



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, December 6, 2018**

—

**Speaker: The Honourable Geoff Regan**

## **CONTENTS**

(Table of Contents appears at back of this issue.)

# HOUSE OF COMMONS

Thursday, December 6, 2018

The House met at 10 a.m.

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*Prayer*

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## ROUTINE PROCEEDINGS

• (1005)  
[English]

### BILL C-84—CRIMINAL CODE

**Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, a charter statement for Bill C-84, an act to amend the Criminal Code (bestiality and animal fighting).

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### FOREIGN AFFAIRS

**Hon. Andrew Leslie (Parliamentary Secretary to the Minister of Foreign Affairs (Canada-U.S. Relations), Lib.):** Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, a treaty entitled “Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada for Cooperation in the Peaceful Uses of Nuclear Energy”, done at Ottawa on November 2, 2018.

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### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government’s responses to 14 petitions.

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### VIOLENCE AGAINST WOMEN

**Hon. Maryam Monsef (Minister of Status of Women, Lib.):** Mr. Speaker, it is a privilege to rise on this traditional territory the Algonquin people call home on this day that many Canadians will remember for generations to come.

Today, from coast to coast to coast, roses will be laid, tears will be shed and candles will be lit as we all remember the young women

who lost their lives on December 6, 1989. On this day 29 years ago, an act of unspeakable violence occurred when a gunman walked into a classroom at École Polytechnique Montréal, separated the women from the men and then opened fire on the women. Thirteen young women who were students and a female administrator died that day, and several were wounded, simply because they were women.

This is a day to rededicate ourselves to ending gender-based violence, because when those women were killed, we did not just lose daughters, friends and colleagues, we lost all the potential that existed within each individual. We lost role models. We lost engineers. We lost community builders. We lost leaders who could have potentially been sitting in these seats today. It was a tremendous loss for our nation. We will never know what they may have achieved.

[Translation]

Today, we honour their memory by speaking their names: Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault, Annie Turcotte and Barbara Klucznik-Widajewicz.

[English]

Those were young women in their twenties and early thirties. Speaking their names reminds us that there are so many other victims of gender-based violence whose names and stories we may never know. Today we honour all those who have died because of gender-based violence.

This is a day to also honour and recognize the important work of those who care for victims and survivors. This is a day to recognize the courage of survivors whose resilience reminds us why we must continue the fight to end gender-based violence.

We think of Nathalie Provost, who, on that day in 1989, confronted the gunman. She was shot four times, but she survived and is now a successful engineer. Another student that day, Heidi Rathjen, also survived the shooting and is now an advocate for stricter gun control. We stand in solidarity with them and with all survivors and the families of those who have been impacted by gender-based violence.

We continue to be inspired by the ongoing power of the #MeToo movement. For more than a year, the movement has been motivating people to share their stories, to recognize the persistence of the problem and to call for meaningful action. We must respond to their courage with courage. Anything less is cowardice.

*Routine Proceedings*

As my hon. colleagues know, December 6 falls within the annual 16 days of activism against gender-based violence. These 16 days begin on the International Day for the Elimination of Violence against Women, on November 25, a day that also honours women who were needlessly murdered: three sisters, Patria, Minerva, and Maria Teresa Mirabal, who were assassinated in the Dominican Republic in 1964 for their political activism. The 16 days ends with Human Rights Day on December 10. This year's theme is #MYActionsMatter.

We all play a part in ending and preventing gender-based violence. Some wonder why our government is investing in advancing gender equality, why we have a \$200-million strategy to end gender-based violence, why a third of the national housing strategy is carved out for women fleeing violence, why we are reforming our justice system to better serve cases of domestic assault and sexual assault, why we have worked together across parties in this House to pass legislation to address workplace harassment and sexual violence, and why we are making new investments to end cyber-violence and to improve the relationships our teenagers have. It is because there is a lot of work to do. The work remains. Our shelters remain full. The demand for services goes up. We all work toward the day when, as Oprah says, "no one will have to say 'me too' again."

We are proud of our achievements, but nothing we do can rewrite history. On this day 29 years ago, 14 young women died simply because they were women. This anniversary will continue to act as a constant reminder of what misogyny and hatred can lead to. In honouring their memories, in speaking their names, they live on as an inspiration to all of us to keep working together to reduce and eliminate gender-based violence in all its forms.

• (1010)

[*Translation*]

**Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC):** Mr. Speaker, although 29 years have passed since the École Polytechnique tragedy in Montreal that claimed the lives of 14 young women and seriously injured 10 others, we will always grieve the dreadful afternoon of December 6, 1989. Sadly, even though 29 years have passed since that awful tragedy, girls and women are still being killed just because they are female.

How it breaks my heart to say that, in 2017, 173 women were killed in this country and, during the first six months of this year, a girl or woman was murdered every two days. Statistics like that are unthinkable here in Canada. How shocking, how sad, that in a country as magnificent as ours, 84% of murder victims killed by a current or former intimate partner are women.

The National Day of Remembrance and Action on Violence against Women is about condemning all forms of violence against girls and women, including domestic, psychological and emotional violence, bullying and human trafficking, all of which must be considered extremely serious.

This year the Fédération des maisons d'hébergement pour femmes du Québec hosted a breakfast to get men involved and hear what they have to say, since violence against women is not just a women's issue; it is a men's issue, too.

It is a blight that affects society as a whole, and as business leaders, colleagues, spouses, fathers, brothers, friends and policy makers, men must play a pivotal role in addressing it. Prevention is very important, yes, but that alone cannot stop the spread of this scourge, which, year after year, continues to affect too many women.

Victims and their loved ones will always welcome annual investments to fund community projects to help survivors of violence. However, victims want more than that. They also want the Criminal Code to reflect the current reality, since there is a growing imbalance between the rights of victims and the rights of criminals. The rights of victims of crime are enshrined in the Canadian Charter of Rights and Freedoms, so it is vital that they be respected and that they also be strengthened.

What has the government done over the past few years? Very little, far too little, and no setbacks should be tolerated. It is so sad to see that women who are victims of violence are getting younger all the time and we still have not slowed the escalation of this violence that continues to destroy lives.

Prevention is essential, but the government also has a duty to send a clear and unequivocal message to the criminals and abusers: the sentences must fit the crime, and we will always stand up for the victims who have to live with the scars forever, essentially serving a kind of life sentence.

We need to keep funding women's organizations, but prevention also has to mean preventing murder. We therefore need to better equip police officers by giving them the power to make preventive arrests, which is still not allowed today under the Criminal Code. This what we would consider to be a concrete measure demonstrating a serious willingness to address this violence and support the courageous women and girls who report it. We no longer have time for empty promises. We urgently need to pass targeted legislation to protect victims so that all women in Canada feel safe across the country.

They must be a central component of our justice system, and abusers need to know that violence against women is a serious crime in Canada, period.

• (1015)

Given Canada's grim statistics on violence against women, we have no choice but to take responsibility and promise women in Canada that our Criminal Code will be adapted to properly respond to the needs of victims of violence. This is long overdue, and far too many women have already been killed.

*Routine Proceedings*

Our desire to address violence against women and girls in Canada should never be part of a partisan debate. It must be the desire of all our communities, the country and the government. Canada must be a world leader in this regard.

We will never forget the 14 victims of the December 6, 1989 tragedy, but let us also never forget Daphné, Gabrielle, Clémence, Véronique, Kim, Josiane, Francine, Nathalie, Brigitte, Julie and all of the other women who were killed individually one after the other. They are also part of those same grim statistics of innocent victims who lost their lives in recent years because they were women.

We will always remember all of you, and we will continue to work together to ensure that no one else is added to this too-long list of your sweet names.

**Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP):** Mr. Speaker, 29 years ago, Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Barbara Klucznik-Widajewicz, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault and Annie Turcotte were killed and 14 of their classmates were injured simply because they were women.

The night before, they were studying for their final exams. The next day, their chairs were empty. They wanted to become engineers to build the world of tomorrow, but misogyny robbed them of those dreams.

• (1020)

[*English*]

As we honour the memory of those 14 women who lost their lives on December 6, 1989, we are also reminded of all those who are victims of systemic gender-based violence, because every day women are still subjected to terrible acts of violence, not to mention the day-to-day sexist comments to which men will never be exposed. In fact, half the women in Canada will experience violence in their lifetime. That is one out of two women. That is not right. Young women, indigenous women and women with disabilities experience even higher rates of violence.

Women are speaking up. Now we need to listen.

[*Translation*]

The reality is that over the past 30 years, more than 1,200 indigenous women have been murdered or gone missing. Racialized women who report violence are taken less seriously by law enforcement, and their attackers receive lighter sentences. Immigrant women are more vulnerable to domestic violence due to economic dependence, language barriers, and a lack of access to community resources. Eight in 10 trans people say they feel unsafe at school.

Since today is the National Day of Remembrance and Action on Violence against Women, we urge the Canadian government to come up with an action plan, because we can build a society where women and girls can walk freely without fear, work without fear and study without fear, no matter where they live.

Each and every one of us has a role to play in ending violence against women and girls. We need to listen, we need to believe and we need to act.

Today, we have a message for the victims of the École Polytechnique attack, for the women who have gone missing and for the survivors who are saying “me too”.

Today, we remember, so that we never forget.

Today, we stand up for them and for all women who are still targeted by sexism, misogyny and systemic violence.

Today, we remember that every action counts towards ending violence against women and girls, which too often goes unseen.

**The Speaker:** Is there unanimous consent of the House for the hon. member for Repentigny to add her comments?

**Some hon. members:** Agreed.

**Ms. Monique Pauzé (Repentigny, BQ):** Mr. Speaker, it was exactly 29 years ago that Quebec was plunged into a darkness that will never leave us completely. I think that each one of us can remember where we were and what we were doing on December 6, 1989. I was watching television. The program was interrupted and I saw pictures of ambulances and the flashing lights of cruisers. I wondered in what country this horror was unfolding. In that moment, Quebec and I realized that we are not immune to such atrocities, and that hate can leash out here in Canada as it does elsewhere.

On December 6, 1989, 14 women lost their lives and 10 others were hospitalized. They were murdered simply because they were women. They were separated from the men, and one man killed them just because they were women and because they might have been feminists, they might have called for gender equality, they might have dared to believe themselves to be persons in their own right.

We must never forget the names of these victims. I, too, am going to read their names: Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault, Annie Turcotte and Barbara Klucznik-Widajewicz.

These women will not have died in vain if we continue to remember them and remember the day on which violence against women changed the face of Quebec forever.

We must remember their names every year, on December 6, to inspire discussion on the progress we are making towards equality and towards combatting violence against women. Although not everyone will be the victim of a dramatic hate crime like the victims of École Polytechnique in Montreal, many women still experience abuse in many forms.

*Routine Proceedings*

#MeToo is no doubt the most important political and social movement in recent years. It has shown us that our experiences with abuse are not as uncommon as we think they are. Many of us know what it is like to see fear come to permeate our lives, most often at the hands of men we trust. There are more of us than we knew. In 2014, in Quebec alone, law enforcement reported nearly 16,000 domestic abuse crimes against women.

Young people are not spared this violence. One in five female high school students has been the victim of at least one act of sexual violence at the hands of a partner. The reporting rate for attacks jumped nearly 60% in the wake of the #MeToo movement. However, we must continue to take our place, stand up for our rights, remain united, and speak out against abuse. The names of the women of École Polytechnique must serve as a reminder that there is still a lot of work to be done here at home.

There is still a lot of work to be done here at home, particularly on behalf of indigenous women. Governments need to do more so that our first nations and Inuit sisters have the resources they need to feel safe and to seek refuge when they are the victims of violence.

Ending violence is everyone's responsibility, both men and women, but we women need to find strength in numbers in order to change things. The names of the women who were killed at the École Polytechnique should spur us to action. That is why as long as women do not feel as safe as men, as long as women are disproportionately victims of violence at the hands of men, and as long as women cannot objectively state that they are in every way equal to men, we will remember the women who were killed on December 6. We will do so until each of their names becomes a symbol of the progress we have made.

• (1025)

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** I thank all hon. members for their comments.

I wish to inform the House that, because of the ministerial statement, government orders will be extended by 21 minutes.

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**COMMITTEES OF THE HOUSE**

PROCEDURE AND HOUSE AFFAIRS

**Hon. Larry Bagnell (Yukon, Lib.):** Madam Speaker, I have the honour to present, in both official languages, the 80th report of the Standing Committee on Procedure and House Affairs.

Pursuant to Standing Order 92(3)(a), the committee reports that it has concurred in the report of the Subcommittee on Private Members' Business advising that Bill C-421, an act to amend the Citizenship Act in regard to the adequate knowledge of French in Quebec, should be designated non-votable.

CITIZENSHIP AND IMMIGRATION

**Mr. Robert Oliphant (Don Valley West, Lib.):** Madam Speaker, I have the honour to present, in both official languages, the 23rd report of the Standing Committee on Citizenship and Immigration. [*English*]

It is entitled "New Tools for the 21st Century – The Global Compact for Safe, Orderly and Regular Migration and the Global

Compact for Refugees: An Interim Report". Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

I would like to take a moment to thank the clerk, Evelyn Lukyniuk, and Madalina Chesoi and Julie Béchar, our analysts, who helped us with a very quick turnaround on this report, as well as the translators who worked into the night last evening.

Our committee heard from 18 witnesses and 16 briefs were received, all of them supporting Canada's participation in this non-binding agreement. After extensive consultation around the world, Canada has provided extremely good leadership on these two compacts and we wholeheartedly endorse Canada's participation in them.

• (1030)

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** Madam Speaker, the Conservative Party does not agree with the findings of the report and, as such, has attached a comprehensive dissenting report to the report that is being tabled today.

PUBLIC ACCOUNTS

**Hon. Kevin Sorenson (Battle River—Crowfoot, CPC):** Madam Speaker, I have the honour to present, in both official languages, the 55th report of the Standing Committee on Public Accounts, entitled, "Report 6, Employment Training for Indigenous People—Employment and Social Development Canada, of the 2018 Spring Reports of the Auditor General of Canada". Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

I also have the honour to present, in both official languages, the 56th report of the Standing Committee on Public Accounts, entitled, "Report 3, Administration of Justice in the Canadian Armed Forces, of the 2018 Spring Reports of the Auditor General of Canada". Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

Madam Speaker, while I am on my feet, I want to wish you a very merry Christmas, as well as the staff who work for the committee. We are very fortunate to have André Léonard and Dillan Theckedath as our analysts, as well as Angela Crandall, who is in the hospital recovering from knee surgery. We wish her a speedy recovery. Nancy is filling in for her as clerk and doing a great job. We wish them all a merry Christmas. I know everyone is waiting with great expectations for these two reports from the Standing Committee on Public Accounts.

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**BUSINESS OF THE HOUSE**

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, there have been discussions among the parties and if you were to seek it, I believe you would find unanimous consent for the following motion. I move:

*Routine Proceedings*

That a take-note debate on the subject of the opioid crisis in Canada take place, pursuant to Standing Order 53.1, on Monday, December 10th, 2018, and that, notwithstanding any Standing Order or usual practice of the House, (a) any member rising to speak during the debate may indicate to the Chair that he or she will be dividing his or her time with another member; and (b) no quorum calls, dilatory motions, or requests for unanimous consent shall be received by the Chair.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Does the hon. parliamentary secretary have unanimous consent to present the motion?

**Some hon. members:** Agreed.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

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### PETITIONS

#### FIREARMS

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Madam Speaker, I am pleased to present a petition signed by Canadians from the ridings of Essex, Windsor—Tecumseh, and Windsor West. The petitioners call on the House of Commons to respect the rights of law-abiding firearms owners and reject the Prime Minister's plan to waste taxpayers' money studying a ban on guns that are already banned.

#### CANADIAN HERITAGE

**Mr. John Aldag (Cloverdale—Langley City, Lib.):** Madam Speaker, this morning I have two petitions that I would like to table.

The first is from the residents of the city of Calgary. This petition calls on the Minister of Environment and Climate Change to demonstrate federal leadership at historic places by working with the Minister of Finance to create a multi-million dollar fund in budget 2019 to support the efforts of indigenous peoples, charities and not-for-profits to save and renew historic places and to encourage private-sector investment and heritage philanthropy.

• (1035)

#### CANADA POST

**Mr. John Aldag (Cloverdale—Langley City, Lib.):** Madam Speaker, the second petition calls on the Minister of Public Services and Procurement to adopt the “Delivering Community Power” vision related to Canada Post. This would call upon Canada Post to do things such as transitioning to 100% renewable energy, converting its fleet to electric vehicles, installing public charging stations, installing solar panels and retrofitting post offices, among other things.

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### QUESTIONS ON THE ORDER PAPER

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, the following questions will be answered today: Questions Nos. 1998 to 2000, 2002 and 2003.

[Text]

Question No. 1998—**Mr. David Sweet:**

With regard to the 1,559 organizations whose 2018 Canada Summer Jobs applications were rejected due to issues with the attestation requirement: what are the names of the organizations whose applications were rejected, broken down by riding?

**Mr. Rodger Cuzner (Parliamentary Secretary to the Minister of Employment, Workforce Development and Labour, Lib.):** Mr. Speaker, per the privacy notice statement contained in the Canada Summer Jobs 2018 Applicant Guide, applications deemed ineligible will not be disclosed.

Question No. 1999—**Ms. Candice Bergen:**

With regard to the handling of evidence related to the leak of information pertaining to the November 2015 Cabinet meeting where shipbuilding was discussed: (a) why has the Office of the Prime Minister and the Privy Council Office not released all relevant evidence; (b) can the government guarantee that no evidence has been destroyed by the Office of the Prime Minister or the Privy Council Office; and (c) what specific safeguards are in place to ensure that the records are not destroyed or altered in any way?

**Mr. Peter Schiefke (Parliamentary Secretary to the Prime Minister (Youth) and to the Minister of Border Security and Organized Crime Reduction, Lib.):** Mr. Speaker, with regard to the handling of evidence related to the leak of information pertaining to the November 2015 cabinet meeting where shipbuilding was discussed, the response from the Privy Council Office is as follows.

With regard to (a), this matter is currently before the Ontario Court of Justice. The court has been asked to determine the relevance of government information as well as the application of any privileges and cabinet confidentiality to such information, and will determine what government information should be released.

With regard to (b), the Government of Canada takes seriously all laws and policies concerning retention and disposition of government information, for example, under the Library and Archives Act and the Treasury Board Secretariat Access to Information Manual.

With regard to (c), the government is committed to handling government information in a manner that respects relevant laws and policies concerning retention and disposition of information.

Question No. 2000—**Ms. Candice Bergen:**

With regard to the Prime Minister's comments in April 2017 that the case against Vice-Admiral Mark Norman would likely end up before the courts, and in February 2018 that it would inevitably lead to court processes: (a) was the Prime Minister revealing classified information by saying those comments; (b) if the answer to (a) is affirmative, was an investigation launched against the Prime Minister for leaking classified information; (c) if the answer to (a) is negative, on what specific unclassified information were the Prime Minister's comments based; and (d) who provided the Prime Minister with the information mentioned in (c)?

*Routine Proceedings*

**Mr. Peter Schiefke (Parliamentary Secretary to the Prime Minister (Youth) and to the Minister of Border Security and Organized Crime Reduction, Lib.):** Mr. Speaker, this matter is currently before the Ontario Court of Justice. The Government of Canada takes seriously all relevant laws and policies regarding the protection of classified information, including the policy on government security.

Question No. 2002—**Mrs. Shannon Stubbs:**

With regard to the Study on Competitiveness of Canada's Upstream Oil and Gas Industry which was put up for tender by Natural Resources Canada in April 2018: (a) who conducted the study; (b) what were the findings and methodology of the study; (c) what was the final contract value of the study; and (d) what is the website address where the findings can be located?

**Hon. Amerjeet Sohi (Minister of Natural Resources, Lib.):** Mr. Speaker, in response to a request from the provincial and territorial energy and mines ministers, Natural Resources Canada commissioned a study on the competitiveness of Canada's upstream oil and gas industry.

With regard to (a), the contract for a study on the competitiveness of Canada's upstream oil and gas industry follows a joint ministerial commitment made at the 2017 Energy and Mines Ministers' Conference, EMMC, to examine regulatory barriers to investment in Canada's oil and gas industry. Given the specialized knowledge and expertise that exist outside government, particularly in terms of project valuations and modelling of the effects of various policies and regulations on project returns, it was decided that a study would be contracted to a third party. Following an initial advance contract award notice, ACAN, process, a request for proposals was posted in April 2018. A contract was awarded to Wood Mackenzie, a leading oil and gas consultancy, on June 7, 2018. A final study, titled "Study on Competitiveness of Western Canada's Oil and Gas Resources", was delivered to Natural Resources Canada on July 31, 2018.

With regard to (b) and (d), a comprehensive summary, including a detailed look at the methodology and key findings, can be found on Natural Resources Canada's website at:

[https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/emmc/pdf/2018/en/Summary%20-%20Competitiveness%20of%20Western%20Oil%20and%20Gas\\_en.pdf](https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/emmc/pdf/2018/en/Summary%20-%20Competitiveness%20of%20Western%20Oil%20and%20Gas_en.pdf)

With regard to (c) the final contract value of the study was \$88,000.

Question No. 2003—**Mr. Robert Sopuck:**

With regard to all Marine Mammal Regulations introduced or amended by the government since November 4, 2015: what are the details of all biological, ecological, population, and impact studies conducted by the government, broken down by regulation or regulatory change, including (i) completion date, (ii) who conducted the study, (iii) findings, (iv) website location where the findings can be located, (v) methodology?

**Mr. Sean Casey (Parliamentary Secretary to the Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, there were no scientific studies specifically conducted by Fisheries and Oceans Canada to inform the marine mammal regulations amendments post November 4, 2015; therefore, the answer to the above questions (i) to (v) is nil. However, the most recent amendments to the marine mammal regulations were informed by the best available science from the department's

scientists, as well as external scientific research, and through consultations with indigenous groups and stakeholders.

In the early 2000s, concerns about the cumulative effects of disturbance to marine mammals were brought to the attention of the department by industry and marine mammal researchers. The department commissioned Dr. Jon Lien of Memorial University in Newfoundland to provide his professional recommendations with respect to addressing these concerns. Dr. Lien's report, found at <http://publications.gc.ca/site/eng/462620/publication.html>, published in 2001, indicated that repeated exposure to, and interaction with, humans may interrupt or prevent marine mammals from completing their normal life processes, e.g., mating, calving and nursing; cause habituation of marine mammals to human activities; and threaten the survival of individual animals. At that time, section 7 of the marine mammal regulations, MMR, did prohibit the disturbance of marine mammals by any person. However, they did not expressly and effectively identify specific activities that may disturb the normal life processes of a marine mammal.

The department considered a general approach distance for vessels on the water of 100 metres for whales, dolphins and porpoises to be a practical and comprehensible means to prevent disturbance to the animals; however, the practicality of setting a single approach distance applicable to all species, areas and circumstances proved to be a very difficult task. Although 100 metres is considered to be a reasonable distance to minimize disturbance both nationally and internationally, including by Australia, New Zealand and the United States, after consultation in several locations in Canada, DFO considered different distances and ultimately decided to introduce a schedule to the MMR that tailors vessel approach distances to particular areas and circumstances and species.

Specific approach distances in the amended MMRs were informed by a number of external studies. For example, DFO contracted Chris Malcolm to conduct a study on the behaviour of beluga whales in the presence of whale watching vessels in Churchill, MB. This study, published in 2011, found at <http://cbwtoa.ca/wp-content/uploads/2017/06/MalcolmPennerBelugaBoats.pdf>, recommended a 25 metre minimum approach distance in Churchill, and a 50 metre approach distance for beluga feeding aggregations. On the Pacific coast, the National Oceanic and Atmospheric Administration, NOAA, has compiled scientific evidence regarding approach distances for killer whales. Research results indicated that killer whale behavior can be affected by approaches at distances greater than 100 yards, or 91.4 metres, according to Lusseau et al, 2009, <https://www.int-res.com/abstracts/esr/v6/n3/p211-221/>; Noren et al, 2009, <https://www.int-res.com/abstracts/esr/v8/n3/p179-192/>; Williams et al, 2009 <https://www.int-res.com/abstracts/esr/v6/n3/p199-209/>, due to behavioural changes and therefore potential impacts on life processes.



*Government Orders*

In consideration of flight manoeuvres, the amendments prohibit activities such as taking off, landing or altering the course or altitude of the aircraft for the purpose of bring the aircraft closer to a marine mammal or otherwise disturbing it. This prohibition is applicable when the aircraft is being operated at an altitude of less than 304.8 metres, or 1000 feet, within the radius of one-half nautical mile from the marine mammal. The 1000 feet altitude distance is considered a best practice domestically and internationally, including in the United States. However, helicopters that are being used for the seal pup observation industry are exempted from section 7.2 of the regulations, as there is evidence that the brief interaction people have with seal pups on these excursions have no negative effects on the pups, according to Kovacs and Innes, 1990, [https://www.applied-animalbehaviour.com/article/0168-1591\(90\)90083-P/abstract](https://www.applied-animalbehaviour.com/article/0168-1591(90)90083-P/abstract).

The approach limits specified in the amended MMR are also generally consistent with standards adopted internationally, including Australia's environment protection and biodiversity conservation regulations 2000, and most of the guidelines in the United States. There are various guidelines, codes of conducts and best practices guides in the U.S. under which the approach distance to marine mammals varies depending on the region, state, and species. Although they are distinct in their application, these regulatory and non-regulatory instruments reflect a common purpose for conservation and protection of marine mammal species, and include rules such as keeping a minimum approach distance of 100 yards from all marine mammals. Moreover, the U.S. National Oceanic and Atmospheric Administration's northwest office has established a regulatory requirement specific to killer whales in the Pacific region, which requires that vessels must not approach any killer whale any closer than 200 yards, or 183 metres, and must stay 400 yards, or 366 metres, out of the path of oncoming whales. Finally, vessels are forbidden to intercept a whale or position a vessel in the path of a whale.

\* \* \*

[English]

#### QUESTIONS PASSED AS ORDERS FOR RETURNS

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, if the government's response to Question No. 2001 could be made an order for return, this return would be tabled immediately.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 2001—**Mr. John Nater:**

With regard to the government's decision not to provide costs associated with legal assistance to Vice-Admiral Mark Norman: (a) who made the decision to deny legal assistance costs; (b) was the decision in (a) supported by the Minister of National Defence; (c) on what date was the decision in (a) made; and (d) which Ministers, exempt staff, or other government employees have or will receive taxpayer-funded legal assistance in relation to the case?

(Return tabled)

[English]

**Mr. Kevin Lamoureux:** Madam Speaker, I would ask that all remaining questions be allowed to stand.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Is that agreed?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[English]

### CRIMINAL CODE

**Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.)** moved:

That a Message be sent to the Senate to acquaint Their Honours that the House respectfully disagrees with amendments 1 and 2 made by the Senate to Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act, as they are inconsistent with the Bill's objective of codifying Supreme Court of Canada jurisprudence on a narrow aspect of the law on sexual assault and instead seek to legislate a different, much more complex legal issue, without the benefit of consistent guidance from appellate courts or a broad range of stakeholder perspectives.

She said: Madam Speaker, I am pleased to stand to speak to Bill C-51, an act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another act, and to respond to the amendments from the other place in this regard. It is a particular honour for me to stand to speak to the bill on white ribbon day, which, as we heard, commemorates the massacre that occurred in Montreal 29 years ago today.

As part of my mandate commitments I have been reviewing the criminal justice system with a view to ensuring that it is meeting its objectives and maintaining public safety. My review is also intended to ensure our criminal justice system is fair, relevant, efficient and accessible, that it meets the needs of its victims, respects an accused's right to a fair trial and is better able to respond to the causes and consequences of offending.

These are broad and important objectives, so our government has approached these tasks in phases. In Bill C-39, we removed passages and repealed provisions in the Criminal Code that had been ruled unconstitutional by the Supreme Court of Canada, so that the law as written reflected the law as applied.

In Bill C-46, we significantly modernized Canada's impaired driving laws in order to protect the health and safety of Canadians and to provide law enforcement with the resources they need to effectively detect and prosecute impaired driving.

In Bill C-75, we seek to tackle the delays that are encumbering our courts.

Today, with Bill C-51, we continue to build on our government's commitment to reviewing the criminal justice system and to making all aspects of the criminal law fairer, clearer and more accessible to Canadians. In particular, the bill seeks to modernize the Criminal Code by repealing or amending provisions that courts have found unconstitutional or that raise unavoidable charter risk.

*Government Orders*

The bill also aims to ensure that offences in the Criminal Code continue to reflect today's society and its values. To that end the bill removes a number of obsolete or redundant criminal offences that no longer have a place in our criminal law.

Further, the bill creates amendments to the Department of Justice Act. Pursuant to these amendments, the Minister of Justice would have a statutory duty for every government bill to table in Parliament a statement that sets out the bill's potential effects on the rights and freedoms guaranteed in the charter. For every one of the bills I have tabled, I have tabled charter statements. These amendments would provide greater openness and transparency about the effects of government legislation on charter rights.

Finally, the bill seeks to clarify and strengthen the law on sexual assault in order to prevent misapplication of the law and to help make the criminal justice system fairer and more compassionate toward complainants in sexual assault matters.

The importance of these reforms cannot be overstated, and I would like to recognize and acknowledge all those who have been subject to sexual assault and gender-based violence. Sexual assault is a serious problem in Canada. It affects communities across the country and across all social and economic barriers, and it remains a significant barrier to women's equality.

Addressing violence against women is an issue of the utmost importance to me and to our government as a whole. We remain deeply committed to ensuring that our criminal justice system is responsive to the needs of sexual assault victims. To that end, we have provided significant funding for judicial education relating to sexual assault law, so that judges are better educated on this crucial area of law.

We have also made millions of dollars available through the victims fund to enhance the criminal justice system's response to sexual violence. These resources support important work such as pilot projects in Ontario, Saskatchewan, Nova Scotia, and Newfoundland and Labrador to provide four free hours of independent legal advice to victims of sexual assault.

It is through efforts like these, as well as those contained in Bill C-51, that we are working to effect a culture shift in our criminal justice system and to foster an environment where sexual assault complainants feel empowered to come forward for justice and support.

• (1040)

We should be proud that Canadian laws around sexual assault are robust and comprehensive, even more so with the proposed steps set out in Bill C-51. However, we must also recognize that more work lies ahead, and we must continue to strive for further improvements. In short, we must continue to work to reduce the incidence of sexual assault in Canada and to ensure more victims feel encouraged to come forward and report their experiences to police.

To that end, Bill C-51 would make important changes to strengthen the law of sexual assault. These changes include creating a new regime governing the admissibility of evidence in the hands of an accused, where the evidence is a complainant's private record.

In addition to the strengthening the law of sexual assault, Bill C-51 would also clarify the law. It would do so by making clear that consent must be affirmatively expressed by words or actively expressed through conduct. This principle codifies the Supreme Court of Canada's 1999 Ewanchuk decision, and makes it explicit that there is no consent unless the complainant said "yes" through her words or her conduct. Passivity is not consent, and "no" does not mean "yes".

Finally, as introduced, Bill C-51 proposes to clarify one aspect of the law pertaining to consent or capacity to consent to sexual activity by codifying the Supreme Court of Canada's 2011 decision in J.A. In J.A., the Supreme Court held that an unconscious person is not capable of providing consent to sexual activity. Therefore, the bill seeks to amend the Criminal Code to state explicitly that an unconscious person is incapable of consenting, but also to clarify that a person may be incapable of consenting for reasons other than unconsciousness.

To pause for a moment, I would like to express my sincere appreciation to the members of the other place for their very careful study of Bill C-51. While the other place supported most of the bill, it adopted amendments related to the determination of a complainant's incapacity to consent to sexual activity in the context of sexual assault.

By way of background, many stakeholders welcomed Bill C-51's proposed sexual assault reforms after its introduction. Some offered suggestions concerning the elaboration of the Criminal Code consent provisions to reflect J.A. In part, those witnesses argued that the J.A. decision stands for a broader proposition. They noted that the court held that our consent law requires ongoing conscious consent and that partners need to be capable of asking their partner to stop at any point.

In other words, they suggested that the bill should be amended to reflect an additional principle articulated by the Supreme Court in J. A. to the effect that consent must be contemporaneous with the sexual activity in question.

After hearing from a number of witnesses on the question, the Standing Committee on Justice and Human Rights agreed, and amended to clarify that consent must be present at the time the sexual activity in question takes place. Our government agreed with that point, and we were happy to see that the justice committee amended Bill C-51 at that time so it would codify this broader principle in J.A. Doing so was in keeping with the objectives of the bill, including to ensure that the criminal law is clear and reflects the law as applied.

