleague and friend.

In closing, I will repeat what I said: Bill C-13 is not perfect, but it contains enough elements for us to allow the government to implement it with, of course, all the necessary oversight both for anglophones and francophones.

To get there quickly, we need to reject the amendments presented by Senator Loffreda.

Thank you.

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

Hon. Senators: Question.

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

Some Hon. Senators: No.

Some Hon. Senators: On division.

(Motion in amendment of the Honourable Senator Loffreda negatived, on division.)

[*English*]

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne, for the third reading of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Hon. Judith G. Seidman: Honourable senators, I rise today to speak at third reading of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Well, here we are at third reading. The Standing Senate Committee on Official Languages heard five and a half hours of testimony on this version of the bill, which includes over 50 amendments passed in the other place. Clause-by-clause consideration at the Official Languages Committee took place immediately following what was perhaps the most complex testimony of all, that of the legal and constitutional experts.

The committee was left with no time to reflect on this testimony or draft potential amendments as a result of what we heard before clause-by-clause consideration. The committee consideration process was, to say the least, swift.

The committee heard from Raymond Théberge, the Commissioner of Official Languages. I asked him whether he still shares similar concerns to those of the Quebec English-speaking community that the addition of asymmetrical components to the act will undermine the equal status of English and French in law and about the references to Quebec's *Charte de la langue française*, and he told the committee:

> There's a lot of speculation in terms of what could happen in the future. I really can't speculate. There will be some constitutional experts who will provide input on that. I'll leave it up to them. It is new, I agree. We have other jurisdictions that are referenced, not necessarily in this way.

By that, he meant in the way of the *Charte de la langue française*.

> We do have New Brunswick, which has its own Official Languages Act. We have my home province, Manitoba, with section 23 of the Manitoba Act.

Colleagues, let me reiterate that neither New Brunswick's nor Manitoba's language laws are referenced in Bill C-13 in the same way as Quebec's language law. The commissioner said that he will implement whatever act is adopted by Parliament, and he reflected:

> It is what we have now, and what we have to do, moving forward, is ensure that we evaluate its impacts.
>
> I think it's important to evaluate the impacts of the Official Languages Act on the communities going forward, and we have to do that from the get-go.

I asked the Minister of Official Languages, the Honourable Ginette Petitpas Taylor, about the references to the newly amended Quebec language law, the *Charte de la langue française.* In response to my question, she said:

> Yes, we referred to *la Charte de la langue française* in our Bill, but, again, the purpose is to indicate that this is the regime applicable in Quebec. We are not saying whether we agree or do not agree, but that is the legislation in force in Quebec at this point. I am not a *constitutionaliste*, I'm not a lawyer, but to your point, I absolutely have consulted with lawyers at the Justice Department . . . and they have indicated to us that they don't feel that there are any risks — or minimum risks — to this. . . . With respect to why we proceeded, it is in order of describing what is the law.

But many of the judges and lawyers who testified before the Official Languages Committee did not share the Department of Justice's evaluation.

As the Honourable Michel Bastarache, former judge of the Supreme Court of Canada, told our Official Languages Committee during the recent pre-study of Bill C-13, even before all the amendments were made by the House:

> I am personally opposed to a reference to a provincial act in a federal act. I believe that the federal language regime is very different from the provincial regime.

In addition, Robert Leckey, Dean of the Faculty of Law at McGill University said:

> Bill C-13 would add references to the Charter of the French Language to the Official Languages Act. These references would endorse the charter because they presuppose that the objectives and means promoted by the provincial legislation are consistent with those of the federal legislation and the constitutional responsibilities of the Government of Canada. However, this premise is not sound.

And in a letter to the chair of the Standing Committee on Official Languages, or LANG, in the other place, as well as in her testimony to the Senate's Official Languages Committee, Ms. Janice Naymark, who has practised corporate and commercial law in Quebec for over 25 years, was clear that:

> . . . troubling are the references to the Quebec *Charter of the French Language* in a quasi-constitutional federal law. [...] By including references to this legislation in the [*Official Languages Act*], the federal government is supporting and implicitly legitimatizing [Quebec's] Bill 96.

As you can see, colleagues, there is hardly consensus within the legal community regarding the references to the *Charte de la langue française*, so why are we complicating the legislation and creating even minimum risk for English-speaking Quebecers?

As an official language minority community, English speakers in Quebec have historically looked to the federal government for protection and support, but as Eva Ludvig, President of the Quebec Community Groups Network, remarked:

> We live in a province where the English-speaking community, especially recently, has been under siege, I would say, from its own provincial government. We've always turned to the federal government and to the Canadian Parliament as supporters of the English-speaking community. We are now worried. We feel that this support is now tenuous.

Colleagues, as I pointed out in my second reading speech, while more than 600,000 of Quebec's over 1 million English speakers live in Montreal, there are tens of thousands more in small communities across the province. I urge you to consider the official language minority communities in the rest of Quebec. Given the critical mass of English speakers in Montreal, services may well remain accessible there, but we cannot take for granted that those same services will remain accessible in the smaller communities.

The English-speaking communities in Quebec must now take solace in the Commissioner of Official Languages' promise to monitor the impact of the implementation of Bill C-13. As he wrote in a letter to our committee on June 7:

> It is crucial that the implementation of the Act be closely monitored in order to assess its impact and identify any problems encountered in its application. The government needs to have a monitoring mechanism, clear indicators and evidence-based data to be able to assess the effects of the Act on communities. This approach will help to realize the full potential of the periodic review and to make the changes needed to ensure the Act's continued evolution.

Should the commissioner find that the fears of the English-speaking communities in Quebec come to pass, I hope this chamber will be as swift to address them as it was to pass Bill C-13.

Honourable colleagues, as we are all mindful of, it is our responsibility here in the Senate to give voice to those who have no voice and to represent minorities in our regions. I fully understand how important modernization of the Official Languages Act is to francophone minority communities across Canada, and I fully support the protection and promotion of French minority language rights across the country.

• (1940)

I fully understand the importance of ensuring the survival and vitality of French for Quebec and Quebecers. However, inclusion of reference to Quebec's Charter of the French Language, with its latest legislative entrenchment of the pre-emptive use of the "notwithstanding" clause, does nothing to help protect French; it only brings unnecessary risks to the other official language minority community, the more than 1 million English speakers in Quebec.

Thus, colleagues, I will be voting against this bill. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Marty Klyne: Honourable senators, I rise to speak to Bill C-13, an important piece of government legislation to protect and promote the French language in Canada.

I note as well that Bill C-13 fulfills a government election commitment. This is always an essential consideration in our appointed chamber, as Senators Harder and Dalphond and others have highlighted many times in the Senate's independent era.

After a substantial pre-study, we received Bill C-13 in May. I will address some concerns I have with the bill around airports in Western Canada through my Saskatchewan lens, while fully supporting Bill C-13's objective of protecting and promoting French and minority language rights in Canada.

I will start with the big picture. French is one of Canada's official languages, a point of pride for our federation and for me personally, including through my lineage with my Quebec-born fifth-, fourth- and third-great-grandparents. Our international identity, our shared history and many Canadian cultural conditions reflect our place within the Francophonie. It is essential to protect French, a language at risk of erosion in mainly English-speaking North America and a language integral to Quebecers, Acadians and other French Canadians, not to mention Cajuns in Louisiana, whom the British drove from Acadia in the 18th century.

Métis and many First Nations learned to speak French and English in the years of equal dealings between nations. The Métis were proficient in French, English and Indigenous languages, making them sought after by the Hudson's Bay Company trading system. They often acted as interpreters, trade negotiators, clerks and guides leading voyageurs and explorers. Europeans otherwise could not have navigated this vast country of complex water systems and the passes through the rugged mountain chains.

However, Canada's two official languages don't account for the many Indigenous languages spoken by peoples who have been here since time immemorial.

Samuel de Champlain's success in establishing New France relied on cultivating alliances and respectful relationships with First Nations. In 1603, the Innu Chief Anadabijou welcomed Champlain at a celebratory feast to set the terms of the great alliance for a French presence in the country. Many scholars argue this nation-to-nation moment, taking place at Tadoussac, where the Saguenay River meets the St. Lawrence, was the true beginning of Quebec and even Canada.

Though damaged by later colonial policies, Indigenous languages are vital to our nation of nations. Section 22 of our Charter makes clear that official language rights do not abrogate or derogate from Indigenous language rights. With Canada's linguistic future, we remain a long way from restoring Indigenous languages' rightful roles in our society.

We need to do a better job of promoting and protecting these languages, many of which are seriously in danger of falling out of use. Parliament acted by passing Bill C-91 on Indigenous languages in 2019. Former senators Joyal and Sinclair worked together on language rights, helping set the table for Bill C-91 through Senator Joyal's earlier efforts with Bill S-212 on Indigenous languages. This is an inspiring example of solidarity of minority linguistic communities in Canada.

In speaking to Bill S-212, Senator Sinclair asked:

> "Who are you?" It's not a rhetorical question. It's a question which asks you to contemplate the fundamental question of your identity and character. To be able to answer that, you need to know where you and your ancestors came from, what you stood for, your personal and collective history, what your influences have been, what your ambitions have been and are, and what your purpose in life is. . . .

> Language and culture are keys to personal identity. Personal identity is key to a sense of self-worth, and spiritual and mental wellness hinge on one's sense of self-worth.

I want to see Indigenous youth fluent in their languages. One day, I want to see conversations happening with non-Indigenous Canadians in those languages. I note that Minister Miller has endeavoured to learn Mohawk.

Focusing on French, we know that the Official Languages Act was a landmark step when enacted in 1969. It recognized and protected Canada's predominant linguistic duality in terms of population. We can contrast the Official Languages Act with the Durham Report of 1839, which proposed the assimilation of French speakers in Lower Canada.

Bill C-13 is the first time the Official Languages Act has been substantially updated in many years. I support this bill's goals of protecting and promoting French and its efforts to support minority language communities.

If I have any caution or concern about this bill, it's that, as we move towards a more fully bilingual country, we must do so with a clear understanding of where most Canadians are when it comes to speaking both official languages. In this regard, I wear my Saskatchewan hat, and my focus is on practicalities and obligations on airports in Western Canada.

In most Canadian cities, towns and communities, there is one predominant language spoken by most people who live there. Most citizens have only a limited knowledge of the other official language, whether that happens to be French or English. There are exceptions, of course, as we can see from communities in Quebec, New Brunswick, Manitoba, Ontario and in other provinces. Yet, most Canadians are proficient in either English or French and not the other.

Bill C-13 hopes to change that reality, and I support that goal. At the same time, if we are going to ask businesses and federally regulated sectors to embrace enhanced bilingual requirements, then we need to do so with a realistic understanding of where most Canadians are when it comes to speaking an official language that is not their mother tongue.

