SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 44th PARLIAMENT • VOLUME 153 • NUMBER 154

OFFICIAL REPORT
(HANSARD)

Tuesday, October 31, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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

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

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

THE SENATE

Tuesday, October 31, 2023

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

Prayers.

SENATORS' STATEMENTS

DIGITALIZATION OF GOVERNMENT SERVICES

Hon. Colin Deacon: Honourable senators, the Auditor General of Canada has just sounded the alarm on federal government inaction in the delivery of effective and cost-efficient digital services to Canadians. The findings of Report 7, *Modernizing Information Technology Systems*, and Report 8, *The Benefits Delivery Modernization Programme*, reaffirm why I introduced Motion No. 107 in this chamber. They also highlight the immense work still needed to advance a whole-of-government approach to modernizing digital service delivery.

Report 7 focused on the Treasury Board of Canada and Shared Services Canada's efforts to drive IT transformation across all departments and agencies efficiently. The report found that in the 24 years since aging IT systems were identified as a significant service delivery risk, both Liberal and Conservative governments have failed to implement an effective strategy to digitize service delivery across all departments. Additionally, only 38% of the government's IT systems were in good health. This means that 6 out of 10 applications remain in poor condition because they are running on highly risky, aging infrastructure.

Furthermore, one third of mission-critical applications — essential to the health, safety, security and economic well-being of Canadians — are still considered in poor health. Without decisive action, this government is set to miss its own target of having 60% healthy applications by 2030.

Colleagues, think about what this means for the millions of Canadians who are trying to access benefits from the government, especially our seniors or those whose jobs are insecure.

Report 8 focused on the Benefits Delivery Modernization program and it showed that a lack of action could jeopardize $125 billion in Old Age Security and Canada Pension Plan payments and $25 billion in Employment Insurance benefits in this current fiscal year.

It's crucial for this government to act collaboratively to deliver the highest standards of services to Canadians. Doing so will require the Treasury Board to adopt key performance indicators and standards centred on citizen experience, security and ongoing agility. This will also require departments and agencies to collect data needed to assess and continuously improve the citizen experience. As legislators, we can also examine existing legislation to address potential barriers to the adoption of digital government services and learn from successful jurisdictions.

Colleagues, the Auditor General recently said that ". . . the government should not need a crisis to understand the importance of prompt action." I wholeheartedly agree. I am optimistic that the new President of the Treasury Board, Anita Anand, and Minister of Citizens' Services, Terry Beech, will take the recommendations in these reports, and the Parliamentary Budget Officer's report last month, to act decisively on this all-important issue. Canadians are depending on their leadership.

Thank you, colleagues.

MILDRED SEIBEL

CONGRATULATIONS ON ONE HUNDREDTH BIRTHDAY

Hon. Marty Deacon: Honourable senators, today I rise to celebrate the life and contributions of a centenarian from Waterloo Region. Mildred Seibel, from Knox Waterloo Presbyterian Church, turned 100 years old last Thursday. Ellen Yessis recently shared Mildred's story with the church community. These are some of her words:

> Born in 1923, Mildred was asked what she felt from her early years influenced the lady she became. From Mildred:
>
> > Cars were just coming into vogue, most people travelled in horse and buggy, so the times made you accepting of your circumstances.
>
> She began her teaching career in 1942. At that time almost all teachers worked in a village school, comprising grades 1 through 8. In that first school she had a fireman, meaning a senior student —

— a boy —

> — from grade 8, who came in every morning to get the two stoves started to provide heat for the rest of the day. Mildred had no knowledge of wood stoves and found the collaboration with this young lad very significant. It made her realize that working together with the community and others around you brings success and accomplishment. Amazingly, she is still in contact with four people from that first year in teaching.
>
> Mildred has continued with that philosophy of thankfulness and contribution throughout her life. Following her retirement from active teaching at Three Bridges Public School, she spent another 23 years volunteering there. She also learned to play the organ, faithfully practising the music and playing the organ for the joy of others.

> When she was asked, "What wisdom would you like to share with us as a woman of 100 years of age?," Mildred noted that women now have a much stronger voice in society than they did in the past. She has used that voice in trying to be helpful and to give back to her community. In particular, she has taken up a card and letter ministry in her church. It is important to her that older members, some of whom are no longer able to get out and about, still know that they are remembered and appreciated.

Our elders in the community must never be seen as invisible.

> Her writing ministry also extends to the youth of the church, in particular, students who are away from home and their church connection when they leave for university. Several of these students have continued the correspondence for years and years. From one of those students who received letters and wrote to Mildred:
>
> > I received my first letter from Mildred in 2015 when I began my first year as an undergraduate student at Laurier. Eight years later, as a PhD student, I still get excited opening the mailbox and looking for her letters. The pandemic lockdowns were a particularly difficult time for everyone, yet the letters from Mildred always brightened my day. I continue to enjoy learning about Mildred and her experiences throughout the years in Waterloo as well as keeping up to date on how her garden is doing and how she enjoys the holidays. I look forward to continuing our correspondence and wish Mildred a very happy birthday!

Happy Birthday, Mildred. Congratulations on a very full life well lived.

Meegwetch.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao in the Philippines. They are the guests of the Honourable Senators McCallum and Galvez.

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

Hon. Senators: Hear, hear!

BANGSAMORO TRANSITION AUTHORITY

Hon. Mary Jane McCallum: Honourable senators, I want to thank the Progressive Senate Group for giving me their spot today to pay tribute to our guests in the gallery: members of the Bangsamoro Transition Authority.

Yesterday, my office and I met with this dedicated group of parliamentarians and staff working in the interim government in the Bangsamoro Autonomous Region in Muslim Mindanao in the southern Philippines.

• (1410)

This delegation has been legally mandated to implement political and institutional reforms that were agreed upon in a peace agreement signed between the Philippine government and the Moro Islamic Liberation Front. Specific to these reforms is Bangsamoro's role in enacting a law that will protect and promote the welfare of the Indigenous peoples in the autonomous region.

The Bangsamoro Transition Authority is in Canada to meet with Indigenous communities and government officials working on Indigenous files with the goal of fostering relationships for future collaborations. The heart of their study is to learn about the unique relationship Canada has with its First Peoples and the policies, laws and practices that deal with their identity, governance and welfare. Our wide-ranging conversations yesterday demonstrated many similarities between First Nations in Canada and the Indigenous peoples in the Bangsamoro Autonomous Region.

These include issues surrounding policing and justice, ongoing land contestations resulting from land dispossession and forced resettlement, and the need for distinct recognitions of various Indigenous groups and how to determine identity.

As with First Nations in Canada, their Indigenous peoples have the right to self-determination and sovereignty. Both seek peace and a mutually respectful relationship with the mainstream population and the governments with whom they interact. This is best demonstrated through the treaties and peace agreement the Bangsamoro have entered into with the Philippine government.

We also learned that, in some instances, the Bangsamoro are ahead of us in Canada, specifically around matters of resource management and revenue sharing as it pertains to the land and its bounty.

While the Bangsamoro rely on the same international tools that Indigenous peoples in Canada do, such as the United Nations Declaration on the Rights of Indigenous Peoples, I left yesterday's meeting confident that this group of dedicated and passionate Bangsamoro parliamentarians and staff are the right people to craft their Indigenous welfare legislation and lead their Indigenous populations into a better and brighter tomorrow.

Thank you.

CANADIAN ITALIAN BUSINESS AND PROFESSIONAL ASSOCIATION

Hon. Tony Loffreda: Honourable senators, I rise today to pay tribute to the Canadian Italian Business and Professional Association, or CIBPA.

Many Italian immigrants and their families, not unlike other immigrants, often struggled when they first reached our shores. Many would have difficulties fulfilling basic human needs such as finding appropriate shelter, buying groceries or securing employment.

It is against this backdrop that the first CIBPA chapter was founded in Montreal in 1949. Like its successors, including the Toronto chapter, the CIBPA's main goal was to offer support for Italian immigrants who desperately wanted to integrate into Canadian society.

Today, with 10 chapters across the country, the CIBPA continues to promote and cultivate its members' business, professional, cultural and social interests and serves as their local voice.

[*Translation*]

The Canadian Italian Business and Professional Association's contributions extend well beyond the business community. It has a generous bursary program through which it invests in future generations of Italian Canadian leaders. The Montreal branch is holding its annual reception next month.

Suffice it to say that the association has been an integral part of the lives of Italian Canadians for more than seven decades, and its reputation as a pillar of our community is undeniable.

[*English*]

And on Friday evening, for the seventy-first time, the Toronto chapter hosted its annual President's Ball. I had the honour of joining hundreds of guests for this black-tie event that gave us the opportunity to pay tribute to our rich history and to celebrate the many accomplishments of Italian Canadians.

One of the highlights of the evening was the awards ceremony, which saw six outstanding Canadians being recognized with a 2023 CIBPA award.

I wish to take a moment to congratulate the recipients.

The President's Award was given to Dr. Gianluigi Bisleri, the Director for Minimally Invasive Cardiac Surgery at St. Michael's Hospital.

Rocco Rossi received the Business Excellence Award for his work as President and CEO of the Ontario Chamber of Commerce.

Professor Roberta Iannacito-Provenzano, Provost and Vice-President of academic affairs at Toronto Metropolitan University, was awarded the Professional Excellence Award.

Victoria Mancinelli, Director at LiUNA, is this year's Woman of the Year, while Carmen Principato, Assistant Business Manager at LiUNA, was honoured with the Community Award.

Finally, this year's Next Generation Award went to Anthony Ricciardi, a multidisciplinary artist.

Honourable senators, please join me in congratulating this year's recipients of the CIBPA awards and in extending our very best wishes to the entire CIBPA family for everything that they do for Canadians of Italian descent.

As the saying goes, what you do for yourself is forgotten and dies with you, but what you do for others is immortal and lasts forever.

Congratulations and thank you. *Grazie*.

CANADA-BAHRAIN RELATIONS

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak on the lasting friendship between Canada and Bahrain. Bahrain is a Persian Gulf country, an island country that comprises 50 natural islands.

Our countries have enjoyed a collaborative relationship on issues such as regional security, trade and investment. In fact, our commercial relationship has grown in the past few years, as Bahrain is a member of the Gulf Cooperation Council.

Last June, I had the pleasure of launching the Canada-Bahrain Friendship Group, alongside a number of fellow senators and members of Parliament. His Excellency Shaikh Abdulla bin Rashed Al Khalifa, Ambassador of Bahrain, took this occasion to commend Canada's stance in support of global peace and security and our commitment to security of maritime navigation through our participation in the joint forces.

I'm also happy to share that this year marks the fiftieth anniversary of the establishment of diplomatic relations between Canada and Bahrain and a mutual desire for both our countries to foster deeper ties. I believe the new Friendship Group will prove to be a valuable space to achieve these goals. I look forward to our future collaboration.

Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Shaikh Abdulla bin Rashed Al Khalifa, Ambassador of the Kingdom of Bahrain. He is the guest of the Honourable Senator Ataullahjan.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF SEAL POPULATIONS

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

> That, notwithstanding the order of the Senate adopted on Tuesday, October 4, 2022, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on Canada's seal populations and their effect on Canada's fisheries be extended from December 31, 2023, to March 31, 2024.

QUESTION PERIOD

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, last Thursday, after eight long years, Prime Minister Trudeau finally admitted that he is not worth the cost. Common-sense Conservatives have been saying all along that the Prime Minister's carbon tax makes everything more expensive. He finally agrees. The Prime Minister says he'll axe the tax, but only on home heating oil and only until after the next election and only to try to save Liberal seats in Atlantic Canada.

• (1420)

Leader, why not go all the way? Why not axe the entire carbon tax so families all across Canada can afford to heat their homes, drive to work and feed themselves?

Hon. Marc Gold (Government Representative in the Senate): Well, thank you for your question. It is not the intention of the government to axe the tax, as I've said on many occasions.

As many of us know, there are many challenges facing Canadians, and one of them is the cost of heating with oil. The cost is higher to heat with oil than other sources. Prices are more volatile, and folks don't have the ability to switch to a heat pump. It's a reality for many Canadians across the country, including Atlantic Canada. As you know if you live in the east, the percentage of folks in Atlantic Canada who heat with oil, as opposed to other sources, is much higher. That's why the government is providing a 20% rural top-up to the Climate Action Incentive payments, giving people time and financial support to transition to more sustainable choices, such as heat pumps.

Senator Plett: It's a lot colder in Winnipeg than it is in Atlantic Canada, and natural gas isn't cheap.

A Trudeau cabinet minister, the Minister for Rural Economic Development, has made it clear this is pure politics and nothing else. Minister Hutchings told CTV that Canadians need to ". . . elect more Liberals in the Prairies . . ." to get carve-outs from the Trudeau carbon tax policies — elect more Liberals.

An old saying about a carrot and a stick comes to mind, leader. Is that the role of the carbon tax, a carrot for those who vote Liberal and a stick —

The Hon. the Speaker: Senator Gold.

Senator Gold: The temporary exemption for heating with oil applies across the country, wherever people find themselves forced to do that without the alternatives some of us enjoy. By helping people switch through the rebates to heat pumps, the government is making sure that families across the country have an affordable and sustainable way to keep their houses warm.

Hon. Denise Batters: Senator Gold, we in Saskatchewan have long been keenly aware of the fundamental unfairness to rural Canadians of Trudeau's punitive carbon tax scheme. We have fought against it for seven years. Now, the Trudeau government is giving a carbon-tax break only to those who use home heating oil, which, essentially, only applies in Atlantic Canada. Is this climbdown rooted in logic or common sense? Of course not. Even your so-called Minister of Rural Economic Development admits it's for crass politics: They voted Liberal.

The Trudeau plan is to quadruple the carbon tax. Meanwhile, the Prime Minister thinks rural Canadians should be happy with the measly extra 10 bucks a month he just announced.

Saskatchewan has had enough. If Justin Trudeau won't exempt Canadians who heat with natural gas, Premier Moe vows he will no longer collect the carbon tax for the federal government.

Senator Gold, when will your government do the right thing and axe the carbon tax on home heating for everyone on everything?

Senator Gold: Thank you for your question. Again, it's not the government's intention to axe the carbon tax, nor am I aware of any plans to extend the temporary suspension of it to other forms of heating.

I am aware of Premier Moe's pronouncements. However, it remains the case that putting a price on pollution remains the most effective market-oriented tool to address climate change. The government is making adjustments in consideration of those

who live in certain circumstances, and that is simply a reminder that the government cares about Canadians, as it does about fighting climate change.

Senator Batters: That tiny rural supplement is your government's admission that rural Canadians are unfairly walloped by the carbon tax. While you give Atlantic Canadians a break on oil heating, this does nothing for those of us in the often bitterly cold West where we must heat with natural gas. In fact, you and your Trudeau government have stalled and gutted a bill to exempt egg operations from carbon tax as you again penalize Prairie farmers. Why does this government continue to punish Western Canadians, farmers and rural Canadians? Don't they elect enough Liberals?

Senator Gold: The government's programs, whether to deal with climate change or to assist Canadians in other respects, are designed to be fair to all Canadians.

Canadians in this diverse country live in different circumstances. Programs affect people differently. That is just the reality of living in a federal system, but, no, this is not a question of politics. It's a question of proper administration of public policy.

GOVERNOR-IN-COUNCIL APPOINTMENTS

SENATE VACANCIES

Hon. Paula Simons: Honourable senators, I'm delighted to learn that five new colleagues will soon be joining us here in the Senate. I am delighted. They look like extremely qualified people to join us here in the Senate. I cannot help but notice, however, that there are still five vacancies in the Western Canadian block of senators, including two from Alberta. Alberta has not had a full complement of senators now for three and a half years. I'm not going to ask you today, Government Representative —

The Hon. the Speaker: Order. Senator Simons has the floor.

Please continue.

Senator Simons: I'm not going to ask you today, Government Representative, when those seats will be filled, but I also can't help but note that all of the seats for the people who are on the Selection Committee for the four Western provinces are currently vacant. Can you tell us when you intend to fill those seats?

Hon. Marc Gold (Government Representative in the Senate): Thank you. I don't have the answer as to why all the seats are vacant, but I do know, as senators, of course, would know, that each province's committee is made up of seats both nominated by or brought forward by the federal government and by the provincial government. In that regard, we all regret the delay in filling all vacant seats, and, indeed, I personally regret the fact that seats in certain provinces, those to which you have made reference, have not been fulfilled.

As colleagues would know, it is part of my regular representations to government to encourage that those seats be filled, and I'll continue to make those representations.

Senator Simons: I think it's a matter of public record that the current Premier of Alberta does not intend to nominate people because she believes in the previous government's senators-in-waiting election process. Does that mean that Albertans will be denied representation in the Senate until there is a change of government in Alberta, or does the government intend to do something to fill those seats?

Senator Gold: I cannot comment on what the government's plans may be if the Government of Alberta continues to resist participating in the process that brought so many of us to this chamber. The government continues to believe in collaboration and cooperation with provincial counterparts to establish the process to bring people to this chamber.