However, some stakeholders offered additional suggestions concerning our proposed codification of the Supreme Court of Canada's decision in J.A. They suggested that the provision that would codify that no consent is obtained if a complainant is unconscious be entirely removed. While the House committee did not amend the legislation to this effect, the other place nonetheless proceeded to adopt amendments that would eliminate this provision.

In its stead, the other place proposed a list of factors to guide the court in determining when a complainant is incapable of consenting.

*Government Orders*

• (1045)

According to the proposed amendments, complainants are incapable of consenting if they are unable to: one, understand the nature, circumstances, risks and consequences of the sexual activity; two, understand they have the choice to engage in the sexual activity; or three, affirmatively express agreement to the sexual activity in words or active conduct.

I would like to be clear. I agree that courts could benefit from guidance in making determinations on a complainant's incapacity to consent when she or he is conscious. The proposed amendments underscore some very significant issues in the area of consent. I also agree that intoxication, short of unconsciousness, represents challenges in the adjudication of sexual assault cases.

For one, as Bill C-51 specifically recognizes, incapacity applies to a broad range of cases well beyond those in which intoxication is an issue. This is an important conversation that we must continue to have. It is for this reason that I plan to consult with a variety of stakeholders on this issue moving forward to determine whether further action is helpful with respect to our common goals and if so, how this might be effectively accomplished.

In taking the time we need to get this right, we recognize just how complex the law of consent is. There is no clear guidance from the Supreme Court or other appellate courts to which we can turn for an exhaustive definition of what incapacity means. In addition, because Bill C-51 proposes to legislate on a very narrow aspect of the law of consent, more detailed guidance and specific instructions on this further issue are needed from stakeholders, as well as those who would be impacted by the further changes in this area. Without this guidance, the risk of unintended consequences is very real.

Moreover, the amendments made in the other place on this issue, though very laudable in their aim, unfortunately do not assist courts in adjudicating incapacity cases. For one, the amendments focus on concerns that arise in cases where the complainant is conscious but intoxicated. As a result, our government has concerns about the potential impact of the amendments on the law governing incapacity to consent in other types of incapacity cases, including those where incapacity is due to a more stable state, such as individuals living with cognitive impairment.

I also wish to note a couple of points concerning the way the courts currently treat these issues.

First, appellate decisions show that a complainant's ability to understand that he or she has a choice to engage in sexual activity or not is determinative of incapacity. However, it is not clear from the existing case law whether the other elements proposed in the amendments are determinative of incapacity or merely factors to be taken into consideration, supported by circumstantial evidence in assessing capacity.

For example, in overturning the Al-Rawi trial decision earlier this year, the Nova Scotia Court of Appeal rejected incapacity to communicate as a determinative test for incapacity to consent. As a result, courts may well have difficulty interpreting the proposed provision.

Furthermore, the amendments' proposed factors focus solely on elements that are internal to the complainant and may lead some courts to overlook relevant circumstantial evidence in the determination of incapacity. Though the complainant's subjective state is important, there is a risk that the amendments will lead courts to overlook other evidence that bears on the complainant's capacity. This was also an error of the trial court in this case, as noted by the Nova Scotia Court of Appeal.

The amendments adopted in the other place would also prohibit drawing inferences about the complainant's capacity to consent to the sexual activity at issue from evidence of capacity to consent at the time of another sexual activity. These amendments simply restate a well-settled principle of law, which is already proposed for codification in Bill C-51. That principle is that consent must be contemporaneous with the sexual activity in question. This principle applies equally to capacity to consent. Each allegation of sexual assault must be considered on its own merits. The law is clear in this regard and the bill already proposes to codify it.

• (1050)

In short, the proposed changes are well-intentioned, but will not achieve their aim and, in fact, carry great risk of unintended consequences in what is a difficult yet critical area of law. Sexual assault law is too important to leave any room for error. If the definition of incapacity is to be provided, it is imperative we get it right.

If we are to alter this complex area of law in such a significant way, we must be informed by adequate analysis and debate in both chambers as well as by a broad range of stakeholder perspectives, including prosecutors from whom neither of the committees in this place or the other had the opportunity to hear. In addition, we need to consult with the defence bar, police associations and victims groups.

It is our obligation to ensure that the hundreds of sexual assault cases that are prosecuted every day in the country are not negatively affected by an amendment that has yet to be subject to full discussion and deliberation.

As I mentioned before, in order for these issues to receive the treatment they deserve and require, I will and have committed to study the issue of incapacity, with a view to striking the right balance on this important matter. I am grateful to the witnesses who appeared before the Senate committee for suggesting that this issue be the subject of further study. I look forward to consulting with them further as part of my future review.

Our government continues to work toward fostering an environment where survivors of sexual assault feel empowered to come forward and trust the system they turn to for justice and support. Consulting on and studying the issue of capacity to consent while conscious will form an integral part of that effort.

I am incredibly proud of our government's efforts to date within the area of sexual assault law. I am confident that our continued efforts will help to ensure that all victims are treated with compassion, dignity and the respect they deserve.

*Government Orders*

Bill C-51 is an important part of our work on this issue. It is also consistent with our broader efforts to ensure that our criminal law is responsible to the needs of all Canadians and that it reflects our values. Our government will continue to find ways to improve upon our criminal justice system so it keeps Canadians safe, respects victims, responds to the needs of vulnerable populations and addresses the underlying social causes of crime. I am proud of the role Bill C-51 will play in helping us to achieve these goals. I look forward to the bill's expeditious passage to ensure these important reforms are enacted without further delay.

• (1055)

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Madam Speaker, a number of aspects of Bill C-51 are positive. Among other things, Bill C-51 would clarify the scope of section 276 of the Criminal Code in respect to the twin myths. As the minister correctly pointed out, it would codify the Ewanchuk decision as well as the J. A. decision.

With respect to the Senate amendments, I wholeheartedly agree with the minister's comments and the reason for rejecting those amendments, however well-intentioned they are.

However, one area of concern that I do have is with respect to the defence disclosure requirements, whereby any record relating to the complainant would have to be disclosed and an application would have to be brought 60 days before trial. Again, we are not talking about records involving the sexual activity of a complainant, which are protected by section 276. We are not talking about therapeutic records, which are protected by subsection 278.1. We are talking about any record relating to the complainant. There was significant concern that this was overly broad and that the process would be unwieldily with respect to potentially thousands of records that would have to be litigated before a trial and how that might contribute to delay.

Could the hon. minister comment on that?

**Hon. Jody Wilson-Raybould:** Madam Speaker, I want to comment again on the efforts that were made at both committees and the improvements the House Standing Committee on Justice and Human Rights has made.

With respect to the comments around expanding the rape shield provisions and on defence disclosure, I appreciate the conversation that took place at committee. I assure my hon. colleague that with respect to disclosure requirements, to sustain expanding the rape shield provisions to sexual communications and creating a regime for the admissibility of private records in the hands of the accused would not impose a reverse or defence disclosure obligation.

The Crown is not entitled to receive evidence. Nor is the defence required to hand it over. They are rules of evidence which govern the admissibility of the evidence in sexual assault trials and not rules of disclosure.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP):** Madam Speaker, I thank the minister for her bill.

The NDP is heartened by several amendments seeking to enhance the rape shield provisions and to ensure complainants have legal representation during proceedings.

However, the bill does not include any additional funds to help cover legal fees. It is well known that this will create economic disparities between victims who can afford a lawyer and those who cannot.

Does the minister plan to set up a fund to help victims obtain legal services for their own protection?

[*English*]

**Hon. Jody Wilson-Raybould:** Madam Speaker, I appreciate the comments of my hon. colleague on recognizing the need to assist victims of sexual assault and to assist them in accessing the criminal justice system, being informed of their rights and being able to obtain legal advice if they have an inability to pay for that advice.

We recognize this is an issue. One of the things I am incredibly proud of is that my department and our government have invested significant dollars to support victims of sexual assault in a broad range of areas. Specifically with respect to the Department of Justice, we have what is called the victims fund. Through the victims fund, we have been able to fund projects in provinces, as I referenced in my speech, around providing four hours of free legal advice to victims of sexual assault.

I know there can and is more to be done. We are committed to ensuring we provide all victims with the respect they deserve, with the necessity to ensure that they are aware of their rights and that my office continues to work with the ombudsperson for victims rights among the other measures we are advancing on gender-based violence.

• (1100)

**Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, I appreciate the minister's comments today, especially on December 6 as we recognize the 29th anniversary of the Montreal massacre, on a bill that would address head-on gender violence, this day and everyday. I thought the minister captured the sentiment that "no" does not mean "yes", a simple but important phrase.

I want to ask the minister two questions. One builds on the question that was posed by the NDP with respect to other efforts that have been made not just by the justice ministry but across government, to assist in addressing gender-based violence. I am thinking about the access to justice components of pro bono law in Ontario, the victims fund, as mentioned by the minister, and also our efforts to support legal aid.

Second, could the minister connect this bill to another important initiative, which is our response to the Jordan decision in Bill C-75 to clean up provisions that have been found unconstitutional? That bill would reduce backlogs and delays. How does that address our efforts to respond to Jordan?

*Government Orders*

**Hon. Jody Wilson-Raybould:** Madam Speaker, this gives me an opportunity to acknowledge the parliamentary secretary's important work on advancing our justice legislation. His questions give me the opportunity to highlight broadly what our government continues to do with respect to addressing sexual assault and gender-based violence.

We have invested significant dollars in budget 2018 to combat gender-based violence, including sexual assault. We have provided \$25 million over five years for legal aid for victims of workplace sexual harassment. We and the Minister of Status of Women are embarking on a national strategy to address gender-based violence and to support judicial education and training, among other initiatives, in the Department of Justice, such as the victims fund. We continue to work with my counterparts in the provinces and territories to continue to have a fulsome response to gender-based violence.

In terms of our legislative agenda on law reform, there is a direct connection between Bill C-51 and Bill C-75, which is the criminal justice reform bill that addresses efficiencies and effectiveness, all of which are intended to ensure that we are protecting and supporting victims of crime.

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Madam Speaker, it is positive that Bill C-51 seeks to remove redundant and obsolete sections of the Criminal Code. What is unfortunate is that the government still has not been able to move forward with the removal of the so-called zombie laws, the sections of the Criminal Code that have been deemed unconstitutional by the Supreme Court.

The minister mentioned Bill C-75, which includes the removal of those provisions. However, the minister neglected to note that Bill C-39 was introduced all the way back in March 2017, which would have removed those sections. Why did the government not pass Bill C-39, which could have been passed unanimously in this House almost two years ago?

**Hon. Jody Wilson-Raybould:** Madam Speaker, I am not going to speculate as to whether or not a previous bill, Bill C-39, could have been passed by unanimous consent.

What I am confident in and very pleased with is that Bill C-75 includes the former Bill C-39 to remove these zombie laws that my friend has spoken about. It is contained within Bill C-75, which has passed third reading in this House and is on its way to the other place. I look forward to the debate and discussion in the other place on this important piece of criminal justice reform and to the speedy passage of Bill C-75 so that we can, in fact, remove the zombie provisions that are contained within the Criminal Code.

•(1105)

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Madam Speaker, I rise to speak to Bill C-51, a massive omnibus bill. Perhaps it is not surprising that when we are talking about a massive omnibus bill, there are some positive aspects in it and other aspects with which I and my colleagues on this side of the House have some concerns.

One of the positives of Bill C-51 is that it seeks to remove sections of the Criminal Code that have been found to be unconstitutional by appellate courts. This is a welcomed effort to help clean up the Criminal Code. Likewise, it seeks to remove sections of the Criminal

Code that are obsolete or redundant, which again is a welcome effort to clean up the Criminal Code.

As I alluded to in the question that I posed to the minister a few moments ago, while the government is moving forward with the removal of obsolete sections and sections of the Criminal Code that have been found unconstitutional by appellate courts, it is disappointing that the government has still failed to move forward with the removal of sections of the Criminal Code that have been found unconstitutional by the Supreme Court.

The minister is quite right that Bill C-75 does include the removal of those unconstitutional sections. However, as I pointed out to the minister, it was all the way back in March 2017 that the government introduced Bill C-39.

Bill C-39 is a very straightforward bill. It is not controversial. There is support on all sides of the House for the passage of Bill C-39, and yet for whatever reason, after the minister introduced the bill on March 8, 2017, it remains stuck at first reading. It is stuck at first reading with really no explanation. This is an issue that I have spoken to on a number of occasions because it really hits home in the community of St. Albert which I am very fortunate to represent.

When we talk about unconstitutional sections of the Criminal Code, zombie sections, and their removal from the Criminal Code, perhaps it sounds a little abstract and academic. However, the consequences of failing to keep the Criminal Code up to date can be very serious.

We saw that in the case of Travis Vader, who was charged and convicted of two counts of second-degree murder of Lyle and Marie McCann, an elderly couple from St. Albert. They were murdered in 2010. It was a very complicated case. The family waited a number of years for justice to arrive. Just at the moment they thought justice had arrived, they found out that, in fact, it had not because the trial judge applied a section of the Criminal Code that is inoperative as the basis for convicting Travis Vader of two counts of second-degree murder. I am referring to section 230 of the Criminal Code, a section that had been found to be unconstitutional going back to 1990, and yet there it was in the Criminal Code.

•(1110)

That prompted the justice committee, on which I serve as a member, to write a letter to the minister calling on her to introduce legislation to repeal these unconstitutional sections. It was a letter that was sent by the chair of the committee, the hon. member for Mount Royal, all the way back in October 2016.

Following that, I stood with the McCann family in December 2016, when we had a press conference in St. Albert to urge the minister to move forward with legislation. Again, to the minister's credit, she did move forward in a relatively quick fashion because the bill was introduced, as I mentioned, on March 8, 2017. Then nothing happened. It stalled.

I have been in touch with the McCann family. They just cannot understand why, on something as simple as removing unconstitutional sections of the Criminal Code, sections that are of no force or effect yet remain there in black and white purporting on their face to represent the law, remain in the Criminal Code.

*Government Orders*

The minister has not been able to explain why the government could not pass Bill C-39, why that bill is stuck at first reading, why it needed to be copied and pasted into Bill C-75, an omnibus bill. Bill C-75 is a massive bill which, frankly, is controversial in many respects. It saw a number of amendments at the justice committee and is, undoubtedly, going to receive a whole lot of scrutiny when it goes to the Senate. It will likely be months and months and months before the Senate is able to address Bill C-75. Meanwhile, those unconstitutional sections of the Criminal Code are going to be there.

While the Vader case is one case, it is not the only case that a section of the Criminal Code, an inoperative section, has been applied with real and significant consequences to the administration of justice. There was a case in British Columbia back in 2005 in which the trial judge in a murder trial left a copy of a section of the Criminal Code that was inoperative with the jurors. On that basis, the conviction of the accused was appealed. The British Columbia Court of Appeal ultimately upheld the conviction but only because of the fact that the trial judge's instructions to the jury were deemed impeccable by the Court of Appeal.

That is another case, so it is not just the McCann case. We have seen other cases, including the case in British Columbia.

To say that we will just get around to this whenever is not an excuse. It opens the door to another Vader situation, and if that happens, the government will be to blame. It certainly was not to blame for what happened in the Vader case but once that became apparent about the serious consequences that can come through inaction, the fact that it has been now two years, I think, just does not hold water and there really is no excuse. However, it does speak more broadly to the fact that the government, on the big things and the small things, just cannot get it done time and time again.

Another aspect of Bill C-51 when we are talking about inoperative sections of the Criminal Code was the unfortunate decision by the government initially to include section 176 of the Criminal Code among the sections that the government deemed to be obsolete. Section 176 is hardly redundant. It is hardly obsolete. It certainly is not unconstitutional.

•(1115)

Indeed, section 176 is the only section of the Criminal Code to protect clergy from having their services disrupted, something that is very serious and goes to the heart of religious freedom. The government turned a blind eye, the Conservatives called them on it and, as a result, tens of thousands of Canadians spoke out, telling the government that it was wrong.

To the government's credit, it backed down at the justice committee a year ago and agreed to remove the repeal of section 176, and rightfully so. However, not long after backing down on the removal of section 176, the government, in Bill C-75, hybridized section 176, so that instead of its being treated as a solely indictable offence, it would potentially be treated as a summary conviction offence.

While this specific change does not have a significant impact on the maximum sentence, unlike some of the other offences the government is hybridizing, it sends a message, and I would submit that it sends exactly the wrong message. It sends the message that

disrupting a religious service, infringing on the freedom of religion of Canadians, not just any freedom but a fundamental freedom in our Charter of Rights and Freedoms, is not that serious. That is just wrong and why Conservatives have opposed it and stood up in fighting Bill C-75.

A lot of Bill C-51 relates to changes to sexual assault laws in Canada. As I indicated when I rose to ask the minister a question, many aspects of this bill include welcome changes to the Criminal Code with respect to sexual assault laws. Among the positives in Bill C-51 is that it would codify the Ewanchuk decision. That means it would make it absolutely clear that the defence of mistaken belief on the basis of a purported misapprehension or misunderstanding of the law cannot be advanced. It is a positive to have clarity on that and to have the Ewanchuk decision codified.

Another positive change the government is making with respect to sexual assault provisions is the codification of the J.A. decision. The J.A. decision makes clear that in no circumstances can a complainant be deemed to be giving their consent while unconscious. By way of background, in J.A., the accused said that no sexual assault took place on the basis that the unconscious complainant had consented to both being made unconscious and the sexual activity. That argument was successful before the Ontario Court of Appeal.

•(1120)

Fortunately, the Supreme Court overturned the decision of the Ontario Court of Appeal, holding that for there to be consent, that consent must at all times be contemporaneous; that consent must occur at all times at all stages of the sexual activity. Therefore, Bill C-51 would amend section 273 of the Criminal Code, which contains a list of non-exhaustive factors when consent is deemed not to have occurred. More particularly, Bill C-51 would amend that section to specifically include the word "unconscious" to make it crystal clear that in no circumstances will consent be deemed when the complainant is unconscious.

As the minister went into some detail about in her speech, there were some concerns raised by a number of witnesses, both before the justice committee when we heard from them about a year ago, as well as from witnesses who appeared before the Senate legal and constitutional affairs committee. Essentially, their argument was that codifying R. v. J.A. really would not do anything, that the whole issue of consciousness has never really been an issue, and that prior to R. v. J.A. the courts were never really finding there was consent when complainants were unconscious. In that regard, the concern was that by adding the word "unconscious", an unintended bright line would be established whereby arguments would be put forward that consciousness or lack of consciousness would be a bright line in determining the issue of consent. That was the argument.

*Government Orders*

That was part of the reason why Senator Pate put forward her amendments, her concern being that there could be some added confusion in those cases where the person was not unconscious, but, for example, highly intoxicated. Unfortunately, while the Senate amendments may have been well intentioned, they would simply cause more problems and solve a problem that really does not exist. They would establish untested factors, which would be litigated, dealing exclusively with the mental state of the complainant. We know from some of the decisions, including the Al-Rawi decision, that it was not the mental state of the complainant that resulted in the acquittal of the accused, but rather the failure of the trial judge to consider some of the other evidence. Therefore, again, the amendments are problematic.

In terms of the language in Bill C-51, it is sufficiently clear, because it speaks of unconsciousness, but then it speaks to all other circumstances outside of that, so the language is broad. On that basis, I am not convinced that it would create the bright line that was said to be a concern by Senator Pate and by some of the other witnesses who appeared before the justice committee. As for whether or not it should be codified, I do think it is helpful. It does provide some additional clarity, and so on that basis I do support that aspect of Bill C-51.

● (1125)

Another area where I agree with the government is in respect to the applicability of the twin myths under section 276. Section 276 of the Criminal Code prohibits using evidence of a complainant's sexual activity for the purpose of advancing two discriminatory myths, namely that the sexual activity of the complainant makes the complainant less believable or most likely to consent. What Bill C-51 clarifies is that in no circumstances may evidence be tendered for the purpose of advancing those twin myths. That is a step in the right direction.

However, one of the areas I do have some questions about with respect to section 276 is an amendment proposed in the bill related to the definition of sexual activity. In that regard, Bill C-51 seeks to amend sexual activity to include "any communication made for a sexual purpose or whose content is of a sexual nature." There is some concern that the definition may be overly broad. It is understandable why in this digital age, for the purpose of section 276, it makes sense to include communications in the form of text messages with photos or videos, etc. However, there was some concern expressed by the witnesses that it would be broad enough to encompass communications that were immediately before or after the alleged assault, which could be highly relevant in properly determining the case. Communications that might provide some context as to what in fact took place might no longer be admissible as a result of the wording of that section. Therefore, while I support the objective of the section, and the intent of the amendment is a good one, I do have some concerns about its breadth and how it might impact the types of cases I referenced.

On the whole, Bill C-51 is a good bill, but my biggest concern is with respect to the defence disclosure requirements. The defence disclosure requirements require the defence to bring forward an application in order to admit any record relating to the complainant. That application must be brought at least 60 days before trial. What is wrong with that? There are a number of problems I see with it.

First, the definition is extremely broad. The wording is "no record relating to the complainant". To be clear about what that means and what we are talking about, it is not about a record of the complainant involving their sexual activity. That is captured in section 276 of the Criminal Code, relating to the twin myths I just spoke of.

● (1130)

We are not talking about records for which there would be a reasonable expectation of privacy, such as health, therapeutic or educational records involving the complainant. They are already addressed in section 278.1 of the Criminal Code. What we are talking about is any record relating to the complainant. What type of record might that encompass? It could encompass just about anything, regardless of whether there was any connection to a reasonable privacy interest on the part of a complainant. We are talking about joint records. We are talking about Crown records. We are talking about records that might have been obtained by way of a third party application. So broad is the wording of this amendment, it could arguably relate to a record of the accused to the degree that the record was a basis upon which to cross-examine a complainant and therefore would relate to the complainant.

Why is that a problem when we are talking about all these records? We should just think about that for a minute. Let us think about it from a practical standpoint. Put aside issues of trial fairness. Put aside issues of the presumption of innocence. Think about it from a practical standpoint, the mechanics of how this is going to work. From that standpoint, there are very serious concerns.

If we are talking about any records, in most cases we could be talking about thousands of records the defence counsel would have to comb through and bring an application for, and a court would have to go through each record to determine its admissibility, not, by the way, on the basis of relevance and materiality but on the basis of eight factors provided for in Bill C-51, eight factors that have not been tested and have obviously not, to date, been litigated, because the bill has not been passed.

That would create a lot of uncertainty. It would create a lot of new litigation, and it would create the potential for real delay in our already backlogged courts. That would be an issue at the best of times, but it would particularly be an issue in light of the Jordan decision, where we have cases that are being thrown out due to delay, yet here is something that is likely to have a very significant impact on adding to delays. That is just if the defence counsel brings an application 60 days before the trial.

Again, thinking about how this might play out, there might be a record that does not seem to be that relevant, that does not seem to really assist the defence or relate to needing to be tendered as evidence, but an issue might arise at trial, and suddenly that record that did not seem very significant becomes extremely significant. Then what would we have? We would have a mid-trial application, with the possibility of a mid-trial adjournment, contributing to even more delay. That would slow things down. It would create delay, but for what purpose, what objective?

*Government Orders*

•(1135)

There are some who say that it would be consistent with the Mills decision of the Supreme Court in that this would guard against fishing expeditions on the part of an accused against a complainant, except for the fact that we are talking about records already in the control and possession of the accused. Therefore, there would be no fishing expedition to be had, because they would already be in the control of the accused. That argument that has been put forward does not hold a lot of water.

Another argument put forward is that it would protect the privacy of a complainant. A great deal of sensitivity is required to do what is possible to protect the privacy of complainants. I wholeheartedly agree with that. There is no question that victims are victimized when they go through the assault and can be victimized again as they go through the trial and the court process. There is no question that efforts need to be made to protect victims. However, again, we are talking about any record, regardless of whether the victim had a reasonable privacy interest and regardless of the nature of the document. As long as it related to the complainant in some way, one would need to go through this process. To the degree that it would protect complainants and the privacy of complainants, it would add a lot more than that due to the very broad wording of that section. That is a concern.

While it seems to go a lot further than necessary to protect a complainant, it would potentially have very significant consequences for the ability of an accused person to advance a defence, and ultimately, for the court to fulfill its role as a proof finder. It would significantly impact upon the presumption of innocence. It would significantly impact upon an accused person's right to make full answer and defence. When we speak about the right to make full answer and defence and how important it is, I cite the Supreme Court in *R. v. La*, wherein the court stated, at paragraph 43:

The right to make full answer and defence is one of the pillars of criminal justice on which we heavily depend to ensure that the innocent are not convicted.

How would this provision potentially impact the ability of an accused to make full answer and defence? In one significant way, it would impede the ability of an accused person to cross-examine a complainant. When we talk about cross-examination, I quote the Supreme Court again on the important role of proper, thorough cross-examination in getting to the truth. The Supreme Court said, in the Lyttle decision, that “without significant and unwarranted restraint” it is “an indispensable ally in the search for the truth.”

•(1140)

Cross-examination is an important tool to guard against wrongful convictions. One might ask how this disclosure would impact upon the ability of an accused to make a full answer and defence and undertake a thorough cross-examination of a complainant. It would in one very simple way. It would create a positive disclosure requirement ahead of a trial. This bill would mark the first time in the Criminal Code that there would be a disclosure requirement for an accused person to provide to the Crown in advance of a trial, aside from a handful of narrow exceptions that have been well accepted and are not in the least bit controversial. The bill would require not only that evidence be disclosed to the Crown before a trial but that the evidence be disclosed to a complainant. Not only that, under Bill

C-51, a complainant would have the right to counsel at that application. Therefore, instead of two parties at the application, the Crown and the defence, there would now be three parties, the Crown, the defence and the complainant.

Let us think about what that would mean with respect to the trial. The defence would have records in its control. It would now be tendering them and having to argue why they were relevant and should be admitted. That would provide a whole lot of insight into potential lines of cross-examination and the strategy of the defence. That could have a huge impact when it came to trial.

There is no question that the vast majority of complainants are telling the truth, but not all complainants are telling the truth. I want to emphasize again that the vast majority are, but not every single complainant is. In those rare cases when a complainant was not telling the truth, this positive disclosure requirement would open the door to tipping off someone who was not telling the truth before it got to trial to understand the defence strategy and the potential lines of cross-examination. It would certainly give someone who was not telling the truth a huge advantage going into the trial. The person could change his or her story or address perceived shortcomings in the case against the accused.

It gets even more complicated than that because of what I referred to with respect to who the parties to the application would be, because it would not just be the Crown and the defence. It would also be the complainant's lawyer. The complainant would have the right to be represented through his or her lawyer.

•(1145)

However, if it was, for example, just the Crown that was a party to the application, and we did have a situation where a complainant was maybe not telling the whole truth on issues around preparation leading up to that application, those questions could be asked at the trial of the complainant, but because the complainant would be represented by counsel, suddenly those questions become subject to solicitor-client privilege. Again, it is another impediment to asking questions, to cross-examining a complainant.

Make no mistake, I fully support every step that is necessary to protect complainants, having regard for the sensitivity of sexual assault and the profound toll it can have on victims. However, the issue in this particular instance is that we are talking about something that is so broad, so unwieldy, that while the intention may have been a good one, it misses the mark when it comes to fully protecting complainants all the while doing much to undermine the ability of an accused person to make full answer and defence.

When I spoke previously on Bill C-51, I quoted Madam Justice Molloy of the Ontario Superior Court, which I think bears reading into the record again. Madam Justice Molloy, in the Nyznik decision in acquitting three individuals of sexual assault, stated that:

Although the slogan ‘Believe the victim’ has become popularized of late, it has no place in a criminal trial. To approach a trial with the assumption that the complainant is telling the truth is the equivalent of imposing a presumption of guilt on the person accused of sexual assault and then placing a burden on him to prove his innocence. That is antithetical to the fundamental principles of justice enshrined in our Constitution and the values underlying our free and democratic society.



*Government Orders*

Bill C-51, with respect to the defence disclosure requirements, does not strike the right balance of protecting the victim while guarding against the potential for wrongful convictions. Therefore, I flag that issue as a serious concern that I have. However, on the whole, there are positive aspects to the bill that we are happy to support.

**Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, I thank the member opposite for his comments and contributions to this chamber, and for his distinct impersonation of my hon. colleague, the parliamentary secretary to the government leader, in terms of the length of his submission, all extempore, today.

On a more serious note, I am proud to stand in this chamber to participate in this debate on one of the last days that this august chamber will be open for the next decade, and especially on December 6, when we are thinking about the victims of the Montreal massacre and gender violence.

Despite the breadth of the submission made by the member opposite, I will reduce my points to three comments and a specific question.

The first comment is in respect to section 176, which was the provision of the Criminal Code that dealt with offences against clergymen. The member opposite referenced this, and it is an important issue, but he failed to reference that not only did we understand and hear the concerns expressed at committee, but we kept that provision in the code and improved upon it by ensuring that it would not refer to only men who are in positions of religious leadership or one particular religion. In keeping with the multi-cultural nature of this country, which my friend opposite knows is protected in the charter, we ensured that all religious leaders of all genders are protected.

Second, an important aspect of this bill that was not referenced by the member opposite is that it would create a statutory duty for something that has been done continuously by the Minister of Justice, which is to say that there would be a statutory duty to include a charter statement.

The third point is with respect to admitting private records in the hands of the accused. The member opposite quoted case law copiously, but I would point him to the Darrach decision in 2000—

• (1150)

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** The member has already used up two minutes. There are only 10 minutes for questions and comments and other people want to ask questions and comments. I will allow the member for St. Albert—Edmonton to respond to the comments made by the parliamentary secretary.

**Mr. Michael Cooper:** Madam Speaker, again, I reiterate there are positive aspects to the bill, but one of them was not the inclusion of section 176 in the Criminal Code. I am glad that the government listened to Conservatives in the removal of that section from the Criminal Code, but again, it was only after tens of thousands of Canadians spoke out and we called the government out on it.

[*Translation*]

**Ms. Christine Moore (Abitibi—Témiscamingue, NDP):** Madam Speaker, the Senate amendments relate to the concept of sexual

consent. Right now, there are consent issues that go beyond the victim's level of consciousness. There is what is called stealthing, for instance, the act of removing a condom during sex without the other person's knowledge. Experts agree that the Hutchinson case could set a precedent. That case was about a man who poked holes in a condom to get his partner pregnant without her knowledge. Unfortunately, that precedent probably would not apply to homosexual relations, because the risk of physical injury is lower, given that there is no possibility of pregnancy.

However, considering the increase in sexually transmitted diseases in the homosexual community, would it not be worthwhile to clarify the concept of consent beyond the victim's level of consciousness and ensure that it also applies in cases where consent is vitiated by the removal of a condom, for example, and where the partner who consented to sex is exposed to health risks?

[*English*]

**Mr. Michael Cooper:** Madam Speaker, the member for Abitibi—Témiscamingue raises an important question. With respect to the Senate amendments, I respectfully believe they would not have helped to clarify the law and that they would have in fact created further confusion and further litigation. I agree with the minister with respect to the amendments, that while they are well-intentioned to consider the establishment of these additional factors, a lot further study and a lot further consultation is required to ensure, to the degree that such a substantive amendment were made to the Criminal Code, that we got it right to the greatest extent possible.

**Mr. Arif Virani:** Madam Speaker, to characterize what is in the bill as defence disclosure is inappropriate and incorrect. I refer the member opposite to the Darrach decision, paragraph 65 of the Supreme Court jurisprudence, which he is fond of quoting.

The member talked at length about the situation with Travis Vader and the McCann family. This is an important issue that affected his community directly and I appreciate his submissions in that regard. However, when the provisions in Bill C-39 that would have eliminated those unconstitutional provisions from the Criminal Code were moved into Bill C-75 and that legislative vehicle is being used to eliminate the very provisions he is talking about, I ask the member why he would have voted against that bill at third reading in this chamber last week?

• (1155)

**Mr. Michael Cooper:** Madam Speaker, I spoke to the McCann family about the fact that Bill C-39 was moved into Bill C-75 and quite frankly, they were appalled. They were appalled that the government would include Bill C-39 in a bill that would, among other things, water down sentences for impaired drivers and for kidnapping of a minor and, speaking of sexual assault, for administering a date-rape drug. I voted against Bill C-75. If the McCann family were members of Parliament and could have voted, they would have voted against it too.