Part 2 of the bill speaks to or defines what is considered a strong francophone presence and expectations of federally regulated businesses. How does the bill apply to communities and/or businesses' workforce in regions that have minimal or minor francophone representation and are federally regulated?

Take, for example, my home province of Saskatchewan. In 2020, the Office of the Commissioner of Official Languages noted that French is the mother tongue of about 1.5% of the population. That's a very minor representation among the people who live there. There is no question that francophone Saskatchewanians should have their language rights protected and supported, especially when they are engaging with federally regulated services. However, we need to be mindful that transitioning to a more fully bilingual country will take time and commitment, especially in places like Saskatchewan, where French speakers are a minority. That said, in Saskatchewan, a province of at least 1.2 million people, there are at least five francophone communities that I can think of. We also have French immersion schools and a growing and thriving representation of Fransaskois residing around the province's largest cities.

Yet for many youth, particularly those facing poverty in their early years, learning a second language is a difficult hill to climb, even if they have the opportunity.

Parliament has heard many voices both for and against the legislation. Those in favour of the bill cite its support for the promotion of French and protection of minority language communities. Those who have expressed concerns about the bill have talked about its potential impact on English-speaking Quebecers and have raised questions on how the bill's provisions will be implemented.

To discuss one concern I have, I will use an example that was highlighted in the annual report recently tabled by Raymond Théberge, the Commissioner of Official Languages.

In one part of his report, the commissioner noted that many Canadians still struggle to receive service in the official language of their choice when flying in major airports.

• (1950)

This is a concern for many Canadians who, as part of the travelling public, want to use their preferred — or perhaps only — language on a journey. I sympathize with that concern. Major airports already have obligation under Part IV of the Official Languages Act. When those obligations are not met, it can be frustrating, particularly for francophones.

In his report, the commissioner notes that he has been working with airports to ensure stronger compliance with the act, and that he believes the new powers Bill C-13 will give him will help achieve that goal.

At the same time, some organizations in the travel industry, such as airport authorities, have expressed concern about the additional powers that would be granted to the commissioner. This bill gives the commissioner added powers to enter compliance agreements, to issue orders and to impose administrative monetary penalties in the travel sector. This may be an important step in helping make Canada more bilingual. However, if organizations, such as airport authorities in places like Regina and Saskatoon, struggle to meet orders due to staffing challenges associated with finding staff who can speak French, then that's a dynamic that must be navigated with a lot of care.

I note that the Senate Official Languages Committee added an observation in their report indicating confusion over the language rights regime for Canada's travelling public, recommending that the federal government should:

> . . . establish a coherent and clear language rights regime for the travelling public . . . .

That's a good idea. I believe we need further clarity in this area so that airport authorities, airlines, the government and Canadians can move forward with a shared understanding.

Senators, we need to ensure that we do not accidentally burden businesses and organizations that operate in largely unilingual communities with bilingual language commitments that they will be unable to meet. It is difficult to find francophone speakers in Saskatchewan simply because they are under-represented.

In Saskatchewan, our unemployment rate is 4.4%, and we are looking for employees. We are building more houses and rental alternatives if bilingual professionals and skilled tradespeople are interested in living, working and playing in our great province.

Regional differences and francophone representation vary across Canada. With this bill, I believe there is no one-size-fits-all solution that will work. In places like Regina or Saskatoon, where French speakers are relatively few, increasing bilingual services is easier said than done. That's a reality we need to be mindful of. At the same time, we wish to respect and embrace this point of unique international identity and ensure we're not alienating Western Canadians from our federation's linguistic values.

I expect that all senators in this chamber support helping more Canadians become bilingual and to receive services in the language of their choice, but we must work toward this goal in a way that acknowledges the realities of a country where most people currently only speak one language. For that reason, I expect the Senate will continue to play an oversight and accountability role in the application of Bill C-13, including providing critical evaluation and recommendations that might be necessary, while basing that role in respect of French, English and Indigenous languages.

I will vote for Bill C-13, and urge you to do the same. I similarly urge this chamber to oversee and safeguard the reasonable interests of airports in Western Canada, and ensure that we offer practical solutions as we move toward becoming a more bilingual country. Thank you, *hiy kitatamihin*.

[*Translation*]

Hon. Claude Carignan: Honourable senators, I rise today to speak at third reading of Bill C-13, whose short title is an act for the substantive equality of Canada's official languages.

I support this bill, although I think it represents just a small step and could have gone further.

In this speech, I'll provide a few examples of important measures that I think are missing from this bill. I believe they would have served to better protect and promote respect for Canada's two official languages, French and English.

On February 8, 2022, I gave a speech in the Senate on official languages. In that speech, I expressed my support for the motion that later passed unanimously in the Senate, on March 29, 2022, calling on the federal government to correct an unacceptable situation that has persisted for decades. Even today, 41 years after the passage of the Constitution Act, 1982, large sections of the Canadian Constitution are still written only in English.

What a missed opportunity for the federal government not to have included in Bill C-13 the measure called for by the Senate in that motion.

The Standing Senate Committee on Official Languages shares my disappointment.

In its report on Bill C-13 tabled the day before yesterday, the committee recalls the content of the motion. It simply asked the government to do the following:

> . . . "consider, in the context of the review of the *Official Languages Act*, the addition of a requirement to submit, every 12 months, a report detailing the efforts made to comply with section 55 of the *Constitution Act, 1982*."

Senator Dalphond, who was the sponsor of the motion, asked Minister Lametti a question on December 13, 2022, when he appeared before a Senate committee that was studying another bill. The senator reminded him of the sad reality that although the Constitution Act, 1982, was adopted 41 years ago, nothing has been done since to adopt the French text of the Constitution.

The minister acknowledged that the situation was unacceptable, but that he would continue to reflect on how to adopt the French texts of the constitutional laws, which are the most important laws in Canada.

Senator Dalphond reminded us, as I also reminded senators in the speech I gave on his motion on February 8, 2022, that there are a number of French constitutional texts that the federal government could have adopted through a procedure that doesn't require the provinces' consent. For those texts that do require the consent of some or all of the provinces to be adopted in French, Minister Lametti gave Senator Dalphond an answer that clearly shows the government's lack of determination and action in getting those French texts adopted. Here is the question that Senator Dalphond asked. He said, and I quote: "Why won't the government commit to making an effort to get this part of the 1982 constitutional work completed?"

The minister's answer was vague and non-committal. He said, and I quote:

> I share your opinion. I'd like to see an official bilingual Constitution. What I can tell you is that sometimes you have to rely on evolution. So, I hope that in the near future and at the right time, we can do that.

In its June 13, 2023, report, which I mentioned earlier, the Standing Senate Committee on Official Languages pointed out other serious flaws in Bill C-13.

The committee shares my concern about the lack of accurate data on the number of children of rights-holders, meaning children who are entitled to be educated in the minority official language. I believe that the federal government could have fixed this problem if it had amended Bill C-13 to make it a requirement that these children be periodically enumerated.

In fact, the committee correctly notes that the current version of the bill does not include a requirement to count these children, but simply includes a requirement to estimate the number. In this excerpt from its report, the Senate committee stresses the urgent and serious nature of the problem:

> However, given the alarming decline of French in Canada, several stakeholders argued for the importance of counting, rather than estimating, the number of children of rights-holders, given the detrimental impact and pressures to assimilate resulting from systemic and historical underestimation. . . .
>
> Based on the testimony heard and briefs received, your committee notes that periodic enumeration of the children of rights-holders is critical to the survival and vitality of francophone minority communities . . . .

In light of such a disturbing observation, and one that is common knowledge, I was very disappointed by the results of the vote at the House of Commons Committee on Official Languages on February 17, 2023. In a close vote, six of the 11 committee members rejected the original text of MP Joël Godin's amendment. Had it been adopted, this amendment would have required that the federal government commit to periodically enumerating the children of rights-holders under section 23 of the Charter.

The six Liberal and NDP members of the committee voted in favour of a subamendment that completely watered down the Conservative member's amendment. Indeed, their amendment to the amendment replaced the requirement to count, as proposed by Mr. Godin, with a simple obligation to estimate the number of children.

Another missed opportunity was the bill's failure to incorporate an important proposal from the 2021 white paper released by the Honourable Mélanie Joly, the then minister of official languages. She proposed expanding the powers conferred on the Treasury Board so that it could monitor federal institutions' compliance with the provisions of Part VII of the Official Languages Act. This part of the act is very important because it seeks to advance the equality of status and use of English and French.

The duties of the Treasury Board, as currently proposed in Bill C-13, do not include all aspects of Part VII. Despite these missed opportunities, I will nonetheless be supporting Bill C-13. In her speech at second reading, the bill's critic, Senator Poirier, said, and I quote:

> The bill represents a step forward for language rights in this country. . . .
>
> Thanks to some amendments made by the House of Commons Standing Committee on Official Languages, the modernization of the Official Languages Act is more responsive to the needs of minority communities.

• (2000)

I agree with her, and we are not the only ones who think this way, because 104 Conservative MPs voted in favour of the bill at third reading. Only one MP, from another party, voted against it.

I could list many worthwhile measures in Bill C-13, but since I only have a limited amount of time, I will just choose two.

The first has to do with the adoption of a federal immigration policy. That is particularly important today, when we hit the population milestone of 40 million. The original version of Bill C-13 provided for the adoption of that policy.

However, the amendments that were made to the bill strengthened and clarified the policy's objectives. That is what Liane Roy, president of the Fédération des communautés francophones et acadienne du Canada, told the Senate committee on June 5. She said, and I quote:

> . . . it was important to us that this policy have the explicit objective of restoring the demographic weight of our communities.
>
> The members of the House of Commons set the target at 6.1%, which is the proportion that our communities accounted for in 1971.
>
> This paves the way for a much higher federal francophone immigration target, and for immigration measures specifically tailored to the realities of our communities.

The 6.1% target referred to by Ms. Roy will be enshrined in the Official Languages Act, thanks to clause 6(2) of Bill C-13.

The second example I have of a worthwhile measure in Bill C-13 has to do with bilingualism at the Supreme Court of Canada. The bill establishes an institutional bilingualism requirement for the Supreme Court, but does not require all of the court's nine judges to be bilingual.

On this matter, I agree with the interpretation of the Leader of the Government in the Senate. On May 30, 2023, in an exchange regarding this obligation in Bill C-13, he confirmed that, and I quote:

> . . . this does not mean that every judge appointed to the Supreme Court or any other Supreme Court must be bilingual, fluent or otherwise. That is not what the legislation requires. It is an institutional obligation on the court as an institution . . . .

It is important to note that the hearing of an appeal at the Supreme Court is done with a quorum of at least five judges. The obligation set out in Bill C-13 would require the court to have at least five bilingual judges so that it can always have a quorum of bilingual judges able to understand the evidence and the arguments, whether in English or in French, without the help of an interpreter.

Accordingly, Bill C-13 will not deny exceptionally talented jurists who are not perfectly bilingual the opportunity of applying for appointment to the Supreme Court.