CROWN-INDIGENOUS RELATIONS

SIX NATIONS OF THE GRAND RIVER

Hon. Marty Deacon: Honourable senators, last Wednesday was the two hundred and thirty-ninth anniversary of the Haldimand Treaty. On behalf of Chief Hill, this question goes to the Government Representative in the Senate.

Senator Gold, the Ontario Superior Court has rejected the motion of the Haudenosaunee Development Institute, or HDI, to intervene in the Six Nations of the Grand River band's long-standing action against Canada and Ontario. The Ontario Superior Court has also endorsed a timetable for the remaining pretrial steps in this action, which should see it ready to begin trial in early 2024.

Given that it has now been determined that the HDI will have no role at all in this litigation and given that the action is going to trial in the coming year, why has the federal government not yet taken any meaningful steps to enter into negotiations with the Six Nations of the Grand River to resolve this claim?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government is committed to working collaboratively to address Six Nations' historical claims and their land rights in a way that respects the unique history and circumstances of the Six Nations.

It is my understanding that the government has sent a letter — and I apologize for the pronunciation — to the Haudenosaunee Confederacy Chiefs Council and the Six Nations elected chief and council, seeking to design a process to work together on mutual priorities. Any lasting approach to address these matters requires a collaborative effort from all parties. Again, the government is committed to working with the Six Nations Elected Council, the Confederacy Chiefs Council and the Province of Ontario to discuss how best to support Six Nations in advancing their interests.

• (1430)

Senator M. Deacon: Thank you. I'm looking forward to hearing that the letter has been received. It's not something the chief is aware of at this moment, so I'm hopeful that, as you said, it is in motion and that it is a true collaboration as we work through this.

FINANCE

OPEN BANKING

Hon. Colin Deacon: My question is for the Government Representative in the Senate, Senator Gold.

Open banking is about giving consumers and businesses control over their financial data so they can use it for their personal benefit rather than the bank monopolizing its use for its commercial benefit. Inaction is preventing Canadians from securing more affordable, innovative financial services.

In its 2021 election platform, this government committed to implementing open banking by early 2023. Despite Finance Canada having run highly inclusive and transparent consultative processes to develop an implementation plan, no action has been taken. Consequently, Canada continues to fall behind its global peers, who are making their financial sector work harder to create opportunities and reduce costs for their citizens.

Senator Gold, why is the government faltering on its promise to implement open banking at a time of rising costs for Canadians? What is the current timeline?

Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you for raising and championing the issue, as you have done admirably in this chamber and beyond. I do not know what the timeline is nor do I have an explanation for why legislation has not yet been introduced. I will certainly take your concerns back to the minister and communicate those concerns.

Modernizing our approach is an important objective, and one that I know is being considered and pursued. I will certainly make every effort to understand further and communicate those concerns to the minister.

Senator C. Deacon: Thank you, Senator Gold. I hope you do communicate as well that there is risk in inaction that goes well beyond risk in action at this point in time. Consultations have been extensive. The government should be proud of the work they have done, so I would ask that you do communicate that as well.

Thank you.

CANADIAN HERITAGE

ONLINE NEWS ACT

Hon. Marty Klyne: Senator Gold, my question is with respect to Bill C-18 — the Online News Act — and northern communities. In August, Catherine Tait, President and CEO of CBC/Radio-Canada, wrote to Meta asking Meta to consider that many people living in remote northern communities in Canada depend on getting news on Facebook. This was during the wildfires that forced the evacuation of Yellowknife.

She wrote:

> Given the emergency conditions, we are calling on you to exempt people in these communities from Meta's current blockage of news accounts in Canada so that they are able to share critical news on those accounts, including evacuation order information.

Senator Gold, what actions have the federal government taken or planned to ensure that everyone living in remote northern communities can be informed of risks normally shared on the news via Facebook?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. We all know that in an emergency, every second counts. Canadians rightly expect that they be informed as quickly as possible when there is an imminent threat to their safety. We've seen too many tragic examples of lives lost when that is not the case. It's not only in northern and rural environments, regrettably.

Public alerting to risk is a shared responsibility across all levels of government. The Government of Canada is working closely with its provincial and territorial partners through the National Public Alerting System, or NPAS. I have been assured that the work is ongoing to further strengthen this alerting system. The work is active and ongoing, and it is designed to ensure that it continues to meet regional needs and keep Canadians informed and therefore safe.

Senator Klyne: That alert system is great for alerting some, but there's a coordination of resources, communities and families that needs to take place. That is a void. We experienced that in Saskatchewan during that mass murder.

If the impasse with Meta is not resolved, does the government have ideas for the medium-term and long-term to fill the dire gap in local news access for these communities?

Senator Gold: Thank you, senator. The Online News Act is designed to build on and strengthen existing supports for journalism — including the Canadian journalism labour tax credit — and increase funding to the Canada Periodical Fund that many local media rely upon, along with other local journalism initiatives. These are all important steps the government is taking in its commitment to continue to support local journalism in its role in keeping Canadians informed and safe.

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, in March, the Canadian Federation of Independent Business, or CFIB, released a report entitled *Fueling Unfairness: Carbon Pricing and Small Businesses*. This report estimates that small businesses pay close to half of the carbon tax revenue collected by the Trudeau government. However, only 0.17% of all carbon tax revenues were returned to small businesses between the 2019-20 and 2022-23 fiscal years. Clearly, the Prime Minister's carbon tax is not worth the cost to our entrepreneurs.

Leader, why did your government use the carbon tax funding set aside for small business to pay for the rebates announced last week? Why won't you just axe the tax to help small businesses across Canada that are struggling to survive?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. You cannot fight climate change — an existential threat to our planet, community, children and well-being — without a suite of measures, which includes putting a price on pollution.

Small businesses are the lifeblood of our economy. This government has been there to help them through the pandemic. There's still help available in terms of the deferral of repayment of the benefits that kept them afloat during the pandemic, and the government will continue to consider measures to assist those whose economic entrepreneurial wherewithal provides jobs, security and a future for all Canadians.

INDUSTRY

SUPPORT FOR SMALL BUSINESSES

Hon. Yonah Martin (Deputy Leader of the Opposition): The Prime Minister's two carbon taxes, the alcohol escalator tax, increased payroll taxes and red tape, skyrocketing rent and interest rates and small business owners being accused of being tax cheats — this is the legacy of eight years of the Trudeau government when it comes to small business.

Leader, will your government bring forward a common sense plan to help our entrepreneurs, control your spending and set a time frame to balance the budget as the CFIB has asked?

Hon. Marc Gold (Government Representative in the Senate): It's the position of this government that the measures they have taken, are taking and will be taking are balanced, proportionate and prudent to guide this economy forward.

[*Translation*]

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Claude Carignan: My question is for the Leader of the Government. Leader, in its March 2021 ruling on the constitutionality of the Greenhouse Gas Pollution Pricing Act, the Supreme Court indicated that one of the reasons why the federal government is able to impose minimum national standards on greenhouse gas pricing is as follows, and I quote:

> . . . the failure to include one or more provinces or localities in a legislative scheme would jeopardize the successful operation of the scheme in other parts of the country.

Leader, by delaying the application of the carbon tax on fuel oil, the Trudeau government obviously decided to favour the Atlantic provinces, where that type of heating is still common. The foundation on which the carbon pricing system is based is starting to crumble. According to the Supreme Court's criteria, the reason why the federal government has authority in this area is to impose standards on all the provinces.

Senator Gold, is this another nail in the coffin of the carbon tax?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for the analysis of Supreme Court jurisprudence. What the government announced applies across Canada, and therefore does not concern the test as you described it, although this is not the main thrust of my response.

The main thrust of my response is that the adjustments made to the plan to fight climate change are still being reviewed, in light of the circumstances, including their impact on the people who are required to pay costs that are not necessarily the same as in other areas. That's my response.

• (1440)

Senator Carignan: However, we saw the entire Atlantic caucus join in the Prime Minister's announcement. In fact, Atlantic MPs boasted that their effectiveness was the reason why the carbon tax would not apply back home in their constituencies.

Does that mean that the two Liberal MPs from Alberta, the four from Manitoba and the 76 from Ontario are ineffective?

Senator Gold: Far from it. It means that a caucus as broad and diverse as the caucus of this government includes diverging interests and an openness to discussion aimed at reaching an appropriate solution under the circumstances.

GLOBAL AFFAIRS

CONFLICT IN GAZA STRIP

Hon. Julie Miville-Dechêne: Senator Gold, the ground invasion by the Israeli forces in northern Gaza started on Friday, in response to the horrible attack by Hamas on Israeli territory. Thousands of Gazan children and adults have lost their lives. No one is sure exactly how many.

The United States is starting to speak up with their Israeli allies, focusing on the need to protect civilians. Canada has remained more passive and is not calling for a ceasefire. What will it take to get to that point?

In the meantime, are some Canadian experts right to believe that Canada is giving Israel carte blanche?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Canada's position is the same on the ground, under the circumstances, as the United States and the European Union. Neither the United States, nor Canada, nor anyone who understands the history or even the charter of Hamas are calling for a ceasefire because, as the Prime Minister explained, there is no point—not for those in the Gaza Strip and not for the innocent civilians, whether they are Israeli or Palestinian.

As I have mentioned in this chamber, Canada is in favour of the establishment of an air bridge to ensure that humanitarian aid is delivered to the citizens and residents of Gaza. This position is consistent with that of our democratic allies.

Senator Miville-Dechêne: I would like to come back to the question of hospitals in northern Gaza. I find the whole issue disturbing.

Israeli forces are demanding that they be evacuated. However, staff are refusing because it would mean certain death for many patients who need ventilators. Are the principles of international humanitarian law not at stake? Does Canada have an opinion on this situation, which is quite simply unacceptable?

Senator Gold: Of course, there are norms of international law and norms of humanitarian law. There are also norms that prohibit human shields or hidden weapons factories in schools and hospitals.

The Israeli army is facing an enemy that does not respect any norms of humanitarian or international law. This is a tragedy for all those who are victims of this war. However, we must be realistic and well informed before drawing conclusions.

[*English*]

AFGHANISTAN CRISIS

Hon. Mary Coyle: My question is for the Government Representative in the Senate.

Last week, the Standing Senate Committee on Foreign Affairs and International Trade held meetings about the situation in Afghanistan. I asked witnesses about Bill C-41, which is the legislation we passed back in June that amends anti-terrorist financing offences in the Criminal Code to facilitate the delivery of much-needed international assistance in geographic areas controlled by terrorist groups, such as the Taliban in Afghanistan. I asked witnesses if they're seeing any increased flow of aid as a result of the passage of the bill.

Usama Khan, Chief Executive Officer of Islamic Relief Canada, indicated that the implementation of the bill is not moving fast enough. He said that for the application and the understanding of exactly what Bill C-41 looks like, and for the process of the authorization regime, some of those details haven't been fleshed out yet. According to some aid agencies, the status quo is still the status quo. There's no clarity on what's allowed.

Senator Gold, how does the government respond to the request from aid agencies for clarity?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, and thank you for underlining — as if the world doesn't have enough tragedies — that which has befallen the people of Afghanistan, not only recently, but also, frankly, for much of our adult lives.

I don't have the information to answer your question with any confidence, senator, but it is an important question. I will certainly bring those questions to the attention of the minister in the hope that I'll understand better.

Senator Coyle: Thank you. I'd appreciate that because this is urgent. It was urgent back in June, and it is even more urgent now.

At last week's meetings of the Foreign Affairs Committee, we also heard from Arif Lalani, Canada's former ambassador to Afghanistan. Mr. Lalani emphasized that Canadian officials need to be on the ground in Afghanistan to see the situation for themselves. Mr. Khan of Islamic Relief Canada emphasized that engagement doesn't mean endorsement.

Senator Gold, our Minister of Foreign Affairs talked about pragmatic diplomacy yesterday in Toronto. What could a pragmatic —

The Hon. the Speaker: Senator Gold, your response.

Senator Gold: Again, I am not really able to answer that question except to underline, as we all know, how challenging this particular circumstance is, given the position that the government and those in control of Afghanistan have taken — not only toward the outside world, but also with their citizens.

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Leo Housakos: Senator Gold, Justin Trudeau and the Liberal-NDP coalition finally flip-flopped on their cornerstone public policy: the carbon tax. Of course, the Prime Minister didn't flip-flop on the carbon tax because he finally understood what future prime minister Pierre Poilievre has been talking about for years, which is that a carbon tax causes inflation, raises the cost of living and pummels poor, working-class and middle-class Canadians — no, not at all. He flip-flopped because he saw plummeting polling numbers for the Liberal Party of Canada and desperate Liberal MPs from Atlantic Canada.

The question is this: Why just for Atlantic Canada?

Second, if Justin Trudeau has finally understood that he and his carbon tax are just not worth the cost, why isn't he now planning to axe the tax from coast to coast to coast in order to give relief to all segments of the economy and all sectors of the population?

Hon. Marc Gold (Government Representative in the Senate): I'm not going to comment on the branding and taglines that are clearly — I've got one minute to answer your question, and you asked a whole bunch of questions.

The government has no intentions of axing the tax. It will continue to take into consideration measures that are appropriate to address the significant and important issues of combatting climate change, while also providing relief to Canadians and supporting our economy going forward.

Senator Housakos: Well, you have axed the tax. You've paused it, but for a certain segment: Atlantic Canada regarding home heating. Your minister — Minister Hutchings — was on *Question Period* this weekend, and she said clearly that the only reason they're doing the segmented cut is because they're only helping Liberal voters in Liberal sectors of the country, and if the other parts and sectors of the country want the same kind of relief, they should be voting Liberal. Is that the position of this government, or will the Prime Minister and your government reel in this minister for either lying or telling the truth?

• (1450)

An Hon. Senator: Hear, hear.

Senator Gold: This government believes that the Senate ought to be a place somewhat different than the hyperpartisan —

[*Translation*]

The Hon. the Speaker: Senator Gold, you have the floor.

[*English*]

Senator Gold: The government has no intention of doing what you suggested. My 15 seconds have expired, so I'll leave it at that.

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 the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Bill Blair, P.C., M.P., Minister of National Defence, will take place on Wednesday, November 1, 2023, at 2:30 p.m.

BILL TO AMEND THE CANADA BUSINESS CORPORATIONS ACT AND TO MAKE CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

THIRD READING—DEBATE ADJOURNED

Hon. Percy E. Downe moved third reading of Bill C-42, An Act to amend the Canada Business Corporations Act and to make consequential and related amendments to other Acts.

He said: Honourable senators, as sponsor of Bill C-42, I want to thank the Chair of the Standing Senate Committee on Banking, Commerce and the Economy — Senator Wallin — the deputy chair — Senator Loffreda — and members Senator Bellemare, Senator Colin Deacon, Senator Gignac, Senator Marshall, Senator Martin, Senator Massicotte, Senator Miville-Dechêne, Senator Petten, Senator Ringuette and Senator Yussuff for their study of Bill C-42. As always, they conducted a detailed review of the legislation before them.

Colleagues, this legislation will, if passed by the Senate, help fight overseas tax evasion, money laundering and fraud by imposing some of the strictest penalties in the world on those who fail to disclose the information required to identify who is actually benefiting from ownership of a given company or corporation.

Corporations could be fined up to $100,000, and directors and officers of those corporations could personally face fines up to $1 million as well as up to five years in prison.

Bill C-42 will establish a free, publicly accessible beneficial ownership registry of corporations governed under the Canada Business Corporations Act. Such a registry would enable all Canadians to overcome corporate secrecy and look past shell companies to see who truly owns a given company. Such transparency would not only allow Canadians to know more about the businesses they deal with but also support the Government of Canada's efforts to combat money laundering and terrorist financing, deter tax evasion and tax avoidance and ensure that Canada is an attractive place to conduct business.

Honourable senators, as important as the passage of this bill is, only about 15% of Canadian corporations are covered by this legislation. The registry will only truly become effective if all the provinces and territories join it in order to provide 100% coverage. The good news is that Quebec and British Columbia are already on board. As witnesses have stated, it is a first step — a vital one, but a first step, nonetheless.

Canadians have been waiting for this important piece of legislation to fight money laundering and overseas tax evasion, and that is why I'm pleased to have had the opportunity to sponsor this bill. The Panama Papers, as well as other mass leaks, have shown that criminals look for places with a lack of beneficial ownership transparency. We should not underestimate the significant burden tax evasion and avoidance place on the Canadian economy.

In 2019, the United States Department of State designated Canada as a major money laundering country. A United States Department of State report from March 2022 estimated that every year in Canada, between C$50 billion and C$120 billion is laundered — which is roughly 5% of our GDP.

Moreover, a 2020 report by the Criminal Intelligence Service of Canada found that money laundering represents between 2% and 5% of GDP in Canada, which means between C$45 billion and C$113 billion is laundered in this country every year.