**Mr. Dane Lloyd (Sturgeon River—Parkland, CPC):** Madam Speaker, I think we can all agree that the hon. member really looks into his work and delves into detail on the issues at hand. I would ask if the member could expand upon his concerns about possible mistrials, injustices occurring and delays in the legal system from some of the positive disclosure requirements included in the bill.

*Government Orders*

**Mr. Michael Cooper:** Madam Speaker, delay is a very serious concern. It opens the door to extended applications but more than that, it opens the door to delays at trial, mid-trial applications, because it does not take into account or recognize the fact that so often it is not possible for defence counsel to identify all of the records that he or she considers to be relevant for trial. So often issues come up at trial and a record that did not seem relevant becomes relevant, upon which an application would have to be made mid-trial. That very relevant evidence might be excluded on the basis that the application was not brought 60 days before trial. It is very problematic.

[*Translation*]

**Ms. Christine Moore:** Madam Speaker, I would like to come back to the Senate amendments.

Does my colleague really not believe that they would clarify the concept of sexual consent and remove any doubt regarding certain sexual activities? At present, when people file complaints, the police say there are no grounds for sexual assault.

Would these amendments not keep certain cases from winding up in the Supreme Court before it has been determined whether the activity in question was in fact sexual assault?

[*English*]

**Mr. Michael Cooper:** Madam Speaker, speaking to the Senate amendments, I believe that adding the word “unconscious” consistent with the J.A. decision would not in any way confuse the law or create uncertainty. I think it provides some degree of clarity.

I reiterate that the wording of the specific subsection proposed in bill C-75 is broad enough to encompass not only unconsciousness but any other reason by which a complainant might be incapacitated.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP):** Madam Speaker, I will be sharing my time with the member for Abitibi—Témiscamingue.

As we commemorate the École Polytechnique massacre today, I would like to begin by reminding the House that 14 women were killed at a Montreal school exactly 29 years ago today. We all believe in eliminating violence against women and girls, which no moral code or policy can justify.

Today, the focus is on armed violence. The bill introduces major changes to how the justice system handles cases involving sexual assault and violence. In recent years, the NDP has been putting pressure on the government to keep its promises, heed the call of feminist organizations, and take action by funding measures to achieve true gender equality and end discrimination and all forms of violence against women and girls.

Our former colleague and leader of the opposition, Rona Ambrose, cared deeply about this issue. She introduced a bill to ensure that judges are better trained on the issue of sexual assault. The bill passed unanimously in the House and remains in the Senate. I think we all want to improve our society.

The NDP wants to support the Senate's amendments regarding sexual assault, but as parliamentarians, we must also make sure that

the government is not just making symbolic gestures. We must ensure that these changes are followed up with meaningful action and funding for our legal system.

A few hours ago, I asked the Minister of Justice whether she intended to set up a fund to help victims pay for lawyers to keep them safe. All she said was that her government had already invested money to give victims access to four hours of legal advice. Four hours of legal advice is not the same thing as being defended by a lawyer with experience in these matters.

I welcome the positive change this bill allows. However, the government's response to Parliament's motion is troubling and disappointing. Senators, my colleague from Cowichan—Malahat—Langford and many witnesses talked about potential problems if we do not clarify consent. By asking two questions, my colleague from Abitibi—Témiscamingue just illustrated how much grey area still surrounds consent. When we talk about consent we mean agreeing to engage in sexual activity. There is also the issue of condom removal without the partner's knowledge, whether that partner is a woman or a man. This should also be included in the definition of consent.

As we know, women are more likely than men to be victims of sexual assault. Sexual assault is the only violent crime in Canada that is not on the decline. Since 1999, the rate of sexual assault has remained relatively stable. That is one of the reasons the risk of violence against women was roughly 20% higher than that of men in 2014, according to the self-reported data from the general social survey on victimization. What concerns me is that the rate of this type of assault is 18 times greater for young Canadians 15 to 24 than it is for people 55 and older. We all know that alcohol is a factor at student parties and far too often complainants cannot get justice because a judge does not recognize their rights since they were passive under the effect of alcohol.

According to Carissima Mathen, associate professor at the University of Ottawa's Faculty of Law, from a legal perspective, ambiguous consent cannot be considered an affirmation of agreement. Still according to Ms. Mathen, passivity is not consent and consent must be expressed in a meaningful way and not by silence.

Intoxication with alcohol or any other substance cannot be used as a defence by someone who commits this type of crime. I will say it loud and clear: there is no excuse or justification for a sexual assault. Asking for consent before and during a relationship is key. There is still a great need for education of adolescents and young adults, particularly about consent.

*Government Orders*

•(1200)

We have heard a lot about this in recent years. We have heard about the #MeToo movement, or #MoiAussi in Quebec. This is still a hot topic. Unfortunately, the concept of consent is often misunderstood. There should be more discussion and debate about this so we have a clear definition of consent, especially when introducing bills that will affect the legal system.

That is why the Senate's amendments are very interesting. They incorporate the principles of the amendments my NDP colleague moved at the Standing Committee on Justice and Human Rights which, unfortunately, were rejected by both the Liberals and the Conservatives. I find this part of the government's response problematic:

...as they are inconsistent with the bill's objective of codifying Supreme Court of Canada jurisprudence on a narrow aspect of the law on sexual assault and instead seek to legislate a different, much more complex legal issue, without the benefit of consistent guidance from appellate courts or a broad range of stakeholder perspectives.

On the contrary, the goal reflects the Supreme Court of Canada's 2011 decision in *R. v. J.A.* The amendments proposed by Senator Kim Pate absolutely and unquestionably reflect the Supreme Court of Canada's decision, so I do not understand why the federal government decided to reject them. There are also several recommendations from experts and women's groups who appeared before the committee. Here is what Chief Justice Beverley McLachlin wrote in the Supreme Court's 2011 ruling in *R. v. J.A.*:

Parliament requires ongoing, conscious consent to ensure that women and men are not the victims of sexual exploitation, and to ensure that individuals engaging in sexual activity are capable of asking their partners to stop at any point.

I would also like to quote University of Ottawa law professor Elizabeth Sheehy, who commented on the ruling in a CBC article:

The most important message...is that unconscious women are not sexually available. It is a crime to touch a person who is asleep or drunk.

If that is not enough to convince my colleagues, I invite them to read the decision handed down in Alberta a few weeks ago. Senator Kim Pate sent a copy to our offices. The court of appeal in that province overturned a lower court ruling, pointing to the need of once again addressing and clarifying the concept of consent. As we know, there are still too many prejudices and, as the senator put it, too many harmful stereotypes about sexual assault victims.

The courts have taken a stand on this concept and therefore it is up to us, as legislators, to establish a clear definition. We must not wait for another case to go all the way to the Supreme Court before we finally do something. Unfortunately, the government's excuse for not taking action is absurd at best. If court rulings are not enough, I invite my colleagues to refer to organizations that have also taken a stand.

The DisAbleD Women's Network of Canada wants the amendments to pass. Student organizations have developed campaigns on the concept of consent with a clear message on the issue of intoxication. Here is what the website [withoutayesitsano.ca](http://withoutayesitsano.ca) says about one myth:

Being drunk, intoxicated or unconscious as a result of substance abuse invalidates consent. Alcohol remains the number one rape drug.

In other words, the Senate's amendments are consistent with the amendments brought forward by my colleague from Cowichan—Malahat—Langford at the Standing Committee on Justice and Human Rights. Clear jurisprudence exists on the issue of consent when a person is intoxicated, unconscious or in a passive state.

•(1205)

In conclusion, from a social perspective, more and more organizations are fighting for clearer rules of law on this topic. Parliamentarians, experts and judges agree, and civil society approves. What more do they want? The government's response to the Senate amendments makes no sense politically or legally. We must do more to combat sexual assault, and the Senate's amendments are a step in the right direction.

**Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I appreciate my colleague opposite's questions and her speech.

[*English*]

I want to outline one broad point and then ask the member opposite a specific question. The issue is not with the objective. What the Senate has proposed is clear. The issue is that it requires more study and it has not understood or analyzed the issue in a broad enough capacity. It only looks at certain types of incapacity, such as intoxicated complainants, without looking at things like cognitive disabilities. That was outlined by the minister in her opening remarks.

The question for the member opposite is this. She has raised the important issue of access to justice, specifically for female complainants. On this day, especially on the 29th anniversary of the Montreal massacre, that is an important question and contribution. However, there are other contributions. We have provided an \$80 million allocation over five years and \$30 million ongoing in legal aid; \$25 million over five years for legal aid for victims of workplace sexual harassment, in particular, in addition to the victims fund mentioned by the minister.

Are those the types of endeavours and monetary supports that the member and her party are looking for in addressing the very important issue of access to justice for female complainants in respect to sexual assault?

•(1210)

[*Translation*]

**Ms. Anne Minh-Thu Quach:** Mr. Speaker, it is very sad to hear a government member say in a question that more consultation is needed.

For years, feminist advocates have been calling for a broader, clearer definition of consent and for judges to be better trained. The former leader of the Conservative Party even had a motion unanimously adopted by the House of Commons because there is a big problem in Canada.

*Government Orders*

More and more women are reporting their attackers, but others are afraid to do so because they fear the justice system. If we truly want to protect women and girls who are victims of sexual assault, we must give them the protection they need. This must be part of the definition. Judges must be trained, and victims must be given the means to defend themselves. I asked the Minister of Justice a question, and even she told me that improvements were indeed needed.

Many experts agree that women without the means to pay a lawyer cannot be properly defended and protected. As I was saying, there are 18 times as many sexual assault victims among 18 to 24 year olds as in any other age group, and three times as many among indigenous peoples as among non-indigenous people. These people do not have the means to pay for a lawyer. We need the Minister of Justice to put funding in place to ensure that this bill is not just symbolic and that it truly protects victims.

I urge the government to accept the Senate's amendments.

**Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP):** Mr. Speaker, my question also has to do with funding for people who do not have a lot of money. My colleague started explaining this, but I would like her to elaborate.

What are the potential consequences for young people, women and others who do not have the means to pay for a lawyer if they get only four hours of legal representation?

**Ms. Anne Minh-Thu Quach:** Mr. Speaker, it is really hard for people between the ages of 18 and 24. This has not happened to me, but we hear about it all the time. People who are sexually assaulted become depressed and develop mental health problems.

An Ipsos Reid survey shows that 40% of these people said nothing because they felt ashamed. Others said that it was difficult to go to the police because they do not have faith in the criminal justice system. This will continue to happen if they do not have access to a lawyer, because it is difficult for people to defend themselves.

Victims are already revictimized when they go to court; if they do not have the support of a lawyer or an expert in the field, it is very difficult for them to know what their rights are or how to defend themselves and weather the storm once they are in court. That is why we need funding to strengthen this bill.

**Ms. Christine Moore (Abitibi—Témiscamingue, NDP):** Mr. Speaker, in my speech, I will focus on the two Senate amendments that, unfortunately, the government rejected. That is the motion before us now.

I think it is very important to point out that the Senate amendments to the bill were proposed by Senator Kim Pate.

Senator Pate was appointed through the independent selection process. She has been on the job for over a year. According to the government, the purpose of the process is to appoint distinguished senators, citizens who can make a unique contribution to the Senate.

In theory, it would seem that the Senate selection committee chose Senator Pate because she is a distinguished jurist whose opinion is highly respected.

Interestingly, the amendments she proposed are very similar to the NDP's amendments, and I think they carry considerable weight. The

amendments are about sexual consent. The government bill refers to circumstances under which a person cannot give consent, such as unconsciousness and other reasons.

The Senate amendments refer to a person who is unable to understand the nature, circumstances, risks and consequences of the sexual activity in question, unable to understand that they have the choice to engage in the sexual activity in question or not, or unable to affirmatively express agreement to the sexual activity in question by words or by active conduct. When it comes to the ability to consent, I think that unconsciousness clearly falls under the third point.

I think that is very important, because one of the problems that victims are currently having with sexual consent is the difficulty of proving that they did not give consent in situations that fall in somewhat of a grey area. I want to speak specifically to that.

Often, when we talk about sexual consent, we are talking about voluntary consent. The problem is that consent may be vitiated. I will give a few examples that will help members understand.

A person can freely consent to a sexual activity without understanding the risks or circumstances that are involved. The first case that I want to talk about is the Hutchinson case, which is very important in understanding what follows.

This man poked holes in the condom he was going to use with his partner so that she would get pregnant. If I remember correctly, he was worried she would leave him, and he wanted to get her pregnant so that she would stay with him. Unfortunately, the partner did get pregnant, and she ended up finding out the truth about the pierced condoms. She pressed charges against him, and the case went all the way to the Supreme Court.

The Supreme Court had to study this case specifically to determine whether there had been a problem. Ultimately, the Supreme Court ruled that the consent had been vitiated because, in this specific case, there was a risk of bodily harm, and harm did actually result because she got pregnant. The consent had therefore been vitiated, so this constituted sexual assault.

The complainant had to take her case all the way to the Supreme Court to prove that she had been sexually assaulted. This was not a case where the justice system worked swiftly. If the concept of sexual consent had been clarified from the outset, including the ability to understand the risks of a sexual activity, it could have been immediately established that the complainant was unable to understand the risks of the sexual activity because her partner had not informed her that the condom was pierced. She was therefore unable to properly assess the risk that a pregnancy would result from the sexual activity.

Unfortunately, in this ruling, the problem is that we are really talking about the risk associated with pregnancy as major bodily harm.

*Government Orders*

•(1215)

However, if someone were to remove the condom without telling his partner, but she was unable to become pregnant because of sterility or menopause, the jurisprudence would not necessarily apply. That is according to experts who refer to Hutchinson to determine whether stealthing—removing a condom without the partner's knowledge—is a form of assault.

In cases involving women who can become pregnant, experts believe that the precedent set in Hutchinson may apply because there is a risk of significant bodily harm. However, in cases involving women who cannot become pregnant because of menopause or for some other reason, and if the partner does not have a sexually transmitted infection, there is no clear risk of sexual harm, and the jurisprudence may not apply.

The same is true of homosexual relationships unless the partner is, say, HIV positive. In such cases, it is possible to prove that a person was exposed to a risk of bodily harm when the partner removed the condom without the person's knowledge. In every other case, the jurisprudence does not provide grounds for proving the existence of risk, and it is not clear there would be grounds for sexual assault.

When people report cases of stealthing to the police, they are not taken seriously. The police tell them that they have not been sexually assaulted and so they are sorry but there is nothing they can do, despite the enormous stress this puts on victims.

According to victims' testimonies, this causes a lot of stress about potentially being exposed to disease. Victims may also have to take emergency contraceptives because they do not want to get pregnant. There is also the stress of waiting for the test results to come back. Stealthing can also affect relationships. Victims may have a hard time trusting others after something like this happens.

One victim recounted the following story in an article in the *Journal de Montréal*. She said, "After a night of drinking, I had sex with a guy I was seeing. A few days later, while doing some cleaning, I found the condom that he had supposedly used behind my bed. It was still in the torn wrapper. I realized that he had just pretended to put it on and that I had not noticed. I had to get tested for STIs."

•(1220)

When we read these stories, we realize that this could be a form of assault because there was vitiated consent. When someone consents to having protected sex, it is because that person has assessed the risk and decided that she is willing to have protected sex but not unprotected sex because of the risk of disease or pregnancy. From a public health perspective, there is currently an epidemic of sexually transmitted infections, and yet there have been delays in bringing the legislation into line with the jurisprudence for these kinds of cases.

If it were clearly illegal and criminal to engage in such an activity because it vitiates consent, I think that much more immediate action could be taken. In the few cases where a victim actually has the courage to report what happened, the police would not have to tell her that what she experienced was not a sexual assault, despite the risk of bodily harm.

There is currently a problem with sexual consent as there are grey areas where consent was vitiated. Bill C-51 does not address all the issues of vitiated sexual consent. Yes, the person voluntarily consents to a sexual activity, but does so under certain conditions. If these conditions are intentionally disregarded, the consent is vitiated and this could constitute an assault. If the justice system is incapable of recognizing that fact, it is turning its back on these victims.

The Senate amendment directly addressed that case. It could have settled the issue once and for all. The judges could have relied on a new, much clearer law and such cases would not have to go all the way to the Supreme Court to be recognized as assault. I seriously believe that the government is making a mistake with its motion and that the Senate amendments, which resemble those moved by the NDP, should have been adopted.

•(1225)

[*English*]

**Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I appreciate the comments from the member opposite. I would point out that her concerns with respect to access to justice are shared on this side of the House. That is why we made important changes with respect to access to justice so that the spiral she was mentioning in terms of escalating costs and litigating all the way to the Supreme Court actually does not occur.

We have appointed more women to the bench. We have supported the bill about judicial training that was presented in this House by the former interim leader of the official opposition. We have invested significant sums of money to combat gender violence and to improve access to justice. We have allocated \$187 million to combat gender violence, including sexual assault, \$100.9 million to support the national strategy to address gender-based violence, and \$25 million over five years for legal aid for victims specifically about workplace harassment. That is a concern for our government.

I would ask the member opposite whether she believes that those specific types of targeted investments, on this day in particular, the 29th anniversary of the Montreal massacre, go toward addressing gender-based violence as well as the access to justice points she has raised in the context of this debate.

[*Translation*]

**Ms. Christine Moore:** Mr. Speaker, even \$1,000 billion more would not make any difference if the law does not specify which activities are considered to be criminal. If the law does not clearly state that taking off a condom during a sexual activity constitutes sexual assault, we are not moving forward.

At present, when victims file a complaint, the police tell them that what they experienced was not assault. In those cases, it is not a problem of access to justice, it is a problem with the definition of what constitutes consent and sexual assault, and no amount of money can fix that. Legislative amendments are needed if we want to change the way in which our police forces and the justice system interpret the Criminal Code when they must determine what is consent, vitiated or not, to a sexual activity.

*Government Orders*

[English]

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Mr. Speaker, the member for Abitibi—Témiscamingue spoke at some length about cases involving consent by trickery as the basis upon which she supports the amendments brought forward by Senator Pate. I would be interested in her comments though, due to the position taken by the government that while Bill C-51 does include the word “unconscious”, paragraph (b) of the amendment also refers to consenting to the activity for any reason other than unconsciousness. Clearly, one could not consent if one was tricked in that situation.

What does the member say about that language and the concern that she has expressed?

[Translation]

**Ms. Christine Moore:** Mr. Speaker, the problem is that the definition of “for any [other] reason” often depends on judges' interpretation. This can lead to cases like the Hutchinson case, which went all the way to the Supreme Court to determine whether the reason in question was covered by the phrase “for any [other] reason”.

Senator Pate's amendment is much more specific. For instance, it talks about the ability to understand the risks. This amendment could therefore help ensure that cases are settled in the first instance, rather than having to go all the way to the Supreme Court to determine whether a reason qualifies as “for any [other] reason”.

That is the problem. Since the law is not clear, several cases have been dropped because those involved knew that it would probably have to go to the Supreme Court to determine whether it constituted sexual assault. Senator Pate's amendment gives a much clearer definition of consent. I think this will help settle some cases at the trial level.

This will also make it easier for police officers, who are not constitutional experts, to rely on the Criminal Code to determine whether the victim they are dealing with has in fact been sexually assaulted and whether to refer the case to the director of criminal and penal prosecutions.

At this time, some police officers take it upon themselves to decide that some cases do not constitute sexual assault and choose not to take the matter any further. Thousands of cases are not even being looked into right now, and law enforcement is currently reviewing thousands of past cases to determine whether they do constitute sexual assault cases that were misinterpreted.

• (1230)

[English]

**Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.):** Mr. Speaker, I appreciate the opportunity to join this portion of the debate and speak to Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act. Before turning to the specific issue of the amendments passed in the other place, I want to take a few minutes to remind all colleagues about what this important piece of legislation seeks to address and why it is critically important that we support its swift passage into law.

As all members will recall, Bill C-51 was introduced by the Minister of Justice on June 6, 2017. Bill C-51 was not the first criminal law reform bill introduced by the minister that seeks to make our criminal justice and laws fairer, clearer, more relevant and more accessible.

Since its introduction, the minister has introduced other critically important legislation that continues to seek those objectives. Considering also Bill C-75, it is clear that the minister has thought long and hard about the challenges facing our system and has proposed concrete measures to address them. I strongly support the minister's legislative proposals, and I understand that many of her provincial and territorial counterparts, legal academics and criminal justice system actors also support these measures.

Colleagues will recall that Bill C-51 would amend the Criminal Code in three broad ways. First, it proposes amendments that would remove unconstitutional laws. This reflects our government's unwavering commitment to the Charter of Rights and Freedoms. The risks of leaving unconstitutional laws on our books are grave, and in a constitutional democracy like Canada that is grounded in the rule of law, it is important we take the steps necessary to prevent those risks from manifesting, as unfortunately occurred in the 2016 Alberta trial of Travis Vader.

Second, Bill C-51 proposes to remove laws from our Criminal Code that are vestiges of a bygone era and are no longer relevant in modern Canadian society, as well as laws that are redundant and capture conduct addressed by other offences of general application. We should not underestimate the importance of amendments of this nature. Criminal law is a reflection of our values. Offences like blasphemous libel, which targeted criticism against the king and Christianity, have been criticized as contrary to free expression, and have been used by certain regimes to repress free speech. Canada should not be held up as an example by repressive governments that seek to justify their own blasphemy offences as a means of curtailing criticism by pointing to the example of Canada's Criminal Code. I strongly support these amendments.

Turning to the other critically important aspect of Bill C-51, the proposed changes to modernize and clarify Canada's sexual assault laws, it is in this area that amendments were passed by the Senate that necessitate our looking at Bill C-51 again.

As introduced, Bill C-51 brings forward important and welcome changes to our sexual assault laws. One area where it does so is in respect of consent to sexual activity. First, Bill C-51 proposes to clarify the important legal principle confirmed by the Supreme Court of Canada in its 2011 decision in *R v. J.A.* that no consent is obtained where a person is unconscious. This amendment has been well received by many, but some stakeholders suggested that it should go further to codify another important principle from the *J.A.* decision, that consent must also be contemporaneous to the sexual activity in question. I recall this well during the Standing Committee on Justice and Human Rights' study, which amended Bill C-51 to address this very point.

*Government Orders*

During our committee's study of the bill, additional amendments were proposed in the area of consent to sexual activity. These amendments were, I believe, inspired by the submissions of the Women's Legal Education and Action Fund, LEAF. It suggested that Bill C-51 might extend beyond the scope of its original objective, and proposed amendments that would seek to define when a person is incapable of consenting to sexual activity due to impairment that falls short of unconsciousness, such as cases involving intoxication. To my knowledge, no defence lawyer, Crown prosecutor or victims' organization spoke specifically to this proposal.

●(1235)

As may be recalled, the amendment proposed before the justice committee on this point was defeated due to concerns that it could have had unintended and negative consequences. For instance, concerns were expressed that by focusing entirely on the subjective state of mind of the complainant, the courts might ignore other important objective evidence that might help to establish that the complainant was incapable of consenting.

When Bill C-51 went to the other place for consideration, the legal and constitutional affairs committee there heard from only a handful of witnesses. Nevertheless, much of the discussion at that committee again centred on the issue of consent to sexual activity. Much of the testimony provided was motivated by concerns about sexual assault involving intoxication and the need to have clarity in this area. To be sure, these are legitimate concerns, and I am not trying to minimize the importance of looking closely at this issue.

As a result of these concerns, an amendment was proposed at the Senate committee to again try to specify the circumstances under which a person is incapable of consenting for reasons of impairment that fall short of unconsciousness. After a vigorous debate, those amendments were not passed. Again, the reasons for this related to concerns about the unintended consequences. Nevertheless, when the bill was returned to the Senate at third reading, amendments were made, notwithstanding the calls for caution and concern about the practical implications.

I greatly appreciate and respect the spirit behind the proposed amendments. I agree that it is critically important that we consider changes to our sexual assault laws that would help clarify the law. On the other hand, because of the very sensitive and difficult nature of sexual assault, I believe it is imperative that we only pass laws when we are 100% certain they will not create more challenges for victims and for the accused.

Unfortunately, I am not 100% certain. I am deeply concerned that passing these amendments at this late stage, and without the benefit of greater consultation and consideration, would not provide the clarity that is assumed to result from them. I am concerned that this change could lead judges to ignore other important evidence respecting capacity to consent. I am concerned that these charges focus too squarely on intoxication and do not consider the impact on individuals with cognitive impairments.

For these reasons, I must respectfully oppose the amendments passed in the other place. In so doing, I encourage the government to look closely at the issues raised by these amendments in collaboration with key partners and stakeholders. I support the message to be sent to the other place.

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Mr. Speaker, I thank the member for Coquitlam—Port Coquitlam, whom I enjoy serving with on the justice committee. I share his concerns about the Senate amendments. Therefore, I want to ask him a question about what he initially spoke of, which was the zombie sections of the Criminal Code that have been found to be unconstitutional.

He cited the Vader case, involving the murder of Lyle and Marie McCann of St. Albert. It was our committee, the justice committee, that wrote to the minister all the way back in October 2016, calling on the minister to move forward with legislation to remove unconstitutional sections. The minister did move ahead with Bill C-39, which is stuck at first reading. The government then put it into Bill C-75. However, that is going to take months to go through the Senate. Why did the government not just get it done and pass Bill C-39? It does not seem to make any sense to me. Can the hon. member comment?

●(1240)

**Mr. Ron McKinnon:** Mr. Speaker, that is a good question. Certainly, there are practical considerations in getting legislation to move through the House. It takes a certain amount of time. With respect to the schedule of this place, it can be a challenge. I appreciate that it has been incorporated into Bill C-75, which has now been passed to the other place. I await its expeditious treatment of that bill.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP):** Mr. Speaker, I am asking the same question again in the hopes that the government will change its mind. I hope it will invest money to give victims of sexual abuse or sexual exploitation access to the legal assistance the government claims to be giving them in this bill. I hope this will result in meaningful action, coupled with real financial assistance for women.

Elizabeth Sheehy, a professor at the University of Ottawa, and Emma Cunliffe, a professor at the Peter A. Allard School of Law, have confirmed that it is an important step for victims of rape to have the right to counsel throughout proceedings, but that this measure will largely be ineffective if the complainants who want to hire a lawyer do not receive financial assistance from provincial legal aid programs.

The minister's response was to offer four hours of legal advice. That is a far cry from ensuring victims can rely on legal counsel throughout the legal proceedings.

Does the member recognize that there is a desperate need for this assistance, that this is a flaw in the bill, and that if the government truly wants to help victims it should invest in a fund for victims who do not have the means to pay for a lawyer to be on their side during legal proceedings?

[*English*]

**Mr. Ron McKinnon:** Mr. Speaker, early in this Parliament the justice committee that I sit with the member for St. Albert—Edmonton studied access to justice and made some important recommendations to the House.

*Government Orders*

The federal government does provide funding to the provinces to help them provide legal aid and other relevant access to justice. It is certainly within the purview of the provinces, because it is within their jurisdiction to administer these programs. I absolutely encourage all of the provinces and territories to allocate more funding and to provide more options, such as we recommended in our report.

**Mr. Lloyd Longfield (Guelph, Lib.):** Mr. Speaker, today is a poignant time for us to be discussing this on the twenty ninth anniversary of the École Polytechnique massacre.

Our government is looking at how we can empower women and protect women in our society. We are working on entrepreneurship programs for women. We are also looking at equal pay for work of equal value.

We have brought this legislation forward in an effort to try to empower women who have been victims of sexual assault to come forward. This legislation might help to encourage women to come forward through the expansion of the rape shield provisions and the other items that are at the core of the legislation. We are working with women in crisis and with legal aid support in communities to try to encourage those who have been victims to come forward. This legislation might help to encourage those women who have come forward to get justice.

**Mr. Ron McKinnon:** Mr. Speaker, access to justice and a woman's comfort level in approaching the justice system and making a complaint are important. We recognize that in this legislation. I also mentioned in my remarks that we need to do more work on that. The bill would provide additional assurance to women to do this and additional tools by which they can address their concerns.

There is more work to be done in this area.

● (1245)

**Mr. Anthony Housefather (Mount Royal, Lib.):** Mr. Speaker, I am so pleased to serve with my friend on the justice committee, who does great work there.

As that member and the hon. member for St. Albert—Edmonton have said, we heard similar testimony at the House justice committee as the Senate heard. We rejected similar changes to those made by the Senate because we felt they would add increased ambiguity to the definition of capacity to consent.

Could my hon. colleague further clarify why we rejected them at the House committee?

**Mr. Ron McKinnon:** Mr. Speaker, the member is chair of that great committee. We considered all amendments very carefully and tried to see the long-term implications of them. We rejected these changes because they were either ambiguous or too far-reaching and we did not understand the consequences of them.

However, as mentioned before, these are areas that we need to look at further as a government and as a society in how to better address issues of consent in particular.

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I too want to reflect on École Polytechnique and add some thoughts, given we are passing this legislation. People can reflect on where they were 29 years ago. I recall the day after, and I

was sitting in the Manitoba legislature, when Sharon Carstairs, the first woman elected as a leader of an opposition party, talked about women and women's rights. This is more than just a woman's issue; it is also a man's issue.

When we look at the legislation, it would advance us on a number of fronts. We have a minister who is committed to looking at it from a much larger perspective in protecting society, with special focus and attention on women. My colleague may want to add some of his personal comments on the tragedy 29 years ago.

**Mr. Ron McKinnon:** Mr. Speaker, I certainly remember where I was on that tragic day.

There is no question that these issues have been held in society, issues which we have had to deal with for a long time. We go a great distance in addressing some of the underlying legal problems that women face in our society, but there is no question there is still a long way to go. I look forward to helping all members of the House address those issues and find potential solutions going forward.

**Hon. Kevin Sorenson (Battle River—Crowfoot, CPC):** Mr. Speaker, it is a privilege to stand in the House to debate Bill C-51, an act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another act.

I would first like to highlight the fact that this is an omnibus bill, containing many changes to a variety of different matters. Similar to many other Liberal promises we have heard in the House, or before the last election, the introduction of this bill breaks another promise not to table legislation of this nature. In debate in the lead-up to the election we had that commitment, just like we had a commitment on the deficit. However, it is another broken promise.

Ironically, Bill C-51 was introduced on June 5, 2017, just after the government House leader called for major reforms that, among other things, aimed to limit a government's ability to introduce omnibus bills. Just a couple of days later, it introduced an omnibus bill.

Second, it would remove a number of sections of the Criminal Code that no longer have any particular relevance. This includes section 365, some of which deals with witchcraft and sorcery; and section 71, related to duelling in the streets. Much of this we can support. Other aspects may be a little more problematic.

It also originally proposed to repeal section 176 of the Criminal Code, which makes it a crime to unlawfully obstruct, threaten or harm a religious official before, during or after he or she performs a religious service. It also makes interrupting or disturbing a religious service a crime. We have voiced our concerns in regard to that in the House many times.

As a number of my colleagues, including the former minister of justice and attorney general of Canada, pointed out during debate on the bill, the Conservatives were the first to identify this grave mistake of the Liberal Justice Minister and to draw the attention of Canadians to this flagrant attack on their freedom to worship without fear in their own way.

I will be splitting my time, Mr. Speaker, with the member for Elgin—Middlesex—London.



*Government Orders*

Our highlighting of Bill C-51 and this offensive Criminal Code amendment resulted in significant backlash from tens of thousands of Canadians who signed petitions urging the Liberals to back down on minimizing an obstruction or disturbance of a worship service. The government finally relented, and as such, Liberal members of the justice committee were instructed to introduce an amendment that effectively stopped the repeal of section 176.

That is one of those times where Parliament works, when the Conservatives can bring forward a concern like that. Unfortunately, sometimes it takes the outcry of tens of thousands of Canadians speaking up about what the Liberals were trying to do to our worship services of all different faiths.

While many of my constituents of Battle River—Crowfoot are thankful the Liberals finally saw the light, I still remain stunned by the fact they even contemplated the removal of section 176 of the Criminal Code, let alone attempting to do it.

After steady but relatively small increases since 2014, in 2017, hate crimes in Canada rose sharply. We can see that on the front pages of most papers. It is up 47% over the previous year. For the year, police reported 2,073 hate crimes, 664 more than in 2016. Higher numbers were seen across most types of hate crimes, with incidents targeting Muslim, Jewish and black populations, as well as Christians. These increases were largely in Ontario and Quebec.

Barbara Perry, an expert on hate crimes and professor of criminology at the University of Ontario Institute of Technology, was quoted in *The Globe and Mail*, on November 29, saying, “This is staggering. You don’t see this kind of increase in any sort of crime data”, adding that “the numbers should be a wake-up call for provincial and federal leaders.” She went on to say, “It’s an assault on our core values of inclusion and equity.”