If Bill C-13 had set out an obligation of individual bilingualism, in other words, required all nine justices of the Supreme Court to be perfectly bilingual, I believe this would likely contravene section 16 of the Canadian Charter of Rights and Freedoms and section 133 of the Constitution Act, 1867.

I already said as much in a speech in the Senate on May 11, 2010, when I stated the following:

> Section 16 creates a duty for the judicial institution to ensure that the judge who hears the case understands the language of the party. It does not require the judge to be bilingual. There is no prerequisite for a judge to be bilingual because that would violate a judge's right guaranteed in Section 133 . . . .

For all these reasons, I invite you to vote in favour of the bill. As the Commissioner of Official Languages wrote on June 7, 2023, to the Senate Committee on Official Languages, and I quote:

> Although the Bill is not perfect, I think it contains the necessary foundation for moving forward.
>
> It is crucial that the implementation of the Act be closely monitored in order to assess its impact and identify any problems encountered in its application.

Thank you.

Hon. Lucie Moncion: Honourable senators, I rise today to speak on the unceded territory of the Anishinaabe Algonquin Nation at third reading of Bill C-13, an act for the substantive equality of Canada's official languages.

In speaking to this bill, I must once again acknowledge the colonial nature of official languages and point out the importance of supporting Indigenous people in the reclamation, revitalization and strengthening of Indigenous languages in Canada.

We know that the time to review the Indigenous Languages Act is quickly approaching. I would like to remind senators, as we also did in the report of the Standing Senate Committee on Official Languages, that this act provides for an independent review within five years of its coming into force, which was on June 21, 2019.

It will be our duty to vigilantly monitor that work to make sure that it is done in accordance with the requirements of the act, and especially in accordance with the principles of the United Nations Declaration on the Rights of Indigenous Peoples. More specifically, our report indicates that this work must be done in the following manner, and I quote:

> In the spirit of reconciliation and decolonization, your committee expects the federal government to meet — and exceed — minimum legal expectations in respecting the governance and self-determination rights of Canada's Indigenous peoples.

[*English*]

The decolonization of Canada's language rights regime, as called for in our Official Languages Committee report, cannot be achieved within the restrictive framework of the Official Languages Act. This work requires adequate time and space, as my colleague Senator Cormier, the bill's sponsor, explained in his speech in reference to Warren Newman, Senior General Counsel, Constitutional, Administrative and International Law Section at the Department of Justice Canada, during his testimony before our committee.

In the context of the development of identity-related legislation, Mr. Newman told us that we must respect the different fields of application and the raison d'être of each act, which shall be interpreted in a harmonious and complementary manner.

These principles of interpretation allow me to be optimistic about the future of Indigenous languages. Official language minority communities will be allies in the cause, knowing full well the role of language in the construction — or even reconstruction — of identity. We are and will remain in solidarity with Canada's Indigenous peoples.

[*Translation*]

This brings me to the decline of French in Canada, and a justifiably asymmetrical approach. This steady decline in the demographic weight of francophones in the country has pushed the government to propose a reform with an asymmetrical approach.

Although this principle has long been recognized in jurisprudence, it has arguably always been theoretical or even unrealistic in its implementation.

A simple reading of the extensive jurisprudence illustrates the systemic unequal relationship between official language minorities and the majority in a given province. Inequalities are worse when the minority language is French.

Along with a remedial nature and a broad, liberal interpretation of language rights, the principle of substantive equality is one of the key principles for interpreting the provisions of Bill C-13.

By proposing this asymmetrical approach, the government is trying to give meaning to the principle of substantive equality between the two languages, knowing that the vulnerability and fragility of the French language in Canada and North America legitimize and justify this approach.

In an article published today in the newspaper *Francopresse*, François Larocque, the University of Ottawa Research Chair on Language Rights, was quoted as saying:

> To achieve substantive, not formal, equality, we need to do more for the more vulnerable side.

He is convinced that:

> . . . the generic reference to the Charter [of the French Language] will not erase more than 40 years of jurisprudence . . . . Principles of interpretation have been established and will not disappear [because of the reference to the charter].

[*English*]

This asymmetry is particularly disturbing for Quebec anglophones, who have many concerns and views diametrically opposed to those of their provincial government. I understand their concerns, as I belong to an official language minority community. Provincial policy can, indeed, be crushing for official language minorities. We must therefore remain vigilant.

During the pre-study, our committee received contradictory testimony and briefs on whether it would be appropriate to include a reference to the Charter of the French Language in the Official Languages Act and in the use of French in federally regulated private businesses act. How, you may ask, do we sort out these positions? It was the other place, really, that decided that question.

• (2010)

[*Translation*]

The grievances of both official language communities in Quebec monopolized proceedings in the other place, which then delayed the bill's arrival in the Senate. The passage of Bill C-13 by the House of Commons was fraught with uncertainty for several weeks, but an agreement on 11 amendments between the Government of Quebec and the Liberal government unblocked this bill.

I respect the legitimacy, urgency and importance of studying and debating these issues. However, the length of the debate on the situation in Quebec definitely limited the legislator's ability to pay equal attention to the linguistic rights of official language minorities elsewhere in the country.

The Senate has been studying this matter for a very long time and we understand it very well. That is fortunate, because otherwise it would have been impossible for us to vote on such a bill, which had many amendments in the other place, after less than eight hours of study in committee.

Esteemed colleagues, you will see that I am satisfied with Bill C-13 and its amendments. I mentioned that in my speech at second reading. However, because I care so much about francophone and minority language rights, I must say how disappointed and displeased I am that the Senate was given a very limited amount of time to study the bill.

We all know it: The end of the session is approaching, and several bills must cross the finish line before the Senate adjourns for the summer. I feel uneasy about studying a bill under these circumstances, particularly one that will have such a major impact on official language minorities and on the survival of a language, a culture and an identity, however pluralistic, diverse and colourful it may be.

As a counterweight to the House of Commons, the upper chamber is mandated to look after the rights and interests of minorities and regions by acting as a chamber of sober second thought. This work complements that of the lower house, which is made up of elected representatives, and where partisanship reigns.

[*English*]

Discussions in the committee in the other place have sometimes given the impression that the understanding of Canadian bilingualism is no more advanced than it was when Hugh MacLennan wrote *Two Solitudes* in 1945. I would hope that this notion is now outdated, and that we aspire to a less divided vision of Canadian society. By listening to each other, understanding each other's grievances and empathizing with the most vulnerable groups, we can counter these tendencies towards divisive identity and language politics.

Despite this dissatisfaction with the process, I would like to express my strong support for this bill, as its adoption is vital to the survival of our communities.

[*Translation*]

In 1997, Justice L'Heureux-Dubé, in the Supreme Court of Canada's decision in *Lifchus*, gave an eloquent metaphor for bilingualism and minority rights by offering a more unifying vision than MacLennan's two solitudes.

She said, and I quote:

> Bilingualism and minority language rights are forever as closely linked as Romeo with Juliet or Oberon with Titania and they must be presented together as a unit.

As I tried to show at second reading, Bill C-13 is of capital importance to the survival of francophone minority communities. Canadian bilingualism is the bearer of the rights of its linguistic minorities.

In a more optimistic spirit, I'd like to share another observation that is in the report of the Standing Senate Committee on Official Languages and has to do with the Official Languages Act keeping vigil.

This allays the concerns I just talked to you about and seems especially important for what comes next. As the Commissioner of Official Languages reminded us during our study in committee, we have a bill that, although imperfect, is very acceptable. Now, it will be important for the government to have an effective and comprehensive mechanism for overseeing the implementation of this legislation.

This mechanism should assess compliance by entities subject to the act with its various provisions and include appropriate indicators, particularly the demographic weight of francophone minorities and the enumeration of the children of rights-holders. This oversight role will be exercised mainly by the Treasury Board, but also by the commissioner, with the support of Statistics Canada primarily through the short-form census.

The Standing Senate Committee on Official Languages could also provide this oversight by inviting the different departments and stakeholders to appear. This will make it possible to provide timely follow-up and identify trends in the demographic weight of francophones and the enumeration of the children of rights-holders.

Esteemed colleagues, the work is just beginning, or, actually, beginning again. However, this time it is no longer utopian and we have a real chance of success. Surviving as a francophone in a minority situation means being constantly vigilant and worrying about preserving one's language from one generation to the next when confronted with the many different pressures to assimilate and to conform to the anglonormativity found across the country.

It could be a lack of services provided in French by an entity subject to the act. However, sometimes and quite often, the injustices are more pernicious and harmful when it comes to health services, the numerous and costly barriers to asserting our rights in court, or the lack of access to a continuum of education in one's mother tongue in one's home region.

On that subject, I would like to quote from the 2020 decision of the Supreme Court in *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*, which reminds us of the raison d'être of section 23 of the Canadian Charter of Rights and Freedoms:

> A school is much more than just a place to pass on theoretical and practical knowledge. It is also a setting for socialization where students can converse with one another and develop their potential in their own language and, in using it, familiarize themselves with their culture. That is the spirit in which the right to receive instruction in one of Canada's official languages was elevated to constitutional status by means of s. 23 of the *Canadian Charter of Rights and Freedoms* . . . .

It's important to give credit where credit is due. The Senate, and in particular the Official Languages Committee, whose chair, Senator Cormier, I congratulate, has laid the foundations for this legislative reform. We successfully presented the organizing principles for a piece of legislation that could effectively reverse the downward trend in the demographic weight of francophones and improve access to education in the minority language, which makes me optimistic for the future of our communities and their survival.

Colleagues, I encourage you to vote in favour of this bill, while recognizing that the process has been imperfect and that, in future, it would be wise to respect the unique role of the upper chamber, which legislates with particular attention to the interests of minorities and the regions.

In closing, please allow me to borrow the words of Yves Duteil in his song *La langue de chez nous*:

> It is a beautiful language with splendid words
> whose history can be traced in its variations . . .
> It is a beautiful language to those who know how to defend it
> It offers treasures of untold richness . . .

Bill C-13 allows us as francophones to take our place, today and in the future, so that we can create a better tomorrow by reaching out to one another. Thank you very much.

Hon. Michèle Audette: [*Editor's Note: Senator Audette spoke in Innu-aimun*.]

I've been looking forward to sharing my love, my emotions, but also my experience as a senator in speaking to Bill C-13, for the substantive equality of Canada's official languages.

I've noticed that you have a great deal of passion for those living in a vulnerable situation, in regions where there's no French at all in downtown areas, where signage is strictly in English. My son lives in Vancouver and I want him to keep speaking French, my granddaughter too, but it is tougher.

I see things across Canada, but I've seen things here too: the passion, the determination, but especially the fear of losing and I understand that. I've tried not to scare you, but I've remained true to myself, true in my approach and in my words. We've all travelled, we've all enjoyed other places. Everywhere we go, the language is the first thing we hear. Sometimes, we notice the difference. It is the language that gives us an identity, a culture, a relationship with the land and also rights, responsibilities, a history, a contemporary life, but also aspirations for the future.