The lack of beneficial ownership transparency is impacting the trust of Canadians and foreign investors in our economy. With our stable government and banking system, we have become an international hot spot for criminals and foreign money that has been obtained by drug cartels, corrupt dictators and the Mafia. We must put an end to Canada's reputation as a most attractive country in which to launder money. The registry proposed by this bill would be a significant step forward in this regard, and of great benefit to law enforcement and in building and reinforcing trust in the Canadian marketplace.

Colleagues, I seek the support of senators to pass this legislation. Thank you.

Hon. Pierre J. Dalphond: Honourable colleagues, I rise to express the importance of Bill C-42 as a powerful invitation to provinces and territories to follow suit and put in place similar transparency regimes with respect to beneficial ownership.

Many of you may not know, but in a previous life, I was a corporate law partner in a national law firm. This bill is, thus, of great interest to me and brings back many memories. Today, I would like to bring your attention to the Quebec legislation as a model that each province and territory should consider.

As was pointed out at second reading by both the sponsor and the critic of the bill, as well as today at third reading by the sponsor — I thank them for their excellent remarks — this bill will apply to about 500,000 corporations; that is, those that are incorporated under the Canada Business Corporations Act, or CBCA.

You may think that's a lot, but it isn't. In fact, it represents only 15% of Canadian corporations. The remaining 85% of corporations operating in Canada are legal entities incorporated under provincial or foreign legislation.

Moreover, many businesses in Canada operate through a trust, partnership, limited partnership, cooperative or joint venture, or are carried on by one or more individuals. All these businesses are regulated by provinces and territories. In fact, under our Constitution, most businesses, whether incorporated or not, are governed by provincial laws.

In order to stop money laundering and the recycling of proceeds of crime, provincial legislation providing for public access to information regarding ultimate or real beneficial ownership is urgently required across Canada.

[*Translation*]

Over the past 10 years, every province except Alberta has passed legislation to implement a registry of the real beneficial owners of business corporations incorporated under their respective corporations laws.

Most of these laws require business corporations to keep an internal beneficial ownership registry and to report to the relevant province's director of corporations information about the individuals who effectively control each business corporation.

I will note that this information is not publicly available, except in British Columbia and Quebec. In British Columbia, the provincial corporations registry has been in place since October 1, 2020, for private corporations, whereas the register of individuals with significant control was implemented in mid-2019. The full registry for British Columbia will come into force in 2025.

In Quebec, a bill entitled An Act mainly to improve the transparency of enterprises was introduced on December 8, 2020. That bill was passed on June 8, 2021, and came into force seven months ago on March 31, 2023.

• (1500)

Paul Martel, a lawyer and leading authority on Quebec corporate law, and a personal friend, described Quebec's new law as follows in his treatise entitled *La société par actions au Québec*:

> The new law amends the Act Respecting the Legal Publicity of Enterprises mainly to institute new rules relating to information about the ultimate beneficiaries of corporations and to expand the role of the enterprise registrar to optimize the reliability of the information contained in the enterprise register, improve the transparency of enterprises and enable Quebec's participation in the international movement to fight tax evasion, money laundering and corruption.

Quebec's new regime is innovative because it does two things that are not done in most other Canadian jurisdictions. First, it applies to all businesses operating in Quebec, regardless of their constitutional jurisdiction, including federally incorporated companies. Currently, federally incorporated companies operating in Quebec have to provide and make public information about their ultimate beneficiaries. This bill will therefore not change anything for companies operating in Quebec.

In other words, the Quebec legislation applies not only to companies that are incorporated under Quebec law, but also to federal corporations and those created under legislation in another province or even a foreign state, partnerships, limited partnerships, trusts and individuals doing business in Quebec.

The definition of "ultimate beneficiary" is similar to the one found in the Canada Business Corporations Act, which we are amending today through Bill C-42. Essentially, it refers to an individual who controls or holds, even indirectly, or is the beneficiary of 25% or more of the shares of a corporation, voting rights or units of a trust or partnership, or persons who are acting as nominees for another person or a company.

The Quebec legislation also stipulates that the company is required to take the necessary steps — as opposed to reasonable means in the federal law — to identify its ultimate beneficiaries, verify their identity and update the information.

In addition, proof must be forwarded to the registrar of companies regarding the identity of directors by supplying a document from a government authority confirming the name, address and date of birth, such as a passport, driver's licence or health card. The information provided is verified.

Then, that information is accessible to the general public. Quebec is following the example of the United Kingdom and most countries in the European Union, who make information on beneficial owners available to the public, and that includes not just business corporations, but all companies doing business in Quebec.

I want to specify, however, that the date of birth is not made public and that a person can provide a business address in addition to their home address. In such cases, only the business address will be made public.

Finally, as of March 31, 2024, the registrar of companies can provide anyone who is interested with additional information based on an individual's name and address, as long as it does not include any information that cannot be consulted under the act, namely, the home address of a person who provided a business address or the person's date of birth. As a result, it will be possible to find out all of the businesses that a person is connected to by checking the Quebec business registry. This measure seeks to improve transparency. The non-disclosure of personal information, such as date of birth and home address, seek to protect privacy and prevent identity theft.

[*English*]

In conclusion, today we adopt an important amendment to the Canada Business Corporations Act. I hope — as it was the case in the past for the introduction of an internal registry in each company about beneficial ownership — that these important changes that we are going to introduce to the Canada Business Corporations Act will also be adopted by all the provinces and territories in order to ensure public transparency regarding beneficial ownership in relation to the corporations incorporated under their laws. I also invite them to do the same for partnerships, associations and trusts, like Quebec did.

Finally, I hope the other provinces will look at Quebec as an interesting model to achieve more transparency, not only for provincially incorporated entities, but also for all the other entities that are used to conduct business in their provinces.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Marc Gold (Government Representative in the Senate) moved third reading of Bill C-48, An Act to amend the Criminal Code (bail reform), as amended.

He said: Honourable senators, I am pleased to begin our third-reading debate on Bill C-48 — a bill which responds to public safety concerns about the bail system by introducing targeted measures to address repeat violent offending, with a focus on violence with weapons. The version of the bill adopted by the other place also included a section about intimate partner violence, though that section was removed recently at clause-by-clause consideration, and I'll speak to that in more detail shortly.

First, however, let me begin by thanking the members of the Legal and Constitutional Affairs Committee for their thorough review of the bill.

Senators will recall that Bill C-48 was unanimously passed by the other place at all stages on the very first day of the fall sitting. That was an indication of the importance that members of Parliament attach to the bill, and the urgency with which they had hoped it would be enacted. Accordingly, and appropriately, colleagues, our chamber has treated this legislation as a priority while, at the same time, demonstrating our capacity to work in a manner that is both conscientious and expeditious.

The committee heard from a total of 26 witnesses, including police, victims' groups, Indigenous organizations, legal aid, criminal lawyers and academics. Several written briefs were also received. I would like to extend my gratitude to everyone who shared their views with us.

Among those witnesses was Niki Sharma, the Attorney General of British Columbia. I'm highlighting her testimony specifically because the bail system depends on cooperation and coordination between federal, provincial and territorial governments. In fact, Bill C-48 is the product of extensive intergovernmental efforts, including several years' worth of meetings of Justice and Public Safety ministers, as well as ongoing coordination between senior officials across jurisdictions.

That work intensified after the tragic killing of Ontario Provincial Police officer Greg Pierzchala, and a letter sent to the Prime Minister — co-signed by all 13 premiers — asking for this type of legislation.

[*Translation*]

As you know, honourable senators, the criminal justice system — and, by extension, the bail system — is a shared responsibility. An effective and functional system depends on each level of government's ability to fulfill its responsibilities while collaborating and cooperating with each other. Bill C-48 is a good example of how governments across Canada are working together to address public concerns.

• (1510)

This bill has tremendous support and reflects a widespread desire to see these measures adopted and implemented without delay. As I mentioned earlier, the bill was passed unanimously in the House on the first day of the fall session, and all provincial and territorial governments have expressed their support. Rarely has a bill enjoyed such democratic legitimacy across the country.

[*English*]

Today, I will focus my remarks on the testimony we heard at committee about some of its key elements, as well as some of the general themes that arose during our study of the bill.

The first key element is a new reverse onus for repeat violent offending involving weapons. Where a reverse onus exists, the usual presumption of release on bail becomes a presumption of detention. It's up to the accused to show why they should be released, rather than the Crown having to show why they shouldn't.

Reverse onuses have existed in the Criminal Code for some time. The Supreme Court of Canada has found them constitutional, provided they're narrowly tailored, which this one is.

For this reverse onus to apply, a person must be charged with a violent offence involving the use of a weapon; they must also have been convicted of a prior violent offence involving the use of a weapon within the preceding five years. Both offences must be eligible for a maximum sentence of 10 years' imprisonment or more.

[Senator Gold]

[*Translation*]

The second key change would expand the current list of gun-related offences that would lead to a reverse onus. This proposal targets crimes that significantly undermine public safety, such as breaking or entering to steal a firearm, robbery to steal a firearm and making an automatic firearm.

Added to this list would be the unlawful possession of a loaded prohibited or restricted firearm, or an unloaded prohibited or restricted firearm together with readily accessible ammunition. This addition directly responds to the concerns of law enforcement agencies, as well as to the call of the 13 provincial and territorial premiers.

[*English*]

As the Minister of Justice said at committee, with these new reverse onuses, Bill C-48 takes a ". . . surgical, targeted approach toward serious, violent offenders . . . ."

As departmental officials explained, while a reverse onus may increase the likelihood of detention in these types of cases, it may also simply enhance the scrutiny that bail courts bring to bear, resulting in more information being laid before the court and, potentially, a more rigorous bail plan with stricter conditions of release, all in the interest of public safety.

Witnesses from the Canadian Association of Chiefs of Police, as well as the Commissioner of the Ontario Provincial Police, expressed a desire for the bill to go further. They wanted it to cover all violent offending, with or without weapons. They advocated removal of the five-year limitation for prior offences.

Other witnesses, including the Canadian Bar Association and the Canadian Civil Liberties Association, were worried that the provisions as drafted were already too broad. Some would prefer the elimination of reverse onuses altogether. In the government's view, these provisions strike the correct balance. They prioritize public safety while respecting the constitutional right not to be denied reasonable bail without just cause.

Colleagues, when we received this legislation from the other place, it also included an expanded reverse onus related to intimate-partner violence. Since the adoption of Bill C-75 in 2019, a reverse onus has existed for anyone charged with an offence involving intimate-partner violence who was previously convicted of such an offence. Bill C-48 originally proposed to expand that provision to cover people previously discharged for an intimate-partner violence offence. However, that element of the bill was removed at committee.

Now, as I said during our clause-by-clause deliberations, the government believes that provision was important and the government regrets its removal.

Colleagues, to be clear, in our criminal justice system, a discharge is a finding of guilt. It's essentially the lightest possible penalty a person can receive; it may be used, for example, in the case of a first-time offender to whom a judge wants to give a second chance. Basically, it means that if they behave themselves or abide by certain conditions, their record is wiped clean.

But a person who receives a discharge for intimate-partner violence committed intimate-partner violence. If they subsequently find themselves charged once again for intimate-partner violence, the government does not believe that they should benefit from the leniency they were granted the first time around. As we heard from officials, intimate-partner violence tends to be an offence where a pattern builds, often long before the police or the courts are ever called upon to get involved.

When a person finds themselves charged with such an offence not once but twice, there is a serious cause for concern and a serious risk involved for the victim. In fact, the risk to a victim of intimate-partner violence often increases once charges have been laid.

In the words of the Native Women's Association of Canada, which supported Bill C-48 in its original form, "protecting [women] from their abusers between when charges are laid and a hearing is an important concern."

Colleagues, I understand why certain senators were uneasy with this provision. We, indeed, heard from some witnesses that applying a reverse onus to people who received a discharge was simply a step too far.

Undoubtedly, there is a balance to be struck between the rights of the accused and the safety of the victim. Reasonable people can reasonably disagree about where to draw that line. Let me simply repeat the government's view that the bill's original version balanced these factors appropriately.

I would also note that the very same provision removed by Bill C-48 at clause-by-clause was included in Bill S-205, which the Senate adopted this past April and which is currently at second reading in the other place.

[*Translation*]

Finally, the bill adds a few new considerations and requirements for the courts when they are deciding whether to grant bail.

First, the bill would expressly require courts to consider whether the accused has a history of violent offences.

Second, it would require that the judge include in the record of proceedings a statement indicating that they considered the safety of the community as well as the safety of any victims. As noted by the OPP Commissioner, this provision would ensure that the rights of victims and the public to be protected from violent criminal behaviour is given appropriate weight.

Third, the bill, as amended by the committee, would require the judge to explain how they took into account the particular circumstances of an accused person who is Indigenous or an accused who is a member of another vulnerable population that is overrepresented in the criminal justice system. Since the former Bill C-75 passed in 2019, judges have been required to take these circumstances into account, but the committee felt it appropriate to add this requirement in order to ensure that the exercise is done properly.

[*English*]

The committee also made one other amendment to the bill in the section mandating parliamentary review. As initially drafted, the bill required review by a committee of the other place five years after Royal Assent. Now, the bill also mentions a committee of the Senate.

I would note that, colleagues, when the justice minister appeared, he assured us that future parliamentary review provisions in legislation from his department will include both chambers.

• (1520)

That, in essence, is an overview of the bill as it currently stands, having been amended and adopted at committee.

Before I end my remarks, I'd like to touch on some of the points that were raised about challenges facing the bail system more broadly. Many of these challenges exceed our capacity to deal with them in legislation, and involve policy and resourcing decisions by different levels of government. True though that is, it doesn't make them any less important.

One of the topics that was raised repeatedly — in fact, I believe I raised it myself at second reading — is the need for better data. It's a big challenge because of all the different jurisdictions involved in the criminal justice system and in the bail process as well, but it's a challenge that simply must be overcome.

In the observations appended to its report, the committee urged the government to work collaboratively with provinces and territories, ". . . to establish an efficient and effective means of collecting and sharing data relevant to the bail system . . . ." The government intends to heed that call. This issue was acknowledged by the federal and B.C. justice ministers during their testimony.

Data collection related to bail is one of the priority areas identified at recent federal-provincial-territorial meetings. I would note that Budget 2021 included funding for the Department of Justice and Statistics Canada to improve the collection and use of disaggregated data in the justice system. We're seeing some green shoots of early progress, but more clearly needs to be done and more is being done.

Another theme that arose at committee was the importance of social supports that make communities safer by helping prevent criminal activity and promote compliance with bail conditions.

Several witnesses stressed the need for things like affordable housing, mental health care, addictions treatment, financial supports and resources for victims of intimate partner violence.

Again, this is an area where different levels of government have to collaborate. The federal government has been making investments and working with partners in provincial, territorial, municipal and Indigenous governments to achieve progress. These efforts are an essential part of making our communities safer.

[*Translation*]

Lastly, several witnesses shared their concerns about the potential impact of Bill C-48 on accused persons from Indigenous and Black communities and other marginalized communities.

In his testimony, the Minister of Justice emphasized how seriously the government is taking overrepresentation and described various measures the government has taken to tackle systemic discrimination in the criminal justice system. Those measures include developing an Indigenous justice strategy, a Black justice strategy and an anti-racism strategy, and enhancing funding for legal aid in criminal matters.

The government will continue to engage on these issues to reduce inequity. As the Native Women's Association of Canada emphasized, more must be done to simultaneously reduce overrepresentation and prevent crime against members of marginalized communities.

[*English*]

As I've said, legislating in this space is about finding the right balance. Accordingly, Bill C-48 proposes targeted adjustments to the Criminal Code. These proposals respond to widespread concerns about repeat violent offending by people on bail while at the same time respecting the right not to be denied reasonable bail without just cause. The government is accompanying this bill with ongoing intergovernmental work on non-legislative ways of making the bail system more effective.

Honourable senators, Bill C-48 is part of a national effort to strengthen Canada's bail system, protect our communities and reinforce public confidence in the administration of justice. I invite you to join me in supporting the bill and sending it back to the other place, so members of Parliament can consider our amendments in a timely fashion. Thank you.

Hon. Kim Pate: Honourable senators, I rise today to speak to Bill C-48. This bill will create new reverse onus provisions, as Senator Gold has pointed out, that will increase the burden on accused persons to demonstrate that they can safely be released on bail until their trial instead of leaving in place the presumption that the individual will be released unless the Crown proves detention is necessary.

Bill C-48 was drafted and rushed through the House of Commons in response to acts of violence against police officers with no evidence that any of these would have been prevented by this legislation. Unfortunately, the changes proposed by this bill are heavily influenced by political posturing rather than responding to the challenges of the bail system in a way that would be in the interests of Canadians.

What are our concerns?

The provisions regarding intimate partner violence remain overly broad such that they will likely catch those experiencing abuse in the same net that seeks to detain those who have inflicted abuse.

This bill will likely increase the overrepresentation of marginalized communities in prisons and jails, particularly Black and Indigenous peoples; those living in poverty; and those with past trauma, mental health and addiction-related issues.

Neither the government nor the Senate were provided with data to support the assertion that this bill will accomplish its intended goal of improving public safety.