● (1250)

In the same article, Leila Nasr, a spokesman for the National Council of Canadian Muslims, said, “We’re devastated to see the numbers go up yet again.”

As revealed in the *Globe and Mail* article:

Hate crimes also rose across all categories of religion, with those targeting the Jewish population accounting for 18 per cent of all hate crimes in the country. The surge echoes B’nai Brith Canada’s tracking of anti-Semitic incidents, which saw a record last year.

Chief executive Michael Mostyn, in a release that recommended an action plan to counter online hate, as well as enhanced training for police officers, said, “We need real and effective measures to extinguish this rise in hatred”.

The Canadian Race Relations Foundation called the numbers:

....a warning against complacency and....a stark reminder that hate crimes are an attack not only on individuals and their communities but on the very fabric of our society.

As I pointed out, those remarks were issued or reported on just a week ago today regarding the 2017 hate crime statistics, the year in which the Liberals introduced the bill. Again, whatever motivated them to repeal section 176 Criminal Code?

What has motivated the government to retreat on the one hand, while still sending the wrong message that the disruption of religious

service is not a serious offence? That is exactly what they have done by taking it out of this legislation and moving it into Bill C-75. Currently, it is a solely indictable offence which, as we know, are for the most serious offences. However, in Bill C-75, by hybridizing it, this offence could be prosecuted as a summary conviction offence which is reserved for less serious offences.

It is important to note that the maximum sentence under section 176, if prosecuted as an indictable offence, is two years. Making it a hybrid offence, the maximum sentence as a summary conviction offence would be reduced by only one day. It would fall into the two years less a day, with the indictable offence being much more than that. Therefore, why the change?

Again, we really have to question why, at a time when hate crimes against religious communities across Canada are significantly increasing, are the Liberals trying to downgrade the seriousness of these offences?

Section 176 is not unconstitutional, has never been challenged in court and is not obsolete. Furthermore, a number of individuals have been successfully prosecuted under section 176. It is the only section of the Criminal Code that expressly protects the rights and freedoms of Canadians to practice their religion without fear or intimidation, a freedom that is a fundamental freedom guaranteed under the Charter of Rights and Freedoms.

One can only surmise that despite the outcry from all across the country and them retreating on repealing this offence, the Liberals really do not believe it is a serious crime, just like they do not believe impaired driving causing bodily harm is a serious offence. That is what they have changed again in Bill C-75.

This past Tuesday, the Minister of Justice and the newly appointed Minister of Border Security and Organized Crime Reduction took to the air waves to remind Canadians that in two weeks they would be subject to mandatory alcohol screening if they were stopped by the police, something I support, as I want the horrific loss of life and injury due to impaired driving stopped.

While one minister bragged this was a game changer and another defended the change because impaired driving remained the leading cause of criminal death in Canada, both were being disingenuous in that they failed to reveal the fact they had downgraded the offence of impaired driving causing bodily harm. Under Bill C-75, this offence, which is currently solely an indictable offence, becomes a hybrid offence and as such, if proceeded summarily, may result in two years less a day of prison time or worse, a monetary fine.

*Government Orders*

I would like to state my support for the government motion to reject a Senate amendment to the bill before us today, Bill C-51. Bill C-51 clarifies that consent can never occur when an individual is unconscious, which is consistent with the J.A. decision. The Senate amendment would only lead to added complexity and confusion over what evidence would be relevant to determine consent in sexual assault cases. Instead of adding certainty to the law, it would lead to further litigation.

•(1255)

We cannot afford further delays in our courts due to prolonged cases. Sexual assault victims should be supported, not subjected to undue delays, so for that we commend those measures within Bill C-51.

I thank you, Mr. Speaker, for allowing me a bit of opportunity to veer off and go to some of the things that were pulled out of this bill. I recognize that.

**Mr. Anthony Housefather (Mount Royal, Lib.):** Mr. Speaker, I appreciate my hon. friend's comments on a multitude of different justice bills.

In terms of the comments he made with respect to obstructing a clergyman on the way to a religious service and the notion that the Liberal members of the committee were instructed somehow to propose an amendment, I am sure the hon. member would want to restate what he said so as not to imply that Liberal members of the committee have no minds of their own and could not have decided themselves to put forward this amendment. I can assure him that Liberal members of the committee, listening to the witnesses, determined for ourselves that we agreed with our colleagues across the way that this should not be repealed.

Also, my hon. colleague put forward the argument that the sentence for the indictable offence of obstructing a clergyman being two years and that for the summary offence being two years less a day essentially means there is no difference in the maximum penalty that one could receive by making it a hybrid offence. Can my hon. colleague really justify the argument that the one-day difference in the maximum sentence creates a different tenor for this offence?

•(1300)

**Hon. Kevin Sorenson:** Mr. Speaker, I want to go back to the beginning of this. When this bill was originally brought forward, there was an outcry regarding the measures being taken to minimize the offence of disrupting a service of worship, from which clergy are protected under section 176. We saw it on every social media out there. Twitter, Facebook and all of them were going crazy about the current government coming forward with those measures to repeal section 176. Thousands of people protested that it was wrong, and to the Liberals' credit they appeared to have backed down.

However, my point is that the Liberals backed down on this bill, yes, but then they turned around and put similar wording into Bill C-75, which as we know is now going to the Senate. Therefore, the Liberals hybridized section 176, turning much of it into a summary conviction with a lesser charge.

We live in a time when we recognize religious freedom. That means that as a Christian, I nevertheless expect that in every type of worship service, be it Jewish, Muslim, name the religion, people

have the opportunity to worship whom they wish and how they wish. As long as it does not impede anybody else, they have the ability to do that. Lessening the offence of being able to come in and disrupt that service sends the wrong message.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, my specific question is around the provision in this bill to allow a complainant to have support through a lawyer at trial and in the pre-trial hearings. We welcome that provision. However, we see no accompanying support for those with low income, who may not be able to afford a lawyer. We have questioned the government several times on whether it is going to increase legal aid, and to this point there is no answer. A provision that does not have any meaning behind it is not quite meaningless, but it is close.

The question about consent is important because as the law stands right now, the standard for non-consent is unconsciousness. This bill seeks to change that. We sought greater clarification.

There have been examples at trial where exposure to public embarrassment through the release of embarrassing information, photos and whatnot has been deemed to be non-admissible to court when a sexual act then followed. Where essentially the woman, as is often the case, was more or less blackmailed into sexual activity, that provides for consent under the law right now.

The New Democrats wanted to change that standard. We moved amendments and the Liberals voted against them. The Senate has moved those same amendments, and now the government, which my friend agrees with, is defeating those. I understand the member's concerns about delay, but this is about the ability to properly give consent.

The standard right now says unconsciousness is the only standard by which the court will relent on consent, and that seems to me far too high a bar for the sexual assault cases that we see across this country. Does the member not agree?

**Hon. Kevin Sorenson:** Mr. Speaker, there are basically two questions there.

First of all, I think all Canadians recognize that sexual assault victims should be supported, not subjected to undue delays or other difficulties they may face.

To answer the member's first question in regard to having a lawyer present, we expect that people have the ability to access legal advice, whether through legal aid or other measures. This is imperative.

Second, for reasons of the consensual aspect of this and the rape shield part, and because sexual assault victims need to be supported, we support those measures.

•(1305)

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Mr. Speaker, I would like to thank the member for St. Albert—Edmonton for leading our Conservative caucus, the House and all Canadians through this legislative process to make the Canadian Criminal Code better.

*Government Orders*

This opportunity has provided me a chance to read, research and develop a much better understanding of the Criminal Code and its importance to all Canadians. I have read that one of the conveniences of the code is that it constitutes the principle that no person can be convicted of a crime unless otherwise specifically outlined and stated in a statute.

Today, we are discussing section 273.1 of the Criminal Code, which the bill would amend to clarify that an unconscious person is incapable of consenting. This reflects the Supreme Court decision in *R. v. J.A.* in 2011. The bill would also amend section 273.2 to clarify that the defence of mistaken belief in consent is not available if the mistake is based on a mistake of law, for example, if the accused believed that the complainant's failure to resist or protest meant that the complainant consented. This provision would codify aspects of the Supreme Court of Canada's decision in *R. v. Ewanchuk* in 1999.

Currently, the Criminal Code of Canada states that no consent is obtained where "the complainant is incapable of consenting". Bill C-51, in subclauses 10(2) and 19(2), would amend this to clarify that unconsciousness is not the only situation in which an individual could lack capacity to give consent to sexual activity.

As indicated in the legislative summary of the bill, the amendment takes into account the Supreme Court judgment that was made in *R. v. J.A.*, requiring active consent throughout every phase of the sexual activity. This is important to note, as this amendment would protect Canadian men and women against sexual exploitation.

I will relate a news story we heard back in 2017. When we were going through the bill put forward by our former colleague, Rona Ambrose, we talked about sexual consent and unconsciousness, and about judges being trained to understand sexual exploitation and assault.

This newspaper story told of a Nova Scotia judge who acquitted a Halifax taxi driver of raping a female fare. She was found unconscious in the back of his cab, partially naked and having urinated on herself. The woman, whose blood alcohol level was found to be three times the legal limit, had hailed the cab just 11 minutes earlier. The Crown has announced it will appeal Justice Gregory Lenehan's verdict, in part over concerns the judge did not properly apply the test for capacity to consent.

The proposed legislation also focuses on a Supreme Court case in 2011. It was very interesting to read the original case in the Court of Appeal in Ontario, and the appeal in the Supreme Court of Canada.

The case before the Supreme Court of Canada was *Her Majesty The Queen* appellant, and *J.A.* respondent, and Attorney General of Canada and Women's Legal Education and Action Fund on appeal from the Court of Appeal for Ontario. It reads:

*Criminal law—Sexual assault—Consent—Accused and complainant consensually engaging in erotic asphyxiation—Accused...penetrating complainant during period of unconsciousness—Whether Criminal Code defines consent as requiring conscious, operating mind throughout sexual activity—Whether consent to sexual activity may be given prior to period of unconsciousness*

For anyone who has a daughter or son, we want to make sure the laws are there to help and protect Canadians.

While I was going through the information regarding the Supreme Court decision, I read some of the background to the decision. I

would like to put it on the record. This is from the Supreme Court ruling:

One evening, in the course of sexual relations, J.A. placed his hands around the throat of his long-term partner K.D. and choked her until she was unconscious. At trial, K.D. estimated that she was unconscious for "less than three minutes". She testified that she consented to J.A. choking her, and understood that she might lose consciousness. She stated that she and J.A. had experimented with erotic asphyxiation, and that she had lost consciousness before. When K.D. regained consciousness, her hands were tied behind her back, and J.A. was inserting—

I will omit the details here, but suffice it to say that it was something a person should have a choice in, and it was not an act the complainant was prepared for. K.D. gave conflicting testimony about whether this was the first time J.A. had performed this act. Ten seconds after K.D. regained consciousness, J.A. ceased doing what he had been doing.

• (1310)

At the end of the day, we have to look at this and understand why there is an issue here. K.D. made a complaint to the police two months later and stated that while she had consented to the choking, she had not consented to the sexual activity that had occurred.

Chief Justice McLachlin and Justices Deschamps, Abella, Charron, Rothstein and Cromwell ruled, "The legislation requires ongoing, conscious consent to ensure that women and men are not the victims of sexual exploitation, and to ensure that individuals engaging in sexual activity are capable of asking their partners to stop at any point."

Sharing the background to the Supreme Court's decision and the story of the woman in Nova Scotia provides a great illustration of the challenges and the need for changes to the Criminal Code. With regard to the amendments proposed by the Senate, I support our party's position and the government's decision not to accept these amendments.

This is a very complex issue. The complexity can be seen from Statistics Canada figures from 2009-14. In that period of time, 93,501 sexual assault incidents were reported to the police. Charges were laid in 43% of those, or 40,490 incidents; 49% or 19,806 incidents went to court, and 15,804 cases were completed in court, of which 55% or 8,742 resulted in guilty decisions. Of those, the number of adult cases sentenced to custody was 3,846, or 56%.

I want to look at the first number, the gross number, and the fact that over 93,000 sexual assaults occurred from 2009-15. Many of us would say that is extraordinary. If we think of the population of Canada and the fact that almost 100,000 Canadians have been sexually assaulted in that five-year period, we would be in total awe.

Sexual assault is a problem here in Canada. It is a very complex problem, and there are many key factors that must be assessed. One of the most critical ones, I believe, is consent. According to Planned Parenthood, sexual consent is an agreement to participate in a sexual activity. It states:

### *Government Orders*

Consent is never implied by things like your past behavior, what you wear, or where you go. Sexual consent is always clearly communicated—there should be no question or mystery. Silence is not consent. And it's not just important the first time you're with someone. Couples who've had sex before or even ones who've been together for a long time also need to consent before sex—every time.

This past summer, I had the opportunity to listen to members of the community at the 519 Centre in Toronto, where I spoke to Glen Canning, the father of Rehtaeh Parsons. Although Rehtaeh is no longer with us, Glen advocates for education focusing on sexual consent. In a blog, he writes:

My years without Rehtaeh taught me that kids need to know consent. In the past three years I've learned that the most powerful tool to combat violence against women could very well be the minds of young men. I've learned that if we don't fill those minds with examples of virtue, empathy, affection, tolerance, trust, kindness, courage, and bravery, then those minds will end up being filled with ignorance, racism, sexism, hate, and anger. What would have happened to Rehtaeh Parsons if just one of the boys with her that night was informed about consent and his role in preventing sexual violence?

In summary, I am very glad that we are moving forward and reviewing the information in the Criminal Code, specifically when it comes to consent. This is an area where, as I indicated, a look at the statistics shows we can do better and we must do better. We cannot just be virtue signalling. We cannot just talk about what we should not do, yet do it in the privacy of our homes, or not own up to things we did years ago.

At the same time, as other members have indicated, a lot of the information and a lot of the things we are studying are in conflict with what we see in Bill C-75, specifically with regard to the sexual exploitation of women.

It is wonderful to go ahead with consent, expanding it and having a better understanding to make sure more people are convicted of sexual assault when necessary. However, when it comes to Bill C-75, a slap on the wrist is not enough.

**Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I appreciate the contributions of the member opposite to this important debate today, particularly on December 6, the 29th anniversary of the Montreal massacre.

My questions for the member opposite are twofold. First, she outlined the important issue of consent in sexual assault and how the statistics demonstrate that it remains an ongoing problem in Canada today. Part of what we are doing is improving education, sensitivity and outreach to all the actors in the judicial system. That includes training for lawyers and judges.

Would the member agree that the record of our government in appointing judges, 56% of whom are women, is a step in the right direction and compares favourably with the record of the previous government, which appointed only 30% women?

Second, she raised Bill C-75 and its relationship to this piece of legislation we are discussing. Bill C-75 includes an important provision to eliminate preliminary inquiries in sexual assault trials so that victims do not have to be revictimized by proceeding through a preliminary inquiry and having to testify again at the actual trial on the merits. Is that a step in the right direction in addressing the trauma sexual assault victims face, which was outlined by the member opposite?

● (1315)

**Mrs. Karen Vecchio:** Mr. Speaker, I also want to say that right now, we have an outstanding bill sitting in the Senate, Bill C-377, put forward by the hon. Rona Ambrose. It is an opportunity for our justices to actually be engaged and trained on sexual assault. The government has not pushed that item whatsoever. Regardless of whether the government has put in more or fewer justices, they are not being trained properly. Bill C-377 has been sitting there for the last year and a half. The government could be doing better, especially in working with Senate colleagues, if it is serious about making sure that people alleged to have committed sexual assaults are actually convicted and go to jail. We need to have that sensitivity and empathetic understanding of what is going on for the victims of this crime.

As for Bill C-75, seeing that it is a hybrid bill, I cannot support what the government has done with regard to reducing sentences and convictions when it comes to those people who have victimized someone through sexual assault.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I am a bit surprised to hear Liberals try to laud their appointments process on federal judges, because they have actually maintained a historic number of vacancies on federal courts. There were 53 just a couple of weeks ago, which breaks all record.

For Canadians wondering why that matters so much, it is because we have new Supreme Court rulings that say, under Jordan's principle, that we must move victims and potential victims through the court system more expeditiously. One of the ways to do that is to have judges sitting on the bench, which the Liberals, after three-plus years in office, have been unable to do.

I will take this moment to agree with my friend about the bill from our former colleague, Rona Ambrose. I am stunned that the Canadian Senate has not gotten it together to spend a few moments to pass that bill through the Senate to allow for proper training for our judges. Although I hate to typify this, in case after case, particularly when it is older male judges sitting on the bench dealing with sexual assault cases, as Canadians have unfortunately seen in the news, federal judges have been unable to properly understand this. They have not had proper training through the simple passage of that bill.

However, my question is this. The Liberals have put forward better rape shield laws and the provision to have an attorney present at some of the pre-trial hearings, but without any further support to provide legal aid for those Canadians who do not have the resources to have a lawyer with them. In putting up the motion without the resources behind it, what does that mean to Canadians from low-income families? Will they have less representation at trial if facing the horrific scene of a sexual assault?

*Government Orders*

**Mrs. Karen Vecchio:** Mr. Speaker, I sit near the member for St. Albert—Edmonton, and every single time we talk about judges, I can assure the House that that voice is being heard by 338 members of Parliament and by Canadians. We have not appointed the correct number of judges. We are still behind, and that is why the Jordan principle is key here and why we need judges to be appointed.

As to what the resources are for people who are less fortunate, we see that in many of the developments that are happening. The government proposes things but never has the money or the clout to back them up. It is virtue signalling 101, and I thank the hon. member for bringing it forward.

● (1320)

**Hon. Erin O'Toole (Durham, CPC):** Mr. Speaker, I would like to thank my colleague from London who spoke earlier and all members for their comments on Bill C-51 today.

At the outset, because I have some time today to give a bit of a longer speech, I want to address the fact that I am troubled that in government, the Liberals are doing exactly what they said they would not do when they were in opposition. In fact, this is our second omnibus justice bill.

I know my friend from Winnipeg, the deputy House leader of the Liberal caucus, likes when I quote some of his outrage in the past Parliament about the use of omnibus bills. However, when it comes to justice omnibus bills in particular, I think the need for a lot of these provisions to be considered independently is the best way to go.

Although the bill is certainly not as long as the government's latest budget implementation act, at 850 pages or more, weaving together a variety of unrelated things in the form of one bill, here we have another substantive piece of justice legislation being presented in an omnibus bill.

Breaking it down, there are some good parts and some parts we certainly have some challenges with. I would like to use my opportunity, if I may, to highlight both the good and the bad.

The good is that as a Parliament, we need to show that we can speak with a united voice with respect to zero tolerance for sexual assault and not respecting the consent of an individual in the case of sexual relations of any kind. Therefore, I think it is good that we are having a fulsome discussion on this part of the bill today. In fact, several members have quoted from some of the case law that has led to the need for Parliament to weigh in and be very clear that people cannot provide the consent necessary to engage in sexual activities when they are unconscious. We need to send a clear signal from Parliament. I think the Senate amendments actually take away that clarity somewhat, and I am glad we are having the debate here on proposed section 273.1 in the bill.

The Supreme Court case that drove clarity in this area was very clear. It said that it was not possible for people to provide consent if they were not conscious, even if express consent had been provided ahead of time, when they were conscious. I think Parliament needs to be crystal clear that consent evolves and that there has to be the constant presence of consent and respect. That is what this bill is intended to do. In fact, some of the Senate amendments, which would almost create tests with respect to the standards, confuse the

issue. There needs to be a clear signal sent that consent has to be constant. I think that is a signal that, as parliamentarians, we have to send.

I can say, as someone of my generation, that the debate on campuses about no means no and all these sorts of things was not taken seriously in the early 1990s. We are still having debates today about it. An accused will try to suggest that consent was provided sometime earlier. If consent was provided in the context of alcohol or substances, and if someone was unconscious, consent could not be provided.

The Supreme Court was clear. I think Bill C-51 and our updates to the Criminal Code send a very clear message. There is no test to be performed. It is a bright line. Everyone, all Canadians, need to show respect and a commitment to consent in the context of sexual assault cases. It is basic respect. We are in the era of the #MeToo movement and discussions about unsafe workplaces. All these things have been positive in making sure that one has a positive obligation, with respect to one's relations with someone else, to make sure that there is always consent present. I think that is clear.

● (1325)

I am also glad that a number of speakers from several parties have referenced Bill C-337, the bill of the former interim Conservative leader, Rona Ambrose, on judicial training in the context of sexual assault trials. The bench comprises a cross-section of society, and those attitudes need education to make sure that judicial standards adhere to the expectations we have as a society of respecting consent.

We know, in Ms. Ambrose's home province of Alberta, the case of Justice Camp, where attitudes toward a victim by the bench showed just how disconnected some may be. The vast majority of the bench would be explicitly mindful of the complainant in those cases, but we have seen cases in recent years that show that judicial training with respect to consent, in the context of sexual assault trials, is needed, as is education for all members of the bar.

As a member of the bar, I am glad that a few years ago, law societies across the country incorporated continuing legal education requirements for lawyers to make sure that they are aware of expectations with respect to consent and the law. The very fact that there would be some reluctance to have some continual legal education for judges in the context of sexual assault cases is troubling. I know that most justices demand that level of CLE, so I hope that the government, in the context of my starting off my speech by talking about some of the positive elements of Bill C-51, pushes Bill C-337 through. It should not matter that it came from a former Conservative member of Parliament, Rona Ambrose. It should not matter that it came from this side of the chamber if it addresses the same elements I am saying I support in Bill C-51 today. Let us hope there is some movement in the Senate so that in the spring, we can ensure that it is an expectation that all members of the bench have that training so they can guarantee an environment of respect for all complainants who come forward.

*Government Orders*

The provisions in proposed section 273.1 also show that Parliament is clear in its direction with respect to consent always being a requirement, and if there is any uncertainty, we err on the side of complainants. Everyone should know that if circumstances change, be they the context, consciousness, alcohol or these sort of things, prior consent is not sufficient. We have to be crystal clear on that.

This is also similar to Bill C-75, an omnibus justice bill, which I have spoken to in Parliament. I have also spoken to Bill C-77, on modernizing criminal justice within the context of the National Defence Act. I supported a number of measures in that bill. In fact, the previous government introduced Bill C-71 in the last Parliament to try to update the National Defence Act and the treatment of criminal conduct by members of the Canadian Armed Forces. That is still in a state of flux. All these bills, particularly because they deal with the rights of the accused and the rights of the victims or complainants in these cases, should be given specific attention and not be put into omnibus bills.

I would like to speak for a moment about the fact that this bill is part of the process of requiring a charter statement from the government with respect to legislation before the House of Commons. I have some concerns about that approach, in two ways. First, I am worried that it may send some sort of chill to suggest that the government is trying to inoculate itself by saying that it reviewed the bill ahead of time and has a charter opinion on it, meaning, therefore, that we cannot raise charter concerns or that there is no reasonable basis to have concerns about its validity under the charter by groups that may be impacted by the decision of this Parliament.

● (1330)

The very nature of the charter itself was to give a back and forth test with respect to the will of Parliament, and the ability for the court to determine whether fundamental charter rights were breached directly or indirectly by legislation in the context of enumerated groups under section 15 of the charter, are expressly contained within the charter, or are analogous ground groups, provided by subsequent court decisions.

The balancing test under section 1 of the charter, the Oakes test, which I learned in law school and is some of the first charter jurisprudence, is that balancing of the charter. By issuing a charter statement, I am quite concerned the government is trying to suggest it is doing its own Oakes test, its own charter examination of issues at the time it is passing legislation. I am not suggesting it will cause chill, but I have not heard an argument from a member of the government bench to suggest this is any different than any government since the mid-1980s, when the charter came into effect.

Suggesting that the seal of approval for the charter is granted by one of these statements is simply ridiculous. It is up to the court to provide that reasonableness and those limitation tests under the provision of section 1 of the charter, which allows a charter right to be violated by legislation, but applies a reasonableness and balancing test to it since the Oakes jurisprudence started.

I will give a couple of examples of why I have this concern. In this Parliament, we have seen many instances of the government acting in a way I firmly believe violates the charter rights of many

Canadians. This is germane because just today, shortly before we rise for Christmas, the government is reversing its position on the so-called values screen for Canada summer jobs.

We all know the controversial values test was applied for the first time in the history of this summer employment plan for youth as a clear way the government intended to exclude faith-based organizations and other service organizations from funding related to students. There were concerns from a charter basis expressed from day one when it came to the values test. Is the government suggesting, with its charter statements, that its actions on a whole range of decisions are somehow inoculated because it is providing a charter assessment? That is political theatre. It cannot provide its own charter assessment. It tries to craft legislation that it feels strikes the right balance, but the actual charter determination is not made in this chamber, which writes the laws, but in other courts.

We bow to the Speaker. We have a bar. This is a court. We write the laws, but we do not adjudicate our own laws. This is a very big distinction I have not heard the government express any clear indication on yet.

I will use another example. There have been several violations, in my view, of indigenous peoples' rights with respect to the duty to consult. In fact, I believe Bill C-69 violates that duty. We can look at the approach the government has taken on the cancellation of the northern gateway pipeline, which is one-third owned by indigenous groups. The duty to consult is not frozen in time. It does not exist 10 years before one develops a pipeline or cuts trees in a forest. If one decides to change the circumstances of that consultation, or cancel something that indigenous peoples are a one-third owner of, one has a duty to consult them on the cancellation. This is an ongoing duty.

● (1335)

The fact that the government may have a piece of paper that says this is our charter statement, this is our validation that the bill conforms with the charter, is political and inappropriate, because the government is suggesting this legislation will withstand any judicial scrutiny before the judicial scrutiny is applied. The government is suggesting that this is A-okay. That is not the way it works.

I invite the Minister of Justice and Attorney General and the parliamentary secretary to walk a little past the Confederation Building on the Hill to a building called the Supreme Court of Canada. It is there that the Oakes test was born, the Oakes test where the section 1 charter clause was.

As I have said, the values test that the government did to politicize the Canada summer jobs program would not be inoculated because of a government-produced charter statement nor would some of its actions with respect to Bill C-69, Bill C-75, Bill C-77. These are court determinations.

*Government Orders*

I do not have any proof because the charter statement concept is part of the government's justice reforms, including in this legislation, but I do have serious concerns that it will send a chill to suggest that the government will not consider valid concerns people have with respect to their charter rights.

I would like subsequent members of the Liberal caucus, particularly the ministers or the parliamentary secretaries, to provide a substantive rationale for their approach with respect to the charter statements. Are they somehow suggesting that previous governments, both Conservative and Liberal, have somehow not conformed to the charter by doing exactly what we are supposed to do as a Parliament, which is to try and find the right balance between the will of the people and certain provisions within the charter? That is done by a court using the Oakes test, doing the balancing. Producing a charter statement does not protect the government from criticism.

As I said today, days before Christmas, the government suddenly admits that its approach on the values test for summer jobs is wrong. This is much like days before Christmas last year, when it broke its promise to veterans on the return to the Pension Act. The Liberals make very good use of the pre-Christmas period not just for parties, but for dumping out their dirty laundry.

I would like to thank the thousands of Canadians from across the country and many of my colleagues in this chamber for representing the charter rights of millions of Canadians with respect to the conduct of the Canada summer jobs program.

Why I am focusing on this part of the bill is because we have to make sure that Canadians, members of the media and members of both Houses of Parliament do not get fooled by the fact that the government validating its own legislation under the guise of charter approval is not actually charter approval.

I am hoping in the remaining debate we can actually hear a cogent argument from the Liberal caucus on this. Otherwise, it seems to be more of the sort of media spin that we hear from the government.

The Prime Minister just yesterday, while leaning on his desk acting like a professor, told the opposition what we should ask and what we should criticize. We know full well what we should ask and we know where our criticisms and critiques are warranted.

Quietly, when the House does not sit, the Liberals backtrack on things, like they did today on the summer jobs values test, like when we rose for Remembrance week, and Miss McClintic, another justice consideration, was quietly transferred to a prison as we had been demanding, and as the break week happened Statistics Canada suddenly pulled back its program.

Like the Chris Garnier criticism, the non-veteran murderer who is receiving treatment funds from Veterans Affairs Canada, on most of the criticisms we have been raising even though they make the Prime Minister uncomfortable, the Liberals have backtracked. We have been doing our job quite effectively.

In the remaining time for debate, I would like one of the Liberal members to stand up and provide a context and a rationale addressing my concerns in regard to charter statements with respect to the bill before us and others.

As I said at the outset, we support the amendments and update of our Criminal Code with respect to sexual assault.

● (1340)

**Mr. Arif Virani (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I have two major points.

First, Bill C-337, presented by Rona Ambrose in this House, was supported by members on this side of the House. We look forward to its expeditious passage in the same way that the member for Durham does.

Second, the sanctimonious language that I have just heard, contributing to the debate with respect to charter statements, is incredible. The legacy of that party is seven consecutive defeats at the Supreme Court in respect of the charter. It is a legacy that had section 12 being applied to the denial of refugee health care in this country, an application that has never heretofore been done outside of a criminal context. It is a legacy that had the Chief Justice of Canada taking a public podium to renounce the allegations made by former prime minister Harper.

The very simple answer, to purport that a charter statement is somehow an effort to immunize us from litigation, is ridiculous on its face. We are the party that takes the charter seriously. That is why we are implementing charter statements.

Proof positive, for the member for Durham, if we were so afraid of constitutional litigation, why on earth would we ever have reinstated the court challenges program, which promotes and emancipates and empowers access to justice and constitutional litigation on the part of litigants? We are not afraid of the charter, nor are we afraid of constitutional litigation. That program was cut by the member opposite when he was a member of the cabinet.

Is it the member opposite's statement in this House that his party, if it was to ever return to power, God forbid, would retract the charter statements that are now a statutory duty, pursuant to the provisions of this legislation?

**Hon. Erin O'Toole:** Mr. Speaker, the member started off by suggesting I was sanctimonious and then did a very good demonstration of that word.

I would like to address what he talked about. There were several defeats of government legislation at the Supreme Court of Canada when I was part of the Harper government. That is the very point I am making. The court makes those determinations.

To suggest that some official within his minister's office can somehow bless the legislation by some charter statement actually suggests that the Liberals are taking the role of the court as part of the legislation.

The member's little rejoinder to my speech did not address that at all. In fact, he is misleading the House with respect to the Supreme Court decision about failed refugee applicants with respect to health care benefits. Refugee claimants, while waiting and when successful, do get health care. That did not change. The member is still believing the placards that misled people on the issue.

*Government Orders*

I would invite the member to speak to the immigration minister, because now, on the government's failure at the border in Quebec, its own department is saying the Immigration and Refugee Board time could go to 11 years. If those failed claimants receive health care for 11 years, is that fair? We have a fair, rules-based system, and a court to adjudicate if the Parliament oversteps its reach, not the Prime Minister's Office or the minister's judicial adviser with some sort of charter statement.

Canadians still have the right to stand up for their rights, like they did on the Canada summer jobs program.

[*Translation*]

**Ms. Christine Moore (Abitibi—Témiscamingue, NDP):** Mr. Speaker, we are talking specifically about the two Senate amendments that deal with sexual consent. The government's bill talks about the complainant being unconscious or incapable of consenting for any other reason. Unfortunately, "any other reason" remains rather vague and is subject to interpretation by the courts.

Senator Kim Pate's amendment talks more specifically about the notion of sexual consent, including when the person is unable to understand the risks of the sexual activity in question. This brings us to vitiated consent, for example when one partner removes the condom without the other partner's knowledge and exposes the latter to risks of bodily harm such as an unwanted pregnancy or sexually transmitted disease.

These cases are often rejected by the police. Victims who call the police are told that this does not constitute sexual assault. If the amendment had been adopted, we could clarify such cases.

I would like to hear what my colleague has to say about the fact that the military police has recently reviewed many cases of sexual assault to ensure that there was no misinterpretation by the police forces when it comes to determining whether or not certain acts constituted sexual assault.

Would we not be better off adopting the Senate amendments, which will go a long way to clarifying sexual consent, including in cases of vitiated consent?

• (1345)

**Hon. Erin O'Toole:** Mr. Speaker, I thank my colleague for the question. I will answer in English because this subject matter is too complicated for my level of French.

[*English*]

The sexual assault provisions in the bill specifically adopt the approach taken by the Supreme Court of Canada. I would refer the member to those remarks in my speech. The Supreme Court's position was that it is not possible for anyone who is unconscious to provide consent. The Conservatives agree with the Liberals with respect to section 273.1.