• (2020)

It's the same here in Canada. It's the same here, in this big, beautiful chamber. I'm certain everyone heard the president of Inuit Tapiriit Kanatami in 2018 when he brought out his bill to have Inuktitut recognized as an official language.

It didn't work; it turned into a law for indigenous languages. However, it was important for the Inuit. They are the ones who live in the North but can be found throughout Canada. However, it was decided otherwise.

I try to speak English too, although sometimes it's more like "franglais." Thank you for being patient when I invent words. I can see from the look in your eyes when you don't understand what I've said, but you are patient. Otherwise, I ask someone —

[*English*]

"Can you repeat what you are saying?"

[*Translation*]

That is my day-to-day reality. However, I also speak French. I learned it. As I have already said, my father is the most amazing Quebecer, but my mother is Innu. You will understand that I carry both identities. That is my responsibility. Every time a bill deals with languages, you will hear me say that Innu-aimun is also an official language. However, I haven't gone to court yet, or found a lawyer yet, even though I'm surrounded by lawyers. It is not up to me to take that step, it is up to my nation and the other nations, and it is also up to you.

The international community will also say, and UNESCO will say, that Indigenous languages around the world, and even in Canada, are the vulnerable languages. They can even be classified as being at risk, vulnerable, seriously endangered or quite simply critically endangered.

So I understand you. I felt that you understand me, but we don't have the same rights. That is when we start to wonder how we will bridge the gap and find ways to ensure that our rights can eventually line up.

I don't want to have to keep going to court for that to happen. In any case, it would be too expensive for me, much less my nation. We already have too many cases before the courts.

That duality also inspires me when I look at the bill, because it will defend French, which is extremely important. As for the situation of the English-speaking minority, it is the same for the Naskapi, the Innu and the Cree, who were required to learn English. Mary May Simon was forced to learn English, and she was not allowed to study in French. With what is happening in Quebec, that becomes another legal and systemic barrier. That is yet another concern.

There is also something else I keep thinking about. Maybe someone can clarify. We keep hearing the term "Charter of the French Language." Isn't it just a legal tool to prevent the nations from challenging this issue before the Quebec courts? Some say no and some say yes, so it will be important to consider that perspective in the studies and analyses. Sometimes we do things and then realize later that we need to make adjustments. You know that I'm right about that. However, I know that it is important when a language is in a dangerous or precarious position.

You heard Senator Downe say that he felt as though we missed a historic opportunity to add Indigenous languages to the preamble or to mention it as one of the founding languages. What harm would that have done? I just have 60 amendments on that to present this evening. That was an Innu joke.

All that is to say that I am convinced that this will be added in 10 years. Something tells me that it will be added. There is the Indigenous Languages Act, but it doesn't have the same teeth as the Official Languages Act. The commissioners don't have the same powers at all.

You will tell me that it is not the same, but for me it is, because I am the first in the family to not pass on Innu-aimun. That hurts. It took an inquiry on Indigenous women and girls to once again say, "Let's go. The provinces, territories and Canada need to add our Indigenous languages to their big book of official languages."

Perhaps I will see it happen when I am a ghost haunting the Senate, but I would like to see it happen before that. Right after I was appointed, I met with the minister and I wished her good luck. We talked, and it was very pleasant and friendly, but there were still four things that I said to her. First I said, "Make sure that Indigenous languages are mentioned in the preamble. That is important. Words are important. Words make up paragraphs, paragraphs make up bills and so on."

Then it will have to pass the test under the United Nations Declaration on the Rights of Indigenous Peoples. That part is not a given. I'm not sure, but we will see how the analysis goes.

Then I said to the minister, "I hope you and your team will get involved with the stewards, linguists, technolinguists and lawyers. Go see them and tell them where we can build bridges to make this more effective and to make sure that when I go to a federal organization, I can hear what is happening in my Indigenous language, and of course in English or French as well."

That didn't happen. I'm told that it should be in the Indigenous Languages Act. I'm certain that a balance could have been achieved, if we'd had the time. I was told that we would have the time in this place. I have some time, until 2040, in fact. We'll have the time to thoroughly analyze this. However, I can tell you that for this one, it happened fast, too fast. So much so, in fact, that emotionally, it caused tension between friends and colleagues. I had a hard time with this situation, but I recovered after 24 or 48 hours.

Let's make sure that when we get up and talk about reconciliation, when we talk about royal commissions, when we talk about commissions of inquiry into issues relating to Indigenous women, when we talk about the Truth and Reconciliation Commission, Canadians and the government have ordered us to do these things to give us social projects, particularly regarding languages. How can we harmonize, how can we coexist, how can we ensure that today I'm 17 — even if I'm 51 because of the Indian Act — and that I get the same rights and protections that we're going to give to linguistic minority communities?

I have confidence. I'm patient, most of the time, though not always. However, I will not give up, I will never give up. Some of you know me, but if you don't, let me assure you, I will not give up.

I have no issue telling Mr. Marc Miller or the next minister responsible for Indigenous relations, or the next minister responsible for Indigenous health or economic development, that the government is refusing to translate into an Indigenous language a success story between the nation and the government, the success of a federal department. I think that in this case as well, it should be added to the study to make sure that someone takes responsibility for it. If one day, I disclose something to a commissioner, I hope that the commissioner will have the power to make good recommendations, to ensure that there is no fear when making amendments or making this law more effective.

I hope you'll be back. I hope that one day, we'll manage to ensure that Indigenous peoples are entitled to 5% of music in the eyes of the Canadian Radio-television and Telecommunications Commission, that it will not be considered foreign music, particularly considering that we were the ones who welcomed you when you arrived.

[*Editor's Note: Senator Audette spoke in Innu-aimun.*]

Hon. Senators: Hear! Hear!

Hon. Percy Mockler: Honourable senators, when I was growing up back east, I never would have thought I'd have the opportunity this evening, after many years in politics — whether in the New Brunswick Legislative Assembly or in the Canadian Senate — to take part in the great debate on official languages.

• (2030)

What I am going to do this evening is remind senators of certain events relating to New Brunswick that I have heard about and that occurred across Canada and involved various ministers of different governments.

[*English*]

Honourable senators, I believe that we must remind ourselves. We all know that Canadian nation building was — and still is — an exercise of constant compromise.

It was approximately 56 years ago, in a couple of weeks — in 1967 — that I was exposed to official languages when I met, at the age of 18, Premier Louis Robichaud and he introduced me, "to the dossier of languages, English and French in Canada, Percy."

[*Translation*]

I would like to commend the Honourable Senator Audette, who often speaks about a language for Indigenous people, the Indigenous language, because I also wanted to comment on that file.

This evening, I am rising as a proud francophone and Canadian to speak to Bill C-13, an act for the substantive equality of Canada's official languages.

Promoting French and English and protecting minorities has always been at the core of my political engagement, whether in Ottawa or Fredericton, throughout my career, since I have spent nearly 40 years in various legislatures.

Honourable senators, I would be remiss if I did not quote what two premiers, Louis J. Robichaud, a Liberal, and Richard Hatfield, a Conservative, said in 1968. As Louis J. Robichaud said so well in February 1968, and I quote:

> . . . New Brunswick will become officially and practically a province of two official languages — English and French — within the context of a new national regime . . . .
>
> I am convinced that the course of action to which the government of New Brunswick is pledged will contribute much to the unity and renewal of our nation, even as it will ensure the cultural and linguistic equality of the citizens of this province.

He continued by saying the following, and I quote:

> I think this is a fair bill and if all of us want to treat it fairly, implement it fairly and harmoniously, I believe it will lead to much better understanding in New Brunswick.

I believe that, given what I've heard, seen and read about Bill C-13 tonight, honourable senators, it will lead to better understanding within this beautiful country called Canada. It's a step in the right direction.

Now I'd like to quote former premier Richard Hatfield, who came to power following the Louis J. Robichaud government and with whom I had the honour of serving between 1982 and 1987 when he was the youngest premier in the Legislative Assembly of New Brunswick. I listened carefully to Richard Hatfield and learned from his leadership style. He spoke these words in 1968, but they are still very relevant in 2023. He said, and I quote:

> Our attitude to change should not be one of rejecting the past and the experiences of a century; it should not be one of preserving the past simply because it exists. Our attitude should be to seek out the areas where renewal may be required in the national fabric and institutions.

Honourable senators, Bill C-13 is a step in the right direction. It will also become an important road map for the protection of Canada's two official languages. There's no doubt in my mind that this legislation will help develop our culture and our languages across Canada.

Still, honourable senators, I believe that the true challenge lies ahead for those who will be responsible for the administration and implementation of Bill C-13.

[*English*]

Honourable senators, I want to share with you the history of the two official languages in New Brunswick since 1969.

In 1969, New Brunswick enacted its first Official Languages Act by Premier Louis J. Robichaud.

In 1970 — and this is important to know — Premier Richard Hatfield acted on putting the act in place.

On July 17, 1981, the Legislative Assembly of New Brunswick adopted An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick.

In 1982, the Canadian Charter of Rights and Freedoms was enacted.

Honourable senators, the Canadian Charter of Rights and Freedoms was amended in 1993 to include the principle of An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick.

On June 4, 2002, under the leadership of Premier Bernard Lord, a new Official Languages Act was tabled in the Legislative Assembly of New Brunswick. Three days later, it was passed unanimously. Honourable senators, the new act was much broader in scope than 1969.

The Lord government created the position of the Commissioner of Official Languages for New Brunswick.

[*Translation*]

Colleagues, I would like to make a few comments on Indigenous languages. I would be remiss if I didn't. I noticed that many of my Indigenous colleagues have concerns about the First Nations and Bill C-13.

Honourable senators, I noticed that many questions were raised during meetings of the Standing Senate Committee on Official Languages, and here in the Senate, about the impact of Bill C-13 with respect to Indigenous languages.

Senator Clement and Senator Audette are right to raise concerns. I think the answers given by Minister Petitpas Taylor and the officials in her department certainly allayed — or so I believe — the concerns about Bill C-13. We will need to follow all this closely.

In addition, the Commissioner of Official Languages of Canada and the two ministers answered senators' questions in committee. It should also be noted, honourable senators, that Senator Gold aptly answered the very appropriate questions of this chamber and provided a few clarifications, especially at the constitutional level. Thank you, Senator Gold.

To me, it is clear and definite that the provisions of this bill will not undermine the Indigenous Languages Act. We must continue to rally around the Indigenous peoples to advance the Indigenous Languages Act in our country.

Honourable senators, over the past few years we have supported the United Nations Declaration on the Rights of Indigenous Peoples Act.

Honourable senators, we have also supported the Indigenous Languages Act, which came into force on June 21, 2019.

Honourable senators, an independent review of this act must be held every five years, hence this year.