As a result of the ongoing legacy of colonialism in Canada, Indigenous women disproportionately experience violence. Data shows 6 out of 10 Indigenous women experience family violence in their lifetime, and 4 out of 10 experience physical violence. Yet, Indigenous women often fear calling police for help in these situations because of how, too often, they find the legal tables turned such that they are blamed and held responsible for violence perpetrated against them.

One example of this hyper-responsibilization is the manner in which past attempts to develop policies to assist women's experiences of violence have resulted in things like mandatory charging practices. Rather than protecting women, they have resulted in dual charging, a practice where police lay criminal charges on both the victim and the abuser in situations of intimate partner violence.

Women who defend themselves are also more likely to use items characterized as weapons — maybe a hairbrush, maybe a plate, maybe a frying pan, maybe a kitchen knife. Those who engage in hand-to-hand combat without grabbing something to help to defend themselves often end up dead. Women who pose no threat to public safety end up charged with assault for defending themselves against abuse. Because of the conditions of pretrial detention and lengthy bail hearing delays — not to mention a justifiable lack of faith in a criminal legal system that has not taken their victimization seriously — too many women plead guilty in exchange for a set sentence rather than face potentially lengthy time in prison pending a bail hearing or pending trial, not to mention the risk of conviction at trial and a longer sentence.

We know this happens. Dual charging has been acknowledged by the government and by police witnesses. We heard from the lead counsel of the National Inquiry into Missing and Murdered Indigenous Women and Girls that women across the country face this barrier.

According to the Barbra Schlifer Commemorative Clinic, which exclusively deals with family violence cases for women in Ontario, five to six new clients every week enter their dual charging program.

Dual charging puts more Indigenous women into the criminal legal system at a time when there is already an ongoing crisis of overrepresentation and mass incarceration. By having a bill that expands the net of reverse onus provisions to anyone convicted of using a weapon for intimate partner violence, we predict

seeing victims of intimate partner violence being dragged into the criminal legal system, which will further discourage Indigenous women from calling for help when they are most in danger.

This bill was created through an incredible sense of urgency in our government. Where is that same urgency for supporting the measures that truly allow victims of intimate partner violence to feel safe? Why is our focus on putting more people into pretrial detention after charges have been laid, rather than shoring up the economic, housing, social and health supports that give victims the tools they need to safely leave situations of intimate partner violence?

• (1530)

We heard from witnesses with first-hand experience of the current state of our bail system. We heard from Crown and defence lawyers, as well as human rights experts working with and on behalf of those who have been victimized and criminalized, all of whom told us unequivocally that pretrial detention conditions are abhorrent and disproportionately impact those most marginalized.

Emilie Coyle and others from the Canadian Association of Elizabeth Fry Societies described cells covered in feces and restrictions on access to water so severe that women were drinking out of toilets. Women's Legal Education & Action Fund shared the heartbreaking story of Sarah Rose Denny, a Mi'kmaw woman, a mother, who died of double pneumonia after being denied health care while in jail.

The number of people held in pretrial detention has more than quadrupled in the last 40 years, despite crime rates decreasing over that same period, causing overcrowding and delay in bail hearings.

Adding new reverse onus provisions will worsen this problem. Multiple witnesses, including the CEO of Ontario's legal aid program, stated this bill will increase the number of false guilty pleas due to the pressure to escape pretrial detention facilities as quickly as possible.

Whom will this impact? This bill intends to capture only those who pose an extreme threat to public safety, those deemed at risk of repeating violent actions. We do not have any data to support that it will only catch this subset of people, however, nor that reverse onus provisions attached to these types of charges and convictions have any tie to keeping the public safe. But here's what we do know, honourable colleagues: Even short periods of time in pretrial detention — a matter of days — put people more, not less, at risk of being criminalized in the future.

Individuals who are most likely to be initially criminalized are those who are already marginalized. As stated by Professor Nicole Myers:

> Individuals who are experiencing poverty, homelessness, mental health issues or the criminalization of drug use are among those subjected to the most intensive scrutiny and surveillance by police, making them more likely to be arrested and held in custody for a bail hearing.

Individuals who are unable to obtain bail after an arrest are frequently those who lack resources. The people held in pretrial detention are those whose family members do not have a spare room in their home to house the accused person or who cannot take time off work to attend court dates or who cannot pledge a significant amount of money and therefore cannot act as sureties for their family member. Disproportionately, this goes hand in hand with other systemic inequalities, particularly those experienced by Black and Indigenous peoples.

After being denied bail, Black Canadians spend longer in pretrial custody than the general population and, while incarcerated, they experience harsher conditions of incarceration and imprisonment, experiencing use of force, solitary confinement and maximum security more than others.

Indigenous peoples, particularly Indigenous women, continue to be inexcusably overrepresented in prisons. Indigenous women represent upwards of 75% to 99% of those in provincial custody. Young Indigenous women and girls represent 95% to 100% of the population in jails for young women in Saskatchewan, Manitoba and the North. This bill does nothing to address this crisis.

When these are the facts before us, how can we support a bill that will put more people, especially those most marginalized, into pretrial detention? Where is the evidence that this bill will address the crisis of overrepresentation in the criminal legal system that Black and Indigenous peoples are facing instead of exacerbating the situation?

This bill was rushed through the other place in a single day, without proper scrutiny. Because of this, we started our study in committee with a disadvantage. We were then also expected to study the bill without first receiving the government's GBA Plus analysis. At committee, the Department of Justice did not have the demographic data to justify the reverse onuses created under Bill C-48. We also have yet to see the impact of Bill C-75, another bill that created reverse onus provisions and that is currently undergoing evaluation.

Why are we rushing legislation through Parliament when we do not have sufficient information to properly assess it? Why are we promoting legislation which may or may not have its intended effect but will almost certainly have a series of unintended consequences for the most marginalized communities?

If we want to improve public safety, we owe it to Canadians to do so in the most effective, evidence-based way possible. We need to focus resources on social supports that address the root causes of criminalization rather than choosing reactive approaches. We should be funding guaranteed livable income, housing, social supports, health care, including mental health and addictions supports. If we are trying to improve our bail system, we must improve funding for legal aid and bail supervision programs that keep people in their communities. That is not what Bill C-48 does.

This bill is more likely to criminalize Indigenous women who call police for help when facing intimate partner violence. It could put more people into pretrial detention, worsen the current overrepresentation of Black and Indigenous peoples in prison and create incentives for more false guilty pleas, especially so that people can escape deplorable conditions of pretrial detention.

With respect, we simply cannot afford to risk taking any more steps in the wrong direction when it comes to the criminalization and mass incarceration of Black and Indigenous people, especially Black and Indigenous women.

It is our responsibility to push back on legislation that has political motivation but is devoid of evidentiary basis. We must continue to advocate for changes to the bail system that protect the public, especially victims of intimate partner violence.

Bill C-48 will not make us safer. In fact, it could make us less safe. Honourable colleagues, it is our duty to expose the truth when the proverbial emperor has no clothes. We have a duty to not waste taxpayers' dollars on yet more performative legislation. In my humble opinion, we should not even be passing this bill.

Meegwetch. Thank you.

(On motion of Senator Martin, debate adjourned.)

NATIONAL COUNCIL FOR RECONCILIATION BILL

FIFTEENTH REPORT OF INDIGENOUS PEOPLES COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Indigenous Peoples (*Bill C-29, An Act to provide for the establishment of a national council for reconciliation, with amendments and observations*), presented in the Senate on October 26, 2023.

Hon. Brian Francis moved the adoption of the report.

He said: Honourable senators, before beginning, I would like to acknowledge that I am speaking from the traditional unceded territory of the Algonquin Anishinaabe people.

Today, in my capacity as the Chair of the Committee on Indigenous Peoples, I am humbled to speak about Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

In short, the bill responds to Call to Action 53 of *The Final Report of the Truth and Reconciliation Commission of Canada*, which calls upon the Parliament of Canada to, in consultation and collaboration with Indigenous Peoples, enact legislation to establish a national council for reconciliation. Specifically, the bill proposes a permanent, independent national oversight body, which would be incorporated as a not-for-profit organization and mandated, among other responsibilities, to monitor, evaluate and report on the progress towards reconciliation.

The bill would also lay the foundation for Calls to Action 55 and 56, which outline the funds that should be allocated to the council and the data and information it requires from various levels of government. The Prime Minister of Canada is also required to formally respond to the annual report developed by the council — which would highlight progress being made in all governments and sectors of the country and make recommendations — by issuing an annual report on the state of Indigenous peoples that outlines the Government of Canada's plans for advancing reconciliation.

I want to now shed light on the examination and consideration of Bill C-29 at the Committee on Indigenous Peoples. In total, we held 12 meetings amounting to over 20 hours. During this time, we heard from over 50 witnesses and received 23 written briefs, including 7 responses from witnesses to outstanding questions.

• (1540)

I am grateful to the members of the committee for approaching this work respectfully and productively. For example, to develop and finalize a strong work plan, we asked members and non-members to suggest witnesses and tried to allocate spots fairly and equitably.

To hear from as many individuals and groups as possible, we also issued an open call for written briefs and encouraged colleagues to share the invitation within their networks.

While far from comprehensive, I do believe that the evidence heard by the committee is representative of the diverse perspectives that Indigenous peoples, and others, hold about the national council for reconciliation.

Last Thursday, on October 26, the Committee on Indigenous Peoples presented its fifteenth report on Bill C-29 with amendments and observations, which I intend to summarize next.

With regard to amendments, the committee modified clause 2, which defines terms used in the bill. We amended the term "governments" and added the term "Indigenous governing body" which encompasses the leadership and organizational structure chosen by First Nations, Inuit and Métis groups.

The committee also modified clause 6 to clarify that the purpose of the council is to advance reconciliation between Indigenous peoples and non-Indigenous peoples rather than simply with Indigenous peoples. This amendment emphasizes that reconciliation extends to all levels of government and society. It is, furthermore, the shared responsibility of the diverse Indigenous and non-Indigenous populations that make up Canada.

Clause 7, which sets out the functions of the council, was also amended.

In line with the language of Call to Action 53, the emphasis is placed on monitoring, evaluating and reporting. We also added the components of policy development and public education programs to the multi-year national action plan. Lastly, we specified that the council must stimulate and promote innovative dialogue, as well as initiatives and public-private partnerships, to advance reconciliation.

The committee added new clauses 7.1 and 7.2, which address several concerns raised by Inuit Tapiriit Kanatami and other witnesses. Further to the amendment in clause 2, it is made explicitly clear that the council will not act on behalf of, or represent the interests of, an Indigenous governing body. The act of consulting or engaging with the council would not discharge the duty to consult of governments or others.

In addition, it is noted that the council will not interfere with the work happening through current or future bilateral mechanisms established between Canada and First Nations, Inuit and Métis people, such as the Inuit-Crown Partnership Committee.

There is also an amendment to clause 16 dealing with the disclosure of information. In the bill, clauses 16(1) and (2) require the minister to develop, in collaboration with the council, an information-sharing protocol to ensure that the council can carry out its functions. If relevant information is not released, clause 16(3) adds that the council may apply to the federal court for remedies. I highlight here that the word used is "may," and not "shall." In other words, it is only one of a range of options that the council may pursue.

Clause 16.1, which deals with the annual report from the Prime Minister, is amended to specify that the end of the financial year is March 31.

Lastly, a new clause 17.1 is added. This is a consequential amendment that creates alignment with the new reporting requirements set out in clause 7.

The committee also made six observations regarding Bill C-29.

First, we observed that the context behind the establishment of the council is the devastating intergenerational effects of assimilationist policies promoted by the federal government, including Indian residential schools, which have had significant negative impacts on Indigenous peoples' well-being and highlight the need for an independent, Indigenous-operated body that can measure progress on eliminating disparities between Indigenous and non-Indigenous peoples. Elders, survivors and their descendants must inform and guide this work.

Second, to fulfill its broad mandate, we further noted that the council must have timely and unencumbered access to information from all levels of government.

Third, given the ongoing difficulties faced by other bodies, such as the National Centre for Truth and Reconciliation, the committee further observed that a complaint resolution mechanism should be established at the same time as the information sharing and disclosure protocol described in section 16(1) of Bill C-29.

Fourth, the committee also recommended that the board of directors should strive to include a broader representation of Indigenous peoples than those currently identified in the act.

In specific, it must reflect the diversity, backgrounds and experiences of Indigenous peoples, regardless of where they live. While avoiding being too prescriptive, this observation highlights the need for inclusive representation and engagement.

Fifth, to reflect the paramount importance of bilateral mechanisms established between the Government of Canada and First Nations, Inuit and Métis peoples, the committee amended the bill and made explicitly clear that the council should not interfere with these mechanisms.

Sixth, while pleased that the Government of Canada has allocated an endowment of $126.5 million, the committee agreed with witnesses that this amount is insufficient.

To fulfill its widespread mandate, the council must be supported by long-term, multi-year funding to ensure that it has the financial, human and technical resources required to conduct its work. As a result, we strongly recommended that the government increase the endowment to a more appropriate level, at least proportionate with the Aboriginal Healing Foundation, which, as we heard from Professor David MacDonald, became a self-sustaining body from a total investment of $515 million. This observation underscores a concern that, due to insufficient funds, the council may lack the financial, human and technical resources required.

This point was emphasized by Dr. Marie Wilson, one of the three commissioners of the Truth and Reconciliation Commission of Canada, who stated:

> . . . without the money and the means, everything can become politicized and fragile when we need this to be permanent and stable.
>
> This cannot be another perceived destitute organization trying to work miracles on a shoestring.

Colleagues, before I conclude, I would like to make some brief comments.

In the context of examining Bill C-29, some have expressed concerns about the lack of consultation. I respect these arguments and I understand where they come from.

However, it is important to remember the work of the Truth and Reconciliation Commission, which was based on research, records and testimonies gathered between 2008 and 2015, and recommended the establishment of the national council for reconciliation.

This position was shared by Dr. Marie Wilson. She said:

> I know this statement will be controversial, but I feel that the TRC itself was a huge consultation. It was an unprecedented canvas of Indigenous peoples consulting on residential schools, narrowly, but in fact, people spoke to us very widely about multiple sectors of their lives, which is why the Calls to Action are much wider than just setting out what happened in the schools and saying, "Let's fix the schools." It goes far beyond that because the impacts go far beyond that.

> So that was a huge consultation. . . . I think if we go back and say, "Well, nobody was consulted," I think that is, frankly, an unfair representation, because it didn't start from nowhere. . . .

A lot of attention was also given to the composition of the board of directors. Some witnesses disagreed with the inclusion of non-Indigenous people. Others agreed but wanted a smaller number. There were also debates about which Indigenous governments or organizations should have the opportunity to nominate a board member. The reality, however, is that with 9 to 13 members, all Indigenous peoples can't be represented.

Michael DeGagné, one of the members of the Transitional Committee for the National Council for Reconciliation, which will help appoint the first board of directors, told us:

> By introducing one, you perhaps introduce four, and then introducing another one, and before you know it you have the United Nations.

He further noted:

> . . . I would throw up a lot of caution about introducing this group or that group as if to say the only way to have a voice in this structure is not through the dialogue but you have to sit at the table, at the board. As an initial board, we are going to carefully find people who have had experience in doing reconciliation in Canada already. We are looking for technicians. We are not looking for another political organization that will get between the people and the government. That is not what we're interested in.

• (1550)

I also want to note that some of the discussions about representation on the board of directors are connected to broader debates about Indigenous identity.

It is Indigenous peoples, not parliamentarians, who should decide who should or can represent us, or make decisions on our behalf. Given that we are not a monolith, it is not surprising that there is a diversity of perspectives on these matters. There is a historical and contemporary context that needs to be addressed, and many issues remain unresolved, including when it comes to individuals who have been disconnected from their families and communities through forced assimilation.

Indigenous peoples need to be given space to not only navigate these tensions, but also to heal and reconcile. This point was eloquently made by witness Jay Launière-Mathias of Puamun Meshkenu. In speaking about the importance of reconciliation between Indigenous peoples, he stated:

> Often talked about is reconciliation between Indigenous people and institutions, whether the Canadian government, departments, municipalities or provincial governments. That is a necessary part of reconciliation, and we are on that journey now.
>
> Also necessary is reconciliation between Indigenous people and Canadians. That, too, is ongoing. However, reconciliation between Indigenous people is less visible in the bill. Reconciliation on that level is paramount in my view. As a young Indigenous person, I must come to terms with my history, the wounds of the past and the intergenerational trauma that continues to be passed on, and we must also reconcile amongst ourselves.

When asked to elaborate, Launière-Mathias added:

> Then, at the community level — and we see it — there is a lot of racism between Indigenous people themselves, between different nations, between members of the same community, between those who live on reserve and those who live in urban areas. That, too, is a part of reconciliation we have to engage in. . . . We can't change the past, and neither can the creation of a national council. What we can do, however, is see to it that certain things don't happen again and understand how we can work together to bring about that reconciliation. . . .