Senator Pate has put forward additional provisions, and I respect the fact she wants clarity. I know she has been an advocate for women and people in our justice system for many years. To me, as a lawyer, having a four-part consideration adds additional complexity where all of those things will subsequently be assessed or considered by a court. Having a very clear statement by the Supreme Court of Canada in case law then adopted in legislation like Bill C-51 sets a

clear expectation in two ways. It is crystal clear that someone who is unconscious cannot provide consent, and the second element is that previous consent is not sufficient for acts later on, whether with respect to the mental state or issues of the complainant or the accused. That consent needs to be continuous. I think it is really addressed better by the bill than by the amendments which would make it more complicated.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I have two questions for the member.

The member seemed to imply that reviewing legislation for charter approval is a waste of time. The Government of Canada has traditionally used significant appropriate funds to hire experts in the Department of Justice to review legislation before it comes to Parliament to ensure charter compliance as best as possible.

As the member for Parkdale—High Park made quite clear, we are very supportive of the courts making the final decision. Anyone can go to the courts.

First, does he think it is a waste of money to have those constitutional lawyers in the Department of Justice review legislation? Second, because the Conservatives had so many bills that failed charter tests, it was suggested to me at a justice committee meeting, I think it was in Toronto, that when the Conservatives were in power they did not even have their laws reviewed by constitutional experts, or at least did not agree with their opinion. Was that true when the Conservatives were in government?

**Hon. Erin O'Toole:** Mr. Speaker, I will use one of the member's own positions as a good example. He was opposed to the last Liberal long gun registry, which was subsequently struck down by a previous Parliament. I think he supports the new backdoor registry through Bill C-71. However, I would suggest to him that if a court would make a determination on the property rights of someone impacted by Bill C-71 that would not be inoculated by the fact there was a charter statement.

I know my friend from Parkdale—High Park, who is a bright young lawyer and will be returning to his full practice after the 2019 election, wants to make hay over some of the losses of the previous government in the Supreme Court of Canada. However, I would suggest to both members that is how the system works. One cannot get a seal of approval from an adviser within the department saying "It is all good here. There is nothing to look at." Actually, Canadians have the charter right to challenge legislation in the Supreme Court through the Oakes decision. It has set the stage for that since 1984. Since the time of the father of the Prime Minister, there have not been charter statements because we respect the role of the court.

I hear lots of criticism of the past, but I have yet to hear a substantive contribution on why that is necessary or how it adds to the legal rights and protections of Canadians.



*Government Orders*

• (1350)

[*Translation*]

**The Assistant Deputy Speaker (Mr. Anthony Rota):** Resuming debate with the hon. member for Bellechasse—Les Etchemins—Lévis, who will have about eight minutes. He will have his remaining time after question period.

**Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC):** Mr. Speaker, thank you for giving me a chance to speak to Bill C-51, which we are debating today.

First of all, I want to thank my colleague from Durham for doing such a great job of explaining the Conservative position, which is unequivocal in both the House and the other place. Our position is that we are in favour of a clear bill that benefits victims.

Sadly, 29 years ago, there were too many victims at the engineering school of the Université de Montréal, known as the École Polytechnique. Today is the 29th anniversary of this tragedy, which occurred in a learning institution where women were targeted. Today, we condemn violence against women, and all the members of the House believe that we need to take meaningful action and look to the future, but also look back on this extremely tragic event.

At the time, I was just graduating from the engineering school in Sherbrooke, and some of my female engineer friends, who have very successful careers today, came within a hair of getting shot by this killer. I want to salute these women, who have been working in engineering for 30 years, and all the women who followed in their footsteps by studying engineering. I think they responded to this killer in the best possible way by showing that women have a place in any sphere of our society where their talent leads them. In particular, I am thinking of my colleague in the House who also used to work as an engineer and now has an amazing career. I want to commemorate this tragic event, but I also want to salute the remarkable work these women have done.

The justice bill before us today targets one of the worst forms of violence against women: rape. That is more or less why the bill was returned to the House, and that is also why our position has not changed. We support legislative clarity.

Bill C-51 has been the subject of much debate by some of our colleagues, who are experts. The bill would simplify Canada's Criminal Code and remove redundancies. It is a housecleaning bill. It was passed in the House and sent to the Senate, and now it has been sent back to us. To maintain the bill's clarity, we intend to support the bill in its original form, as it was sent to the Senate. We want to ensure that it is crystal clear on the subject of violence against women.

Several provisions in the bill serve to remove outdated measures. This reminds me of our former justice minister. At the time, there were outdated provisions in the Criminal Code dealing with witchcraft and duelling. We are always drafting new legislation but sometimes forget to take out the old parts that are no longer relevant, so that is what this bill does.

What matters most to our party is bringing forward legislation that always put victims first and at the core of our initiatives. This bill pertains to sexual assault provisions in the Criminal Code

surrounding consent, legal representation and expanding the rape shield provisions.

As members know, thanks to the efforts of our colleague in the other chamber, Senator Boisvenu, the Conservative Party created the Canadian Victims Bills of Rights and we intend to continue our work in that regard.

One provision in Bill C-51 is at the heart of today's debate. Clause 273.1 states that individuals cannot give consent if they are unconscious. It is very clear. Someone who is unconscious cannot give consent.

• (1355)

As my colleague from Durham just said, we need clear laws, not confusing ones. That is the purpose of this section. We want the version of the bill that we originally sent to the Senate to be passed. This is what my colleague from Durham and I are advocating for. I should point out that our Conservative colleagues in the Senate agree and do not want the bill to create confusion or create a grey area. This is why, and I repeat, we want section 273.1 to remain as is, meaning that a person who is unconscious is unable to give consent.

Some may say that this is obvious and goes without saying. If it is so obvious, why not put it in the act, so it will be clear to legal experts? This way, when they are dealing with these situations, they cannot submit various excuses. Sometimes, unfortunately, defence lawyers are good at using tricks to get the accused out of the charges. What we want is an act that supports victims, which is why we want the bill to remain unaltered.

This bill touches on other provisions that seem equally valid to us, such as section 176. Thanks to public support, we managed to save section 176. This section essentially provides protection for religious services.

The reason I bring it up today is that thanks to the work and dedication of my colleagues on the Standing Committee on Justice and Human Rights, our justice critic and his team, we succeeded in reintroducing section 176, which the Liberals had tried to repeal. They put it back in, but then they diluted it by making it a lesser offence.

The government seems to have a systematic bias in favour of criminals and against victims. That is what we saw with section 176, which made it an offence to disturb a religious service. Ironically, as we were debating that bill, tragedy struck in a small town. A shooter burst in on a religious service and shot worshippers. Closer to home, in Quebec City, members will recall the tragedy at the Quebec City mosque. That is why we feel it is important to keep these provisions in the bill and strenuously defend them. I will continue my remarks after question period.

**The Speaker:** The hon. member for Bellechasse—Les Etchemins—Lévis will have 12 minutes to finish his speech after question period.

*Statements by Members***STATEMENTS BY MEMBERS***[Translation]***FEDERAL-PROVINCIAL RELATIONS**

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Mr. Speaker, the Prime Minister will be meeting with the premiers of Quebec and the provinces. It will be a good opportunity for him to explain what his problem is when it comes to Quebec.

For a party that does not like old conflicts, the Liberal Party has no problem inventing new ones. Over the course of three years, the Liberals have reduced their share of health transfers. They have made concessions on supply management, and they still have not compensated our farmers for the free trade agreements. They directly attacked our consumer protection legislation. They laughed in the face of Davie workers. They gave train contracts to Germany instead of Quebec. They have not yet reimbursed Quebec for costs associated with asylum seekers. The Prime Minister is going to have to explain himself. What is his problem with Quebec?

For us, the problem is not just the Prime Minister, it is all of Canada.

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**ARMENIA**

**Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.):** Mr. Speaker, 30 years ago, on December 7, 1988, a magnitude 7 earthquake nearly wiped out the town of Spitak in Armenia and caused significant damage to 300 other communities. That earthquake caused nearly 25,000 deaths, and left tens of thousands of people injured and more than 500,000 people homeless.

Many countries provided aid to Armenia. Today, I want to pay tribute to Canada, the Red Cross, Armenians in Canada, Canadian citizens and the provincial governments who generously sent medical supplies and humanitarian aid to the disaster victims.

I also want to pay tribute to the Canadian Armed Forces for organizing an airlift to get our aid to Armenia. This is a real testament to friendship between peoples.

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● (1400)

*[English]***CHRISTMAS GIVING**

**Mr. John Brassard (Barrie—Innisfil, CPC):** Mr. Speaker, Christmas is a time to spend with family and friends and reflect on the year that has passed. While most will spend time with their families, hundreds of volunteers will spend it tending to the less fortunate across our community and country.

In Barrie—Innisfil, I witness the kindness that knits our communities together. Dozens of organizations put presents under trees and meals on tables at this time of year.

Today, I am reminded of the Barrie & District Christmas Cheer society; Pastor Howard and Beulah Courtney of the Innisfil Food Bank; the Salvation Army Christmas Kettle Campaign; the Cram-

the-Ram campaign sponsored by the folks of 00 Chrysler Dodge Jeep Ram; and the South Simcoe Police “Stuff the Command Post” toy drive. That is just scratching the surface.

I would like to take this time to thank those who give of their time this holiday season and put community before themselves. I thank them for showing us what Christmas is all about.

From me, my wife Liane and my children Jeff, Court, Matt and Mitch, I wish them a merry Christmas and a happy, healthy and prosperous New Year.

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**BHIMRAO AMBEDKAR**

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Mr. Speaker, today marks 63 years since the death of Dr. Bhimrao Ambedkar, one of India's great statesman.

Dr. Ambedkar served as the country's first law and justice minister after independence in 1947 and was one of the principal authors of India's constitution, as he chaired the constitution drafting committee.

Dr. Ambedkar held a doctorate in economics and was thus tasked with creating the Reserve Bank of India.

In 1990, he posthumously received India's highest civilian honour, the Bharat Ratna, becoming one of fewer than 50 people to have ever received it.

However, above all, Dr. Ambedkar was a well-known socio-political reformer who campaigned tirelessly for women's rights and against social discrimination toward the untouchables.

In partnership with the Ambedkar International Social Reform Organization, I am hosting a reception today to mark the anniversary of his death.

Members of AISRO are with us today in the House. I want to thank them for all the charitable work they do both here and in India to continue to promote the incredible legacy of social equality and justice that Dr. Ambedkar left behind.

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**VIOLENCE AGAINST WOMEN**

**Ms. Sheri Benson (Saskatoon West, NDP):** Mr. Speaker, on this sombre day of remembrance for the 14 women killed on December 6, 1989, just because they were women, we honour their memory as we work toward a world without gender violence or discrimination.

Today, as we remember, let us renew our resolve to give all girls and women a world without fear, a future full of promise and possibilities.

Today, we remember: Geneviève Bergeron, 21; Hélène Colgan, 23; Nathalie Croteau, 23; Barbara Daigneault, 22; Anne-Marie Edward, 21; Maud Haviernick, 29; Barbara Klucznik-Widajewicz, 31; Maryse Laganière, 25; Maryse Leclair, 23; Anne-Marie Lemay, 22; Sonia Pelletier, 28; Michèle Richard, 21; Annie St-Arneault, 23; and Annie Turcotte, 20.

Today, and every day, we remember.

*Statements by Members***SPANISH INFLUENZA**

**Ms. Yvonne Jones (Labrador, Lib.):** Mr. Speaker, today I rise to recognize another tragedy in our history. One hundred years ago, the Spanish influenza swept across the world. It was especially devastating to the people of Labrador.

The Inuit communities of Sandwich Bay, Lake Melville, Hebron and Okak were left decimated by the pandemic. It took months for news of the disaster to reach the Newfoundland government and the response of the colonial secretary of the day was to send a telegram asking if any white settlers had died.

After hearing of the horrible details, the months of suffering and hardship, no statement was ever made in the legislature to acknowledge the deaths and the impact of the tragedy on the people of Labrador.

I would like to acknowledge former CBC broadcaster and Newfoundland and Labrador author Anne Budgell on her new book detailing the Spanish influenza in Labrador.

It is important, on our road to reconciliation, to acknowledge our failures and commit ourselves to learning from our history.

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● (1405)

**HAZARAS**

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Mr. Speaker, I rise today to speak of the continued persecution of Afghanistan's indigenous people, the Hazaras. Since being forcefully displaced from their ancestral lands in the 18th century, the Hazaras have been the victims of many terrible crimes. This November alone, scores of innocent Hazaras were butchered across Afghanistan's central provinces, with entire villages razed to the ground.

Many Hazaras live among us in Canada. Ottawa's Yasir Mehrzad, a former translator with our Canadian Forces, lost his father this March in a targeted attack in Kabul. London, Ontario's late Dr. Dolatabadi was an author who tirelessly advocated for the human rights of his people.

Today, Hazara Canadians from across the country are present in the House, imploring Canadians to hear their cries.

One hundred and fifty-eight Canadian soldiers paid the ultimate sacrifice in Afghanistan. We owe it to our fallen heroes to ensure that the ideals of freedom and justice that they fought and died for are realized for all Afghans and the government must ensure that aid dollars sent to Afghanistan are associated with firm expectations around human rights.

Canada must stand with the Hazaras and with all vulnerable minorities.

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**CROSSROADS INTERNATIONAL**

**Mr. Robert Oliphant (Don Valley West, Lib.):** Mr. Speaker, yesterday was International Volunteer Day, and today I am delighted to celebrate the work of Crossroads International, recognizing its tremendous volunteers, especially Canadians, who work around the

world to alleviate poverty and inequality, particularly among women and girls.

[Translation]

Active for 60 years, Crossroads International links volunteers with local partners who advocate for the human rights, safety and economic success of thousands of girls and women.

[English]

Innovations coming from Crossroads volunteers drive change, support the world's most vulnerable and have a lasting impact that produces tangible results among the world's poorest.

[Translation]

Whether it is ensuring food security in Senegal or helping young women in Ghana tell their story, the work of Crossroads International deserves to be applauded.

[English]

I look forward to their next 60 years of making a difference.

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**CHIEF OF POLICE**

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Mr. Speaker, I stand today to recognize Antje McNeely, an outstanding individual in my riding of Kingston and the Islands. History was made on Friday when she was sworn in as Kingston's 17th and first female chief of police.

When Chief McNeely started her career in 1985, she was just one of four women on the Kingston Police force. Rising through the ranks, she quickly defined herself as an asset to making our community safer through her work. In fact, Chief McNeely received many commendations earlier in her career for her efforts in investigations involving sexual assault and child abuse. She has been with the Kingston Police force since 1985 and has served as deputy chief since 2011.

After 33 years on the force, Chief McNeely is ready for this new challenge and it was an honour to be present at the change of command ceremony last week, when she was officially sworn in. We have a great police force in Kingston and I know Chief McNeely will only build on current achievements and make our communities safer.

I congratulate the chief.

\* \* \*

**CANADA SUMMER JOBS INITIATIVE**

**Mr. Mark Warawa (Langley—Aldergrove, CPC):** Mr. Speaker, last summer the Liberals imposed a new restrictive, ideological values test as part of the Canada summer jobs program. Those who did not attest that they agreed with Liberal ideology did not get federal funding. Canadians, legal experts and the media were outraged and reacted overwhelmingly that discriminating against Canadians in this way was wrong and mean-spirited. The charter of rights guarantees us protection from this type of discrimination.

*Statements by Members*

The Liberals refused to listen and cut off many worthy charitable organizations. The Conservatives pushed back and introduced a motion that would have allowed non-political, non-activist groups to receive funding without discrimination. The Prime Minister forced his MPs to oppose that motion.

The Prime Minister just announced that what he did was wrong and the values test will be removed. Is this announcement because next year is an election year?

Canadians now realize that the Liberal government cannot be trusted to protect their fundamental rights and freedoms.

\* \* \*

[*Translation*]

**HOLIDAY CELEBRATIONS IN SAINT-JEAN**

**Mr. Jean Rioux (Saint-Jean, Lib.):** Mr. Speaker, Khaled Kalille helped mobilize a number of stakeholders, and thanks to his efforts, Saint-Jean-sur-Richelieu was treated to a wonderful, magical event. The first ever Christmas parade was without question a resounding success.

I want to thank the volunteers and the participants, without whom this amazing spectacle could not have happened. People of all ages marvelled at the magic, while the spirit of the season spread throughout downtown.

A time of sharing and caring, this time of year is synonymous with solidarity, as demonstrated by the success of our fundraising drives. December 5 was International Volunteer Day, so I would like to recognize the support provided by those who get involved in our community to make it a nicer place to live.

I especially want to thank the Operation Red Nose volunteers. In its 35th year, this driving service gets people home safe.

Happy holidays, everyone.

\* \* \*

● (1410)

[*English*]

**VIOLA DESMOND**

**Mr. Arif Virani (Parkdale—High Park, Lib.):** Mr. Speaker, like many in this chamber, I am a parent and I try diligently to read to my two young sons Zakir and Nitin whenever possible. However, I will confess that it is sometimes difficult to inculcate a love of books in young South Asian kids when they do not see themselves reflected in the novels around them.

People can imagine my delight when I stumbled upon a book by Jody Nyasha Warner about a strong, brave black woman who dared to fight against racial segregation in Nova Scotia in the 1940s, a black woman who refused to give up her seat in the whites-only section of a theatre.

In *Viola Desmond Won't Be Budged*, suddenly my kids can see a fellow racialized person not being stereotyped but being championed for her courage in fighting against injustice. Last week, I was more proud than ever to share with my two boys two crisp new \$10 bills adorned with the image of none other than Viola Desmond herself.

Going forward, what is important is that Canadians do not need to consult a bookshelf to learn about this human rights champion. We will be carrying Viola and her message about the struggle for equality with us wherever we go.

\* \* \*

**CARBON PRICING**

**Mr. John Barlow (Foothills, CPC):** Mr. Speaker, yesterday, we learned just how little the Prime Minister thinks of Canadians who are actually going to have to pay his carbon tax. Saskatchewan is taking the Liberals to court to fight against the carbon tax, yet the Prime Minister said that any citizens group that represented taxpayers should not get intervenor status. This means that Canadians who have to drive to work and heat their homes should not have a say in the Liberal carbon tax scheme.

Who does? The David Suzuki Foundation and Environmental Defence, radical environmental groups that get foreign funding to fight against Canada's oil and gas industry. They will get intervenor status, but hard-working Canadians will not.

This is absolutely ridiculous, but it should not be a surprise. The Prime Minister has made it his goal to phase out Alberta's oil and gas industry. According to the Liberals, everything is going as planned. We will not stand for it. Canadians understand the carbon tax will kill jobs and ruin our economy.

\* \* \*

**CHRISTKINDL MARKET**

**Mr. Raj Saini (Kitchener Centre, Lib.):** Mr. Speaker, it is the most wonderful time of the year in my community of Kitchener Centre. For over two decades, residents of the city of Kitchener have come together in the heart of our community to celebrate the spirit of Christmas and the holiday season.

The annual Christkindl Market celebrates Kitchener's German heritage and the very best of German cuisine, drink, arts, crafts and holiday cheer. Dozens of festive outdoor huts and food stands line our main street, treating residents and tourists to the sights and smells of the holiday season.

People can ring in their holidays with Christmas choirs, dance groups, live nativity scenes and a candlelight procession and help bring our community to life, as we welcome 40,000 visitors from across North America.

My staff and I invite all to join us this year, until December 9, to take part in this wonderful holiday tradition in the largest and oldest German community in the country.

Merry Christmas and happy holidays to all.

*Oral Questions*

[Translation]

**THE ENVIRONMENT**

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, in early October, IPCC experts published an alarming report on the need to take immediate action to protect the environment. According to that report, it is not too late, but time is running out.

Another study also found that, if every country were to do what Canada is doing right now, global temperatures would rise by 5°C.

Nevertheless, the Liberals continue to focus on expanding the Trans Mountain pipeline and are using taxpayers' money to triple its capacity. Meanwhile, all the Conservatives can think about is bringing back energy east, which would be just as bad for the environment.

Fortunately, not everything is a bleak as the debates in the House between the Liberals and the Conservatives. I congratulate the thousands of Quebecers who demonstrated in early November to ask Parliament to help our planet. Over 1,000 concerned citizens took to the streets in Sherbrooke to ask our governments to change course.

I promised these brave citizens that, if the government did not hear the call of the demonstrators who were speaking on behalf of our planet, then I would pass the message on to the House myself.

Obviously, the government has still not heeded the urgent call to help the planet. I am therefore asking the Liberals and the Conservatives to set aside their ideology and to finally do what it takes to save the only planet we have.

\* \* \*

•(1415)

[English]

**VIOLENCE AGAINST WOMEN**

**Ms. Rachael Harder (Lethbridge, CPC):** Mr. Speaker, today marks the 29th anniversary of the horrific murder of 14 women at l'École Polytechnique in Montreal.

In honour of them, we take a moment to pause and remember the lives they lived, the dreams they held and the future that was robbed from them. We stand with their loved ones and their communities as we remember them. They were sisters, daughters, mothers and they were friends.

Sadly, 29 years later, violence against women and girls still persists.

As legislators and leaders in our country, it is incumbent upon all of us to work together to create a Canada where justice for victims is rightly served and violence against women and girls has no place.

As men and women in the House, as role models in our communities, let us commit to taking a stand against violence and for equality. Let us work together to build a society where violence has no place. We remember them.

[Translation]

**VIOLENCE AGAINST WOMEN**

**Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.):** Mr. Speaker, on this day 29 years ago, a serious act of senseless violence against women occurred.

I remember December 6, 1989, as if it were yesterday. It was snowing and I was working at the family business. I remember that when news of the shooter at École Polytechnique hit, I immediately felt a pang of anguish at the thought that some of my employees went to and were at École Polytechnique.

Fourteen women were killed in this misogynistic attack. In an instant, 14 young women who had their whole lives ahead of them were killed simply because they were women.

Now that I am a mother, I better understand the void that the loss of these 14 brilliant women left in the lives of their loved ones.

When I think about the École Polytechnique massacre, I cannot imagine someone taking the lives of young women simply because they were women.

This senseless gender-based violence must stop.

**The Speaker:** Following discussions among representatives of all parties in the House, I understand that there is agreement to observe a moment of silence.

I invite hon. members to rise and observe a moment of silence to commemorate the victims of the tragic event that took place 29 years ago at École Polytechnique in Montreal.

*[A moment of silence observed]***ORAL QUESTIONS**

[English]

**NATURAL RESOURCES**

**Hon. Andrew Scheer (Leader of the Opposition, CPC):** Mr. Speaker, I would like to add my voice to the wonderful tributes that were made today in the House commemorating the lives lost during the tragedy we are remembering today.

The Prime Minister's failure when it comes to the energy sector has become a full-blown crisis. Thousands of people and their communities are being impacted, and news of the latest layoffs appears almost daily, and yet the Prime Minister had to be shamed into even talking about this crisis with the premiers tomorrow. It is like he wishes this problem would just go away and solve itself.

Why is it that the premiers had to resort to threats before the Prime Minister would even agree to discuss the crisis facing our energy sector?

•(1420)

[Translation]

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, these are important opportunities to discuss how we can create jobs and economic growth in every sector across the country.

*Oral Questions*

The discussions will focus on trade diversification, competitiveness, and how climate change and clean energy initiatives stimulate growth.

The agenda will include a discussion on the oil industry and the impact the drop in oil prices is having on our energy sector and its workers. We will always support that sector and its workers.

[*English*]

**Hon. Andrew Scheer (Leader of the Opposition, CPC):** Mr. Speaker, the impacts of low oil prices are well understood. It is having a devastating effect on the hard-working people in the energy sector. However, it is the reason why there is a low price for Canadian oil, and the impacts of that are caused by the Liberal government's policies. It is not just trying to block premiers from talking about the energy crisis on the agenda, the Liberal government is also trying to block citizens' groups representing taxpayers, who are trying to have their voices heard on the carbon tax during the court case. However, the government is allowing groups funded by foreign entities like the David Suzuki Foundation and Environmental Defence.

If the Prime Minister is so confident in the merits of his tax, why is he blocking grassroots organizations from fighting it?

**Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.):** Mr. Speaker, the situation we are facing in Alberta and Saskatchewan, and in general in the energy sector, is a serious concern. We are moving forward on supporting the energy sector by giving it the accelerated capital allowance writeoffs. We are moving forward on building pipeline capacity. Enbridge Line 3, which we approved, will come into operation in the fourth quarter of next year, with 370,000 barrels per day in capacity. We are trying to fix a broken system that we inherited from the Harper government.

**Hon. Andrew Scheer (Leader of the Opposition, CPC):** Mr. Speaker, that is so blatantly false. Any intelligent person will know that the Liberal government killed northern gateway. Any intelligent person will know that the judge ruled that there was a quick way forward to resolve the issues. Any intelligent person will know that the government's bill, Bill C-69, is chilling future investment and will lead to no more pipelines.

It is the government that has pursued a direct policy of phasing out the energy sector. Is the minister pleased with how fast it is going, or will he stand up for the workers of the energy sector and repeal Bill C-69?

**Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.):** Mr. Speaker, we stand with energy sector workers. When we extended EI benefits by \$1.3 billion, it was that party and its leader who voted against that funding for the workers. When we supported energy sector workers by moving forward on eliminating the orphaned oil wells and their impact on the environment, they voted against that funding. We are moving forward building pipelines, and we will deliver on the commitments we are making to energy sector workers.

\* \* \*

[*Translation*]

**FINANCE**

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Mr. Speaker, this morning, the Governor of the Bank of Canada confirmed that

dark clouds are gathering in Canada's economic sky. Exports and investments are falling. The drop in oil prices will have a negative impact on the Canadian economy. Steel and aluminum tariffs may well remain in place. However, there is at least one thing that the government has some control over and can do something about, and that is spending.

Now that the government has been warned by the Governor of the Bank of Canada, will it control its spending?

[*English*]

**Hon. Scott Brison (President of the Treasury Board and Minister of Digital Government, Lib.):** Mr. Speaker, let us look at the facts.

In the first half of 2015, under Stephen Harper's Conservatives, Canada was in a technical recession. That is why we offered Canadians a plan for jobs and growth. That is why Canadians took us up on that plan, and that plan is working. We have created 600,000 new jobs. We have lifted 300,000 Canadian children out of poverty. We have the lowest unemployment rate in 40 years and the fastest growth in the G7.

Canadians will take the Liberal economic record over Conservative economic rhetoric any day.

● (1425)

[*Translation*]

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Mr. Speaker, the reality is that exports and investments are falling.

The reality is that the Liberals got elected by saying that they would run small deficits and now those deficits are three times higher than promised.

The reality is that the Liberals said that they would balance the budget in 2019, but instead they have racked up a \$20-billion deficit.

When will they tell Canadians the truth?

**Hon. Scott Brison (President of the Treasury Board and Minister of Digital Government, Lib.):** Mr. Speaker, we inherited a bad economic situation, but our plan is working. We have lifted 300,000 Canadian children out of poverty and created 600,000 new jobs. The unemployment rate is the lowest it has been in 40 years and we have the fastest-growing economy in the G7.

We will continue to work hard to help the Canadian economy grow.

[*English*]

**The Speaker:** Order. I would remind members not to interrupt when someone else is speaking. I want to let my friend, the hon. member for Cypress Hills—Grasslands, know that even when he covers his mouth, I still hear him.

[*Translation*]

The hon. member for Rimouski-Neigette—Témiscouata—Les Basques.

*Oral Questions***NATURAL RESOURCES**

**Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP):** Mr. Speaker, the Liberals keep saying that their relationship with indigenous peoples is their most important relationship, but they are doing nothing to prove it.

The Federal Court of Appeal was very clear on the subject of Trans Mountain: the consultation process was unacceptable, and the government had to go back to the drawing board.

Consultation is a huge responsibility that must not be ignored the way Stephen Harper ignored it with respect to Northern Gateway and the way the Prime Minister is ignoring it with respect to Trans Mountain.

When will this government finally keep its promises to indigenous people?

[*English*]

**Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.):** Mr. Speaker, we take, very seriously, our obligations for meaningful and two-way consultation with indigenous communities.

I have personally met with close to 40 indigenous communities that were impacted by the Trans Mountain pipeline expansion. We are responding to the court's decision and making sure that, moving forward, we engage with them, listen to their concerns and find accommodation where possible, because that is the only way to move forward on resource development projects such as pipelines.

\* \* \*

[*Translation*]

**INDIGENOUS AFFAIRS**

**Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP):** Mr. Speaker, on the one hand, we have what the minister says, and on the other, we have what the Prime Minister does.

The Prime Minister calls himself progressive and feminist. He says he listens to first nations, but with one single answer yesterday afternoon, he put the lie to all three claims. His condescending attitude toward Neskonlith Chief Judy Wilson was deeply disrespectful and unacceptable.

In this era of reconciliation, when consultation with first nations is a sensitive issue, such a cavalier rejection of the chief's comments needlessly inflames the situation.

Will the Prime Minister acknowledge what he did wrong and publicly apologize for his inappropriate remarks?

[*English*]

**Hon. Jane Philpott (Minister of Indigenous Services, Lib.):** Mr. Speaker, I was pleased to be at the Assembly of First Nations' special chiefs assembly yesterday when the Prime Minister spoke.

This is in fact the fourth time our Prime Minister has spoken at these meetings. There was a very good atmosphere in the room. I joined several other ministers in speaking at the special chiefs assembly. We are building a renewed relationship based on respect, co-operation and partnership.

We are moving forward and seeing real change for our first nations in this country.

**Ms. Rachel Blaney (North Island—Powell River, NDP):** Mr. Speaker, the government does not seem to understand what free, prior and informed consent means.

Indigenous leaders have been clear. The Trans Mountain expansion cannot go ahead without the consent of the impacted communities. The courts have been clear: The Prime Minister failed to adequately consult with indigenous people.

How can the Prime Minister say he is consulting when he has already made up his mind? Perhaps the Prime Minister needs to look up the definition of "prior" in the *Oxford Dictionary*. I have one here for him.

**The Speaker:** The hon. member for North Island—Powell River I am sure knows very well that members are not allowed to use props in the House.

The hon. Minister of Natural Resources.

**Hon. Amarjeet Sohi (Minister of Natural Resources, Lib.):** Mr. Speaker, the Federal Court of Appeal has been very clear that in order to move forward on the Trans Mountain pipeline expansion, we need to re-engage with indigenous communities in our efforts to do a better job on the phase three consultations. That is exactly what we are focused on.

We are putting our teams together. We are reaching out to indigenous communities to engage them, listen to their concerns and respond to their concerns. We will make sure that we have the right process in place, that we are moving forward on this project by responding to the Federal Court's decision.

• (1430)

**Ms. Rachel Blaney (North Island—Powell River, NDP):** Prior means before, Mr. Speaker.

When Chief Judy Wilson asked the Prime Minister a question about indigenous consultation, the Prime Minister not only failed to refer to her as chief, but completely minimized her concerns. The British Columbia chiefs said his response was "an overtly sexist approach that attempted to normalize [his] dismissiveness". Then a male chief asked a very similar question and the Prime Minister responded with respect and an apology.

When will the feminist Prime Minister stand up in the House and apologize?

**Hon. Jane Philpott (Minister of Indigenous Services, Lib.):** Mr. Speaker, prior to our government starting in 2015, the previous prime minister did not go to special chief assemblies, did not go to general meetings of the Assembly of First Nations.

Our Prime Minister goes to those meetings. He interacts. He accepts questions from the floor. We are building a new relationship where we are interacting in positive ways with first nations leaders and communities. We are proud of the work that we are doing together.

*Oral Questions**[Translation]***THE ECONOMY**

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Mr. Speaker, it is really odd to hear the Liberals congratulating themselves on the economy when everyone knows that their economic policies have had poor results.

They started by treating small business owners like tax cheats. They imposed a carbon tax. They were unable to settle trade disputes such as the ones on softwood lumber, aluminum, steel, fumigation and durum wheat. You might say that the only thing the Prime Minister is good at is driving up the deficit.

When will he think of the economy instead of spending our grandchildren's money?

*[English]*

**Ms. Jennifer O'Connell (Parliamentary Secretary to the Minister of Finance (Youth Economic Opportunity), Lib.):** Mr. Speaker, what remains clear is that the Conservatives remain out of touch and have no real plan for the economy.

What we saw under their failed economic plan was the lowest growth since the Great Depression. We saw cheques being sent to millionaires. We saw business investment decline.

We on this side of the House have created over half a million new jobs and we continue to see wages grow. As well, Canadians are \$2,000 better off under our plan than under the Conservatives' failures.