There is no doubt in my mind that we, the people of Acadia, my Acadian brothers and sisters, stand in solidarity with First Nations and will be pleased to work and collaborate with them to improve the Indigenous Languages Act.

• (2040)

Honourable senators, I am honoured to have the opportunity to congratulate the Standing Senate Committee on Official Languages for its dedication and tenacity in completing the study of Bill C-13. This bill was recently passed by our colleagues in the other place by 300 votes in favour to one against. They showed great leadership in representing Canadians living all across the country.

Honourable senators, I would also like to bring to your attention the fact that the sponsor and the critic for Bill C-13, Senator Cormier and Senator Poirier, who are deeply committed to this bill, are originally from New Brunswick. We are proud of their compassion.

[*English*]

Senator Cormier and Senator Poirier, you have delivered compelling, convincing and forceful arguments on Bill C-13.

[*Translation*]

Minister Petitpas Taylor is also from New Brunswick. Thank you to all three of you. Thank you for your national vision for official languages in our country.

In conclusion, colleagues, I ask you to stand in solidarity with Acadians, Brayons and Canada's francophone community by supporting this bill that will help us modernize our institutions and take another step towards developing our future official languages.

As a parliamentarian, I have always respected Quebec's role in the Canadian francophonie, not just here at home in Canada, but across North America as well.

Honourable senators, I always ask myself these two questions: What would I do? What does that mean? Here are the answers to other questions I ask myself: Is the bill a step in the right direction? The answer is yes. Could the bill have gone further? The answer is yes. Will Acadian francophones be better off with this legislation than without it? The answer is also yes. Will the bill slow the decline of French in Canada? Let's hope so.

I firmly believe that several of the actions and measures that will be taken will depend on the implementation of the bill, particularly the regulations and the powers of the Commissioner of Official Languages. It is in that spirit that I participated in the work of the committee. I am asking you to support Bill C-13, because it is a roadmap for our children and grandchildren and for the future of Canadians in general, from coast to coast to coast.

Honourable senators, we are headed in the right direction. Thank you.

[*English*]

Hon. Bernadette Clement: Honourable senators, I rise to speak to Bill C-13, which is a bill that francophones across Canada have been waiting for — for years.

I want to thank the sponsor, Senator Cormier, and the critic, Senator Poirier, as well as my colleagues at the Official Languages Committee.

Thank you to the witnesses, the groups who submitted briefs and the support staff. This has been a long time coming. I agree with Senator Mockler; a lot of good work has been done here.

This bill modernizes the Official Languages Act. It creates a much-needed immigration target to support minority francophone communities. It gives the Commissioner of Official Languages much-needed expanded powers. It gives the President of the Treasury Board a clearer leadership role — one that francophone organizations have long advocated for.

[*Translation*]

I am francophone. I have roots in Quebec, Ontario and Manitoba. I have had the privilege to live, work and study in my mother tongue. I have longstanding professional ties to many of the witnesses and advocates who contacted the committee during the pre-study of the bill.

Being a member of the francophonie is at the heart of my complex identity.

[*English*]

I support Bill C-13.

But — and you knew there was going to be a "but" — we have missed an opportunity to take this one step further: to lean into our obligations and commitments to Indigenous people and to our country.

Politics is personal. This issue is personal to me. This is about the relationships I've been building with incredible advocates, teachers and leaders over the last few years.

This all started with a meeting with the Commissioner of Indigenous Languages, Ronald Ignace, as well as the Directors of the Commission, Robert Watt, Georgina Liberty and Joan Greyeyes. I wanted to know how I could support the work of this newly created office.

In truth, I was hoping for some direction. I knew that the protection, promotion and revitalization of Indigenous languages was important to me. But I wasn't sure how I could best be useful.

It became very obvious — quite quickly — that the commissioner and directors weren't going to give me a roadmap to allyship.

They told me to go ahead and do the work that I needed to do. And that's when I knew that I would make mistakes; I would say the wrong thing and do the wrong thing. But I knew that the fear of making mistakes shouldn't hold me back, and shouldn't stop me from doing my best to be an ally.

That first meeting has led to so much of my work since then.

[*Translation*]

The Indigenous Senators Working Group welcomed me to one of their meetings, where we discussed my desire to study the dynamics and relationship between official languages and Indigenous languages at the Standing Senate Committee on Official Languages. They listened to me attentively and respectfully. I very much appreciated the time I was given to have that conversation.

[*English*]

Then, last summer, I visited the Akwesasne Language Centre, the Akwesasne Freedom School and the Native North American Traveling College — those are just some of the institutions in Akwesasne that are protecting, nurturing and promoting the Mohawk language in an innovative, enthusiastic and effective fashion.

I met with Donna, Alice, Theresa, Dorothy, Mary, Joanna, Alvera, Rebecca, Kahente, Iakonikonriiosta and Nanci.

[*Translation*]

I learned about their work translating and creating music videos, school curricula, posters, books and websites in Mohawk. I happened to see a children's summer camp that helps young people make connections between geography and their language, by linking place names in Mohawk.

I heard that their difficulties are often caused by a lack of funding and space.

[*English*]

I told these new colleagues about my story and what I hoped to accomplish in the Senate.

In February, I hosted these very same groups, plus some new friends, and valued members of the Mohawk Council of Akwesasne, including Grand Chief Abram Benedict, at the Senate. I was honoured that they travelled to Ottawa for the visit, and I was honoured that Senator Francis was able to join us.

We had a powerful discussion about their work, and about my work. They asked questions that I brought back to my consideration of Bill C-13. These questions included the following: Can we use the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, to strengthen the laws protecting Indigenous languages? What can Indigenous people do to make their voices heard? How can our Indigenous language remain truly ours if it's enshrined in Canadian law? Do we trust government? What do we risk when we've already lost so much?

I had the chance to ask questions too, including whether I've been pronouncing *nia:wen* — thank you — correctly after all of these years.

It was an honour to show my guests the brass plate outside of my office. Some of you may know that there was no plaque at my office door for about a year and a half. It was important to me that the plaque reflect Canada's reality, reflect my reality as a senator from eastern Ontario whose city is on traditional Mohawk territory.

• (2050)

I wanted the words "senator" and "Ontario" in Mohawk added to my plaque. Honourable colleagues, I'm not Indigenous, but I am an ally. I don't speak Mohawk, but I advocate for Mohawk speakers. I have had the right to my mother tongue throughout my life. I can still advocate for those who have not.

It was not an easy process to add Mohawk to my plaque. Luckily, precedent has been set by MP Lori Idlout and Senator Michèle Audette. I was able to honour my home community on my plaque because others blazed a trail before me. The plaque represents language plurality, solidarity and my commitment to collaboration.

By the way, I have heard that other colleagues, Senators Pate and Francis, are exploring this too. I applaud them.

Thanks to the work of translators in Akwesasne, my plaque says, "Ierihwakétskwas," she who raises matters. I love it. It is my responsibility to raise this matter: Indigenous languages deserved attention, airtime and amendment in Bill C-13. No witnesses appeared before committee to discuss Indigenous languages, though some organizations and individuals appeared on the proposed witness list.

Two organizations even submitted briefs to the House of Commons Committee on Official Languages: the Assembly of First Nations and the First Nations Summit. They argued that official languages policy — a colonial policy — has real impact on their communities.

I'm going to give you an example of those barriers and of that impact. The list is not exhaustive. We will only truly understand the full context once proper study has taken place.

First of all, only English and French languages have guaranteed use in the business of Parliament. Translation and publication of proceedings in Indigenous languages are not enshrined in law.

Secondly, any positions in the public service require knowledge of both official languages. Many Indigenous people have not had the opportunity to learn both and, in fact, oppose the expectation that they should learn not one but two colonial languages. This creates barriers for full participation in and promotion within the public service.

Plus, we know that many schools in Indigenous communities do not receive equitable funding. If students do wish to learn English or French as a second or third language, there are often insufficient resources to do so.

Finally, the Indigenous Languages Act does not benefit from the enforcement provisions entrenched in the Official Languages Act, or OLA. This is just a sampling. We must take time to discuss that impact at the Senate soon.

[*Translation*]

What strikes me, however, is the parallel between official language minority communities and Indigenous communities. I will quote the briefs submitted by the Assembly of First Nations and the First Nations Summit, and I suspect that francophones outside Quebec and anglophones within Quebec will recognize themselves in these words: "Language is essential to health, well-being and prosperity."

This will also resonate with them: "Our languages are fundamental to our nations and our histories."

I am not suggesting that Indigenous people and official language minority communities have had the same experience. Far from it. The reason why I am pointing out these connections is that francophones have fought and are still fighting to preserve and protect their language. Each of these communities are familiar with and share the pain of losing a language, and I hope that they will unite in the fight for the preservation of language.

I think that we are stronger when we work together, and I think that establishing connections between all of these communities will help us to develop and implement a better language policy for everyone.

[*English*]

Senator Audette and I, in collaboration with Senator Greenwood, proposed amendments to Bill C-13, amendments that would insert a reference to the United Nations Declaration on the Rights of Indigenous Peoples, that would acknowledge that Indigenous languages are this land's first languages and would mandate the Treasury Board to explore ways to promote and use Indigenous languages in the public service.

All were defeated.

I've been asked before and I'm sure I'll be asked again: Why are we talking about Indigenous languages in a bill about official languages?

[*Translation*]

My friend Senator Audette spoke eloquently on this subject on Monday evening. She said, and I quote:

> We are talking about official languages, which are French and English, but speakers of Indigenous languages were not even able to participate in the debate to say that they, too, are part of this great country's official languages.

[*English*]

Our conversations about official languages must include Indigenous languages, this land's first, founding, original languages. They must include Indigenous language experts, leaders and knowledge keepers. This is a question of respect, acknowledgement of history and of current-day impact. I should mention that the Indigenous Languages Act and the Commissioner of Indigenous Languages are huge markers of progress.

The work that is being done, that will be done thanks to that legislation — and that commission — will have a major impact. But progress should not be limited there and it should not stop us from exploring how the realities of official languages policy and Indigenous languages interact.

[*Translation*]

I respect the context of our study of Bill C-13. Francophone communities have been waiting for years for Canada's language regime to be updated and, as a francophone, I too have been waiting for years. That is where the intersectionality becomes painful: I have to find a balance between my heritage and my need to be an ally.

I hear the sense of urgency and I didn't get in the way, but I hope that we have opened the door to other conversations, not only in the Standing Committee on Official Languages, but also in the Senate and in the activities we lead in our communities.

[*English*]

I want to quote from the observation prepared by Senators Greenwood, Audette and myself:

> Indigenous peoples in Canada, with their unique histories and experiences, expect the Government of Canada to fulfill its commitments to them as set out and agreed to in the *United Nations Declaration on the Rights of Indigenous Peoples Act*, in the Truth and Reconciliation Commission's Calls for Action, in the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice, and in the *Indigenous Languages Act*.
>
> The OLA does not exist in a silo. Every piece of legislation passed by Canada's Parliament is an opportunity for truth, reconciliation, and action, and for a departure from harmful colonial policies.