The us-versus-them dynamic, which did not exist before colonization, is deeply hurtful and damaging to Indigenous peoples. As we debate this bill further, we have to be cautious about not fuelling division, as well as lateral violence, among Indigenous peoples. *Wela'lin*. 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?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

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

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—TWELFTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Agriculture and Forestry (*Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act, with an amendment and observations*), presented in the Senate on October 26, 2023.

Hon. Robert Black moved the adoption of the report.

He said: Honourable senators, I rise today to speak to the twelfth report of the Standing Senate Committee on Agriculture and Forestry on Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act.

I am pleased to advise that we held seven meetings. We heard from 24 witnesses and received 21 written briefs. I would like to add that, in comparison, the other place only held five committee meetings on this bill.

As an overview of what happened during those seven meetings throughout our study, I offer the following:

Three amendments were proposed, and only one was adopted during clause-by-clause consideration. The amendment adopted — put forth by Senator Dalphond — limits the bill to grain drying equipment only by excluding the heating and cooling of barns, greenhouses and other structures.

Upon presentation of this amendment, a point of order was raised by my Canadian Senators Group colleague Senator Burey, deeming that amending Bill C-234 in this manner was destructive to its original principles and goals, and was, therefore, out of scope. After debate on the point of order, I, as chair, ruled in favour of the point of order. However, the chair's ruling was defeated in a vote of 5 yeas; 7 nays; and 2 abstentions. The amendment was then debated, voted upon and adopted: 7 yeas; 6 nays; and 1 abstention.

The report also now includes four observations, with a fifth observation being withdrawn, as it was very similar to one that was approved.

Honourable colleagues, I will now remove my committee chair hat, and assume my perspective as a senator appointed to this chamber because of my agricultural background. As you know, I take every chance that I can to highlight this very important industry, and so now I am wearing my proverbial farm hat.

I will begin by saying that presenting this report is a challenging task for me. I'm highly disappointed — as the chair and as a lifelong "agvocate" — that I must table this report, and now have to speak against it.

Colleagues, as I have said, there were two parts to this bill — farm heating and cooling, and grain drying — and now there is one. The amendment adopted in this report by our colleague from the metropolis of Montreal effectively removes half the bill by excluding the heating and cooling of buildings and structures.

I believe, as does the industry, that this amendment changes the initial intent of the bill, which was to provide carbon tax relief for farmers. The bill, as it now stands, establishes an unjust precedent within our industry. Our farmers work tirelessly to produce food that feeds our nation and the world, and they are facing increasingly challenging circumstances.

We heard over and over again in committee how much the industry needs this carbon tax relief, especially as we move into the colder months when farmers will be required to heat their barns, greenhouses, et cetera. Climate change, labour shortages, trade disruptions and the lasting effects of the COVID-19 pandemic have taken a toll on our agricultural sector. Additionally, agricultural commodities are already facing a rise in costs of production for things like inputs, supplies, machinery and transportation.

As a nation, I believe that we must do everything in our power to support our farms and ensure they can continue to thrive in the face of these significant challenges. Removing the heating and cooling of barns and other structures does the opposite of this.

While some alternative, greener options may be available for the heating and cooling of barns, the current challenges faced by the industry do not allow for producers to have the capital to afford these greener options, as they require astronomical investments usually amortized over 20 or more years.

The transition to more sustainable and environmentally friendly practices in agriculture is a goal we all share, including the industry. However, we must also understand that this transition requires time and significant investment to build the necessary infrastructure, and to scale up emerging alternative technologies.

• (1600)

Moreover, witnesses during the Standing Senate Committee on Agriculture and Forestry proceedings underlined that emerging technologies, which would provide alternatives, are at least eight years away from commercial viability. Let me repeat that — alternatives are at least eight years away from commercial viability.

Bill C-234 includes a sunset clause to re-evaluate its context in eight years, ensuring justification for such an exemption. As a side note, colleagues, one of the other amendments voted down by committee aimed to reduce this sunset clause to three years, even though we heard loud and clear in committee that three years wasn't long enough for such technology to become viable.

The industry clearly supported the eight-year sunset clause amended to the bill in the other place. In the absence of viable alternatives for heating and cooling, the amendment, which removed half the bill, doesn't just impact farmers' and ranchers' competitiveness — it jeopardizes their future efficiency and sustainability by forcing them to bear tens of thousands of dollars in carbon taxes. The net result is limited available capital for farmers to invest in their operations and continue lowering their carbon footprint through, for example, innovation.

The carbon tax both delays and prevents investments in critical efficiencies that would improve the sector's environmental performance.

As I said previously, we are only weeks away from winter, when farmers across this country will begin adding more heat to their barns, greenhouses and other structures. This is a crucial period in the agriculture sector because of the coming cold weather. During this time, drying crops properly at the correct humidity level is required to prevent commodities from spoiling.

Furthermore, heating barns for broiler chickens, egg layers, young dairy calves, hogs and more is necessary to keep farm animals healthy through winter — so it is an animal welfare issue as well. Yet this amended bill removes the heating and cooling of these structures from a carbon tax exemption, essentially eliminating half the bill.

Colleagues, this is not the first time a bill with similar intent has been presented in Canada. Numerous attempts have been made in both chambers to provide relief for farmers from the carbon tax, underscoring the importance of this issue to our nation — and significant concerns regarding it. In fact, this is the second bill to pass the other place and come to our esteemed chamber of sober second thought, and this may very well be the second time the industry will fail to benefit from these measures, even though their duly elected officials voted for and passed similar bills twice.

I have heard, colleagues — and I expect you have all heard as well — from hundreds of Canadians, consumers, farmers, producers and numerous others in the last week or so who are extremely disappointed with this report, and that the bill has been gutted and its basic intent removed.

Representatives from the Canadian Cattle Association said:

> On behalf of Canada's 60,000 beef farms and feedlots, including the 7,500 seed stock breeders, we request your support for Canadian agriculture by voting against the proposed amendments and allowing the bill, in its original form, to be tabled at third reading and passed into law without delay.

A representative from Grain Growers of Canada, which represents over 65,000 producers, said:

> I am asking for you to reject the proposed amendment from the committee which would exempt the heating and cooling of buildings. This would not only further delay this crucial piece of legislation, especially as we approach the winter season, but it also does not acknowledge the current technological realities.

Larry Davis, a cash crop farmer in Ontario, said:

> Not only does this amendment change the intent of the bill which had received multi-party support in the house, it also jeopardizes the bill's passage by adding considerable delays and sending it back to the house.

Honourable colleagues, this is a small fraction of what I have heard from people across our great country over the past week. It's evident that our agricultural sector has been greatly let down by this report. Further, they have been let down by our honourable colleagues who never attended one meeting of the committee to hear from witnesses about the need for this exemption, but instead were parachuted into the committee for clause-by-clause consideration only.

Farmers, ranchers and processors must maintain their competitiveness within Canada's economy. The carbon tax disproportionately affects them, despite their role as stewards of the land and an essential part of this nation.

Moreover, the sector plays a crucial role in preserving Canada's environment and the fight against climate change. In fact, many farmers have been actively employing various carbon-sequestration methods to enhance farmland productivity, protect the land and continue to produce the great food we all get to eat 365 days a year. Yet we continue to look only at the sector's carbon footprint and not the contributions that farmers and producers make to return and sequester carbon and contribute to climate change mitigation.

In the Standing Senate Committee on Agriculture and Forestry, we have heard testimony that many in the agricultural sector are already actively engaged in the fight against climate change. For example, Paul Maurice, a farmer in Tiny, Ontario, said:

> We run a 35,000-bird broiler operation. We also cash crop 900 acres of corn, soybeans, cereal grain and hay in Simcoe County, Ontario. I acknowledge that we are all part of the problem but we, in the agricultural sector, are doing our best to be part of the solution and not the culprit, as many would have us believe. The best management practices that we implement in our operations far outweigh the carbon footprint that so many believe we create. The sequestration of carbon within our crops, and subsequently into our soils, seems to be a story that is put aside. As farmers, we are always looking for production efficiencies to remain competitive in our domestic and global agricultural marketplace.

As I've mentioned, farmers are finding carbon-reducing strategies and innovative new ways to produce food for Canada and the world. For example, carbon waste is being used to generate biofuels through the construction of things like anaerobic digesters. This innovation is being used by dairy farmers and others across the country, yet they are not being recognized for these innovations.

Farmers are progressive, determined and interested in engaging in innovative new technologies for the advancement of the industry. Farmers understand the importance of innovation and progressiveness in their fight against climate change. But this cannot be supported by limiting their fiscal capacities and forcing them to bear the burden of an unfair tax on their livelihoods.

Bill C-234, in its original state, offers a practical solution that would provide relief for farmers without compromising our environmental goals. This exemption would have had a significant positive impact on Canadian agriculture. It would have helped reduce input costs for farmers, thereby making it easier for them to invest in new technologies and infrastructure that will improve their efficiency and competitiveness — and lower their carbon footprint. It would also have encouraged the growth and development of the agriculture sector, which is essential for our country's economic and social well-being, especially as our population continues to grow. We need farmers to be able to grow, innovate and expand to continue to feed Canadians and the world.

Furthermore, the exemption in the original bill would have been in line with this government's commitment to support small businesses and rural communities. By exempting fuels used for farming, the government would be acknowledging the unique challenges faced by these groups and seen to be taking steps to address them. However, the current report before us, which removes exemptions for the heating and cooling of buildings, structures and greenhouses, threatens to undermine these objectives.

The bottom line is that it's farmers who are being pinched. It's farmers who are going into this winter and will be hundreds of thousands of dollars in the hole while trying to keep their farms and families afloat to feed you, me, our families and the world.

If a business owner's bottom line is affected, he or she will do all they can to cut costs to prevent bankruptcy. How can we expect our farmers to see their costs increase and their bottom lines threatened without them passing along those cost increases to the consumer? Except farmers can't do that, because they are price takers, not price makers.

Colleagues, I am sure you heard the announcement last week by the Prime Minister that they are doubling the pollution price rebate rural top-up rate and implementing a three-year pause to the federal carbon price on deliveries of heating oil in all jurisdictions where the federal fuel charge is in effect. As a senator who raises issues and concerns related to rural communities, I was very happy to hear this announcement and know it will help many rural Canadians as they struggle to pay their bills, heat their homes and put food on their tables.

Yet our farmers — who, of course, are also located in rural areas — will not receive this benefit when heating and cooling their farming facilities.

This would have been, and still is, a critical exemption that farmers need now that would help them survive and continue to feed us all.

• (1610)

Why are we burdening ranchers and growers with taxes, sometimes reaching tens of thousands of dollars — in some cases much more — and limiting their ability to adopt technology in the future? Why are we hindering our national food security and food sovereignty? Why are we causing farmers this grief and further delay?

Colleagues, having said all this, as a senator that many of my honourable colleagues come to with questions about agriculture, I turn to you now and respectfully request that you vote down this report. Vote it down for our farmers. Vote it down for your local producers. Vote it down to ensure that the increased costs don't cause our food to continue to skyrocket and cost more. Whatever your reason, I ask that you vote this report down, return the bill to its original state and return it unamended to the other place post-haste so our farmers don't have the burden of this carbon tax now.

With that, I'll take off my agriculture hat and say thank you to the Library of Parliament analysts, the clerk and all the committee staff for their help.

Hon. David M. Wells: Honourable senators, I rise today at report stage as the Senate sponsor of Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act. I wish to thank the committee and its chair, Senator Black, for their important work on this bill.

Although it's not uncommon to speak at report stage, it is important to do so at this particular point in the life of Bill C-234 as we're dealing with an amendment from the committee designed to alter the spirit and intent of the bill and essentially kill the bill. An amended bill must go back to the other place, where the government can control the placement and pace of the bill's progress and let it languish and, therefore, not become law.

However, after hearing all the arguments, I'm hopeful that senators will understand this bill is aimed at helping our food producers, and it respects the intent of the carbon tax. A vote against the report, which is what I'm asking the chamber to do, would allow the original, unamended bill to be reviewed and debated by the full chamber, where any amendments can be introduced and debated by all at third reading.

Farmer Roger Chevraux said it best:

> I am a 4th generation farmer, and my family farm has been in operation for over 110 years. Together with my son, we farm 5,000 acres near Killam, Alberta, where we grow canola, wheat, and malt barley.
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> This proposed amendment excludes livestock farmers, ranchers and greenhouse growers and, if passed, would return the bill to the House of Commons, killing the bill and the much-needed financial relief it provides.

Farmers, ranchers and growers are simply asking for natural gas and propane — which are lower carbon fuels used on farms, essentially for barn heating and cooling — to receive the same carbon tax exemptions that are in place for gasoline and diesel.

Colleagues, the objective of this bill is straightforward. It's intended to correct a legislative oversight by creating on-farm exemptions from the carbon tax on lower emission transition fuels used for critical farming practices such as grain drying, heating and cooling livestock barns and greenhouses, steam flaking and irrigation. The tax affects Canada's farmers, ranchers and growers who rely on two key transition fuels, propane and natural gas, where there are currently no other viable alternatives.

This is not a carbon tax debate. We want to ensure farmers are motivated to eventually go to non-carbon fuel. The people that work the land are also the key stewards of the land, and they want to be as respectful to the environment and business-efficient as possible. To get there, farmers, ranchers and growers should be encouraged to use cleaner fuel like propane and natural gas. The ironic thing about the existing tax exemption is that higher emission fuels — including gasoline and diesel — are exempt and the lower-emission fuels — propane and natural gas — are not. It doesn't make sense to put a behavioural tax on a product to which you want the behaviour to shift.

Colleagues, if we want to move away from the most carbon-intensive fuels, like coal and diesel, and transition to zero-carbon fuels like solar, wind, hydro, tidal or some other non-carbon fuel, there must be steps in between to get us there. These steps include lower emission fuels like gasoline and even less emission-intensive fuels like propane and natural gas. That's what we are talking about here.

Since I've taken on this bill as Senate sponsor, I have visited a number of farms and ranches. One poultry farmer I met in Alberta told me he is doing everything he can already to make his business less costly and more efficient. He has eight poultry barns, and he needs to keep a very specific temperature range in those barns. It's a poultry barn, colleagues, so that's chickens; if it goes above that range, the chickens will die in about 15 minutes. If it goes below, they will survive a few hours, but that's it.

Therefore, these aren't choices. They are things they have to do, and the only way they can do them with the technology available now is to heat their barns in the winter, when it can be minus 30 or minus 40 degrees Celsius, or cool them in the summer, when it can be plus 30 or plus 40 degrees. This farmer has already done so many things, like insulating his barns, putting up heat shields on the sun side of the barns so the sun is absorbed by the shield and has less impact on the barns and building with concrete. They are doing everything to lower their use of fuel and to keep their animals alive.

Having barns removed from the exemption is the entirety of the amendment, versus grain dying, which is also important, but a different sector of the business from keeping your cattle alive and keeping your chickens and hogs comfortable and alive in the summer and winter where in Canada we have those extremes.

The other critical issue with farms is that, by their very nature, they are remote and rural. There is not always a ready supply of whatever fuel you might want except for something like propane, which is delivered to the site in a tank. Many farms, which are rural and remote, don't have access to natural gas. The goal is not just about shifting behaviour, which Canadians are already doing, it's also recognizing the practical challenges faced by farmers, ranchers and growers and ensuring a smooth transition to cleaner, more sustainable energy sources.

Colleagues, the process of amending this bill sends it back to the other place where it will die. That's the purpose of the amendment. The amendment didn't have to be on barns — it could have been a change in the bill's name. That would have been an amendment and would have achieved the same result. But the amendment that did get through, with a number of abstentions and vigorous debate, was removing barns from this whole equation. That's fine for grain dryers, but it's not fine for the farmers and ranchers of Canada who need to keep their animals comfortable and alive.

Another farmer I visited in southern Alberta told me that when the carbon tax reaches $170 a tonne, it will cost him half a million dollars per year just on the carbon tax — money that could be spent getting better or newer technology or testing solar cooling on one of their barns. This is the effect of additional costs and brings with it no benefit to the farm and no benefit to the environment. The government is calling it a market signal. Farmers, ranchers and growers believe that the only signal this sends will be higher costs to them and higher prices for the consumer. If there is an exemption for diesel and gasoline for internal combustion engines that drive heaters and coolers, would that not also be a market signal?

Colleagues, farmers, ranchers and growers are listening to this debate. They fully understand what transpired at committee and what is at stake at this stage of the Senate legislative process, and they understand the purpose of the amendment. As Ontario farmer Merv Erb said after hearing the news of what happened at committee:

> I saw what happened at committee with Bill C-234. So here we are — with wet corn, facing atrocious drying costs. It might be a harvest nightmare like 2018/2019 all over again. Bill C-234 would have offered much-needed and critical relief. And now the Senate is gutting the bill.

As the bill's Senate critic, Senator Dalphond, asked at committee, given that the price of natural gas and propane is currently lower than in previous years, why would a farmer still need a break on that fuel? Well, the price of oil 10 years ago was over $100 a barrel. Four years later, it was less than $30. Should a farmer then switch to oil, given the lower price? Today, the price is $83 per barrel. If Bill C-234 is a question of fairness, then it shouldn't be anchored on a fluctuating variable like spot price. It should be anchored on fairness.