**Mrs. Rosemarie Falk (Battlefords—Lloydminster, CPC):** Mr. Speaker, let us talk about being out of touch. My constituents are sick and tired of having the Liberal government's hands in their pocketbooks. That is the reality of this.

Debt and deficits are growing. Interest and inflation rates are rising. Billions of dollars in investment have been lost, and the energy crisis is not even on the Prime Minister's radar. Canadians are paying and will be paying for his failed policies for generations.

When will the Prime Minister acknowledge the economic reality and fix the damage he has created?

**Ms. Jennifer O'Connell (Parliamentary Secretary to the Minister of Finance (Youth Economic Opportunity), Lib.):** Mr. Speaker, I think what the hon. member meant was we are fixing the damage that 10 years under the Harper Conservatives did to our economy. That is precisely what we are delivering on. We have done so by lifting hundreds of thousands of children out of poverty with the Canada child benefit, which the Conservatives voted against. Our plan sees wage increases and more workers actually working than at any other time. Families are \$2,000 better off under our plan.

While the Conservatives talk their rhetoric, they have no credibility when it comes to the economy.

**The Speaker:** I do not need to remind all members that each side gets its turn. Members just have to wait until their side will get its turn again. Calm down a little, please, colleagues.

The hon. member for Calgary Midnapore.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Mr. Speaker, the Prime Minister has raised taxes on businesses, on individuals

and on almost everything we purchase, yet his promised infrastructure spending is non-existent. This year's deficit is more than triple what the Prime Minister promised it would be. Oil prices are bottoming out; businesses are leaving Canada and more and more people are out of work while the Prime Minister pledges millions to celebrities over Twitter.

When will the Prime Minister stop wasting taxpayers' dollars and treat Canadians with the respect they deserve?

● (1435)

**Hon. François-Philippe Champagne (Minister of Infrastructure and Communities, Lib.):** Mr. Speaker, I would like to thank my colleague for allowing me to talk about our historic infrastructure plan for Canada. There is \$180 billion to invest in communities, to invest in public transit in Alberta, to invest in green technologies in Ontario, to invest in mass transit in Montreal, to invest in rural communities, to invest in Nunavut and the Northwest Territories. Everywhere we invest, we improve the lives of Canadians.

Canadians who are watching at home understand that they want modern, resilient and green infrastructure. That is what we are going to deliver across Canada.

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** Mr. Speaker, the Ontario manufacturing sector is losing jobs by the day. Alberta dropped from 14th to 43rd in global investment rankings. The central bank froze its rate. The loonie is at an 18-month low. Investment capital is fleeing. We have been warning the government about this for years. Instead, it has ignored all advice and racked up huge deficits.

Why will the Prime Minister continue to do nothing but spend, instead of preparing for this economic downturn?

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, we are investing in all various sectors of the economy across Canada. What is clear is that the Conservatives have no plan for the economy, but we do and it is working. We have created over half a million full-time jobs since taking office in October 2015. Our unemployment rate remains at a 40-year low. However, we know there is more work to do. We are continuing to invest in Canadians and in all sectors as we grow our middle class and support people working hard to join it.



*Oral Questions***AUTOMOTIVE INDUSTRY**

**Mr. Colin Carrie (Oshawa, CPC):** Mr. Speaker, the Prime Minister promised Canadians that his policies would attract advanced manufacturing and the jobs of the future. He failed. Auto companies will be making once-in-a-generation investments in building electric and autonomous cars, the cars of the future, just not in Canada. Oshawa's economy needs leadership. Investors cannot operate businesses under this uncertainty.

Today, I ask again, will the Prime Minister table his plan for the affected Oshawa workers before Christmas?

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, obviously, we are disappointed with the decision GM took to not have scheduled production for its Oshawa plant. Of course, our hearts go out to the GM families and people in the ecosystem.

However, we are investing in the auto economy in Ontario in a variety of different ways and we have the results to prove it. We are attracting billions of dollars in investment from the private sector for the roughly \$400 million we have put in as a government. We are going to continue to invest in the auto economy across Canada, but in particular in Ontario.

\* \* \*

**THE ECONOMY**

**Hon. Erin O'Toole (Durham, CPC):** Mr. Speaker, the Liberal government has raised taxes on entrepreneurs, on hiring employees through payroll taxes and it is imposing a carbon tax. Tariffs and excessive regulation are hurting investment in the resource sector in the west and GM and companies like Nelson Industrial in Pickering. On top of this, the Liberals are also running large structural deficits. Instead of just hearts going out, will the government commit to an action plan on Canadian competitiveness by accelerating duty relief, removing harmful tariffs and eliminating the dreadful Bill C-69? All of these measures are stopping jobs.

**Ms. Jennifer O'Connell (Parliamentary Secretary to the Minister of Finance (Youth Economic Opportunity), Lib.):** Mr. Speaker, on the contrary, we have actually lowered taxes for small businesses. We have made investments in businesses across all sectors with the accelerated investment incentive.

The Conservatives are so desperate to paint this picture, but the problem is, facts do not lie. We have created more than half a million new full-time jobs. A typical Canadian family is \$2,000 better off than under the Conservatives' plan. I am sorry if the Conservatives cannot handle it, but they had no plan and they still have no plan.

\* \* \*

**ETHICS**

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, with Bill C-76, Liberals quietly doubled the threshold at which ridings are audited. In a news report out today, we learned that then-Liberal MP for Brampton East raised over \$600,000 at one single event. That is curious, because that is six times the legal amount to run an election in Brampton East.

From the beginning, the only prime minister ever convicted of breaking ethics laws has claimed he knows nothing of the RCMP or

ethics investigations into this MP. Is that because he sees nothing troubling with an MP being tailed by the cops or is it because the money was just too good?

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I do not think the member likes being reminded that when it comes to the RCMP, the RCMP works independently of the government.

The member started off with Bill C-76. We look forward to seeing Bill C-76 pass so that we can strengthen the rules for elections.

We want to see more Canadians working. That is what the New Democrats used to say, but something happens to them when they are in the House where they forget that we are here to serve Canadians. More Canadians working and voting is better for democracy, and we will continue to strengthen our democratic institutions.

\* \* \*

● (1440)

**NATURAL RESOURCES**

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** Mr. Speaker, two weeks ago, the finance minister stated that Trans Mountain was earning money, \$200 million annualized. This week, CDEV reported the scandalous truth: Canadians will be losing over \$50 million this year alone on Trans Mountain. That is in addition to \$4.5 billion for the acquisition, at twice its value, and there is also more than \$10 billion for estimated construction costs.

The Liberals should stop throwing away money on Trans Mountain like drunken sailors. When will the finance minister come clean to Canadians on these losses?

**Ms. Jennifer O'Connell (Parliamentary Secretary to the Minister of Finance (Youth Economic Opportunity), Lib.):** Mr. Speaker, the Trans Mountain project is an investment in Canada's future. With 99% of energy exports going to the U.S., we know that we have to diversify our markets in order to create good quality jobs for Canadians.

We are moving forward in the right way. We are protecting the environment and ensuring that we are engaging with meaningful consultation with indigenous communities.

*Oral Questions*

[Translation]

**TELECOMMUNICATIONS**

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, Canadian authorities just announced that they have arrested Meng Wanzhou, CFO of Huawei, the Chinese telecommunications company. Ms. Meng is accused of violating the U.S. embargo on Iran. Furthermore, the director of CSIS was very clear when he warned the government about the increase in state-sponsored espionage.

When will the Prime Minister ban Huawei from Canada?

[English]

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, the government is open to investment that will grow our economy and create good middle-class jobs.

When it comes to telecommunication services, we promised Canadians we would improve quality coverage and price for their services. 5G is an emerging technology that is part of that picture. However, when it comes to Huawei's participation in that system, we will rely on our intelligence services to provide us with the kind of advice that they have traditionally given us. We will never ever compromise our national security.

[Translation]

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, I believe that the parliamentary secretary used some old talking points from a few weeks ago because the situation is evolving quickly. The majority of Five Eyes countries have banned Huawei. Today we learned that British Telecom confirmed that it was removing Huawei equipment from key areas of its 4G network, and the head of MI6 questioned this Chinese company about its activities in British telecommunications infrastructure. Our economic, security and military interests are at risk.

When will Canada ban Huawei?

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, as I just said in English, we will never compromise our national security and we will make decisions based on the advice of our own experts. I would like to remind the member that if he would like more direct information, he might like to ask his leader, because they have a direct line to the company.

[English]

**Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC):** Mr. Speaker, every day we get more reasons to ban Huawei from our 5G network. Yesterday, it was a warning from the head of CSIS. Today, it is the CFO of the company being arrested in Vancouver for allegedly violating sanctions on Iran. Huawei will be forced to spy on Canadians for the Communist Chinese government.

Will the Liberals finally commit to securing our next generation network and ban Huawei?

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, we will never compromise our national security, period. We will rely on our national security experts in making a final decision. I

can assure this House that the decision will be one that reflects Canada's national security interests.

Once again, as I just said in French, if the hon. member would like more direct information, perhaps he should ask his own leader, because the Conservatives seem to have, through Jake Enwright, a direct contact at Huawei.

**Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC):** Mr. Speaker, those are non-answers.

The CFO of the Communist Chinese government-controlled company is suspected to have violated sanctions on Iran. This is not an organization we want involved in our communications network. Our allies say, "Act." Our security officials say, "Act," yet the government refuses to do anything.

Why is the government refusing to stand with our allies and ban Huawei from our 5G network? Why?

● (1445)

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, as I have said, we will never compromise our national security. We know that 5G is an important technology that will allow us as a country, moving forward, to provide better coverage, better service and better quality to our Canadian citizens.

We all know how important connectivity is to the economy and the social life of this country. That said, we will trust the opinion of our national security experts when it comes to Huawei's participation in that system. However, no decision will be made that compromises our security.

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**INDIGENOUS AFFAIRS**

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** Mr. Speaker, once again this week we heard of an incident where a medical patient from a northern Manitoba first nation received second-class treatment. Kimberly Scott, an elder from Bloodvein, was in Winnipeg for necessary care. She was put in a hotel with bed bugs, and when her daughter asked for them to be moved, she was told by medical services to sit there and wait.

Let me be clear: Health care is a treaty right. It is also a human right. Therefore, my question is the following. Is this government policy? If not, how many more indigenous patients need to be treated as second-class citizens before the Liberals act?

**Hon. Jane Philpott (Minister of Indigenous Services, Lib.):** Mr. Speaker, I thank the member opposite for raising this issue.

The respect and recognition that indigenous patients, like all Canadians, should expect to be treated with in our health system is a matter that is of importance to all of us.

*Oral Questions***NEWS MEDIA INDUSTRY**

We work, of course, with the provinces and territories in the delivery of health care. Just today, I met with representatives from the Canadian Medical Association to speak to them about cultural safety and how we can all work together to do better to make sure that health care is received in a proper way.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, what do the terms “need for urgent action” mean when talking about the children of Grassy Narrows who have seizures, physical impairments, and hearing and sight loss? These children cannot remember basic math questions, because they have been poisoned. Yet, the community continues to struggle with under-funded education and shortages of special education. It is unable to hire qualified teachers and has an outstanding need for full assessments for every single child.

Will the minister agree that urgency means action now for the under-funded education at Grassy Narrows and insist on a full assessment for every single child in that community?

**Hon. Jane Philpott (Minister of Indigenous Services, Lib.):** Mr. Speaker, urgency means action now, and it means the actions we have already taken. We have made sure that there are special education funds for all students in that community. I have already shown the member the numbers on how much we have invested in special education in that community.

I have already made a commitment to that community the first time I met with the previous chief to say that we will go forward with the new health facility. We have now received the feasibility plan. I met with the new chief this week and we are moving forward on a new health centre.

\* \* \*

**VIOLENCE AGAINST WOMEN**

**Hon. Judy A. Sgro (Humber River—Black Creek, Lib.):** Mr. Speaker, 29 years ago today, our country experienced the most horrifying act of gender-based violence in our history. Fourteen young women were murdered in a mass shooting at the École Polytechnique in Montreal simply because they were women.

In the past year, the #MeToo and the Time’s Up movement has shone unprecedented light on the prevalence of gender-based violence. Could the Minister of Status of Women please tell the House how our government is responding to the courageous voices of the women’s movement?

**Hon. Maryam Monsef (Minister of Status of Women, Lib.):** Mr. Speaker, the only way to respond to courage is with courageous conversations and bold action.

As my hon. colleague for Humber River—Black Creek demonstrates each and every day, the best way to honour the stories of the 14 young women Canada lost 29 years ago is to end gender-based violence, to show intolerance toward misogyny and to work to advance an economy where everyone benefits. That is why we have invested in a gender-based violence strategy that supports the women’s movement.

Communities across Canada mourn with the people—

**The Speaker:** The hon. member for Barrie—Innisfil.

**Mr. John Brassard (Barrie—Innisfil, CPC):** Mr. Speaker, 15 days after Torstar Corporation chair John Honderich published an October 10 commentary appealing for federal subsidies, a \$355,000 sole-sourced contract was awarded to pay Toronto Star reporters to attend and report on the Commons finance committee and Senate banking committee. The Liberals did this despite the fact the committee meetings are public and are monitored by 43 accredited news organizations on Parliament Hill.

Did the Prime Minister pay the the Toronto Star for favourable content as we head into an election year?

• (1450)

**Hon. Pablo Rodriguez (Minister of Canadian Heritage and Multiculturalism, Lib.):** Mr. Speaker, a bankrupt press is not a free press. A bankrupt press is not an independent press. A bankrupt press is not a press at all.

The Conservatives do not want to hear from professional journalists. I do not know what they have against tough questions. On this side of the House, we are supporting professional journalism. We are ready to take the tough questions, and we will do it in a way that the press is independent and free, as it should be.

**Mr. John Brassard (Barrie—Innisfil, CPC):** Mr. Speaker, and so it begins. The procurement ombudsman did absolutely the right thing by cancelling the contract after a complaint was filed by Blacklock’s. Just as predicted, the Liberals are placing the journalistic integrity of the Parliamentary Press Gallery at stake by putting reporters in a position of not biting the Liberal hand that feeds them. If reporters write content that agrees with the Liberals, they get funding, but if they are critical of the Liberals, tough luck. How far will the Prime Minister go to try to influence the media before the next election?

**Hon. Pablo Rodriguez (Minister of Canadian Heritage and Multiculturalism, Lib.):** Mr. Speaker, professional journalism is part of our democracy. It is something extremely important to our society. It is one of the pillars of our democracy—

**Some hon. members:** Oh, oh!

**The Speaker:** Order. I need to hear from both sides and one at a time. Some people get loud, and we prefer that they were not. Let one side go at a time, please.

The hon. Minister of Canadian Heritage.

**Hon. Pablo Rodriguez:** Mr. Speaker, as I was saying, professional journalism is one of the pillars of democracy. After attacking professional journalism, what other pillar of our democracy are they going to attack?

*Oral Questions*

[Translation]

**INFRASTRUCTURE**

**Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC):** Mr. Speaker, it is incredible to hear that coming out of the mouth of the Minister of Canadian Heritage.

The Liberals are taking money away from the regions to create a monster, their infrastructure bank. So far, \$11 million have been spent, but there are no new projects.

While our country is no longer competitive, this Liberal government has found a new toy to attract foreign investors: the infrastructure bank. It offers foreign developers a risk-free guarantee by paying a high interest rate with Canadians' money. It is just one more thing that does not work.

When will this government close the wasteful infrastructure bank?

**Hon. François-Philippe Champagne (Minister of Infrastructure and Communities, Lib.):** Mr. Speaker, I can assure my colleague that the infrastructure bank will be open for as long as we are in government. I invite the hon. member to go talk to the people of Montreal, where the infrastructure bank has invested more than \$1 billion in the public transit network, which will change the lives of Montrealers.

My colleague knows full well that we have an historic plan of more than \$180 billion in investments. The infrastructure bank allows us to do more in less time for Canadians. It is one more tool in our toolbox. We will continue to support the investment bank. I invite my colleague to go talk to those—

**An hon. member:** Oh, oh!

**The Speaker:** Order. I would ask the hon. member for Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix not to shout.

The hon. member for Edmonton Riverbend.

[English]

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Mr. Speaker, I guess the bank has 10 more months left to go. In order to fund the Canada Infrastructure Bank, \$5 billion was taken from public transit, \$5 billion was taken from trade and transportation, and \$5 billion was taken from green infrastructure. That is \$15 billion no longer going to local communities to create jobs and growth, but instead sitting in a made-up bank. The minister wants to talk about using taxpayer money to leverage private investment, but it is his government policies that are making Canada less attractive to private investment.

When will the Liberals shut this bank down and start getting infrastructure projects built?

**Hon. François-Philippe Champagne (Minister of Infrastructure and Communities, Lib.):** Mr. Speaker, on this side of the House we are very proud of the infrastructure bank. It is another tool in our toolbox to do more. However, let me remind the member what we have done for his province of Alberta. We are investing more than \$8.5 billion in infrastructure in Alberta that will help the people in Alberta. We are investing in mass transit, green infrastructure, and communities across the country. Canadians are watching us and know better. They know that they want modern, resilient green infrastructure. They know that infrastructure is the best way to attract

investment and talent in this country. That is what we are going to do.

\* \* \*

● (1455)

[Translation]

**OFFICIAL LANGUAGES**

**Mr. François Choquette (Drummond, NDP):** Mr. Speaker, the Minister of Official Languages does not seem to have spoken about any commitment to fund Ontario's French-language university when she met with Minister Mulroney. If the Liberals are prepared to support Franco-Ontarians as much as they claim, the minister should communicate directly with the Ontario government as Ms. Mulroney has requested.

If the minister's real priority is to help Franco-Ontarians and not to score political points on their backs, when is she going to make a concrete funding announcement for Ontario's French-language university?

**Hon. Mélanie Joly (Minister of Tourism, Official Languages and La Francophonie, Lib.):** Mr. Speaker, I want to set the record straight for my colleague, who is an advocate for official languages.

I did have an opportunity to speak to Ms. Mulroney. I spoke to her about how important the French-language university project is.

I also had the opportunity to reiterate that we are prepared to negotiate with the Government of Ontario because we believe in this project. The Ontario government is leaving money on the table. As members know, Franco-Ontarians are not a priority to this government.

We will always stand with Franco-Ontarians. We will always ensure that good projects receive funding. This evening, I will see Doug Ford and I will have the opportunity to—

**The Speaker:** The hon. member for Berthier—Maskinongé.

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**AGRICULTURE AND AGRI-FOOD**

**Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP):** Mr. Speaker, at the UPA conference yesterday, farmers were very clear about the frustrations they are feeling. Farmers believed the fine words they heard from the Liberal government. It was going to solve the diafiltered milk problem, not give in on class 7, not allow any breaches in the new NAFTA and not sacrifice our food sovereignty.

All of those promises have been broken. Today Quebec farmers feel betrayed by the Liberal government.

How can Quebec farmers still trust the Liberal government to defend their interests?

*Oral Questions**[English]*

**Hon. Lawrence MacAulay (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, our hon. colleague is concerned, but our government has defended the supply management system against strong attempts by the American government to demolish it. We know that the dairy, poultry and egg farmers provide the highest quality for Canadians at a reasonable price and support rural communities. We are committed to fully and fairly supporting our agricultural sector and the supply management system. We have supported and will continue to support agriculture in this country.

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**ETHICS**

**Hon. Peter Kent (Thornhill, CPC):** Mr. Speaker, opposition members of the ethics committee today unanimously supported a motion to call the Clerk of the Privy Council to discuss accumulating questions about the former Liberal member for Brampton East, questions involving gambling, wiretaps, money laundering, terrorist funding, outside employment, the embarrassing India trip, and an RCMP investigation. Unfortunately, the Liberal majority on committee voted to defeat our motion. What are the Liberals hiding from Canadians?

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, my colleague knows well that committees are independent. That being said, I want to congratulate this particular committee for the important work it has accomplished, notably in regard—

**Some hon. members:** Oh, oh!

**The Speaker:** Order. Wednesday was yesterday. Order.

The hon. government House leader.

**Hon. Bardish Chagger:** Mr. Speaker, I want to congratulate this particular committee for the important work it has accomplished, notably in regard to its study on Cambridge Analytica. The committee's work has been reported around the world, and last week in London, U.K., committee members represented this House of Commons proudly.

I do find it unfortunate that, as is their habit, the Conservatives are once again trying to politicize committees of the House.

**Hon. Peter Kent (Thornhill, CPC):** Mr. Speaker, ethical lapses have become the hallmark of the current government. The Liberals seem determined now, in their final year in office, to set a new record in the number of simultaneous police investigations into Liberal-member activities. With regard to the most recent investigation, involving the member for Brampton East, the Minister of Innovation, Science and Economic Development, and a suspect real estate deal, can the Prime Minister confirm whether law enforcement has been in touch with his or the minister's office?

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the minister has directly answered this question. I have reminded all members that the RCMP works independently of government.

There is an easy way for Canadians to see whether the Conservatives are asking real questions or if they are simply hiding behind parliamentary privilege to make baseless accusations and smear a minister. All they have to do is to check whether the

members opposite will repeat the same comments they make in the House outside of the House of Commons. In fact, this point was made even clearer when the Leader of the Opposition indeed retracted the comments he made outside the House.

• (1500)

*[Translation]*

**Mr. Jacques Gourde (Lévis—Lotbinière, CPC):** Mr. Speaker, whether the Liberals like it or not, if we had not asked the tough questions, the sponsorship scandal would never have been exposed.

It is time that the Liberals took responsibility. The close ties between a Liberal minister and some real estate developers in Brampton East clearly do exist. All those fine folks went on that trip to India, all on the taxpayers' dime, yet no one seems to have invited them.

Why do the Liberals take Canadians for fools? Who invited that real estate developer on the Prime Minister's trip to India?

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, as everyone knows, the minister answered the question yesterday. We know the report was tabled here and we thank the committee members for their work.

It is easy for Canadians to see whether the Conservatives are asking real questions or if they are simply hiding behind parliamentary privilege to make baseless accusations and smear a minister. Canadians simply need to check whether the members opposite will repeat the same allegations outside the House of Commons as they—

**The Speaker:** Order. The hon. member for Hamilton East—Stoney Creek.

\* \* \*

*[English]***VETERANS AFFAIRS**

**Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.):** Mr. Speaker, something I hear in my riding is that releasing members and veterans are concerned about the length of time it takes to get a decision on an application for disability benefits. It was reported that Veterans Affairs might be looking to change the deadlines for those benefits.

I am proud to talk to veterans about all this government has done to start cleaning up the mess left by the previous Conservative government, but can the minister inform the House what steps he is taking to ensure that veterans and their families receive timely decisions?

*Oral Questions*

**Hon. Seamus O'Regan (Minister of Veterans Affairs and Associate Minister of National Defence, Lib.):** Mr. Speaker, we will not change the deadlines for applications. Instead, we are investing in delivering faster, quality decisions for veterans. With our new programs and a new culture of “yes” on disability decisions, more veterans than ever are coming forward to get the help they need. We have invested \$42.8 million, we hired more decision-makers and yesterday we rolled out an online wait time tool that will give veterans a better sense of how long applications for their conditions are taking. This is something veterans have asked for. We are listening and we are acting.

\* \* \*

**INDIGENOUS AFFAIRS**

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, there are only 14 weeks left in this Parliament and yet the government continues to over-promise and under-deliver. How can we trust the Prime Minister's new commitments at AFN this week while his previous promises go unfulfilled? Additions to reserve are buried in a budget bill with no consultation, the languages act is nowhere to be seen and on the child welfare act, why the delay?

Can the minister tell us if any of his promised legislation will be law before this Parliament rises?

**Hon. Jane Philpott (Minister of Indigenous Services, Lib.):** Mr. Speaker, the member opposite asked about several things. I will talk about the additions to reserve that was part of our budget implementation bill.

This is a really important piece of legislation. People from first nations have been asking for this for 40 years. Finally, this week I was able to tell chiefs that it is going to be faster to get additions to reserve, thanks to new pieces of legislation. This is good news and it will add to economic prosperity.

\* \* \*

**PENSIONS**

**Mr. Scott Duvall (Hamilton Mountain, NDP):** Mr. Speaker, on Monday this week, the Ontario Superior Court gave the go-ahead for lawsuits to be filed against former owner of bankrupt Sears Canada, Eddie Lampert, as well as the former directors. This will allow pensioners and unsecured creditors to recover at least a portion of their money. The sad part of all this is that if the Liberals had simply changed the laws, then pensioners could have at least been spared the costly process to recover their hard-earned pensions.

When will the Liberals take action and change the laws to protect Canadian workers and retirees from pension theft?

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, our hearts go out to the Sears pensioners, as we have said on a number of occasions in this House.

In budget 2018, we made a commitment to take a whole-of-government, evidence-based approach to that question and the newly named minister is proceeding along those lines, as are other departments and ministries within this government. We will move

forward with those consultations and we will come forward with a plan.

\* \* \*

● (1505)

**THE ECONOMY**

**Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.):** Mr. Speaker, under our government's plan, the Canadian economy is among the strongest in the G7, unemployment is at its lowest level in 40 years and Canadians have created over 500,000 full-time jobs. By this time next year, the average Canadian family of four will have \$2,000 more in its pocket each year than under the Conservatives. In the fall economic statement, the Minister of Finance announced new measures to strengthen our competitiveness, to help create jobs and to grow our economy for today and the future.

Can the parliamentary secretary tell the House how these changes will help Canadians?

**Ms. Jennifer O'Connell (Parliamentary Secretary to the Minister of Finance (Youth Economic Opportunity), Lib.):** Mr. Speaker, I thank the hon. member for Vaughan—Woodbridge for his work on the finance committee.

The Conservatives have no plan for the economy. We have a plan and it is working. We have lowered taxes for nine million middle-class Canadians and put more money in the pockets of nine out of 10 families with the Canada child benefit. In the fall economic statement, we took another step to support long-term economic growth. We are supporting new business investments in Canada to help businesses grow and create new jobs for Canadians across the country.

\* \* \*

[Translation]

**INTERNATIONAL TRADE**

**Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** Mr. Speaker, an hour ago, in my home town of La Pocatière, the best employees in the world, employees of Bombardier Transportation, held a peaceful protest to show that they have the ability, expertise, passion and determination needed to build VIA Rail's future fleet.

However, the transport minister is already washing his hands of this by hiding behind free trade. Meanwhile the deal that the Prime Minister just signed with Donald Trump still allows the United States to require that Amtrak trains be built in the U.S. with 70% American content.

Why did the Liberals give up so easily and not ask for anything for Canada's regions?

**Hon. Marc Garneau (Minister of Transport, Lib.):** Mr. Speaker, as I explained to my colleague a few days ago, this project is being managed by a federal Crown corporation called VIA Rail. VIA Rail is the one responsible for replacing the fleet of trains for the Quebec-Windsor corridor.

*Business of the House*

Naturally, we need to respect international rules, under which we have free trade agreements with Europe and others, through the WTO. We cannot give Canadian companies special privileges.

**Mr. Gabriel Ste-Marie (Joliette, BQ):** Mr. Speaker, this is the only government not to give these companies special privileges.

While the premiers are meeting in Montreal to discuss the new NAFTA, Quebec is still waiting for a clear commitment to dairy farmers from the Prime Minister.

It has been two months since the House unanimously called on the government to fully compensate supply managed farmers for the three agreements it signed at their expense. It has been two months.

Will the government take advantage of the first ministers conference to commit once and for all to fully compensating supply managed farmers for the three agreements that betrayed them?

[*English*]

**Hon. Lawrence MacAulay (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I appreciate my hon. colleague's question. However, the Prime Minister has been quite clear. The Minister of Foreign Affairs has been quite clear. Most cabinet ministers have been quite clear. We are going to fully and fairly support our dairy sector and the supply management system. We have supported and will continue to make sure we support our agricultural sector. My hon. colleague is well aware that, during the negotiations and before the negotiations, the American government clearly stated that its intention was to destroy the supply management system. We made sure that did not happen.

\* \* \*

[*Translation*]

**IMMIGRATION, REFUGEES AND CITIZENSHIP**

**Mr. Luc Thériault (Montcalm, BQ):** Mr. Speaker, next week, at the meeting in Marrakesh, the government will discuss the global compact on migration. The issue of migrants is not strictly under federal jurisdiction. In Quebec, we also welcome, integrate and select migrants.

The Prime Minister cannot make unilateral decisions on this and leave the provinces to deal with the consequences of his decisions or his tweets.

Will he take advantage of his meeting with the first ministers to present the compact and promise to sign it only if every premier is on board?

**Mr. Matt DeCoursey (Parliamentary Secretary to the Minister of Immigration, Refugees and Citizenship, Lib.):** Mr. Speaker, Canada fully supports the compact, which will play an important role on a global scale to ensure safe, regular migration.

We have consulted each of the provinces over the past two years, as well as Canadians, experts and academics. Nobody raised any concerns about the compact. We know that immigration plays an important role in Canada's economy. We also know it is important to be part of these international discussions.

● (1510)

[*English*]

**INDIGENOUS AFFAIRS**

**Hon. Hunter Tootoo (Nunavut, Ind.):** Mr. Speaker, yesterday I pointed out in my statement that last week the Prime Minister was wrong in his justification for barring the Government of Nunavut from becoming a party to the two Dene treaties. Every modern land claims agreement in Canada's northern territories has involved three parties: the indigenous group, Canada and the government of the territory where the agreement is to operate. For numerous legal and constitutional reasons, these treaties cannot be implemented without the consent of the Government of Nunavut. When will Canada stop playing the colonial master, do the right thing and invite it to the table as a party and signatory to these treaties?

**Mr. Marc Miller (Parliamentary Secretary to the Minister of Crown-Indigenous Relations, Lib.):** Mr. Speaker, Canada remains committed to advancing reconciliation with indigenous peoples to the conclusion of modern treaties. The Government of Nunavut has been participating in negotiations and its concerns are being addressed. The Government of Nunavut has always been welcome to sign these treaties as part of Canada as it has done previously. We have been negotiating these treaties for almost 20 years and are hopeful that the Athabasca Denesuline and the Ghotelnene K'odtineh Dene modern treaties will be concluded in the very near future.

**The Speaker:** Now I believe the hon. member for Chilliwack—Hope has the usual Thursday question.

\* \* \*

**BUSINESS OF THE HOUSE**

**Mr. Mark Strahl (Chilliwack—Hope, CPC):** Mr. Speaker, I would like to ask the government House leader if she could share with the House what the remainder of the week looks like, in terms of government business, and if she could also tell us what is on the agenda for next week.

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, this afternoon, we will begin debate on the Senate amendments to Bill C-57, the sustainable development bill.

Tomorrow morning, we will start debate at report stage and third reading stage of Bill C-83, the administrative segregation legislation. Following question period, we will debate the Senate amendments to Bill C-21, the Customs Act.

[*Translation*]

Next week, we will be debating various government bills.

I would like to remind the House that, in accordance with the order adopted this morning, there will be an exploratory debate Monday evening at the usual time of adjournment. The debate will be on the subject of the opioid crisis in Canada.

*Government Orders***GOVERNMENT ORDERS***[English]***FEDERAL SUSTAINABLE DEVELOPMENT ACT**

**Hon. Bill Blair (for the Minister of Environment and Climate Change)** moved:

That a Message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-57, An Act to amend the Federal Sustainable Development Act, the House:

agrees with amendments 1 and 3 made by the Senate;

respectfully disagrees with amendment 2 because the amendment seeks to legislate employment matters which are beyond the policy intent of the bill, whose purpose is to make decision-making related to sustainable development more transparent and accountable to Parliament.

**Mr. Sean Fraser (Parliamentary Secretary to the Minister of Environment and Climate Change, Lib.):** Mr. Speaker, I am pleased to rise to discuss Bill C-57, an act to amend the Federal Sustainable Development Act.

I would like to begin by thanking everyone who has helped shape Bill C-57. The contributions of many hon. members and senators have been invaluable to the process, and the bill reflects the hard work and collaborative efforts of many individuals.

In particular, I appreciate the Hon. Senator Griffin's efforts in sponsoring this bill and her ongoing support as it has moved forward. I would also like to thank members of the Senate Standing Committee on Energy, the Environment and Natural Resources for their thoughtful review and valuable insights.

Finally, I would be remiss if I failed to recognize the work of members of the House, including members of the Standing Committee on Environment and Sustainable Development, whose unanimous second report, "Federal Sustainability for Future Generations", served as the foundation for Bill C-57. I look forward to the chamber's discussion of the Senate's amendments to the bill.