Every bill is an opportunity for reconciliation. No bill, no policy exists in a silo. We all have home communities on traditional Indigenous territory. We all have opportunities to build relationships. I promise to continue to do that. Let's work on this together.

Thank you, *nia:wen*.

Hon. Margo Greenwood: Thank you, Your Honour, and congratulations on your new role.

Honourable senators, I have a memory from my youth that I want to share with you this evening.

It was on a sunny afternoon, an Alberta afternoon. I came in from playing outside and found my father sitting at the kitchen table writing his name over, over and over again. I could see his signature on the page multiple times. I asked him, "What are you doing?" And he said, "I write good English."

I have often thought of this memory, and it makes me sad.

My dad only had a Grade 6 education, we think. Life and school taught him not to communicate in his first language, Cree. My dad believed that this was what was best for his own good. My dad believed speaking good English meant the safety of his children.

My dad never taught me to speak Cree. The colonial experience had achieved its goal.

• (2100)

Honourable senators, I am —

[*Editor's Note: Senator Greenwood spoke in an Indigenous language*.]

— from Treaty 6. I share my Indian name with you so that you might know from where I speak. I rise today for the first time —

Hon. Senators: Hear, hear.

Senator Greenwood: — since I have been appointed to this honourable chamber.

I begin by acknowledging the ancestors and unceded territories of the Anishinaabe Algonquin peoples. I express my gratitude for the privilege of working and living on their lands.

I also acknowledge the many people who have supported me on my journey to the Red Chamber. It was only with the love of my family, my community, my friends and colleagues that I am here today.

I rise today to address Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts. I recognize the committee and all those who worked so hard to shape this bill.

I also want to personally thank Senator Audette and Senator Clement for their championing of the rights of Indigenous peoples in this bill.

With much of what I'm going to say tonight, I am probably repeating what you have already heard, but so be it.

Esteemed colleagues here have spoken about the importance of language to their culture and their way of life.

During an earlier debate on this bill, Senator Cormier shared a quote from the Supreme Court of Canada's ruling on *Ford v. Quebec*:

> Language is not merely a means or medium of expression; it colours the content and meaning of expression. . . . It is also the means by which one expresses one's personal identity and sense of individuality.

These words from the ruling are quite moving. The ruling goes on to state:

> . . . there cannot be true freedom of expression by means of language if one is prohibited from using the language of one's choice.

Honourable senators, I am here to add to this discussion. There is a richness of linguistic diversity across the lands now known as Canada. Yet not all languages hold the same privileges and protections. This hierarchy lays bare an injustice. Parliament and, by extension, the Senate created many injustices in our nation's history. The Senate has also fought to address these injustices.

I believe our job in the Senate is to address injustice whenever possible. It is one of the reasons that I am here. Addressing the injustice of privileging some languages over others affords us such an opportunity.

I want to take a moment to reflect on the nature of language. Language is a manifestation of how we think and how we are in the world. Language shapes our realities. Language is culture. Language transmits our ways of knowing and being across the generations. Language creates profoundly different worldviews.

Many Indigenous languages are rooted in ever-evolving verb-based relationships. These are relationships between humans and the natural world. These relationships are sacred. They are

relationships characterized by specific sounds, by silence and by mindful words reflective of the land in which Indigenous languages have always been rooted.

Imagine the sound of the great blue heron as she rises from the water. Imagine the sound of the high-pitched whistle of the eagle soaring overhead, the rustle of icy cattails in a spring wind and the sharp yip of the coyote.

These sounds are embedded in Indigenous languages. Our sounds embody the relationship between humans and the land. These specific sounds are unique to specific places and spaces. These are the places and spaces of Turtle Island.

Our languages are the first languages of this land of Turtle Island. But these first languages are in crisis. We are in a moment of losing many Indigenous languages across Turtle Island. When a language is lost, so too is a way of knowing and being in the world lost.

Colonization is responsible for this loss. This bleak history is shared by everyone across Turtle Island. Even before Confederation, generations of Indigenous children and families were exposed to the eradication of their languages in residential and day schools. Often, children were beaten for speaking their language.

Indigenous peoples do not have the privilege of having their languages recognized as official languages in their own lands. Recently, Canada has taken important steps toward reconciliation. There have been apologies for residential schools. In 2015, the Truth and Reconciliation Commission released its Calls to Action, which called upon the federal government ". . . to acknowledge that Aboriginal rights include Aboriginal language rights."

In 2019, the Indigenous Languages Act received Royal Assent and recognized Indigenous languages as the first languages of the land. That same year — and Senator Audette will know this — the National Inquiry into Missing and Murdered Indigenous Women and Girls released its final report and Calls for Justice. Call for Justice 2.2 states:

> We call upon all governments to recognize Indigenous languages as official languages, with the same status, recognition, and protection provided to French and English. . . .

In 2021, Canada adopted the United Nations Declaration on the Rights of Indigenous Peoples. UNDRIP has many articles regarding Indigenous languages.

This brings us to today. This brings us to the efforts of fellow parliamentarians to further the cause of reconciliation. Bill C-13 acknowledges the richness of linguistic diversity. But not all languages hold the same privileges as official languages. The Official Languages Act does not exist unto itself.

Every piece of legislation that passes through this chamber is an opportunity for truth, reconciliation and action. Every piece of legislation that passes through this chamber is an opportunity for a departure from harmful colonial policies of the past. Bill C-13 offers us an opportunity to address some of these policies. Bill C-13 recognizes the existence of Indigenous languages but, unlike the Indigenous Languages Act, does not acknowledge them as first languages. Senators tried to amend Bill C-13 to mirror this acknowledgement. This would have been an important step to advance reconciliation. Unfortunately, this amendment was defeated.

• (2110)

There were also proposed amendments to recognize Canada's commitment to the United Nations Declaration on the Rights of Indigenous Peoples. The United Nations Declaration on the Rights of Indigenous Peoples Act, or UNDRIP Act, provides a road map for the Government of Canada and Indigenous peoples to work together to implement the declaration. The UNDRIP Act has numerous articles detailing the importance of Indigenous languages, like Article 13, which states:

> 1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

This UNDRIP Act was designed to ensure that all federal laws are consistent with the declaration. Unfortunately, this proposed amendment was also defeated.

There have been many arguments that instead of amending the Official Languages Act, we should amend the Indigenous Languages Act. The Official Languages Act must not be siloed from goals of reconciliation. Amending the Official Languages Act could strengthen the use of Indigenous languages here in Parliament. Amending the act could strengthen the use of Indigenous languages in public service. As well, amending the act would let Canadians know that the government takes seriously the advancement of reconciliation.

Implementing Call for Justice 2.2 — recognizing Indigenous languages as official languages with the same status and protection provided to French and English — is a fundamental step toward reconciliation. I hope you do see it, Michèle, in your tenure here and mine. By elevating Indigenous languages, we are not removing French or English. That is not the point as official languages. But by elevating Indigenous languages, we are removing some of those barriers to reconciliation.

It is my responsibility as a senator to further the cause of reconciliation whenever possible, including today and every day.

Where do we go from here? I extend to you an invitation. If senators truly believe that Bill C-13 is not the appropriate bill to amend, and should it be passed, then I invite you as parliamentarians to expedite legislation with me that will create true equality for Indigenous languages of these lands.

Honourable senators, I thank you for giving me this time and I would like to leave you with a final quote from the commissioners of the Royal Commission on Aboriginal Peoples:

> Canada is a test case for a grand notion – the notion that dissimilar peoples can share lands, resources, power and dreams while respecting and sustaining their differences.

> The story of Canada is the story of many such peoples, trying and failing and trying again, to live together in peace and harmony.

I look forward to continuing to work with you, my fellow senators, on achieving that justice.

Hiy hiy.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Rose-May Poirier: Honourable senators, I rise today at third reading as critic for Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

I'd like to begin by thanking my colleagues on the Standing Senate Committee on Official Languages, who worked very hard during our pre-study and study of the bill.

We have a great working relationship on the committee, and I'm proud of all the work we've done together for Canadians. Colleagues, now that we're at third reading, I'd like to focus a little more on some of the concrete amendments that Bill C-13 proposes to the Official Languages Act, as well as the new use of French in federally regulated private businesses act.

As I said in my speech at second reading, the last major amendment to the Official Languages Act was in 1988. Even at that time, 17 years after the passage of the Official Languages Act, the need for revision was already apparent, as indicated in the Speech from the Throne at the opening of the Thirty-third Parliament:

> Official bilingualism is an essential part of our national identity. Seventeen years after being passed, the Official Languages Act now needs to be revised. Legislative measures will therefore be proposed to you during the session, with a view to making the act consistent with the provisions of the Canadian Charter of Rights and Freedoms.

Here we are, 35 years after the Mulroney government's commitment and the successive revisions, with the opportunity to strengthen the Official Languages Act and continue the march toward the substantive equality between French and English. In September 1969, on a Radio-Canada program hosted by Simon Durivage, the coming into force of the Official Languages Act was being discussed and people were already pointing out that there was a long way to go between interpreting the law and applying it.

The fact is that today, 53 years later, we have not gotten all the way there, and Bill C-13 is proposing a way for us to get closer to this objective.

[*English*]

Let me begin, honourable colleagues, with the coordination of the Official Languages Act. As some of you may know, stakeholders have been asking for years to have a clear and better coordination of the act. Like I said in my second-reading speech, the consensus was built around having the Treasury Board in charge of the coordination. But how we got there is not as simple as one would think.

In their white paper entitled *English and French: Towards a substantive equality of official languages in Canada*, the government seemed to take the engagement of having the Treasury Board as the department responsible for government-wide coordination. On page 26, a legislative proposal reads:

> Strengthen and expand the Treasury Board's powers, notably the power to monitor compliance with Part VII of the Act as appropriate, by providing the Treasury Board Secretariat with the necessary resources so that it assumes the role of a central body responsible for ensuring the compliance of federal institutions and by examining cases where permissive provisions would be made mandatory.

When Bill C-13 was introduced, the government-wide coordination was entrusted to the Minister of Canadian Heritage, in spite of the government's own commitment to hand it to the Treasury Board. It was mind-boggling how, after the majority of stakeholders — including your committee — recommended to the government that it put the Treasury Board in charge of the coordination of the law, the government decided not to follow suit. Thankfully, the committee in the other place made sure the government respected its own engagement from its white paper by amending Bill C-13.

[*Translation*]

Colleagues, I would like to give a concrete example of why we need to strengthen the Treasury Board. In 2017, the government created the Canada Infrastructure Bank. However, from the moment it was created, there was a lack of leadership to ensure that this institution was knowledgeable about its linguistic commitments in terms of serving the public in both official languages.