I want to be clear on why I'm voting against the committee report. If the report is voted down, it doesn't kill the bill. It just says that the report that came from the committee, including the amendment, is not accepted by the chamber. Bill C-234 will go to third reading as an unamended bill, and any amendments, including this amendment that passed at committee, can be proposed at third reading for consideration by the full Senate. That's our process. It's fair, and we can all be part of the discussion. If this amendment on removing barns from the exemption is deemed worthy, then please vote that way.

Colleagues, by voting for the report, you're allowing this amendment to pass, which will cost farmers, ranchers and growers a billion dollars that would or could otherwise be invested in the sustainability and efficiency of their operations, in expansion and in hiring more people — all the things we wish for in any business.

Colleagues, we often hear in this chamber that our job is to make bills better. That is our job. If this report passes and the bill is amended, we'll have failed in our commitment to do just that. Killing it by process does not make this bill better.

• (1620)

[*Translation*]

Hon. Pierre J. Dalphond: Would Senator Wells take a question?

[*English*]

Senator Wells: Of course, Senator Dalphond.

Senator Dalphond: Senator Wells, you said that if the report is adopted, that changes nothing; amendments can be moved at the third reading. If the report is adopted, you could move a motion to have this amendment removed from the bill, so why do you want to kill it at the report stage and not debate it fully, as we normally do, at third reading? Then we will all have the opportunity to take part in the debate.

As the sponsor, you would then have 45 minutes to explain and convince colleagues that your amendment is worth receiving and should be adopted. That is when we, as critics, will have 45 minutes to explain why it shouldn't be adopted.

Why don't we debate according to normal rules? That will not prevent you from bringing an amendment. If this report is adopted as is, it doesn't preclude you from bringing an amendment. I don't understand.

Senator Wells: Thank you. Let me explain.

The opportunity to defeat a report, and the amendments that came with it, at committee is part of the normal rules — you would know that. This is one avenue we can take. I think, if your amendment is valid and worthy of consideration by the chamber, it should be debated on that merit. If you would like to bring that amendment back at third reading, where everyone can have a chance to debate and discuss it, I think that's the appropriate place to do it.

An Hon. Senator: Hear, hear.

Hon. Paula Simons: Honourable senators, I rise today to speak to you as the Deputy Chair of the Standing Senate Committee on Agriculture and Forestry, as a senator from Alberta and as someone who is deeply concerned about the impacts of climate change on the province and the country I love. The last three years have driven home to us as never before that climate change isn't some hypothetical, existential crisis of the future; it is happening right now, in real time. Farmers, more than any other Canadians, are seeing the impact of the climate shift every day before their very eyes.

So when Bill C-234 first came before us, I was torn. It was obvious that farmers, under all sorts of economic and trade pressures, were being affected by carbon prices in a way few other small businesspeople were. It was small wonder they were seeking carbon tax relief to help them with grain drying and barn heating and cooling, especially when the government had already given an exemption for gasoline and diesel fuel used on farms. Why exempt diesel, for example, but not propane, a much cleaner fuel? You can see the logic in the argument behind Bill C-234.

But I am also a believer in carbon taxes. They are a transparent, straightforward way of incentivizing people to reduce fossil-fuel use. They are fairer than subsidies and rebates. They don't pick winners and losers. They send a clear price signal — a signal we all feel in our pocket books. They change consumer behaviour in a way no righteous lecture, PR campaign or Senate speech ever could.

So I came to our committee hearings on Bill C-234 with an open mind. I had not yet decided whether I would support the bill or any amendments to the bill. I just listened to the expert witnesses. As deputy chair, I worked diligently to ensure that we had a balanced list of witnesses, not just farm lobby groups and environmentalists but also independent academic and engineering experts. I was grateful for the work that all the senators on the committee did to find those witnesses. Names were put forward by Senator Black, Senator Klyne, Senator Dalphond, Senator Woo and Senator Wells, as well as by me.

I listened, just as I always tried to do in my work as a journalist, without favour or prejudice. I asked tough questions, without bias, trying my best to understand the pros and cons.

I came to a conclusion: An exemption for grain drying makes sense. If newly harvested wheat or corn isn't dried before storage, it runs the risk of rot and mould. We need to dry grain quickly and thoroughly. On Prairie farms, in particular, grain is harvested in huge volumes. Grain dryers are a necessity — not every harvest, but during wet years the ability to dry grain efficiently and completely is essential.

While grain-dryer technology is improving, there are no viable market-ready options other than heaters fuelled by natural gas and propane: there aren't any now, and there probably will not be in three or five years from now.

I was also mindful of the words of one of our academic expert witnesses Dr. Nicholas Rivers, Associate Professor of Public and International Affairs at the University of Ottawa. He noted that the United States has not imposed such a carbon tax on its grain growers:

> The Canadian carbon pricing policy offers rebates to large industrial emitters of traded goods, like cement or steel manufacturers, in order to counteract this competitiveness concern. Rebates to large emitters are based on output, like the amount of steel produced, while the carbon price is levied on emissions. This policy design ensures that large industrial emitters continue to face an incentive to reduce emissions, but are not placed at a disadvantage when competing internationally.

He continued:

> However, many farms are not covered by industrial carbon pricing rebates. There are some exemptions to the carbon price for fuels used on farms, but these exemptions currently do not apply to fuel used for grain drying or for heating buildings. This means that grain farmers face the full carbon price on fuel used for grain drying, and do not receive output-based rebates. However, like cement and steel, grains are an internationally traded commodity, and there are legitimate concerns that the carbon price puts Canadian grain farmers at a disadvantage relative to their international peers.

Given that Dr. Rivers is a supporter of carbon taxes, I thought that argument was particularly objective and informative.

So, despite my concerns — indeed, my fears — about the climate crisis, and despite my opinion that carbon taxes are sound public policy, I began to see that an exemption for grain drying made sense.

However, it was far less clear to me that an exemption for heating and cooling barns, outbuildings and other structures was equally necessary. There are all kinds of ways to heat and cool buildings, and there are all kinds of ways to make barns and other farm buildings more energy efficient; there are practical market-ready options that farmers could deploy to reduce their costs. An exemption for grain drying was justifiable. Was an exemption for barns? To me, that case was much less clear.

So when it came time for us to make amendments, I thought long and hard. I knew that accepting Senator Dalphond's amendment, which narrowed the scope of the bill to deal with grain drying, specifically, would slow the passage of the bill — perhaps dramatically, and perhaps fatally.

But it is not the job of the Senate to accept and pass private members' bills without study and possible revision. If anything, private members' bills require more thought and study, because they don't always receive such scrutiny in the other place where partisan politics can play more of a factor than they sometimes do here. Just because a private member's bill wins enough votes to pass in the other place doesn't mean we should rubberstamp it here. We should hold it up to at least as much study and scrutiny as any government bill.

On the other hand, if I'm being blunt, I also worried that, if Bill C-234 weren't amended and narrowed in scope, it might not pass in this chamber at all. I know there are many senators here who are passionately and philosophically opposed to any carbon tax exemptions. Theirs is a principled position, and one that I might have shared had I not heard all the expert evidence about the conundrum of grain drying. I was worried that, without the amendment, the bill might fail altogether.

So when it came time to vote on the amendment, I made a difficult choice and voted pragmatically in an effort to save the bill by amending it. After that, I voted against amendments that would have shortened the timing for the bill's eight-year sunset clause and that would have made it harder to renew the exemption when those eight years were up.

Because of the even split of the committee, and because my name comes near the end of the alphabet, I ended up being the swing voter each time.

Of course, the operational definition of a compromise is that it leaves people on both sides unhappy. I heard from many who were upset with my decision, either because they felt I had betrayed farmers and perhaps fatally wounded the bill or because they felt I had betrayed my principles and the planet by voting in any way for a bill that rolled back taxes and could be a Trojan horse — a wedge in the door to end carbon taxes for good.

But, in the moment, I felt I had made the right decision. I was prepared to defend it, meeting with several of the key farm lobby groups last week to explain my thinking and to hear their concerns. I was fully prepared to stand by my decision until the news on Thursday, broken here in this chamber by Senator Housakos, of a special new carbon tax exemption announced by the government: one that gives rural and small-town residents a three-year exemption on the carbon tax for heating oil.

This tax exemption has been described as a national program to benefit all Canadian households. That is a bit of sophistry. First of all, the exemption only applies in jurisdictions that are part of the federal backstop.

• (1630)

According to Statistics Canada figures, in 2021, 40% of homes in Prince Edward Island relied on heating oil as their primary heating fuel. In Nova Scotia, it was 33%, and in Newfoundland and Labrador, it was about 17%. In New Brunswick, it's closer to 8%. Fewer than 10% of homes in Ontario rely on oil as their primary heat source. In the Prairies? Well, in Alberta and Saskatchewan, the number is effectively zero, according to Statistics Canada.

I don't mean to sound divisive and as if I'm pitting Canadians from some provinces against others. It's the exemption that's doing that by picking regional winners and losers and stirring up bad feelings across Confederation.

Now, how am I, as an Alberta senator, supposed to look Alberta farmers in the face and tell them that I took a principled stand against carbon tax exemptions when the government has pulled out the rug right out from under me?

In the government backgrounder on this new policy which comes under the headline, "Lowering energy bills for Canadians across the country," we are told that the heating oil exemption will apply not just to heating homes but to the heating of buildings and similar structures, so long as they are not involved in industrial heating or, incidentally, grain drying.

It's also unclear whether this applies to small businesses. The initial press release mentions small businesses. I have been trying for days now to get an answer to that question without any success. But does this mean that farmers in Prince Edward Island and Nova Scotia could use exempted fuel to heat their barns and outbuildings regardless of possible fire risk? It's completely unclear.

I want to say again that I support carbon taxes. They are a simple, straightforward and transparent way to change human behaviour — a market solution for a market problem. I am not a climate change denier. I am not a carbon tax opponent. What I am is a very frustrated Albertan and a very frustrated deputy chair. How can we support having bespoke tax breaks for one region and not another? How can we adopt a system of carve-outs that pits one region against another? How can we maintain public confidence in the fairness of our carbon tax regime if we pick and choose exemptions willy-nilly?

I'm not going to stand here and tell you how to vote on this report. I'm not even sure how I'm going to vote. I just know that I'm feeling pretty foolish right now, pretty betrayed and I wish I didn't. Thank you. *Hiy hiy*.

Hon. Pamela Wallin: Honourable senators, as a long-time journalist, I am not often shocked or surprised by what politicians say, but for a minister in the cabinet of this country's government to state that if people in Western Canada voted Liberal, they, too, might be rewarded by a pause or a reduction in the punitive carbon tax — well, it's beyond the pale, and it's beyond what we deserve as citizens.

For those of us old enough to remember, it echoes the division and discord that came with the imposition of the National Energy Program or from the words of the Prime Minister's father when he mused, "Why should I sell your wheat?" Well, at this rate, there won't be much wheat, lentils or canola to sell.

Let me reiterate. This kind of politicking is divisive in the extreme. It's unfair. It belies an ignorance about the diverse nature of this country — its rural communities, in particular. As Senator Simons pointed out, heat pumps don't work when it's minus 40, so we don't use them. But that's a debate for another day.

This report is a slap in the face to farmers and the entire agricultural sector who have pinned their hopes on some relief, as was offered by Bill C-234. That relief has now been snatched away by amendments here in this place which have the force and effect of gutting the bill and denying that much-needed relief.

We had a dry year in Saskatchewan, except that it rained and hailed for three days in late August when the crops were already cut. So now we need to dry the grain.

Farmers were partially exempt from the carbon tax on gasoline and diesel, but natural gas and propane — the fuels they use to dry their grain or heat their barns — were not exempted. This makes farming, food production, transporting, processing, marketing, selling and eating food more expensive.

Bill C-234 was passed with support from every single party in the other place, and I backed it wholeheartedly because compromising our food production should be non-negotiable. But the bill has been gutted, and so I can no longer support it. I urge everyone to vote against the report from the committee and reinstate the original intent of the bill because treating different regions differently because of how they vote is offensive.

It's also a bit bizarre, I might say, that the government would undermine their core argument for climate policies. It's their signature. They argued that this tax puts more money in our hands, that the rebates exceed the costs, but clearly not if they now agree that people need relief from the impact of the tax.

That's what Bill C-234 was supposed to do, what it set out to do. Farmers are not asking for a handout. They put their money where their hearts and lives are. In my own province, for example, more than $11 billion is invested by farmers every spring to get their crops in the ground. This includes the cost of seed, treatment, fertilizer, labour and equipment.

Seeding is a megaproject when you consider the impact of all the component parts of that project, where the seeds come from, where the machinery is built and how the fertilizer is processed. This extends across and infiltrates every aspect of our economy. It's impossible to overstate the value, not just to our province but to this country. And then comes harvest. Ditto. The economic impact is just as massive.

There are over 34,000 farms in Saskatchewan. That is 43% of the cropland in Canada, in this entire country. Saskatchewan generates more than $18 billion in international sales of that product, and they contribute over $82 billion just to the province's GDP, never mind the country.

The Parliamentary Budget Officer provided an updated analysis of the exemption for qualifying farm fuel to natural gas and propane, and it shows farmers would save almost a billion dollars through to 2030 — one billion in taxes. That obviously makes our food more expensive in the middle of an affordability crisis. In fact, it makes life more expensive.

Colleagues, the cost of the carbon tax and the new Clean Fuel Standard — also a tax — to farmers is millions upon millions of dollars a year. These costs, of course, move along the supply chain as food makes it from farm to fork. And in the end, the consumer — each of us — pays more.

There are anxious farmers, consumers and businesses across this country who are counting on us, and we should do the right thing for every Canadian regardless of where they live or how they vote. Thank you.

(On motion of Senator Clement, debate adjourned.)

• (1640)

UKRAINIAN HERITAGE MONTH BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Kutcher, seconded by the Honourable Senator Boehm, for the second reading of Bill S-276, An Act respecting Ukrainian Heritage Month.

Hon. Paula Simons: Honourable senators, this item stands adjourned in the name of the Honourable Senator Plett, and after my intervention today, I ask for leave that it remain adjourned in his name.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator Simons: I rise today to speak in support of Bill S-276, an Act respecting Ukrainian Heritage Month. After all, I come from Edmonton where pretty much every month is Ukrainian heritage month.

There's a simple reason for that, because the area just northeast of Edmonton is where Ukrainian Canadians first came to be.

On September 7, 1891, Iwan Pylypow and Wasyl Eleniak landed in Quebec City and began a trip across Canada, looking for a place that Ukrainian pioneers could settle and farm. They criss-crossed the Prairies, assessing for suitability. They made stops in Winnipeg, in Langenburg, in what is now Saskatchewan, and in Calgary. In the end, they decided to follow the lead of some of their Mennonite friends and neighbours from the old country and founded a colony northwest of Edmonton, near what is now the town of Lamont.

The first group of six families — Canada's very first Ukrainian pioneers — arrived in Edmonton in June of 1892. The colony they established grew to become the largest agricultural bloc settlement founded by Ukrainians in Canada. By 1914, it stretched 110 kilometres east to west and for 70 kilometres north to south.

Life was not easy for those first Ukrainian settlers, who had to break and clear their homesteads, build shelters against the unforgiving cold and try to hold on to their language and their faiths in the face of the forces of xenophobia and assimilation.

But they persevered.

In 1914, with the outbreak of the First World War, the government of Canada declared the War Measures Act, and under its powers, imprisoned thousands of Ukrainian males as enemy aliens in internment camps across the country. Many were forced to perform hard labour, working on projects such as the building of Banff National Park, as well as in mining and logging operations. Another 80,000 "enemy aliens," most of them Ukrainian, were forced to carry identity papers and regularly report to local police.

The irony is that the land we now call Ukraine was then split between the Russian Empire, which was a wartime ally of Great Britain and Canada, and the Austro-Hungarian Empire, which was on the opposing side.

While thousands of Ukrainians were interned, hundreds of Ukrainian Canadians volunteered to serve in the war. Ukrainians, for example, made up one of the largest contingents in Edmonton's own 218th Canadian Overseas Infantry Battalion, which dubbed itself, rather inaccurately, the Canadian Irish guards.

Among those who enlisted in the Canadian Irish guards was Andrew Shandro, Alberta's first Ukrainian-Canadian MLA and the first person of Ukrainian descent to be elected to any provincial legislature in Canada. It must be said, though, that Shandro's decision to enlist may not have been entirely selfless. He was already a sitting MLA in 1914 but stood accused of bribing voters to win his seat, which, given Alberta politics at the time, was probably not so unusual. But when the war began, Alberta changed its electoral law to say that any MLA who joined the military would be allowed to retain their seat by acclamation in the 1917 election. And Lieutenant Shandro thus proudly wore his uniform into the legislature, despite being told that that was against the rules.