Today, I want to start by outlining the importance of the Federal Sustainable Development Act and how Bill C-57 seeks to improve upon the current version of the legislation. Then I will highlight some of the most recent documents we have released under the current act. Finally, I wish to outline our position on the amendments made in the Senate.

First, I will give some of the background. The Federal Sustainable Development Act was the result of a 2008 private member's bill. This was sponsored by the Hon. John Godfrey, former member of Parliament for Don Valley West. The act set out a number of requirements for federal action on sustainable development, including the creation of a federal sustainable development strategy and releasing a report on progress against the strategy every three years. These strategies and reports have been instrumental in guiding, tracking and reporting on Canada's actions on sustainable development in a transparent and accountable manner.

The catalyst for amending the original Federal Sustainable Development Act, as I mentioned previously, was the study conducted by the Standing Committee on the Environment and Sustainable Development. Bill C-57 responds to the thoughtful recommendations of that committee's report and would update the act to better reflect Canada's current priorities on sustainable development.

The bill proposed to expand the scope of the act and provide a whole-of-government approach to sustainable development. It includes more than 90 departments and agencies and provides the opportunity to add other entities in the future as well. This will help to ensure that the federal sustainable development strategy reflects the Government of Canada's ongoing commitment to sustainable development.

All federal organizations bound by the act will contribute to developing future federal sustainable development strategies and progress reports. The collaborative, whole-of-government approach to sustainable development will provide greater openness and transparency about our actions relating to sustainability.

Further, each federal organization will table its own sustainable development strategies and progress reports in Parliament. This will allow parliamentarians and relevant committees to review the progress of organizations and hold them to account for meeting their targets and goals.

At the heart of Bill C-57 are a number of important principles that would guide progress reports and strategies. For example, the principle of intergenerational equity, that it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs, provides an important context for the federal government's contribution toward sustainable development.

Other principles embedded in Bill C-57 include the principle of openness and transparency, the principle of collaboration and the principle of results and delivery. These principles will help guide the development of tangible, relevant and achievable goals and targets. The bill would also require targets in the federal sustainable development strategy be measurable and time-bound.

The bill would contribute to increased demographic representation and indigenous partnership. It would do this in three main ways, the first being through a new principle which would recognize the importance of involving indigenous peoples, because of their traditional knowledge and unique connection to Canada's lands and waters. Second, it would increase the number of indigenous representatives on the Sustainable Development Advisory Council from three to six. Finally, it would require demographic considerations such as age and gender be taken into account when appointing representatives to the council.

Bill C-57 is an important and inclusive step forward in the government's commitment to sustainable development.

Earlier this year, the bill was unanimously passed through the House with the support of all parties. I sincerely hope we can repeat that once more when it comes time for a final vote.

Our work on sustainable development continues. On December 3 of this year, we tabled the 2018 "Progress Report on the 2016 to 2019 Federal Sustainable Development Strategy" and launched public consultations on the draft 2019 to 2022 strategy. These products present results on where the federal government is in achieving its sustainable development targets and outline the environmental sustainability targets and actions it is proposing to take over the next three years.



*Government Orders*

●(1515)

We all wish to see a healthy, prosperous, safe and sustainable Canada, regardless of party, and considerable progress has been made toward achieving this vision over the past few years. The recently tabled progress report on the 2016 to 2019 federal sustainable development strategy helped show just how far we had come.

For example, the 2018 progress report shows that we may have met one target and are on track to meet the majority of the other targets laid out in the 2016 to 2019 development strategy. For instance, as of December 2017, almost 8% of coastal and marine areas have been conserved, on track to reach our target of 10% by 2020.

The government is also leading by example by reducing greenhouse gas emissions from federal government buildings and fleets. We have achieved a 28% reduction in GHG emissions relative to 2005 levels, more than halfway to the target of 40% by 2030. The progress report highlights that we are well on our way to achieving this ambitious target.

Just as important, we have identified areas where we need to improve. For example, the progress report reveals that we have some work to do on protecting terrestrial areas and inland waters. To this end, the \$1 billion Canada nature fund announced in budget 2018 will help set us back on the path to achieving our target of protecting 17% of terrestrial areas and inland waters by 2020.

This is one of the crucial contributions of the goals and targets in the federal sustainable development strategy and its subsequent reports on progress. They set a path forward and then tell us exactly how we have done and where we need to focus our ongoing efforts. Sustainable development is and will remain a priority for our government, and these strategies and progress reports ensure accountability in meeting our targets.

As I mentioned, the draft 2019 to 2022 federal sustainable development strategy has been released for public consultation. The strategy includes the participation of 16 voluntary organizations beyond the 26 mandated by the act. The draft strategy builds on the 2016 to 2019 strategy. It proposes targets, milestones and actions supporting 13 aspirational, long-term goals that reflect the Canada we want.

We expect to hear from a number of partners, stakeholders and Canadians whose input helped shape past strategies and will continue to be instrumental in helping to shape the 2019 to 2022 strategy.

As hon. members know, some of those partners and stakeholders include the Commissioner of the Environment and Sustainable Development, the House and Senate committees, which are responsible for regularly dealing with the environment, and the Sustainable Development Advisory Council. Our consultations are open until early April 2019 and we expect to hear from these groups and many other Canadians who are passionate about the environment and sustainable development.

This brings me to the amendments made in the Senate recently. The Standing Senate Committee on Energy, the Environment and

Natural Resources welcomed the bill and there was a fruitful discussion and debate on its various clauses. I thank everyone once again for the thoughtful deliberation. I would like to point out that the dialogue between the two Houses is a fruitful exercise in my opinion. I know the Senate considered the bill in a thoughtful manner and proposed certain amendments, which I am happy to address.

Three amendments were agreed to in the Senate. The first amendment was made to broaden the mandate of the Sustainable Development Advisory Council. This change would allow council members to give advice on sustainable development matters beyond those referred to them by the minister. The Council would, however, continue to focus on the products set out in the Federal Sustainable Development Act. The government is going to accept this amendment.

The second amendment, however, poses certain problems. The amendment to clause 8 seeks to reinsert a section of the Federal Sustainable Development Act that Bill C-57 in its initial form removed. That section deals with performance-based contracts within the Government of Canada. It states that these contracts shall include provisions for meeting the applicable targets referred to in the federal sustainable development strategy and the departmental sustainable development strategies. This section was repealed under Bill C-57 for a number of reasons.

The debate on the issue at the time that the original act was being considered reflects how unclear this section was, and still is. The Hon. John Godfrey, who I mentioned was the initial sponsor of the bill that resulted in the Federal Sustainable Development Act, said that this clause could be interpreted as a contract with an employee or a contract with a construction company. This confusion remains today. Having practised as a litigator in my career before politics, certainty in the meaning of legislation is essential so folks can understand exactly what their obligations are.

Some witnesses who have come before the House and the Senate have interpreted this clause as pertaining to performance agreements with senior officials. Others have interpreted it as pertaining to procurement contract and particularly green procurement. A clause without clarity is not one that should be in a bill.

●(1520)

If Parliament is concerned about procurement, the Treasury Board Secretariat's policy on green procurement already aligns environmental objectives to the departments' procurement activities, meaning this section's inclusion in the bill would be redundant and unnecessary.

*Government Orders*

Moreover, subclause 10.1, a new addition under Bill C-57, explicitly recognizes the power of the Treasury Board in establishing policies or issuing directives applicable to the sustainable development impacts of designated entities. The proposed amendment not only reinserts an already problematic clause, but it makes it even more problematic, extending it far beyond Bill C-57's intended purpose by entering into the realm of the employer's relationship with public servants. The amendment specifically adds employment contracts to the language on performance-based contracts. It says that these contracts shall include provisions for meeting the applicable goals and targets referred to in the federal sustainable development strategy and any organizational strategy.

It is the government's view that the reference to those contracts are outside the scope of the intent of Bill C-57 and it would be inappropriate to insert such prescriptive wording into the bill. Employment contracts are a matter for Treasury Board as an employer and they should not be subject to a bill whose purpose is to increase transparency of decision-making relating to sustainable development.

Given the expansive nature of performance-based contracts and employment contracts, it would also be difficult to determine what is meant by the use of these different terms, leaving the section open to difficulties in interpretation, which I flagged could pose problems.

Finally, tying targets directly to employment contracts is problematic because, as we know, the responsibility for meeting goals and targets extends broadly across different federal organizations and sometimes across many levels of government. It is not always the case that one department or one individual has complete responsibility for meeting the federal sustainable development strategy's targets. As a result, I do not think it is prudent to use the legislation to tie targets directly to employment contracts.

Accountability is the backbone of Bill C-57. It is what it is all about. While the intent of this amendment is to increase accountability, which I again thank the Senate for giving thoughtful consideration to, it is the government's view that the amendment could create more problems than it would solve.

As discussed earlier, robust accountability mechanisms are already directly embedded in the bill, and we believe they are more than adequate to meet our objectives. These include oversight by the Commissioner of the Environment and Sustainable Development, the House and the Senate, the Sustainable Development Advisory Council and all Canadians. We release reports to the public on an ongoing basis and ask people for their input and insight.

Given the fact that the proposed amendment is imprecise and open to interpretation, the government does not see the benefit of inclusion and suggests removing it from the bill.

The third amendment that came from the other place deals with consequential amendments to the Auditor General Act. These changes would ensure alignment between the two acts and would seek to reconfirm the Commissioner of the Environment and Sustainable Development's role in reviewing the sustainable development actions of federal organizations. The government supports this amendment.

I greatly appreciate the time and effort of everyone involved in reviewing the bill. The Federal Sustainable Development Act is a cornerstone of sustainable development action in Canada, and Bill C-57 is an important update. I ask the House to accept the consequential amendments and the amendment to clause 5, but remove the amendment to clause 8 and send a message to that effect back to the Senate.

In the spirit of co-operation that we demonstrated back in June, when the House voted unanimously to support the bill, I am asking that we show the same spirit of unanimity in supporting this revised bill, so we can ensure the future is sustainable not just for this generation, but for generations to come.

• (1525)

**Ms. Linda Duncan (Edmonton Strathcona, NDP):** Mr. Speaker, I wish I could be so positive about the success of the application of sustainable development legislation. In 2015, 2016 and 2017, the Commissioner of the Environment and Sustainable Development gave an absolute abject failing grade to all the agencies that were reviewed. A lot of her recommendations for greater accountability were rejected by the government. The other place made an attempt to change the bill.

One of the main amendments the commissioner had called for was specific reference in the Sustainable Development Act of the cabinet directive on sustainable development. The reason for that is that this directive would require every department and agency to do an assessment of policy program spending that is submitted to cabinet. One subset of this is the provision the government is refusing to accept from the other place, which was also recommended by our committee.

Bill C-57 is in fact not based on the review by the committee on which I used to sit. It is based on what the minister decided she would do to keep a reduced function of the bill in holding the government accountable for delivering on the sustainable development 2030 goals that our country signed on to.

Could the member speak to why the Liberals are not accepting these broader provisions to hold the government, the departments and agencies accountable for spending and assessing what the impact might be on the broad sustainable development goals?

**Mr. Sean Fraser:** Mr. Speaker, I thank the hon. member for her commitment to protecting our environment for future generations.

With respect to the proposed amendments from the other place which are before the House today, I note in particular this was not some sort of rubber-stamping a version of the legislation that we already wanted. In particular, I noticed that we have accepted the consequential amendments that align the auditor's functions with those outlined in the act, as well as the first amendment that was proposed.

*Government Orders*

I made the case during my remarks and provided a reasoned basis for why we rejected the other amendment that came forward from the Senate. To reiterate those arguments, the inclusion of performance-based contracts as an accountability measure, I accept that the intent was coming from the right place, but it caused certain ambiguity in terms of how the legislation could be interpreted. In addition to the ambiguity which could have been interpreted when we talk about performance-based contracts as being the procurement process or performance of employees, it has a wide swath of different possibilities and it creates uncertainty.

In addition, if we are actually trying to establish some accountability with respect to the sustainability of the procurement process, I note in particular that the Treasury Board Secretariat, through its green procurement policy, actually achieves a very similar function. If we are talking about performance-based contracts for employees, we may be required to track the sustainable development targets for an individual entry level employee whose function does not actually touch on sustainability.

With respect to the hon. member's question, the reason the one amendment coming from the other place was rejected was due to the matters I have raised, such as ambiguity, and frankly, bad policy.

• (1530)

**Mr. Chris Bittle (St. Catharines, Lib.):** Mr. Speaker, I would like to acknowledge the hon. parliamentary secretary's passion on environmental issues.

I represent the riding of St. Catharines on the shores of Lake Ontario. Many of us have a great commitment to water, the cleanliness of water and the impact of plastics in our waterways. I am wondering if the parliamentary secretary could comment on the greening of government operations and plastics and what the government intends to do.

**Mr. Sean Fraser:** Mr. Speaker, I know the member for St. Catharines cares deeply about the waterfront in his riding, having spent numerous hours in the evening bringing him up to speed on the differences between a jetty wharf, a pier and a quay.

However, with respect to the question he raised in terms of plastics pollution, I was very proud last night when the House across party lines came behind Motion No. 151, which seeks to reduce plastic pollution in our waters and across society.

In particular, I note that our government has committed \$100 million toward a marine litter mitigation fund to help reduce the plastics pollution and other pollution in our nation's waters and around the world. As well, our government played a leading role in achieving the G7 ocean plastics charter, so the world can get behind this need to fight plastics pollution.

On the question of greening of government operations, I note in particular that we have made a commitment by 2030 to reduce the Government of Canada's reliance on single use plastics by 75%. This kind of leadership is only made possible when we have buy-in across a wide swath of the public. I would like to thank every member in the House who supported Motion No. 151, to help encourage the continued trend toward making our earth a cleaner and healthier place.

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, my colleague made reference to the motion that passed with unanimous support regarding plastics in our waterways, which is a concern that individuals in all regions of the country have. It is always encouraging on environmental issues when we can see that across the floor support.

This legislation takes a more holistic approach. It went through the Senate and we appreciate the fine work it has done. I am wondering if my colleague could provide his thoughts on the overall purpose of the legislation and why it is before us today.

**Mr. Sean Fraser:** Mr. Speaker, I would like to thank the parliamentary secretary for a thoughtful question about the broader picture of why this legislation is actually important.

Sustainable development is something that I care deeply about and have cared deeply about for a long time prior to getting involved in politics. In my spare time while I was carrying on a legal practice, I had the opportunity to work as a research fellow on a pro bono basis for the Centre for International Sustainable Development Law.

Moving forward as a society and as a global community in a way that is going to ensure that the needs of the current generation are met without compromising the needs of our kids and grandkids is essential. Bill C-57, in its overarching purpose, when it was actually launched as a private member's bill some time ago by the Hon. John Godfrey, was to give some meaning to these aspirational values of sustainable development.

It is hard to achieve progress if we are not able to measure outcomes. What Bill C-57 seeks to do is make mandatory setting of targets and reporting on how far we have come in achieving those targets. What this actually leads to is regular reporting that is not just for internal use but made publicly available, so we can actually see how far we have come.

I have mentioned, in particular, that because of this reporting requirement, we know that we are on track to meet, for example, our marine conservation targets by 2020. However, we have a bit of work to do to meet our 2020 conservation targets when it comes to terrestrial land-based conservation and inland waters.

This is the kind of thing that leads to tangible action. When we see that we have work to do, we know we have to do more to achieve those targets. This leads to decisions like, in budget 2018, seeing the largest single investment in nature and conservation with \$1.35 billion set aside.

If we are able to track our progress and work towards measurable outcomes, we can shift policy midway to ensure that we are moving towards a more sustainable world.

• (1535)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, this is, indeed, good legislation, as the hon. member noted, through the efforts of former member of Parliament John Godfrey.

*Government Orders*

As we are talking about sustainable development, I am on the verge of leaving Ottawa tomorrow to attend COP24. If I can deviate slightly from the Federal Sustainable Development Act to the issue of sustainable development itself, there is no development on a dead planet. We have a very short, small window to get through to ensure that 1.5°C global average temperature is the highest this planet has to sustain.

I was more than disappointed today, I have to say, to see that the Minister of Environment and Climate Change has announced that Canada will not fortify our efforts, attempt to reach the IPCC advice or even respond to it effectively before 2020. We do not have a minute to waste, much less two years. We simply do not have time for procrastination.

Could the hon. parliamentary secretary comment on how the government could possibly believe we can be responsible global citizens and wait two years before we get rid of the Harper target and adopt the one the world needs?

**Mr. Sean Fraser:** Mr. Speaker, I thank the hon. member for Saanich—Gulf Islands for her passion for defending the environment and for the many educational conversations that we have when the cameras are not on in this chamber.

Moving towards a sustainable planet includes a plan to fight climate change. We made a number of commitments during the last electoral campaign that we are implementing. To the extent that we need to do more, I will continue to advocate across Canada and within our caucus that we need to continue to push the envelope to be a world leader.

The plan that we are implementing is going to have a meaningful impact on our emissions in the country. I note in particular the policy that has received a lot of attention across Canada, with putting a price on pollution. However, this is one of over 50 measures that we are implementing. We are phasing out coal by 2030, more than 30 years ahead of what was previously scheduled to be the case. We are making historic investments in public transit that are going to encourage more people to take mass transit so that they are not taking their cars to and from work every day.

We are investing in clean technology, so we can capitalize on the economic opportunity, and where we also see emissions come down. I have a great example from my own community, with the Trinity group of companies, which is investing in technologies that make homes more energy efficient, which brings the power bills down for the residents and also reduces emissions across our community.

It is measures like these, combined with many others that we are launching that will help emissions come down so that we can reach our targets and play our part in the international community, to ensure that we are not jeopardizing the health of our world for our kids and grandkids.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Mr. Speaker, it is a pleasure to rise in this chamber to participate in the debate on Bill C-57, a bill dealing with sustainable development and the government's environmental policy.

This chamber will soon close and we will proceed to having debates for perhaps a decade or even more in another place. Therefore, I am conscious of the fact that this may be one of the last

speeches I have an opportunity to give inside this chamber. I mention that because I think it is important to reflect on sustainability at a broader, deeper level than simply one issue, one particular file.

What sustainability is all about is this Burkean idea that the goods of not only our planet but also our civilization, our society and our country are not things that we just think of as existing in a moment of time purely for our own use. In other words, our relationship to our society regarding the environment ought not to be like that of pillagers who come to get what they can because they are here for a good time, not a long time.

No, sustainability asks us to think of the goods of civilization, of society, as something that we received from our ancestors and in a sense are borrowing from future generations. Therefore, we have to proceed with deference to the experience of those who have gone before us and with respect for those who come after us to seek to preserve the goods of the environment, of civilization, of society, of our institutions. We do that, and this is the conservatism in conserve, with a certain caution that recognizes the fragility of our environment and our institutions. We cannot presume that we can radically change the institutional, societal and environmental reality that we are in, that we can radically change it without perhaps considering the possibility of the consequences that might not immediately come to mind.

What is funny is I was thinking about this speech today and remembering the first time I ever visited a legislature. It was the Alberta provincial legislature. I went in as a young student and was listening at the time to I think it was a Liberal member of the Alberta legislature giving a speech on sustainable development. I thought it was one of the most boring speeches I had ever heard. I hope nobody has that feeling listening to what I have to say. It was not the topic. I am sure it was just maybe some aspect of my own experience in that moment. However, since then, I have come to realize really the importance of the concept of sustainability and what it means for all of us as we seek to preserve the goods of society for the future.

We could talk about a wide range of different policy areas with respect to what the government is doing and observe, I think, a real lack of attenuation to the principle of sustainability. One could identify a number of different policy areas where it is not thinking about the future, about preserving the goods of society, the benefits that were received from the previous government. No, it is thinking only about today. It is thinking about how to get that good headline, how to try and demonstrate something in the moment, but it is not thinking about the long-term impacts.

*Government Orders*

The most obvious way in which we see this worked out is the government's fiscal approach, its spending. Every time a government makes a spending commitment in the context of a big deficit, it knows, or ought to know, that is not sustainable spending, because it cannot run deficits every year forever. At some point the government comes up against a situation where the interest is so high, the debt is so high, that the government is losing out on investments that it could have been making and cuts become necessary. Deficit spending renders subsequent cutbacks totally inevitable. In other words, it is not sustainable to pursue a fiscal policy, an economic policy, or I would argue an environmental policy that is along the lines of what the government has done.

Therefore, when we talk about sustainable development, I think the first step is to delve into the substance of the principle of sustainability and what that means regarding our long-term planning. When we debate bills in this House where government policies are considered, we should always ask if it is a sustainable approach. That does not just mean in an environmental sense, although it includes in an environmental sense. Are the commitments that are being made commitments that we can sustain?

• (1540)

I was reading about the concept of sustainability. One interesting observation in one of the articles I read was that when a judge makes a decision in court in response to an objection and says “sustained”, it means effectively that the past, the history, the traditions are being sustained in the context of the decision that has been made.

There are so many derivatives of this word when we talk about sustainability that tap into this concept of understanding that we have a past and we have a future. We do not just have a present. This is the sensibility that should in a particular way inform the environmental evaluations and decisions governments make. Governments should think about the environment in a way that recognizes that we have a past and we have a future.

All the decisions we make in totality, and in this context the decisions we make about the environment, should have regard for the kind of life, the quality of life, the quality of existence on this planet and the quality of existence that will exist in our own immediate surroundings. This is particularly important to me when I think about my own kids and the life they will have growing up, but I think it is something that resonates with all members, whether or not they have children of their own.

That is why it was important for us, as a previous Conservative government, to put a strong emphasis on effective environmental action, action that reflected an understanding of this principle of sustainability. The idea of being a Conservative includes the idea of conserving. That is our Burkean philosophical heritage. We seek to preserve the goods of the past and protect them for the good of future generations. That is why we had an effective policy of engagement with the environment.

Despite the failures of the Liberal government, despite the ways, in terms of greenhouse gas emissions targets, they have continued policies in some cases and proposed other failing policies in other cases, the government has it dead wrong when it comes to how it characterizes the approach we took when it came to sustainable development.

Let me just emphasize, in that context, that when it comes specifically to the issue of greenhouse gas emissions, in the 10 years of previous governments, including the previous Liberal government, which signed on to the Kyoto protocol, greenhouse gas emissions in Canada went up. Under the previous Conservative government of Stephen Harper, we brought in binding sector-by-sector regulatory targets that were intensity based. These are often badly mischaracterized by my friends across the way.

I remember the last time I spoke about the environment my friend from Spadina—Fort York said that these were just suggestions to industry, that these were just requests for it to reduce emissions. Let us be clear. They were not. The regulations that were put in place under the previous government were effective, intensity-based, binding regulations in critical sectors that had a tangible impact.

We saw through that period a reduction of greenhouse gas emissions, and that is a fact that is, unlike other facts related to this issue, a fact that is not disputed by my colleagues across the way. It is very clear that under the previous government, there was a total reduction in greenhouse gas emissions. Surely that has some relationship to the policies pursued by the government. On the other hand, the party opposite really wants to explain away the achievements of our previous government with respect to concrete reductions in greenhouse gas emissions.

What are the explanations the Liberals will come up with? Typically, they will use two different explanations. First they will say that emissions only went down because of the global recession. They will also say that emissions only went down because of things that happened at the provincial level. What do we make of those two arguments the party opposite uses to explain away the accomplishments of the previous government with respect to environmental sustainability in the area of greenhouse gas emissions?

• (1545)

In terms of the global financial crisis, it is worth observing, parenthetically, that this is the only case in which the Liberals will acknowledge the existence of the global financial crisis. When they are talking about the economic record of the previous government, how we managed Canada's economy through a time of significant global financial challenge, the Liberals will say that all the economic challenges Canada faced in those years were somehow the result of actions of the previous government, which everyone knows is not true. Everyone knows that the challenges Canada's economy faced during that period were the result of very obvious, very well-known global economic trends that had an impact here in Canada. Because of steps the government took, Canada was relatively less affected by those events. Nonetheless, Canada was affected, and there was a response in terms of a fiscal stimulus that was appropriate in the context of those times.

*Government Orders*

It was the Liberals in opposition who were actually saying we should spend more. They were constantly calling for bigger deficits and for more spending, not for the prudent, measured and sustainable approach we took in that case. Our approach in responding to the global financial crisis was sustainable in the fiscal sense that we recognized that it was necessary to run deficits but that it was also necessary to return to balanced budgets as quickly as possible. We positioned ourselves in advance by paying off substantial amounts of debt in the years leading up to that global financial crisis. Often the figures we hear from the current government with respect to the total amount of debt during that period are significantly off the mark.

In any event, when it comes to the Liberals' discussion of how we responded to economic challenges, they will completely ignore the global financial crisis, but then when they talk about the real achievements the previous government realized with respect to greenhouse gas emissions, the Liberals will say that actually, there was a global financial crisis, so they are going to use that to explain why greenhouse gas emissions went down under the previous government. The Liberals have a hard time explaining, in light of that contention, how it is that Canada was relatively less affected by the global financial crisis as a result of prudent policies pursued here in Canada yet was reducing global greenhouse gas emissions at a time when greenhouse gas emissions globally were going up. Canada's greenhouse gas emissions went down under Stephen Harper, while they went up in the rest of the world during that period, yet we were less affected by the global financial crisis.

It is hard for the Liberals to explain. If they are suggesting that the impact in terms of a reduction in greenhouse gas emissions was simply a response to the global financial crisis, they have a hard time explaining how Canada achieved more on the environmental side yet was less affected by the economic challenges experienced globally. The Liberals' counter-argument, their effort to strip from recognition the reality of the achievements that were made, fails in particular with respect to this argument.

The second argument the Liberals make in their attempt to detract from the real achievements under the previous government in terms of environmental sustainability is that it was only from action at the provincial level. If we look at some of the policies the Liberals trumpet, they talk about the alleged virtues of the Kathleen Wynne Liberal government in Ontario.

Ontarians were not in favour of the policies of that previous provincial government. Ontarians should be aware of how many senior advisers and senior people in general involved in those policies are now involved in advising the Prime Minister. Continually we see Liberal MPs praising the record with respect to environmental policy from the Kathleen Wynne Liberal government. I do not think that was an admirable record when it comes to issues of sustainability. It was clearly a disaster when it comes to fiscal sustainability, but also there were big problems when it comes to environmental sustainability, and Ontarians had their say about that. The Liberal government of Kathleen Wynne came back into the legislature provincially with a grand total of seven seats, which suggests that maybe Liberal MPs should be careful praising its environmental record.

**Mr. Kevin Lamoureux:** There is great potential for growth.

**Mr. Garnett Genuis:** Mr. Speaker, my friend from Winnipeg North says that they have great potential for growth from that. I agree, but as the Liberals thought after the 2008 elections, sometimes we do not know where the floor is.

• (1550)

Nonetheless, the issue at hand is that they use the argument that any progress achieved under the previous government was the result of action by the provinces, yet if we look across the country at all the jurisdictions and the differences in policies that were pursued and the differences in political stripe of the governments that were pursuing them, we saw something consistent across those provinces. That was that in every single province across this country during the period of the previous government, emissions went down or they went up by less than they had in the previous 10 years. In other words, if we take every jurisdiction individually and look at its performance in that period, and we look at that same jurisdiction in the previous period, there was clear environmental progress.

If members observe the greenhouse gas emissions data across different jurisdictions and across the years, environmental progress during the period of the previous Conservative government was achieved in every single jurisdiction. Maybe all these different governments were just pursuing great policies, and it had nothing to do with the federal government.

My friend from Spadina—Fort York is nodding, but it seems implausible to say that the federal government had nothing to do with it. If progress could be seen in every single part of this country, in every jurisdiction, then his contention that it had nothing to do with the federal government is about as plausible as his contention that I get virtue ethics from Ayn Rand.

The failures of the current government, on the other hand, are pretty clear, in contrast to its own rhetoric with respect to the environment, and they are also fairly clear in contrast to the accomplishments of our previous government.

The Liberals' approach to the environment is not a sustainable one. It is a very present-oriented, revenue-oriented approach. They see in this discussion of the environment, in rising social awareness of the challenges of climate change, only an opportunity to raise taxes. This is consistent with the approach of the government across a wide spectrum of policy areas. The saying goes that if one has a hammer, every problem is a nail. The hammer they have is a tax, so every problem they see is best responded to with higher taxes.

If it were really a concern about the environment that motivated them, I wonder if they could explore ways of reducing taxes in a way that created incentives for environmental action. In fact, we saw policies like that under the previous government, areas where tax reductions were used as a way of stimulating environmental activity. The current government would never countenance those types of policies, policies like eco-energy retrofits, which gave a tax credit to people for doing environmentally responsible things, or things like the transit tax credit, which gave a tax reduction, in the context of environmental action, for taking public transit. The government would never consider that, because that involves a loss of government revenue.

*Government Orders*

The Liberals' approach to sustainability is not about sustainability. It is about tax increases. Maybe it is because at some level, although they will not admit it, they recognize that they have a problem with fiscal sustainability. The Liberals' financial plan of running deficits forever is just not a financially sustainable one, so they want to use the discourse around environmental sustainability as a justification for trying to get more revenue.

At the same time, there is an exception to their approach on this, and that is they are taking a different approach when it comes to Canada's largest emitters of greenhouse gases. They say that they are going to provide a special exception for those emitters, because it would be difficult for them to pay the cost of that carbon tax. They say it might have negative economic consequences if we impose taxes on those large emitters.

• (1555)

What about the negative consequences of the carbon tax that the Liberals are imposing on small businesses, on people who do not have connections to successful lobbyists, who do not have the ability to make their particular case for a particular exception with the government, or the people in my riding who will have to pay the carbon tax, who do not have the well-connected lobbyists that the large emitters have? What about them? What about the impact on those people? What is the impact on them?

The government wants to always be imposing new taxes. My colleague across the way is heckling "rebate". Let us be clear about something. The federal plan for a carbon tax does not rebate all the money it collects. The Prime Minister said, "Most of it."

This raises more revenue for government. It is, "Give me \$100, and I might give you \$50 of it back." I do not think that is going to satisfy most Canadians, or that it is going to fool most Canadians. They will understand exactly what the parliamentary secretary means when he talks about a "rebate". It is an elegant way of attempting to draw more money from people and then control exactly how it is disbursed.

Canadians are not going to buy into the logic of that economically, and they are not going to be fooled into thinking that this is an environmental plan. Also, they will recognize that when the government says there is a negative economic impact associated with imposing this tax on large emitters, then it follows from the logic of that position that there will be a similar negative impact on everybody else. It is just that everybody else is not as well connected and well resourced to make those arguments through the kinds of contexts that our large emitters have the capacity to do.

Another thing to point out about the failure of the carbon tax, compared to the more positive, constructive approach pursued by the previous government when it came to the issue of sustainability, is that many of the people who would like to reduce their emissions require some kind of a capital investment in order to do so. If I am living on a fixed income, and I would like to make energy-friendly retrofits to my home that reduce my energy use, are good for the environment and save me money, that might be a great idea, but I also might not have the capital sitting around that allows me to do that.

The previous government was engaged with this question of giving people the means, through tax reductions and through building their capacity, to make their own choices that are reflective of the values that exist in our communities and of that sensitivity to the importance of sustainability.

By contrast, the Liberal government takes a punitive approach. It imposes taxes that do not make it easier but in fact make it more difficult for people in the kinds of situations I talked about to actually make the investments that will advance their own situation. The government's approach to environmental policy is punitive, and it is punitive against those who can least afford it. It is imposing new taxes on those who are struggling the most, while providing all kinds of benefits and escape hatches for people in other kinds of situations.

It is really important to underline the deceptive nature of the government's economic rhetoric. The government will often talk about how, allegedly, it is raising taxes on those who are well off, yet it has so many different vehicles for giving that money back, maybe not to everybody in the category of well off, but certainly the well connected and those who are able to go in and ask for those resources.

We have had the issue of cash-for-access fundraisers for the government, and of course I believe they have policy consequences in terms of the way the government responds to things.

• (1600)

We have talked about the exception the government is giving in terms of the carbon tax to our largest emitters, but we could also talk about the huge amounts of money the Liberals are spending in other forms of corporate welfare, such as the money they gave to Bombardier, some of which was then given to CEOs in bonuses. We could talk about the huge amounts of money spent on so-called superclusters. The spending of the government is so often in the form of corporate welfare and breaks to large emitters, while it is imposing new taxes and new burdens in the form of a carbon tax on those who can least afford to pay it.

We also saw absolutely no tax reductions for those making \$45,000 or less. This is important, because we have to see how the environmental policy, the so-called sustainability policy of the government, is so often an excuse for achieving other objectives. It is an excuse not only for imposing new and higher taxes on Canadians, but also for imposing taxes on those who can least afford them.