As the Commissioner of Official Languages said in his 2018-19 annual report:

> All of the players at the table must be active supporters and participants in order to achieve the Act's objectives and advance official languages. The Commissioner therefore urges the Treasury Board Secretariat to increase its involvement by providing ongoing guidance to federal institutions—and especially to newly created ones that are still unfamiliar with their language obligations . . . .

• (2120)

As you can see, the commissioner is encouraging the Treasury Board Secretariat to play a more active role in federal institutions. That again brings me back to the subject of leadership, which I talked about in my speech at second reading. Since Treasury Board was given the responsibility of coordinating the Official Languages Act, it will be able to exercise stronger leadership. The language will be clearer. We discussed this when the Minister of Official Languages, the Honourable Ginette Petitpas Taylor, and the President of the

Treasury Board, Mona Fortier, appeared before the committee. Treasury Board will play that role, while Canadian Heritage will continue to do more of the work on the ground.

However, there are still concerns, as demonstrated by the following observation from the report of the Standing Senate Committee on Official Languages, which states, and I quote:

> However, your committee notes that several witnesses, including the Commissioner of Official Languages, stressed the importance of having the federal government devise an effective and comprehensive mechanism for overseeing the OLA's implementation. This mechanism should assess compliance by entities subject to the OLA with its various provisions and include appropriate indicators, particularly the demographic weight of francophone minorities and the enumeration of the children of rights-holders.

That observation clearly indicates to the government what the committee and minority language communities expect. It is imperative that the government be able to properly assess the implementation of the act so that we can make any necessary adjustments when it is reviewed in 10 years.

[*English*]

Furthermore, Part VII of the act has been contested many times in court. To summarize, Part VII details that the government must take positive measures to promote the vitality of English and French linguistic minority communities. And that is where the problem lies: the lack of details on what a positive measure is and how the government is to undertake a positive measure. Again, this was a section where clarity was needed for stakeholders to understand what to expect from the federal government and what the obligations of the federal government are.

When discussing Part VII of the act, I believe it is important to remind ourselves of the commitment of the federal government to:

> enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and
>
> fostering the full recognition and use of both English and French in Canadian society.

The commitment by the federal government is amended, but only in the area of taking into account the uniqueness of all linguistic minorities in Canada. The culture and reality of francophones living in Halifax, Nova Scotia, will be quite different compared to anglophones living in Sherbrooke, Quebec, and their respective realities and culture will be different compared to the francophones living in Manitoba. But what this section also says is what they have in common, which is the federal government's commitment in enhancing their vitality.

How will the federal government enhance the vitality of linguistic minority communities? It does so with the application of positive measures. With Bill C-13, the amendments to Part VII of the Official Languages Act list sectors in which positive measures may:

> support sectors that are essential to enhancing the vitality of English and French linguistic minority communities, including the culture, education — from early childhood to post-secondary education — health, justice, employment and immigration sectors, and protect and promote the presence of strong institutions serving those communities.

Going forward, the government should have a clearer indication on which sectors are essential for our vitality. Furthermore, the committee in the other place reinforced provisions for consultation requirements. Bill C-13 now proposes that positive measures taken by federal institutions must be based on analyses that are the result of dialogue, consultation and research activities, and these dialogue activities must allow for the priorities of English and French linguistic minorities to be taken into account.

Like I mentioned in my second reading speech, Bill C-13 amends Part VII of the law to insert the government's commitment to section 23 of the Canadian Charter of Rights and Freedoms, which is the right of children to receive their instructions in the language of the English or French linguistic minority population of a province or territory.

Combining that commitment with the sector of early childhood education to post-secondary education as a sector essential to enhancing the vitality of English and French linguistic minority communities gives hope for linguistic minorities in Canada that the federal government is getting closer to fulfilling their minority language educational rights.

[*Translation*]

Finally, a key element was added to Part VII, namely the provision pertaining to language provisions when the federal government negotiates with provincial and territorial governments. All too often, anglophone and francophone minority communities are forgotten in intergovernmental agreements. A recent example I can think of is that of the child care agreements the federal government signed with the provinces.

At the June 5, 2023, meeting of the Standing Senate Committee on Official Languages, my colleague, Senator Mockler, asked Liane Roy of the Fédération des communautés francophones et acadienne du Canada a question to which she replied the following:

> It is already being done in negotiations. However, if we had to do it again and if we had Bill C-13 as it is currently drafted, during the negotiations between officials of the different provinces, territories and the federal government, there would be discussions to establish if these provinces and territories had consulted the communities to determine what should be in these child care agreements. Do we know the number of child care centres? Do we have the right

numbers to determine funding that should be allocated to the communities? This applies to both groups, that is anglophones in Quebec and francophones outside Quebec.

This concern has already been expressed in my province of New Brunswick.

As part of the agreement between the province and the federal government to lower the cost of child care services, the provincial government decided to create 1,600 spots for the anglophone sector and 300 spots for the francophone sector. That is a major difference that does not in any way represent the demographic weight of the linguistic communities.

A low-income francophone family might have to make the heartbreaking choice between paying more to have their child start school in French and paying a reasonable price to start school in English.

With strong federal leadership, the agreement would have allowed the statistics from the 2021 census to be used and the demographic weight to be respected.

[*English*]

It is clear, honourable colleagues, that in its negotiation with the provinces, the federal government needed to do more to ensure that linguistic minorities had at least a fair share of funding. The federal government shall take the necessary measures to promote the federal government's commitment to enhancing vitality of communities and fostering English and French, protecting and promoting French and in advancing opportunities for members of English and French linguistic minority communities to pursue learning in their language.

With all of these improvements in Part VII of the law, I do believe the federal government's roles and responsibilities are a bit clearer. The consultation mechanism is stronger, and it goes beyond just consulting — it intends to establish a dialogue with the linguistic minority communities. It is not only to be a check mark when consulting; it will be in maintaining a dialogue. The strength of the dialogue will be determined by the government's involvement because, without a doubt, the linguistic minority communities are always willing to have constructive dialogue.

How will these new amendments work if Bill C-13 becomes law? I have to return to an important element from my second reading speech, which is federal leadership. The strength of Part VII of the act, the reach that it has and the impact it could have relies on the federal government's leadership to apply the provisions. If history has taught us anything, when you are a linguistic minority in Canada, you must rely heavily on the courts to validate and confirm your rights. Too often, linguistic minorities must turn to the courts to validate their rights, and to have the federal government respect its own laws and commitments. How many resources have been spent in the courts when they could've been spent elsewhere — if only the language were clearer, and if the federal government had shown better leadership?

• (2130)

That was, in my opinion, a major issue when it came to Part VII of the Official Languages Act. The federal government and its institutions were unable to fully understand the expectations of linguistic minorities and their own duty. They did not know what a positive measure was, and the language was vague. I sincerely hope the federal government will take its commitment seriously, and avoid forcing linguistic minority communities to turn to the courts. Court cases are expensive for all parties involved, and, at the end of the day, whether the government is right or the linguistic minority communities are right, it is the vitality of English and French that loses.

[*Translation*]

However, the Commissioner of Official Languages would have more tools at his disposal to ensure that federal institutions meet their language obligations. For example, following an investigation, the commissioner could enter into a compliance agreement with an institution if he deems that it is not meeting its language obligations. This kind of power will make it easier for the commissioner to enforce the Official Languages Act. It also gives him the opportunity to educate any federal institution that fails to meet its obligations. The commissioner could steer them in the right direction so that they comply with their language obligations. I hope that this expanded power will improve federal institutions' compliance with their language obligations.

Finally, there is an important addition to the commissioner's powers: administrative monetary penalties. It is important to note that this system of administrative monetary penalties is specific and limited to cases where the institution has duties under Part IV of the act, which covers communications with and services to the public, where the institution operates in the transportation sector, and where the institution "engages in communications with and provides or makes available services to the travelling public."

Furthermore, this power is used as a last resort. Before imposing a monetary penalty, the commissioner must propose a compliance agreement. The objective of the complaint must not have already given rise to an administrative monetary penalty. There's also a time limitation: no more than two years after the commissioner was informed of the facts or no more than three years after the date of the complaint.

[*English*]

Honourable senators, this part of my speech summarizes the major amendments — in my opinion — to the Official Languages Act. These are the amendments that could have a direct impact on the vitality of linguistic minority communities. The second part of my speech will focus on the process used by the government, as well as the concerns we heard regarding the bill.

Part 2 of Bill C-13 proposes a new act: the use of French in federally regulated private businesses act. This new act will introduce a new concept in language rights: a strong francophone presence. On one hand, Part IV of the Official Languages Act sets out the obligations where there is significant demand, and, on the other hand, the new act sets out the obligations for "regions with a strong francophone presence."

As per a brief submitted by Air Canada, it will certainly cause confusion for employers, as well as employees. And what is a "strong francophone presence"? Your guess is as good as mine, honourable senators, because that will be determined after the bill receives Royal Assent.

As much as I will always agree with the advancement of French and English in Canadian society, I will always have a hard time when so many orders-in-council and regulations are to come into effect after a bill receives Royal Assent. When the committee conducted its pre-study of the bill last year, we heard concerns regarding the reliance on regulations in Part 2 of Bill C-13.

For witnesses — such as Reno Vaillancourt from FETCO, which is short for Federally Regulated Employers – Transportation and Communications — many questions remained unanswered. What is a region with an important francophone presence? Which criteria will be used to determine the new definition? These types of questions are concerning for employers, leaving them in the unknown.

[*Translation*]

For us legislators, it is harder to understand the bill we are studying. I understand that sometimes, the government has to leave room through regulations. However, for something as important as the concept of regions with a strong francophone presence, which is at the very heart of the use of French in federally regulated private businesses act, it makes our work more difficult. It is also difficult for the witnesses to give us a clear opinion on the bill, because the concept is not yet clearly defined.

That is not just a problem in Part 2 of Bill C-13, but also when it comes to adopting a policy for francophone immigration outside Quebec. Even though such a policy is mentioned in the act, the act does not specify when the policy will be adopted, what it will contain or when it will be put in place. For those who don't know, the Official Languages Act already contains a number of provisions through which the government can create regulations. Before the modernization process began, stakeholders had been asking the federal government for years to adopt regulations regarding Part VII, as indicated in the act.

I'm still not convinced that making regulations under the Official Languages Act or issuing orders in council is the way to go. It would have been better if the government had imposed a 12-month timeline for adopting the policy for francophone immigration outside of Quebec. It will take time for such a policy to have any effect. It's not a magic wand that we can wave to restore the demographic weight of francophones, and it can't guarantee the successful arrival and retention of newcomers in francophone communities outside Quebec. It will take time before we see the effects. The longer the government waits, the more difficult it will be for francophone communities outside Quebec to regain their demographic weight.