While Shandro left a mixed legacy in the legislature, in 1926, an Alberta teacher and community activist, Michael Luchkovich became Canada's first Ukrainian MP, representing the district of Vegreville as a member of the United Farmers of Alberta. He served two terms with distinction, spoke out passionately for the rights of Ukrainians in Canada and in Europe and went on to become one of the founders of the CCF, or Co-operative Commonwealth Federation, the forerunner of today's NDP.

William Hawrelak, who just happened to be Andrew Shandro's son-in-law, became Edmonton's first Ukrainian-Canadian mayor in 1951 and the first Ukrainian Canadian to be mayor of any large Canadian city. He held office until 1959, again from 1963 to 1965 and again from 1974 until he died in office in 1975.

In some ways, he was Edmonton's greatest mayor, responsible for the building of our modern post-war city. But his years in office were controversial ones, as he was repeatedly accused of unethical and illegal behaviour and forced to resign twice. But his popularity was such that he kept getting re-elected, including in 1963, when the campaign culminated in a genuine riot between Hawrelak's opponents and backers.

Nonetheless, when William Hawrelak died in office, the city renamed its most important river valley park in his honour.

Today, the influence of Ukrainian culture and heritage is everywhere in Edmonton and the wider Edmonton region. Some of those symbols are creative — a giant statue of a pysanka Easter egg in Vegreville; a giant statue of a kubasa sausage in Mundare; a giant perogy on a giant fork in Glendon — and some are more mundane, like Cheemo perogies in every supermarket freezer case.

Other legacies are less obvious, perhaps. Ukrainians weren't just among the first settlers to break the land. They worked in mines and packing plants. They built railway lines and worked on road crews. And they built other things too, such as Edmonton's Al Rashid Mosque, the first mosque in Canada, which was designed and built by Ukrainian Canadian Mike Dreworth, who created a mosque with a uniquely Eastern Orthodox vibe, another example of how Ukrainian culture permeates the city.

We see that cultural legacy too in the story of the Holowach family. Sam Holowach originally came to Alberta to farm in the Bloc Settlements, but gave up the country life to open a tailor shop and dry cleaners in downtown Edmonton, where he became one of Edmonton's first Ukrainian entrepreneurs. His son Walter was a gifted musician who returned from studying violin in Vienna to become first violinist and then the concertmaster with the Edmonton Symphony Orchestra.

With his younger brother Ambrose, Walter co-founded Edmonton's Empire Opera Company in 1940. Ambrose, with a flair for the operatic, perhaps, then went into politics, first as a federal MP in 1953 and then an MLA, in both cases for the Social Credit Party.

In the House of Commons in the early 1950s, Ambrose Holowach spoke out strongly about Indigenous land rights and living conditions on-reserve. He also gave speeches about the importance of funding for the arts.

In 1959, he ran provincially and became Alberta's first Ukrainian cabinet minister. He was the moving force behind Alberta's provincial museum — now the Royal Alberta Museum — choosing the site, hiring the architect and pushing for the completion of the project.

But strangely and poetically, the Holowachs are best remembered now for their magnificent tree, a horse chestnut which was planted in 1920 by the father, Sam, from a seed that Walter, the violinist, brought home from Europe. Today, the Holowachs' family business is just a memory — but the tree, more than 100 years old and 30 feet high, still stands, gloriously, in downtown Edmonton, a symbol of beauty and survival against all odds.

There is so much more I could tell you about Edmonton and Alberta's Ukrainian heritage and legacy. I could talk about the splendid writings of popular historian Myrna Kostash and novelist Todd Babiak; the glorious whirlwind of the Shumka dancers; the art of William Kurelek or Ron Kostyniuk; the acclaimed cuisine of Metis-Ukrainian chefs Brad and Cindy Lazarenko and the remarkable courage of outspoken trans activist Marni Panas.

Ukrainian cultural leaders from Edmonton and Alberta were a vital part of the third-force coalition of Canadians who pushed past the binary of Canada as a bilingual and bicultural country. They helped to create the template for multiculturalism itself, which made room for all the other cultural communities to find a place for themselves in the Canadian mosaic.

Let me give you a concrete an example. Let's take Mike Strembitsky, the first Ukrainian superintendent of Edmonton Public Schools. As a boy, growing up in Smoky Lake, Alberta, he was beaten for speaking Ukrainian at school. As superintendent, in the 1970s, he pioneered Ukrainian bilingual immersion programs in Edmonton Public Schools. Those programs were so successful that Edmonton Public Schools expanded its heritage language programs to include immersive bilingual schooling in Arabic, Mandarin, German, Hebrew and Spanish, while the Edmonton Catholic School Division, to follow suit, has programs in Ukrainian, Tagalog and Cree. But this groundbreaking multicultural educational philosophy pioneered in Edmonton was only possible because Mike Strembitsky led the way.

For more than 130 years, Ukrainian Canadians preserved their culture and language in Canada, including during times when the Soviet Union sought to destroy it. That same commitment to their homeland explains why so many Albertans have opened their homes, hearts and wallets now to support a new wave of Ukrainian refugees and settlers.

• (1650)

I am not Ukrainian, but I grew up immersed in Ukrainian culture because my German family and my Jewish family all came to this country from Ukraine. Relations amongst those communities weren't always easy in the old country, or here in the new one. These are complicated, interlocking stories, and sometimes they are deeply painful, but — together — Germans, Jews and Ukrainians left the old world behind them, travelled to the Prairies and endeavoured together to build a new community here, where we could all be equal and accepted. It's been a long journey, and it's not yet complete.

As a child growing up in Alberta, I grew up immersed in the triumphant, mythic story of Ukrainian settlement — the story of doughty pioneers who left poverty and oppression in their homeland, settled on the Prairies, faced down both the bigotry of their Anglo-Saxon neighbours and the harshness of the Alberta elements, hung on fiercely to their culture and language, and triumphed as advocates for multiculturalism. It is a great narrative, and one worth celebrating.

But I never fully realized in my Alberta youth how much that settler narrative erased the story of the original peoples of this place, or how much our province's official glorification of its Ukrainian pioneers relied upon the official forgetting of the bitter truth of First Nations and Métis cultures all but destroyed.

That's why I want to end this speech by telling you the story of *Ancestors and Elders*, a truly remarkable work of dance theatre co-created by Edmonton's Shumka Dancers and the Running Thunder Cree Dancers.

I first saw this show on stage at Edmonton's Northern Alberta Jubilee Auditorium in the spring of 2019. It was a revelation, and I wish I could show it all to you. It combined Eastern European and Indigenous dance traditions in a theatre piece that explored reconciliation, resilience and cultural preservation — the pains of racism and the parallels between two cultures under threat and struggling to survive. It made traditional Ukrainian folk dance into something entirely new and contemporary — fresh and fierce, politically relevant and absolutely Canadian. It filled me with hope for the country we are striving to build together.

So when I voice my support for a Ukrainian heritage month, I'm not just talking about preserving the past; I'm talking about the hard work of creating our future — a nation where we recognize all the painful history that we share, but where we work together with joy and perseverance to make a better Canada for all Canadians.

Thank you, *hiy hiy* and *spasibo*.

(Debate adjourned.)

CANADA NATIONAL PARKS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boehm, seconded by the Honourable Senator Galvez, for the second reading of Bill C-248, An Act to amend the Canada National Parks Act (Ojibway National Urban Park of Canada).

Hon. Karen Sorensen: Honourable senators, I rise today to speak to Bill C-248, An Act to amend the Canada National Parks Act (Ojibway National Urban Park of Canada), proposed to become established in Windsor, Ontario.

As a resident of Banff, Alberta, a municipality located in Banff National Park — Canada's first national park — you would be hard pressed to find a bigger fan of Canada's national park system in this chamber. Having served for 17 years on the Town of Banff's municipal council, with 11 of those years as the Mayor of Banff, you would also be hard pressed to find too many people in this country who better understand the relationship, the policies and the legislation at play when Parks Canada works in partnership with a municipality.

Before I delve into my concerns with this bill, I would like to start by congratulating the bill's sponsors — Member of Parliament for Windsor West Brian Masse, and my Independent Senators Group colleague Senator Peter Boehm — on their advocacy for this park. Speaking with stakeholders in the Windsor region, I've heard how the introduction of this bill has expedited federal land transfers and other processes needed to make Ojibway national urban park a reality. I strongly and unequivocally support the creation of the Ojibway national urban park. It is fantastic that this government, under the watchful eye of Parks Canada, is on the path to creating national urban parks across Canada.

However, based on my understanding of the Canada National Parks Act, and my many years of experience working closely with Parks Canada to govern a municipality within a national park, I have reservations about this bill.

Firstly, it's important to note that Parks Canada has already committed to creating Ojibway national urban park whether this bill passes or not.

Many of you will be familiar with Rouge National Urban Park in Toronto. Windsor is expected to be the next urban park created under Parks Canada's National Urban Parks Program, and will inform the creation of other future national urban parks in Halifax, Montreal, Winnipeg, Saskatoon, Edmonton and Victoria.

Parks Canada announced a positive decision on feasibility last spring, and then began the planning work to formally establish the park, planned for completion by summer 2025 or earlier.

The MP for Windsor West deserves credit for his work to keep this issue on the front burner, as well as for pushing to secure the transfer of crucial Ojibway Shores lands to Parks Canada, and for securing near unanimous all-party support from his parliamentary colleagues. But, at this stage, Bill C-248 is simply not needed to move this park forward.

The facts are that since this bill passed in the other place, new information has come to light. If you have not seen Bill C-248, I encourage you to have a look. The entire bill — all 14 pages and 32,600 characters — is longitude and latitude coordinates. That is what the bill is — coordinates that lay out where the Ojibway national urban park in Windsor will go, according to this bill.

If this bill is passed as is, these areas will immediately be placed under the control of Parks Canada. Once enshrined into legislation, these boundaries will be difficult to change. The problem is that some of these coordinates are incorrect.

When this bill was voted on in the other place, Parks Canada was working on the required studies of the proposed park lands. Since that time, Parks Canada has confirmed through a Natural Resources Canada survey that there are definitively 16 private parcels of land included in Bill C-248.

During a hearing of the House of Commons Standing Committee on Environment and Sustainable Development, Mr. Andrew Campbell, Senior Vice-President, Operations of Parks Canada Agency, explained the consequences of including private lands in a bill like this.

If these new boundaries, for example, encroached into someone's backyard, the homeowner would have to ask permission from the Parks Canada field unit superintendent to make any changes to their property. The homeowner wouldn't be able to install a doghouse or put out a mousetrap without permission from Parks Canada.

If this bill passes in its current form, the affected landowners will retain the title to their lands, but this title will be meaningless. The result could be court challenges and complex land transfers, which would result in more delays, uncertainty and outcomes that will delay the park becoming a reality.

Conversely, there are also lands that have been earmarked for this park that are not included within the boundaries of this bill. The area that Parks Canada is exploring for Ojibway national urban park could be two and a half times larger than the park created by Bill C-248.

I believe these boundary issues are serious enough that we cannot allow this bill to proceed. I don't say this lightly, as I strongly believe in respecting the will of our elected colleagues, but when members of Parliament studied and voted on Bill C-248, they simply didn't have access to the information that we do today. Errors like this are why the Senate was conceived to be a chamber of sober second thought.

The good news is, as I mentioned earlier, Ojibway national urban park will be created with or without this legislation. Parks Canada has been working steadily on this, which leads me to my second concern.

Bill C-248 does not lay out the necessary logistics that need to be put in place before a national urban park can be created, and Parks Canada needs more time to work these details out.

I know that the people of Windsor have been waiting for this park for a long time. The area is an ecological jewel that residents, civil society groups and elected officials at all levels of government have been fighting to protect and preserve. I understand why some may feel that this process is taking too long, but community support for the creation of the park is not the same as assurance that the technical specifications are correct; that all legal implications have been accounted for; and that all parties have been informed of their rights and responsibilities, and agree on how the park should be managed and maintained.

Doing this right takes time, and the unintended consequences of cutting corners could be dire. Considering the National Urban Parks Program was really only launched in 2021, Parks Canada has already made significant progress in making Ojibway national urban park a reality.

Parks Canada is on a measured, yet timely, path — as they need to be — to ensure full consultation, review of legal implications and education to the municipality and surrounding communities.

• (1700)

While Bill C-248 reflects the desire of the Windsor community for an urban park, it doesn't lay out who will be responsible for garbage pickup, road maintenance and security in the park. It also doesn't enshrine co-management, job creation or other rights for local Indigenous communities, whom Parks Canada has committed to working with collaboratively.

If you look at the stand-alone legislation that created Canada's first national urban park, Rouge National Urban Park in the Greater Toronto Area, it spells out very clearly who has authority to make regulations regarding the park, what activities are prohibited within the park, and how pollution is to be addressed, and requires the minister to create and regularly review the park management plan. Bill C-248, once again, is only coordinates.

At this stage, Parks Canada needs more time to negotiate with local governments and other stakeholders on how this park will be managed, as well as to ensure that consultation with Indigenous rights holders meets Canada's obligations under the United Nations Declaration on the Rights of Indigenous Peoples.

That brings me to my main concern with this bill. It is important to understand that Ojibway national urban park is not a one-off. It is part of a tremendous movement to create a network with a shared vision of conserving nature, connecting people and advancing reconciliation with Indigenous peoples. Its creation through a process led by Parks Canada, fully collaborative with Indigenous governments, partners and stakeholders sets a strong precedent for the program as a whole.

A unilateral federal process in this particular park in Windsor may complicate matters for other provinces in the National Urban Parks Program. Each urban park will have different needs, and Parks Canada is committed to a multi-jurisdictional model to support the most appropriate management structure for each park.

Bill C-248, by contrast, will force Parks Canada to create Ojibway national urban park under the Canada National Parks Act rather than their National Urban Parks Program.

Why is this a problem? A national urban park needs to be much more flexible than a national park in order to meet the needs of each particular location. By contrast, the Canada National Parks Act legislation applies equally to all national parks across this country and is prescriptive on a whole host of issues and requirements.

I served three terms as mayor of a town within a national park. I know first-hand how rigid the Canada National Parks Act is and how time-consuming and challenging it was to have to go through the federal government any time the town needed to develop infrastructure or repair a water line.

In the case of Banff, when the park came before the municipality — where the entire town was within park boundaries — that was necessary. But Ojibway national urban park will exist within a complex urban environment with multiple adjacent jurisdictions, which will make basic activities very challenging under the Canada National Parks Act.

If Parks Canada were to acquire full management of the park lands under Bill C-248, the City of Windsor may need to seek permission from Parks Canada to access lands or undertake activities on park lands, including for essential public infrastructure work, such as fixing water-main breaks.

The Canada National Parks Act is not the most appropriate framework to use for a park in an urban area. This was the reason that Rouge National Urban Park was created under its own unique legislation. Managing Ojibway as a national park under the Canada National Parks Act will be much more complex than it needs to be.

Supporters of this bill argue that the Canada National Parks Act provides stronger environmental protections. But Parks Canada has extensive experience protecting and managing lands that are not under the Canada National Parks Act, using other existing federal and provincial legislation and regulations.

National marine conservation areas are created under the Canada National Marine Conservation Areas Act because the national park legislation would not have been appropriate. Similarly, Rouge National Urban Park was created under the Rouge National Urban Park Act, not the Canada National Parks Act.

For subsequent urban parks, the agency's current plan is to create them through policy, not legislation. This approach will ensure a high standard of conservation while still allowing for the flexibility needed in an urban environment.

Parks Canada administers some of the greatest national examples of Canada's natural and cultural heritage and is responsible for maintaining their ecological and commemorative integrity for future generations.

The agency is responsible for operations under multiple pieces of federal legislation and protects over 470,000 square kilometres of Canada's terrestrial, marine and freshwater ecosystems. It administers over 200 natural and cultural heritage places, many through collaborative management with Indigenous peoples.

Parks Canada's network of 171 national historic sites, 47 national parks, 5 national marine conservation areas and 1 national urban park is the envy of the world. I encourage us to let the expertise of Parks Canada continue to lead here.

I look forward to studying this bill further at the Energy, the Environment and Natural Resources Committee. I hope my fellow committee members will take their time to consider these issues carefully.

I just don't believe the committee will have the capacity to correct the boundaries and clarify the management structure. At the highest level, I believe Bill C-248 proposes the wrong tool and the wrong process and creates risks both for the Government of Canada and local stakeholders.

Again, I wholeheartedly support the creation of Ojibway urban national park. Parks Canada is following a tried-and-true process of collaboration with local and provincial governments, Indigenous rights holders and other federal departments to develop and manage this park, and their work is bearing fruit at a rapid rate.

Thank you, *hiy hiy*.

Hon. Paula Simons: Honourable senators, I too rise today to speak to Bill C-248, An Act to amend the Canada National Parks Act (Ojibway National Urban Park of Canada), and I want to begin by thanking my colleague Senator Peter Boehm for sponsoring this bill and my colleague Senator Karen Sorensen for her clear and incisive speech outlining some of the things that make this particular bill, as drafted, somewhat challenging.

I'm speaking today not just as an Alberta senator but as a citizen of the beautiful river city of Edmonton.

Edmonton is home to the largest urban park in Canada. The North Saskatchewan River Valley park system runs through one end of Edmonton to another, west to east. It is a remarkable legacy and tribute to Edmonton city planners who began, more than a century ago, to assemble and preserve a wild and magical green belt on either side of the river bank.

In 1907, Edmonton hired Canada's very first landscape architect, Frederick Todd, to write a report on the city's park planning. Todd had actually worked with Frederick Law Olmsted, the creator of New York's Central Park and Montreal's Mount Royal Park.

"Every advantage should be taken of the great natural beauty of . . . the river valley and ravines," Todd wrote. He envisioned what he called a "necklace of parks" up and down the valley, reserving land at the top of the bank so people could enjoy the views. And so, between 1907 and 1931, the city made over a hundred land acquisitions to preserve the valley.

Today, the park system includes more than 7,300 hectares — that's 18,000 acres. It is made up of more than 30 provincial and municipal parks that stretch from the town of Devon west of Edmonton to Fort Saskatchewan to the east, and the latest jewel in the necklace is the Northeast River Valley Park, a new 77-hectare park which opened just this summer.

The parks are connected by more than 160 kilometres of walking, cycling and hiking trails, and linked north to south by a series of dramatic and beautiful pedestrian bridges and one sweetly absurd, slightly dysfunctional funicular.

The river valley parks are where Edmontonians go to walk their dogs, to paddle their canoes, to clear their heads, to hold their festivals. The river valley park system is where you'll find our Edmonton Valley Zoo, our Fort Edmonton Park living history museum, our Muttart Conservatory botanical gardens.

Edmonton's river valley park system is a credit to truly visionary urban planning. It preserves and protects a stunning wilderness in the heart of the city, a ribbon of green that serves every day to remind us that our city was built on First Nations land, because this river valley was a traditional gathering place for the Cree, the Blackfoot, the Salteaux, the Nakoda Sioux and the Métis down through centuries and long before the first European explorers and fur traders and settlers ever arrived.

Just this year, the city opened kihcihkaw askî-Sacred Land, a sacred space in southwest Edmonton where Indigenous groups can host spiritual ceremonies, sweats and talking circles and grow traditional medicinal herbs.

Why am I telling you all this, given that I'm not actually on salary for Edmonton's tourism office? Well, given how remarkable our linear park is, it's no surprise that many in Edmonton and in Edmonton City Hall are keenly interested in exploring the idea of turning our North Saskatchewan River Valley into an urban national park, one we can share with all Canadians.

Though the idea is not without its detractors, we're sort of "tire kicking" at the moment, trying to figure out how things might work. Alberta is already home to many "conventional" national parks — Banff, Jasper, Waterton Lakes, Elk Island and Wood Buffalo. We are familiar with the protections that such parks enjoy, and we know that such a model probably wouldn't work for an urban national park, one that runs right through the heart of a city of a million people. In order for truly urban national parks to work, we need to find a model that meets the needs of the cities where those parks exist.

• (1710)

I completely support the aspirations of the City of Windsor to have an urban national park, but if we are going to make such a project work for Windsor — and if we want it to serve as a model or template for other urban parks going forward — we have to get this bill right. We have to make sure that the bill is actually fit for purpose and will do what it means to do.

Senator Sorensen has already explained her misgivings with the bill. She tells us that not only does this bill amend the wrong piece of legislation, it lays out coordinates that are inaccurate and do not reflect the actual plans for Ojibway national urban park.

The thing is, given the way the bill is written, it's difficult to know how to proceed. Allow me the liberty, if you will, of reading the opening page and first few lines of the bill. It starts simply, and then gets a little more baroque:

> Part 5 of Schedule 1 to the *Canada National Parks Act* is amended by adding the following after the description of Georgian Bay Islands National Park of Canada:
>
> (4) Ojibway National Urban Park of Canada
>
> In the Province of Ontario, all those parcels of land more particularly described as follows:
>
> (a) Commencing at a point intersecting the western boundary of Ward 1 of the City of Windsor at latitude 42º16'33.440" north and longitude 83º05'56.684" west;
>
> Thence southeasterly in a straight line to a point at latitude 42º16'32.689" north and longitude 83º05'53.736" west;

And so on. That's it. The text of the bill is a list of coordinates.

Are there, as Senator Sorensen suggests, mistakes in what is included and what is not? Could we competently make amendments if some of these detailed coordinates are even slightly off?

It is somewhat peculiar. If you read Schedule 1 of the Canada National Parks Act, you'll see no other park described in quite this way. The other park descriptions include such things as landmarks and street names. They describe the boundaries of the park using coordinates from time to time, but also describing — sometimes quite lyrically — the land the park contains.

The enabling legislation which created the first urban national park, Rouge Urban National Park in the Greater Toronto Area, is also quite different. It specifically lays out everything from explaining what activities are and aren't allowed in the park, who is responsible for picking up the garbage and putting out fires and how traditional Indigenous rights to hunt and harvest will be respected. It is detailed legislation, quite different from the text of Bill C-248.

Again, I want to stress that I am a proponent of national parks and proud that Alberta is home to so many of them. I am enthusiastic about of the idea of urban national parks, and I think the North Saskatchewan River Valley could well be an ideal location to create one. And while I've never been to Windsor, the research I've done suggests the Ojibway Prairie Complex will be another outstanding site.

As Senator Boehm explained to us last June, the proposed park would contain about 364 hectares of land that is already publicly owned, including Ojibway Park, Spring Garden Natural Area, Black Oak Heritage Park, Tallgrass Prairie Heritage Park, Ojibway Prairie Provincial Nature Reserve and Ojibway Shores.

That last parcel, Ojibway Shores, is a 13-hectare green space which represents the only remaining undeveloped natural shoreline in the entire Windsor-Detroit area. That small parcel alone is home, as Senator Boehm told us, to 130 endangered species.

Yet, I worry that this act might accidentally undercut the autonomy of the City of Windsor, the Town of LaSalle and their citizens. Parks Canada and the City of Windsor have already signed a statement of collaboration announcing their intent to work together on the potential designation of the park, and this bill might supersede that.

Then there is a new issue, one I only learned about this morning when I spoke with Windsor Mayor Drew Dilkens. First, Mayor Dilkens told me how essential the drafting of this bill had been to getting the whole discussion off the ground. He was full of praise for MP Brian Masse, its sponsor. Brian Masse's bill was invaluable at the beginning of the process, he told me, and without the impetus of the bill, as he explained to me, the port authority might not have turned over the riverfront land that it controlled to Parks Canada.

Brian Masse's bill had the most impact it could just by tabling it, Mayor Dilkens told me. But now, the mayor said, the coordinates of the bill are no longer correct, and there is a happy reason for that. The Town of LaSalle, a bedroom community south of Windsor, now wants to include some of its lands within the park boundaries, and the bill, as drafted, does not include those municipal lands. We need to be absolutely certain that we are not inadvertently creating a situation where municipal leaders might find themselves cut out of the conversation.

Mayor Dilkens raised another concern to me. Right now, there is no charge to access any of those lands for the residents of Windsor. He remains concerned that if we make this land a national park, there may be a fee required to enter the lands, and that he opposes.

In June, Senator Boehm informed the chamber that Parks Canada was working with the Caldwell First Nation and the Walpole Island First Nation on co-management agreements in which both those nations were interested. When I spoke to Brian Masse last week, he told me that the Caldwell First Nation has endorsed Bill C-248, but the Walpole Island First Nation has not, at least not as yet.

This makes it more essential that we do not rush to approve a bill that might, however unintentionally, short circuit some part of those sensitive negotiations and frustrate the rights of all the First Nations involved to free, prior and informed consent.

Finally, as Senator Sorensen explained, Bill C-248 doesn't explain who would pay for what. This puzzles me a tad. A private member's bill, as I understand it, can't effectively commit the federal government to spend money, at least not directly. Yet, this bill was approved in the other place, with a decision made there that it didn't violate the protocols for a private member's bill. Still, given how much it costs to manage and maintain a national park, I think that's something we need to consider, too. What will this act end up costing the public purse not just in the short-term but in perpetuity?

I understand the natural frustration that the people of Windsor and the surrounding First Nations feel with the seemingly glacial pace at which plans for this long-awaited park are moving. It certainly seems that the bill has indeed worked its magic as a bit of a goad to get things going, but I hope that once this bill heads off to committee, senators will dig into the issues together to ensure that we don't end up with unintended consequences that could prejudice urban national parks themselves.

Thank you, *hiy hiy*.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO STRIKE A SPECIAL SENATE COMMITTEE ON HUMAN CAPITAL AND THE LABOUR MARKET—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:
>
> That a Special Senate Committee on Human Capital and the Labour Market be appointed until the end of the current session, to which may be referred matters relating to human capital, labour markets, and employment generally;
>
> That the committee be composed of nine members, to be nominated by the Committee of Selection, and that four members constitute a quorum; and
>
> That the committee be empowered to inquire into and report on such matters as may be referred to it by the Senate; to send for persons, papers and records; to hear witnesses and to publish such papers and evidence from day to day as may be ordered by the committee.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, with leave, I would like to re-adjourn this item in my name.

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

Hon Senators: Agreed.

(Debate adjourned.)

INTIMATE PARTNER VIOLENCE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Boniface, calling the attention of the Senate to intimate partner violence, especially in rural areas across Canada, in response to the coroner's inquest conducted in Renfrew County, Ontario.

(On motion of Senator Clement, debate adjourned.)

• (1720)

BUSINESS AND ECONOMIC CONTRIBUTIONS MADE BY INDIGENOUS BUSINESSES TO CANADA'S ECONOMY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Klyne, calling the attention of the Senate to the ongoing business and economic contributions made by Indigenous businesses to Canada's economy.

Hon. Andrew Cardozo: Honourable senators, it is an honour to speak on Inquiry No. 13, launched by Senator Marty Klyne, calling the attention of the Senate to the ongoing economic contributions made by Indigenous businesses to Canada's economy.

I have chosen to speak about the Aboriginal Peoples Television Network, or APTN, as it heads into its twenty-fifth year. APTN is part of a new and growing national Indigenous infrastructure — national organizations that advance the status of Indigenous peoples.

I will mention three others:

The first is the National Indigenous Economic Development Board, headed by Dawn Madahbee Leach, a national, non-political organization working to promote the growth of

Aboriginal business in Canada. The second is the First Nations Financial Authority. Its mission is to help First Nation communities build their own futures on their own terms at the best rates. It is headed by Ernie Daniels, who was recently appointed to the board of governors of the Bank of Canada. The third is the Indigenous Tourism Association of Canada, headed by Keith Henry, which focuses on the growth of Indigenous tourism in Canada.

Now, regarding APTN, I have had a privileged front-row seat to watch the development of this innovative and essential service. As a commissioner of the CRTC, I had the great honour of being closely involved in its licensing in 1998-99.

Why was APTN necessary? Well, Aboriginal peoples were rarely seen in television and film, just as they were rarely seen in Canadian and American history. To the extent that they were seen, their portrayal was generally negative and stereotypical.

Let me give you one memorable intervention from the hearing for their application back in 1998.

Award-winning actor Adam Beach testified at the hearing. He had been developing a strong career in Canada and the U.S., but relayed an anecdote to us. He was part of a film and during its development, the director instructed him to run along this wall and "jump like an Indian." That was a relatively positive stereotype from what we saw.

Colleagues, here we are in APTN's twenty-fifth year. I am delighted to share an overview of its development. When APTN launched on September 1, 1999, it was the first national Indigenous broadcaster in the world. Today, the network has become a global leader in programming that celebrates the full diversity of Indigenous peoples, first within Canada, but also internationally. They now share their stories with nearly 10 million households in Canada and beyond. Interestingly, its ratings are on the upswing even while overall TV viewing in the broadcasting world is on the decline.

Much can be said about their stellar record. The network has won numerous awards, and consistently offers cutting-edge digital programming and interactive content. It has launched two radio stations as well as an on-demand streaming service, APTN lumi.

Let me share a few details. Since launching, APTN has consistently offered programming that aims to connect Indigenous and non-Indigenous audiences across Turtle Island. I found their slogan particularly pointed when they launched in 1999; it went like this: "By Aboriginal Peoples, About Aboriginal Peoples, For All Canadians."

So what will you see on APTN? Their programming ranges from news and current affairs to entertainment, live broadcasts and special events, to award-winning original programs by First Nations, Inuit and Métis creators. Given the diversity of Indigenous peoples in Canada, APTN has to work hard to provide something for everyone. It accomplishes this well.

Through the network, you will find programming in English, French, Cree — including the first-ever broadcast of an NHL game in Plains Cree — Inuktitut, and a wide range of other Indigenous languages. Since 1999, APTN has broadcast programming in 54 different Indigenous languages and provides regular programming in 15 Indigenous languages annually.

Increasingly, Indigenous peoples realize that knowing one's ancestral language is important to recognizing and consolidating one's sense of culture and identity. It is in this vein that APTN encourages Indigenous creators to speak their language with pride and tell their stories in their own voices.

Currently, over 80% of APTN's scheduling consists of Canadian content with programming in English, French and more than 15 Indigenous languages. Colleagues, let me point out that 80% is considerably higher than the industry average, which is around 50%.

On average, APTN commissions over 500 hours of original programming each year; 46% of this programming is in English, 44% in Indigenous languages and 10% in French.

I will share a few words about the new kid on the block: Indigenous content on demand. APTN, 20 years after it began, launched APTN lumi, their Indigenous-focused streaming service that operates alongside their broadcast services. The current catalogue includes some 700 hours of Indigenous-language programming, as well as English and French offerings.

APTN lumi is also available via Chromecast and Apple TV channels, extending its reach and connecting new audiences with Indigenous stories. Now, those last few sentences are really CRTC broadcasting and programming gobbledygook. Let me translate and say that they do a big load of proudly Indigenous programming.

I want to highlight that APTN programming has won many awards over the years, including Canadian Screen Awards, Audience Choice Awards, the prestigious President's Award from RTDNA Canada, the Press Freedom Award and the Michener Award.

To top it off, APTN CEO Monika Ille, a member of the Abenaki First Nation of Odanak, was named Playback's Executive of the Year in 2022; the same year, she received the Desautels Management Achievement Award from McGill University, which honours prominent business leaders. I would add that her predecessors — Abraham Tagalik, the founding CEO, and Jean La Rose, who was CEO for many years and oversaw the growth of APTN — have done tremendous work in building and advancing APTN.

As of August 2023, APTN has 163 staff members. This includes full-time, part-time and temporary employees. Of these, 60% are Indigenous — First Nations, Métis and Inuit — and many young Indigenous people have started their careers in broadcasting at APTN. Some stayed and others moved on to other networks.

This corporation boasts a gender-balanced workforce with 52% of the staff identifying as female, 47% identifying as male and 1% identifying as two-spirit.

Importantly, 58% of APTN's board of directors are women, including the board chair, Julie Grenier from Kuujjuaq in Nunavik, northern Quebec; she is a director general of a regional radio and television production company that serves the Inuit of Nunavik in Inuktitut.

Since its inception, APTN has either had gender equity or more women than men on its board while most other broadcasters would maybe have one or two women on their boards. Clearly, they have been ahead of the curve since they began.

APTN became the first-ever Indigenous Olympic broadcaster at the 2010 Vancouver Winter Olympics, broadcasting daily coverage in eight Indigenous languages, as well as in English and French.

I recently asked representatives of APTN how they would describe their success. The answer was long, but I will highlight a few points. This is how they see themselves.

• (1730)

> News and current affairs is one of our top genres, and that's because we cover the stories that others won't. Our dedicated and award-winning news teams cover topics such as policing in Canada, child welfare, access to clean drinking water, missing and murdered Indigenous women and girls, treaty rights and more. Our news shows are APTN National News and *Nouvelles Nationales d'APTN*.
>
> Out of all the national broadcasters in Canada, APTN is one of just two which have presence (bureaus) in the north (Yukon, N.W.T., Nunavut).
>
> APTN audiences enjoy a wide variety of other programming . . . shows like *The Other Side*, *Moosemeat and Marmalade* and *Secret History of the Wild West*.
>
> We offer special programming for National Day for Truth and Reconciliation in September.
>
> APTN is responding —

— in all the work they do —

> — to Call to Action 85 from the Truth and Reconciliation Commission, which asks APTN to continue to connect Indigenous and non-Indigenous Canadians through its programming and to support reconciliation.

I will conclude with the following: APTN, in my view, has done very well in its first 25 years. It has confounded not only its critics but its supporters. It is clearly a channel that provides high-quality, thoughtful and entertaining programming. In a world that is becoming increasingly polarized and divided, a world where there is increasing pushback on Indigenous and minority rights, APTN provides an island of calm and sanity in a highly fractious and fractured world.

APTN is now clearly a veritable Canadian icon that Indigenous people and all Canadians can be proud of. I think Canadians have much to look forward to in the next 25 years. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Clement, debate adjourned.)

(*At 5:33 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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