[*English*]

Finally, I must mention my disappointment in the Liberal government for bringing Bill C-13 to us so late in the year, forcing us — as a chamber — to rush to approve the bill. The Standing Senate Committee on Official Languages began its study on the modernization of the Official Languages Act six years ago in 2017. Common sense would suggest that we should have leaned into our expertise once the bill arrived in order to see how it could be improved. Sadly, it did not. Our anglophone colleagues from Quebec are asked to trust the government's judicial opinion on including Quebec's Charter of the French Language in the Official Languages Act, while francophone communities outside of Quebec must accept Bill C-13 as a fait accompli in order to avoid the risk of losing the gains from Bill C-13. It is disappointing to see how the modernization has unfolded. When we first started this study in 2017, I did not envision a process where people would be divided. Uniting people is at the basis of bilingualism and linguistic duality, and, in my opinion, the government failed in that regard.

Honourable senators, if Bill C-13 is adopted, the work across the federal government begins. It will take time, it will take dialogue, it will take adjustments and it will take patience and understanding, but, at the end of the day, with strong federal leadership, bilingualism and linguistic duality in Canada can be strengthened for generations to come. The vitality of French and English linguistic minority communities depends on the efficiency of the federal government to respect the Official Languages Act.

[*Translation*]

When I say that the vitality of linguistic minority communities depends on the Official Languages Act, I'm not exaggerating, and my own background is a perfect illustration of that. I was born into a francophone family living in an anglophone community. This meant that I had to begin my schooling in English. When I started grade 9, we moved to Saint-Louis-de-Kent, where there was a French-language school. However, since I had already started my schooling in English, it was easier just to finish it in English. I never learned to read or write in my mother tongue at school. That happened later, once my daughters started school in French. It is crucial that every child has the opportunity to begin their education in their mother tongue, whether in English in Quebec or French outside Quebec.

Could the process leading to the passage of Bill C-13 have been different? I think so. The government missed an opportunity to capitalize on our sober second thought by forcing us to rush this bill through. Improvements could have been made now, although I'm sure they'll be proposed in 10 years' time, during the review of the act. Even if these improvements are made, the effect will not be felt for another five years. A change like the one that MP Joël Godin proposed, to enumerate the rights-holders instead of estimating the number, could set linguistic minority communities back 15 years.

• (2140)

[*English*]

As a senator, my duty is to be a voice for my people, the Acadians from New Brunswick, who, even in the only officially bilingual province, are a linguistic minority. At every generation, our vitality becomes more and more fragile. The case is the same for every linguistic minority community across the country. No province, territory or linguistic group can avoid it.

I take issue with the way the government handled the process for the modernization of the Official Languages Act. This should be a time to celebrate our commitment to bilingualism and linguistic duality. However, I cannot allow their mishandling to delay the modernization of the Official Languages Act. They've been waiting 35 years, and I encourage all senators to support their respective linguistic minority in their own province or territory by supporting bilingualism and linguistic duality tonight through Bill C-13.

[*Translation*]

In conclusion, honourable senators, just as I did at second reading, I support Bill C-13, An Act for the Substantive Equality of Canada's Official Languages. I have some reservations about the government's approach, and the regulations and orders in council don't inspire me with confidence.

However, it is a step forward for minority francophone and anglophone communities.

It is significant that the federal government is recognizing the education continuum, and these gains could make a real difference.

The success of all these measures depends on the leadership of the federal government. We don't want to see any more lawsuits forcing the government to uphold its language obligations. Instead, we want a government that listens, that is committed and that supports the promotion of bilingualism and linguistic duality in the cultural mosaic that is Canada. Thank you.

Hon. Senators: Hear, hear!

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

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

And two honourable senators having risen:

[*English*]

Is there an agreement on a bell? I did not hear a "no."

Some Hon. Senators: Now.

Senator Plett: Now.

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

YEAS
THE HONOURABLE SENATORS

Arnot	Jaffer
Ataullahjan	Klyne
Batters	Kutcher
Bernard	LaBoucane-Benson
Boehm	MacAdam
Boisvenu	Manning
Boniface	Martin
Burey	McPhedran
Busson	Mégie
Cardozo	Miville-Dechêne
Carignan	Mockler
Clement	Moncion
Cordy	Moodie
Cormier	Omidvar
Cotter	Osler
Coyle	Patterson (*Nunavut*)
Dagenais	Patterson (*Ontario*)
Dasko	Petten
Deacon (*Ontario*)	Plett
Dean	Poirier
Duncan	Quinn
Dupuis	Ravalia
Forest	Ringuette
Gagné	Saint-Germain
Gerba	Simons
Gignac	Sorensen
Gold	Tannas
Greenwood	Wells
Harder	Woo
Housakos	Yussuff—60

NAYS
THE HONOURABLE SENATORS

Loffreda	Seidman
Oh	Smith—5
Richards	

ABSTENTIONS
THE HONOURABLE SENATORS

Audette	Marshall
Dalphond	Pate—5
Francis	

• (2150)

ADJOURNMENT

MOTION ADOPTED

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 20, 2023, at 2 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BILL TO AMEND THE FIRST NATIONS FISCAL MANAGEMENT ACT, TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS, AND TO MAKE A CLARIFICATION RELATING TO ANOTHER ACT

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Gerba, for the third reading of Bill C-45, An Act to amend the First Nations Fiscal Management Act, to make consequential amendments to other Acts, and to make a clarification relating to another Act.

Hon. Marty Klyne: Honourable senators, having been unable to beat the clock yesterday, I rise to deliver part 2 of my speech as sponsor of Bill C-45, amendments to the First Nations Fiscal Management Act. In the genre of sequels, I'm aiming for the *Top Gun: Maverick* of Senate third-reading speeches.

I left off speaking about a success story from Saskatchewan regarding the fiscal frameworks for First Nations that this bill enhances.

In terms of the benefits of participation in the First Nations Fiscal Management Act for communities, I'd like to share the story of Mistawasis Nêhiyawak Nation.

I quote Chief Daryl Watson, who said:

> Development and implementation of policies and procedures for day-to-day financial activities will lead to long-term sustainability for Mistawasis Nêhiyawak. It is paramount to develop structure with short-term and long-term strategic plans/work plans for good administrative governance for our Membership, for future generations, and for our business partners.

Mistawasis Nêhiyawak is a Cree community located 70 kilometres west of Prince Albert, Saskatchewan. Mistawasis Nêhiyawak First Nation is notable because it was the first in Saskatchewan to receive a Financial Management System Certificate, an FMS Certificate for short, through the First Nations Financial Management Board. This has helped the community make its mark in the business world, creating several prosperous companies that are engaged in a variety of businesses ranging from a gas station and cafe to property management, engineering and an industrial contractor.

The community was first added to the First Nations Fiscal Management Act schedule in 2013. Four years later, with the help of the First Nations Tax Commission, it passed property taxation and assessment laws. In 2019, it set tax rates and passed an expenditure law for the first time, collecting more than $80,000 to help support First Nation infrastructure and local services from non-community member farmers who lease agricultural land. Mistawasis takes a modified approach to taxing agricultural land. They determine the average tax per acre in the adjacent municipality, and they charge taxpayers based on the acres leased. Mistawasis is the first First Nation to successfully implement this approach.

The capacity-building elements provided under the First Nations Fiscal Management Act have helped the community unlock its economic success. To that point, the community's tax administrator received training at the Tulo Centre of Indigenous Economics, an accredited institution which offers training in local revenue systems and financial management programs. This was instrumental in making Mistawasis's tax system fully operational.

To sum that up, the FMS Certification process has helped Mistawasis Nêhiyawak develop and implement sound finance and administrative governance practices, build fiscal capacity and strengthen self-determination.

I feel privileged to share that success story with you, a journey of 10 years that demonstrates what is possible when First Nation governments have practical tools for modern fiscal management. And it demonstrates what is possible when we move toward new practices and new ways of doing things, working in full partnership with Indigenous leaders and experts.

To conclude, I would again thank the critic, Senator Martin, the Indigenous Peoples Committee and this chamber for moving swiftly on Bill C-45. I would also offer final congratulations to the champions of economic reconciliation who have created and driven this legislation. My experience as sponsor of Bill C-45 adds to my optimism that Canada and Indigenous peoples are

advancing shared prosperity. We have a great distance yet to travel, but we have found the path, with the sun on our face and the wind at our back.

Thank you colleagues for your support. I look forward to Royal Assent of this important legislation.

Thank you, *hiy kitatamîhin*.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I'm pleased to speak once again to Bill C-45, An Act to amend the First Nations Fiscal Management Act, to make consequential amendments to other Acts, and to make a clarification relating to another Act.

I'd like to acknowledge the work of Senator Klyne as well as the members of the committee and all those in the other house who worked to bring this bill to our chamber. I will keep my intervention short, as I would want to do nothing to delay this timely and important piece of legislation.

Bill C-45 makes amendments to the First Nations Fiscal Management Act that will better enhance and expand the good work of the three Fiscal Management Act institutions and now the fourth, the First Nations infrastructure institute.

The bill passed through the House of Commons quickly, with only a few minor amendments to add clarity to the text, and it passed through the Standing Senate Committee on Indigenous Peoples without difficulty.

Among the changes this brings to the First Nations Fiscal Management Act, three items stand out for special mention.

First, Bill C-45 directly addresses the shamefully large infrastructure gap of at least $349.2 billion between First Nations and non-Indigenous communities. It has been woefully clear that the "Ottawa knows best" top-down approach has been unable to address this issue, and now, through the First Nations infrastructure institute, Indigenous communities will have direct access to an Indigenous-led organization whose primary focus is to address this gap.

Second, this legislation continues to expand and modernize the First Nations Financial Management Board's services to meet the needs of First Nations and other Indigenous groups and entities. This would be an optional pathway for tribal councils, modern treaty nations and self-governing groups to build their administrative, financial and governance capacity through the risk-managed support of the Financial Management Board, as nearly 350 First Nations have chosen to do.

Lastly, Bill C-45 also expands the First Nations Tax Commission, FNTC, to support First Nations who choose to increase their fiscal powers beyond real property taxation. It would also open FNTC to be able to offer services to self-governing First Nations, municipalities and other orders of government.

Bill C-45 recognizes the inherent right of Indigenous peoples to maintain and develop their political, economic and social systems or institutions. Through its optionality, Bill C-45 recognizes Indigenous peoples' right to engage freely in all their traditional and other economic activities.

Through Bill C-45, economic reconciliation is recognized as an important pillar in overall reconciliation. It is a step to get rid of the gatekeepers to Indigenous growth and to reverse the archaic and paternalistic Indian Act and its consequences that effectively removed First Nations from the national economy.

Honourable senators, reconciliation must be centred on the ability of Indigenous peoples to make decisions for their own lives and communities. Bill C-45 provides an avenue for that, and it is my hope that we can pass this important piece of legislation quickly and unanimously.

Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

• (2200)

BUSINESS OF THE SENATE

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

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 10 p.m., the Senate was continued until Tuesday, June 20, 2023, at 2 p.m.*)

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