Contrast that with the approach of the previous Conservative government, which tried to bring constructive changes when it came to the environment, and succeeded in doing so in ways that actually gave people the fiscal capacity to make investments that were going to benefit them over the long term.

Also, while the Liberal government imposes new burdens on those who can least afford to pay them, we gave tax reductions to those who needed the support the most. We lowered the GST, from 7% to 6% to 5%. We lowered the lowest marginal rate of tax. We raised the base personal exemption; in other words, we increased the amount of money that a person could earn before they would pay any tax.

### *Government Orders*

We did not bring in any tax reductions for high-income earners. We lowered business tax rates, which helped to stimulate job growth and benefit workers here in Canada, lowered the unemployment rate and stimulated our economy. When it came to personal tax reductions, however, all the tax relief provided by the previous Conservative government was targeted at those who needed that relief the most, and we can see the benefits in terms of that policy.

Providing those tax reductions was so helpful in stimulating economic growth, which benefited all of Canada. It was sustainable as well, because those tax reductions happened in the framework of a road to balanced budgets, and a balanced budget was delivered. The previous government was thinking about sustainability in every aspect of its policy. It made spending commitments in the context of a balanced budget plan. When we make spending commitments in the context of a balanced budget plan, people can have confidence that those spending commitments will endure and be sustainable, because they are in the context where enough money is coming in to pay for them, and not where we are borrowing to achieve them. Also, in the midst of this fiscally sustainable approach, greenhouse gas emissions were reduced overall.

As we think about the environmental achievements of the previous government and contrast them with the failures of the current government when it comes to delivering on the environment, there are many different areas we should look at that go beyond the particulars of greenhouse gas emissions. They can provide a constructive example for the government as it thinks about what sustainability actually would look like in the context of government policy-making.

We are looking at a framework in which government will have to report to a greater extent. Obviously, we are supportive of the government really making explicit and being transparent about the reporting of information around sustainability. However, what we have seen so far in the evaluation of the government's performance with respect to sustainability is that it has consistently been getting very poor marks. People are recognizing those failures, and not all of those people who are criticizing the government on its sustainability record are friends of ours.

It has been pointed out that the Liberal government has the same greenhouse gas emission targets that the previous Conservative government had. It is pretty rich for the Liberals to criticize the Conservatives' record, when in fact we had clear targets, which are the same targets they have. However, our approach was different. It was not to use the environment as an excuse to raise taxes. It was a positive, constructive approach.

● (1605)

As I said, the environmental accomplishments that were clearly achieved under the previous government were not limited to the areas of meaningful reductions in greenhouse gas emissions. During the Conservative government, over \$17 billion was spent to support improvements with respect to the environment, including a wide range of different technologies, tax reductions and benefits that had real, concrete and substantive impacts. Let me identify some of examples of those achievements.

The previous government invested significantly in clean transportation initiatives to support renewable fuels and a cleaner, more

efficient transportation system. My riding includes substantial rural areas, yet sometimes the rhetoric from the government makes it seem as if people could just stop driving. While it might be realistic to walk to the grocery store in some parts of this country, it clearly is not realistic in many parts of the country, especially for families with children in tow.

The previous government recognized that people are going to continue to drive, but made investments in making transportation cleaner, helping to propel technological investment in a way that is going to improve the sustainability of the necessary trips that families take across the country. Again, this was a constructive approach rather than a punitive approach. That was done by the previous government, and it went a very long way.

Another achievement was investing significantly in eco-energy initiatives, targeting renewable energy, energy science, and technology and energy efficiency. This also recognized the benefits of energy efficiency and the fact that people are going to continue to use energy. Energy is a part of our lives. All members, with the exception of those who live very close to Ottawa, have to fly back and forth to our constituencies. People in this climate use energy to heat their homes, travel and purchase goods that they need. One cannot realistically grow all the food one needs to eat on one's own. That is obviously not something everybody can do.

Increasing energy efficiency and supporting renewable energy and energy alternatives do not mean phasing out the existing energy mix, but they do mean having an "all of the above" strategy, recognizing that we need different kinds of energy and that we can work to improve the efficiency of our energy systems as we go.

Another accomplishment of the previous Conservative government with respect to environmental initiatives was investing significantly to support the clean air regulatory agenda, a regulatory framework that has not only reduced greenhouse gas emissions but also improved air quality across the country. The improvements in air quality that result specifically from the regulatory approach of the previous government are well demonstrated. Some of the members across the way, even in other contexts, have recognized those achievements.

I spoke about this before, but another one worth underlining is the significant investment made by the previous Conservative government in the eco-energy home retrofit program to help homeowners make their homes more efficient. There is a clear contrast in approach between the current government and the previous government. All of us want greater sustainability. All of us want to facilitate a situation, hopefully, where people are able to live in a way that uses less energy, where they still use energy for their vital needs and do not need to cut back dramatically in terms of their quality of life but are able to live lives that are more energy efficient. Oftentimes, getting there requires major retrofits.



*Government Orders*

When there were round tables in my constituency on this issue, people told me about specific investments they had made themselves. People talked about buying solar panels. One person I spoke to recently talked about the family's decision to buy an electric car. However, the costs often make it difficult. Even those who would like to do so, or who can perceive the long-term positive effects on the environment and their own economic situation from doing this, still may not be able to make those investments.

• (1610)

One of the areas, in terms of concrete sustainability, that would encourage collaboration between the government and other actors is to look at how we can help people get over the hump of having the necessary fiscal capacity to make the investments they want to make when it comes to environmental improvements.

The kinds of policies brought in by the previous government, such as the ecoENERGY retrofit homes program, told people that if they made investments in their own homes to make them more energy efficient, the government would make changes to tax deductions and benefits that would improve the benefits to their doing that. People who might have been at the cusp of making that decision, but who might not have been able to do it before, were now able to do the math and see that it would work out for them to make that investment. It was something they could afford because of the benefits realized through that tax program.

This recognizes a basic Conservative insight about society, which is that the government cannot do it alone. The government cannot realize the benefits we want to see in society by acting alone or in a way that creates division or conflict. However, the government can try to facilitate decisions people want to make by providing them with these kinds of tax reductions.

The Liberal ideology, the Liberal assumption, is that higher taxes are always good for the environment, the poor and from the social equality point of view. Actually, what we often see is the opposite. We see how higher taxes and more government are bad for the environment and tend to disadvantage those who can least afford to pay the higher taxes imposed on them.

I am very proud of measures like the ecoENERGY retrofit program, which worked collaboratively with individuals and helped give them the capacity and resources to make these kinds of investments.

The previous government also made significant investments in the green infrastructure fund, which supported green infrastructure projects like renewable energy and clean water infrastructure. I think we all agree that it is part of the role of the government to be engaged in infrastructure. How can the infrastructure investments we make at the national level, the infrastructure partnerships we establish between the national government and other levels of government, the spending projects we pursue in general, be done in a way that is more reflective of Canadians' understanding of our environmental obligations and the importance of environmental sustainability? These were innovative, constructive ideas that came forward under the previous government, and I am certainly very proud of those actions and achievements.

A sixth accomplishment was providing significant support to pulp and paper mills to reduce greenhouse gas emissions and become leaders in the production of renewable energy from biomass. These are the kinds of innovative proposals that provide support for the continuing operation of our mills that are good for the economy and also reduce emissions.

By the way, a talking point that we often hear from the government is that the environment and the economy go hand in hand. Right now, it is walking hand in hand in the wrong direction. With the previous government, we saw significant improvements in the economy, a sustainable approach when it came to economic management and a sustainable approach to environmental management. Yes, it is possible for achievements to be made on these fronts together. We can also go in the wrong direction on these fronts at the same time. When we look at the actual constructive achievements of the previous government, yes, we can see results in both of those areas.

The previous government created the clean energy fund to support clean energy research, development and demonstration projects. This was an important fund that was working effectively to bring about results when it came to improving our environmental situation.

The next point deals with an issue we have discussed recently in the House, the health of our oceans and other waterways. The previous government made major investments to preserve and restore Canada's waters, including our oceans and lakes. We were invested in an agenda that put the emphasis on clean land, clean air, and in this particular case, clean water.

• (1615)

I was pleased to see recently the passage of a motion by my colleague in the NDP that dealt specifically with the issue of plastic pollution in our oceans. This was a constructive motion that all parties were able to come together in support of, and I was pleased to speak in favour of it. Canada is a relatively minor contributor to the volume of plastics in our oceans compared with other countries, but nonetheless we recognize our problem and we recognize the need to do all we can to reduce ocean pollution. One stat that jumped out at me in that debate is that every year plastic litter kills more than one million seabirds and 100,000 marine animals, such as turtles, dolphins, whales and seals.

When we look at sustainability, we have to think about the sustainability proposition of the increasing flow of pollution into our oceans, and what steps we can take to address it. That is why Conservative members were pleased to support a motion that would help us take some steps in that direction. This is a process that all members in the House, including in our caucus, will be following closely to think about how we conserve our marine and ocean environment for future generations. However, that work was started by big investments that were made under the previous government, and certainly members of that government and all of us as Canadians can be proud of the work that was undertaken as a result of those investments.

*Government Orders*

The previous government expanded tax relief for green energy generation to include water-current energy equipment and equipment used to treat gases from waste. Again, this is another accomplishment that involves environmental action not through tax increases, but through tax relief. These are proposals that we would never see considered by the current government. To it, any idea on the environment has to involve a tax increase, greater involvement of government and revenue for government. The Liberals would really struggle to understand the purpose of tax relief for green energy generation. However, that was very much our understanding, that we could create incentives that would encourage economic development and environmental improvements, including via tax reductions and less government.

We can take this case to Canadians and say that they do not have to pay more to have a cleaner environment. In fact, the way we approached these issues was that people would pay less in taxes and have a cleaner environment as well. Therefore, in this particular context, green energy generation using water-current energy equipment, benefiting from the natural resources we have, recognizes that we can have an energy mix that includes a wide spectrum of different tools and opportunities in the process.

Another area of accomplishment that really speaks to our values in terms of sustainability is the actions that we took to protect Canada's national parks. We can protect Canada's national parks and recognize that these are important not only for the environment, but also for human interaction with the environment. When we preserve and strengthen our national parks, it gives Canadians an opportunity to visit, to understand and experience nature in a special way. In my province of Alberta, we have a number of famous national parks that my family and I enjoy visiting whenever we can. I do not take vacations as often as some members of the House do, but, whenever we can, we like to visit national parks.

The previous government protected Canada's national parks by providing significant investment to make improvements to highways, bridges and dams located in our national parks and historic canals. These investments strengthened our national parks, but also ensured that Canadians would have an opportunity to engage with our national parks, to be present there and experience them in a way that helped build a social understanding and experience of nature that will help us ensure the sustainability of those parks and of our natural environment in general over the long term.

• (1620)

The government previously supported conservation by investing additional money in a recreational fisheries conservation partnerships program to support projects that support the conservation of recreational fishery habitat. We saw it with the previous government as well. I think it was a constructive engagement with the conservation community that recognized, for instance, that hunters, fishermen and fisher people are involved in conservation in a constructive way and that the government can work well and effectively with them through some of these conservation partnerships, like the investments we made in recreational fisheries conservation partnerships. These constructive partnerships that recognize the benefits of conservation go a very long way to achieve the results we need to.

The next point I will make is that the previous government invested in 1,569 local conservation projects. These benefited the habitat of more than 430 species at risk under the habitat stewardship program. That again is another constructive investment that involved local partnerships those on the front lines of conservation. It involved the government not seeing its role as going alone, but rather seeking to work in partnership with community organizations to actually achieve results. That supported 1,016 EcoAction projects that engaged Canadians in direct environmental activities and helped them to connect to nature. These are the kinds of things that Canadians are taking on themselves and that the previous government supported. A new tax is no substitute for this kind of positive, constructive environmental action that happened.

• (1625)

We created Canada's first national urban park by investing \$140 million in conservation, restoration, education, dangerous species recovery, visitor experience and community driven stewardship initiatives in the Rouge National Urban Park and \$7.6 million per year thereafter for its continuing protection and operation.

This is close to my heart. Although I do not live in Ontario, my father grew up in the Scarborough area and it was where his parents first immigrated to when they came to Canada. I know the people of that region significantly benefited from the vision of the previous Conservative government.

I know my colleague from Thornhill was very aware of and involved in that during his tenure as the environment minister. We had some legislation that took further steps around that initiative in the House. It was legislation that the opposition was proud to support, although we had some constructive suggestions along the way that were designed to improve it and recognize it in the context of an urban park. The ability of people to make connections with the environment, to be present requires a different understanding of the phrase "ecological integrity".

We have to think about sustainability with respect to the sustainability of our environment, as well as people's interactions with the environment. We should not see that as a negative, but rather people's interaction with the environment as a positive thing that contributes to our broader social understanding and recognition of the importance of sustainability and the capacity we have as a country to move forward together. This investment of over \$100 million through the Rouge Urban National Park was greatly appreciated by people in that area.

Another accomplishment was protecting the environment by launching the national conservation plan that included \$252 million to conserve and restore lands and waters across the country, while connecting Canadian families to nature in and around their communities. We are talking big dollars in investments in a national conservation plan that worked collaboratively with communities, but did not seek to impose new taxes, that made investments that moved us forward environmentally.

*Government Orders*

We supported projects, programs and policies in other activities to address climate change in our own context. We talked about the reductions in greenhouse gas emissions that it achieved. We provided \$1.2 billion in fast-start financing on which Canada successfully delivered and which funded projects focused on climate change adaptation and increased renewable energy.

Again, these are examples of things funded under the previous government.

We improved federal infrastructure such as radar and surface weather and climate monitoring stations, which is the backbone of Canada's severe warning system. We improved and expanded trail access across the country and encouraged donation of ecologically sensitive land by making tax relief for such donations more generous and flexible.

Again, this was an environmental measure that involved a positive tax incentive, which encouraged people to make donations of ecologically sensitive land. People might have thought about whether they could afford to make this donation. They would have liked to have done something for the environment, they wanted to be engaged in bringing about progress, but they had to make the calculation with respect to their capacity to do so. Now as a result of policies pursued in the area of tax reduction and environmental improvement, they could look at the improved framework for the donation of ecologically sensitive land and realize that it would be something maybe they now could do. As a result, we achieved concrete, substantive and meaningful improvement in the area of environmental improvement.

We supported family-oriented conservation by providing \$3 million to allow the Earth Rangers Foundation to expand its ongoing work, another achievement of which I am very proud. We invested almost \$2 billion in our federal contaminated sites action plan and \$215 million of cost-sharing funding which helped remediation at more than 1,400 sites.

• (1630)

Funding also supported assessments of about 9,600 sites, creating an estimated 10,400 jobs in terms of person years. Remediation action plans at approximately 700 sites and assessment activities at 6,500 sites were all fully implemented.

When Canadians look for environmental action, they want to see us engaged with the large global issues. They also want to see us engaged here at home in our immediate entities, with making improvements that provide a constructive impact around cleaning up contaminated sites, ensuring that they, their children and their grandchildren will have sustainable access to clean air, clean land and clean water. For that target of contaminated sites, almost \$2 billion was spent in this area.

The government might think this is chump change. From our perspective, that is a lot of money, whether that was an investment that achieved concrete results around environmental approval.

In the context of this plan, almost 4,000 square kilometres of ecologically sensitive private lands were secured. Significant progress was made in the context of partnerships, partnerships emphasizing the work of community groups collaborating with the

government, partnerships that achieved a real result; that is the securing of ecologically sensitive land.

We added an area nearly twice the size of Vancouver Island to the network of federally protected areas. Let me identify a number of those federally protected areas that were added as a key accomplishment in environmental action under the previous government: the world's first protected area extending from the mountain tops to the sea floor, the Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site; the world's largest freshwater protection area, Lake Superior National Marine Conservation Area; a sixfold expansion of the Nahanni National Park Reserve in the Northwest Territories, considered to be a significant conservation achievement; three new national wildlife areas in Nunavut, protecting 4,554 square kilometres of marine, coastal and territorial habitat, including the world sanctuary for bowhead whales; and three new marine protected areas under the Oceans Act, Musquash Estuary in New Brunswick, Bowie Seamount off the coast of British Columbia and Tarium Niryutait in the Beaufort Sea.

It is interesting to reflect on the achievements that were made particularly in the context of these environmentally protected areas in Canada's North.

I had the pleasure to join Canada's foreign affairs committee on a recent mission to the Arctic. The focus of that trip was to look at issues with respect to Canada's sovereignty in the north. In the context of that, we had many discussions about the wide range of challenges and opportunities that existed in Canada's north, the particular sensitivity that people in the North had to the impact of climate change.

We heard from people in the north who said they were seeing those impacts. We heard about the importance of preserving the natural environment. We also heard that people wanted to see economic development, particularly energy development, that would create opportunities for them and their kids, that would allow them to provide a good standard of living and that would allow their kids to stay and work in the North.

These conversations were to emphasize both the importance of the environment as well as energy development. Because of that, the Conservatives, in listening to Northerners, sought to achieve both and did achieve both.

We achieved major improvements in the area of economic opportunities for the north. For instance, the road to Tuk was brought up many times as an important initiative with respect to connecting the south with the north to a greater extent.

• (1635)

On the other hand, there was frustration about how the Prime Minister unilaterally, with virtually no consultation, announced with the former president of the United States a moratorium around particular kinds of energy development. There was a lot of frustration about that.

*Government Orders*

We hear the talk around consultation, but we never see actual consultation, especially when the government is trying to stop a project. The Liberals seems to think that if we are to proceed with a project, infinite consultation is required and even if people are not directly affected by a project and do not have any expertise, they still should be able to participate in that consultation somehow. However, on the other hand, when they are stopping development, they see no problem in immediately shutting down progress without any kind of meaningful consultation.

What hit home for me, when I was spending time talking to indigenous people and others who lived in Canada's north, was that a full understanding of sustainability required us to think about the environmental sustainability of the north as well as the sustainability and economic viability of communities. Do they have access to affordable energy that allows for sustainable prosperity in that region?

If we talk about environmental sustainability, but not about the sustainability of an economic situation in those communities, then we only have half the equation and it makes it very hard for people to do well in that context. Therefore, we need to have both, which means allowing economic development to happen, recognizing the benefits of energy, recognizing that we all need and use energy, and that includes people in Canada's north, so we benefit from energy development at the same time as making real achievement in designating protected areas. We achieved that exactly in the protected areas I mentioned. Again, for example, over four and a half thousand square kilometres of marine, coastal and territorial habitats were protected in Nunavut alone.

On other accomplishments achieved in environmental sustainability under the previous government, we expanded our national parks network by creating Canada's 44th national park, the Naáts'ihch'oh National Park. All Canadians can be proud of our excellent network of national parks and the achievement that was made in creating Canada's 44th national park under the previous government.

The chemicals management plan is an under-discussed achievement of the previous government, an achievement of our former interim leader, Rona Ambrose, when she was environment minister. This came in 2006. At that time, our government created the chemicals management plan to assess chemicals used in Canada and to take action in cases where the evidence showed those chemicals were harmful. Of the 4,300 substances already in use and were identified as priorities for assessment, over 2,600 had been assessed and risk management strategies were developed for 62 deemed harmful to the environment or human health. Additionally, 3,000 substances were evaluated before their introduction into the Canadian market.

The last Conservative budget, budget 2015, committed close to half a billion dollars over five years to renew Canada's management plan.

This was a real, concrete achievement that, because of the leadership on the environment file of that environment minister, the chemicals management plan was brought in, which identified harm to the environment or human health for 62 chemicals. We were able to bring in an effective strategy for managing those chemicals.

When we identify chemicals being used that have a harmful impact, when we develop a coherent strategy for managing them and when we fund that strategy effectively over a period of time, then we achieve very tangible and concrete impacts when it comes to human health and ensuring we have clean air to breath, clean land and clean water.

● (1640)

The Conservatives' proposed multi-sectoral air pollutants regulation established, for the first time, national air pollution emission standards for major industrial facilities across the country. The expected reductions from those announcements would result in lower smog levels and better air quality overall for Canadians and their environment. Smog remains an issue and the air pollutant regulations that were proposed under the previous government were part of those achievements.

I mentioned the achievements of the previous government on greenhouse gas emissions, but as I review the accomplishments in the area of the environment, I want to highlight the specific numbers. There was a reduction in greenhouse gases. By 2012, greenhouse gas emissions were over 5% lower than 2005 levels, so in that period of time there was over a 10% growth in the economy and a 5% reduction in emissions. That was through the period of the global financial crisis. These were concrete achievements.

There was coordination between the federal and provincial levels on efforts to restore, protect and conserve the Great Lakes under the Canada-Ontario agreement, which was renewed on December 18, 2014, toward the end of the time of the previous government. It is interesting that even though there were different political stripes, Prime Minister Harper and Kathleen Wynne were able to work together on the renewal of the Great Lakes Canada-Ontario agreement in 2014.

Let us contrast that with the seemingly total inability of the current government to work effectively with premiers. Premier after premier is being elected on a mandate to say that the government's approach to the environment, using the environment as an excuse to raise more tax revenue, is not the approach their provinces would like to see. Provinces across the country that have these concerns are coming forward with alternative environmental plans. They vary in their particulars from jurisdiction to jurisdiction, as one might expect in a country as vast and diverse as ours, but there is a growing consensus at the provincial level with premiers rejecting the carbon tax. I am hopeful that my province will soon join the anti-carbon tax coalition.

It is interesting that the Liberal government was so afraid of the role that the opposition, the United Conservative Party, in Alberta might play as an intervenor that it sought to have that party not be an intervenor in that process. I am sure the provincial government of Alberta has a different feeling on carbon taxes, but I suspect very soon there will be, as more elections occur, even more provinces standing up to reject the approach of the government, which is all about using the environment as an excuse to raise taxes.

*Government Orders*

When it comes to federal-provincial relations, there is a clear contrast: The previous prime minister was able to work with the provinces, as these achievements suggest, but the current Prime Minister is all about imposing his carbon tax agenda on provinces. He will impose something that we have never had before in this country, which is a jurisdiction-specific tax, which is to say that people in one province have to pay a tax that people in another province are not paying. It is really unprecedented in the federation that this kind of inequality in a tax imposed on citizens is designed to compel a provincial government to do something in its area of jurisdiction that is against its objectives.

In every case across the country where there is a carbon tax, GST will be imposed on that carbon tax. The carbon tax is not revenue-neutral for the federal government and the so-called federal backstop is not revenue-neutral either.

• (1645)

The government is saying that it will rebate some of the money, even most of the money, collected through the federal carbon tax, but we know it will not refund all of the money, and will collect GST on top of it. This will impose a big burden on Canadians.

I have outlined in a clear way the significant accomplishments of the previous government when it came to sustainability, but I will also add this, and it is not something we will hear from the government. It is important to underline that building pipelines is an environmental improvement. The new pipelines are good for the environment because they displace alternative transportation that is less environmentally friendly. If we can move more of our energy resources by pipeline, if we can access Canada's highly regulated, effective, environmentally sensitive and responsive energy sector with new markets, displacing other competitors by building energy infrastructure which is in itself clean, that is an environmental achievement.

The government needs to start recognizing that if it truly believes that the environment and the economy go hand in hand, then it needs to support the construction of new pipelines. New pipelines are sustainable because if we do not have new pipelines then we deepen the fiscal challenges that we face, the unsustainability of our fiscal policy. Also, we ensure that we can do better for the environment and for climate change by transporting our energy in a more efficient way.

Building pipelines is good for the environment and good for the economy. That is why pipelines were built under the previous government. In fact, four pipelines were approved and built under the previous government.

The first was the Enbridge Alberta Clipper project, which transports 450,000 barrels a day a distance of 1,590 kilometres. The application was filed in May of 2007. It was approved in February of 2008. Federal cabinet gave approval and the new pipeline was constructed and placed in service in April of 2010. The new pipeline carries our energy resources from Hardisty, Alberta to Gretna, Manitoba, where it crosses the U.S. border and carries on to Superior, Wisconsin. It is designed to be expanded to 800,000 barrels per day. It was filed in 2007, approved in 2008. Federal cabinet gave its approval and it was constructed and in service by 2010. That is how to build a pipeline, and we did it. It was good for

economy and it was good for the environment. It was good for sustainability. That is an accomplishment that all Canadians can be proud of.

Second is the TransCanada Keystone. It carries 435,000 barrels a day a distance of 4,324 kilometres. The application was filed in December of 2006. It was approved in September of 2007. Federal cabinet gave it approval in November. It was constructed and placed in service in June of 2010. This new pipeline carries our energy resources from Hardisty, Alberta to Haskett, Manitoba, where it extends into the U.S. to Cushing, Oklahoma. That was a pipeline that was proposed, approved and constructed under the previous government. That was another achievement that was delivered.

The Kinder Morgan Anchor Loop carries 40,000 barrels a day a distance of 158 kilometres. On October 31, 2006 the NEB approved the expansion. It was constructed and put into service in 2008. It increased the capacity of the existing line significantly by those 40,000 barrels.

Finally, the Enbridge Line 9 reversal carries 300,000 barrels a day a distance of 639 kilometres. The application was filed in 2012 to reverse the flow of Line 9. It was approved in 2014. NEB granted conditional leave to open in 2015, and the reversal allowed the flow of 300,000 barrels a day of western crude into Quebec, displacing foreign crude oil.

• (1650)

These were all pipelines that helped us engage with the fundamental problem that Alberta faces today, which is the gap between what we are receiving for our oil and the global price. Pipelines were built that helped us displace foreign oil and ensure that Canadians could benefit from the opportunity to do ongoing commerce with each other. These were all significant accomplishments that were achieved under the previous government with respect to getting to real action on pipelines and the ensuing benefits for environmental sustainability.

There is this paradoxical rhetoric from our friends across the way. On the one hand, they want to tout the shutting down of pipelines and, on the other hand, they want to say that they are actually trying to build pipelines. It is the most farcical set of contradictions one could imagine, in terms of the way in which they try to be on both sides of the fence. As I learned when I was a child, it is dangerous to try to be on both sides of the fence at once—

**The Deputy Speaker:** I interrupt the hon. member temporarily and ask him to take a seat for the moment. He will have the floor in a moment. However, the Standing Orders require that we give notice of who will be taking the adjournment proceedings at the end of today. This needs to be done before 5 p.m., which is why I rise at this moment.

It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Cowichan—Malahat—Langford, Transport; the hon. member for Victoria, Intergovernmental Affairs; the hon. member for Saanich—Gulf Islands, the Environment.

*Government Orders*

**Mr. Garnett Genuis:** Mr. Speaker, it is my pleasure to continue with this important discussion of policies around environmental sustainability. My colleagues in the other parties are saying it is their pleasure. I hope so, because there may be things that they do not hear in the talking points that are sent from the PMO about the accomplishments of the previous government in respect of the environment. It is an opportunity for them to take these things on board and benefit from them as they consider the policies that they are going to pursue. It is a good time for them to consider the contradictions in their discussion of pipelines as it relates to the issue of sustainability.

What did the Liberals do when it came to pipelines? One of their first acts, and their first act with respect to pipelines, was to shut down the northern gateway pipeline project. This is a project that had been approved under the previous government. It would have allowed energy from my province, from very near my riding, to get to the port of Kitimat in northern B.C., access a deep-water port there, and give Canada access to international markets.

This is so important as countries in Asia and other parts of the world think about how to increase their energy security. It is a Canadian economic question, a sustainability question, and it is also a geostrategic question. There are countries in East Asia, for example, Japan, that import most of their energy resources. They get them from the Middle East and they have to travel through the South China Sea.

The opportunities for energy security, for Japan and other countries in East Asia, to benefit from Canadian energy exports are significant. The opportunities for us economically, and the opportunities for them in terms of economic benefit as well as security of that supply are very significant.

The northern gateway project would have allowed us to have access to international markets. For these pipeline projects, from initial filing to being built, we are talking about a time period of three years. Had the Liberal government actually listened to Albertans, listened to Canadians when it came to the benefit of the northern gateway project, we might already be up and running. We might not have to have these challenges that Alberta faces, in terms of the big gap that exists between the oil price in the global market and the price that we are achieving here in North America.

The government has this talking point that is worth responding to in this context, where it will say that most of Canada's oil was being sold to the United States when the previous government took power, and when it left power, most of the oil was still being sold to the United States. The Liberals conveniently forget that the critical steps to reduce our dependency on the United States were in place and that the Liberal government cut those critical steps out at the knees. That was maybe an unhelpful mixing of metaphors, the steps were cut out at the knees.

In any event, the Liberal government cut off that progress that was being made that would have brought us to a point today where we would not have to be dealing with this massive spread in price that is killing jobs in Alberta. The decision to kill the northern gateway pipeline was a policy choice of the Liberal government that weakened our sustainability on so many fronts, and it was one that it must be accountable for.

To add insult to injury, the Liberals decided to pass Bill C-48 which formalized in law a tanker traffic exclusion zone that prohibits the export of our energy resources from anywhere in that zone on the Pacific coast between the northern tip of Vancouver Island and the Alaskan border. There are tankers in that area as a result of activity coming off Alaska, but from the Liberal government's perspective, we cannot have it; the Canadians are benefiting from that economic activity, so we have to shut off even the possibility of a future project by bringing in Bill C-48.

● (1655)

Again, the government cannot deny that these were policy choices. It was not good enough just to kill the project, it had to add on another bill designed to make sure no new project could be put forward in place of the northern gateway project. That was the Liberals' intended direct action in the case of the northern gateway pipeline.

What did the government do with the energy east pipeline? In geostrategic terms, this is an idea we should view favourably, to create pipeline linkages to a greater extent between western and eastern Canada to reduce the need for foreign oil to be imported. I would ask environmental activists who are against the construction of pipelines what they are doing about the terrible record of countries like Saudi Arabia when it comes to things like human rights. What are they doing to try to allow Canadian sustainable, well-managed energy resources to displace foreign oil?

As we delve deeper into the need for the government to be articulating plans around sustainability, I hope that with the requirements in Bill C-57 for the government to provide information and government departments to be more engaged on sustainability, we think about the contrast between Canadian sustainability practices of our energy sector and what is happening in other countries, as well as the value of the global impact vis-à-vis sustainability associated with displacing the unsustainable and anti-human rights practices we see in some other countries.

Energy east was an economic project. It was about this country prospering. It was also about saying that we can have nation-building infrastructure which allows the country to prosper together and reduce our dependence on actors which do not share our values and interests.

In the 19th century, it was a Conservative prime minister, John A. Macdonald, who had the vision of a railroad that would make our union sustainable, that would unite our country from coast to coast and allow us to do commerce with each other. Today, pipelines are the nation-building infrastructure of our generation. As we think about the legacy of those who came before us who understood the importance of nation-building infrastructure for our political and economic unity and our prosperity, we need to consider whether or not we are up for the challenge. Can we do the same kinds of things they did? Do we have the vision and the willingness to make nation-building infrastructure happen?

*Government Orders*

In particular, I know many members of the government caucus elected from the Maritimes are hearing from voters in their ridings about the benefits of nation-building infrastructure that connects western Canada with eastern Canada. Even though the government clearly has an anti-development, anti-pipeline agenda, that is why the government did not want to do as directly with an east-west pipeline what it did with the northern gateway pipeline. Therefore, the government simply piled on conditions in a way that made the project harder and harder to sustain from an economic perspective.

See, it was not that the project itself could not have succeeded economically. Rather, it was that the government sought the opportunity to impose new conditions that would make it impossible to proceed. One can never know with certainty the intentions of the government in this respect, but sometimes past statements are revealing enough.

A tweet I referred to before, which was put out by the Minister of Democratic Institutions before she was elected, talked about land-locking the tar sands. This is obviously deeply offensive language to many Albertans and many across the country. When we see government policy with respect to different pipeline projects that has as its effect the land-locking of our energy resources, the significant expansion of the spread between the world price and the local price and economic devastation for our province being the results of government policy, it is worth comparing that to past statements of a cabinet minister who said that this was something she thought was desirable.

● (1700)

There is an agenda among some to squeeze the Alberta economy and the energy sector in a way that forces a significant reduction in investments in our energy sector and that accepts the job losses. We in the opposition stand against that. We will stand up for our energy sector, which benefits not just one region of the country but benefits the whole country.

The government directly killed the northern gateway pipeline project and it added Bill C-48, to add insult to injury. The Liberals found a way of indirectly killing the northern gateway project, and now they have been pushing forward Bill C-69. Bill C-69 quite clearly is the “no new pipelines” bill. The Liberals are trying to establish the conditions which will make it impossible for us to build the nation-building infrastructure of the 21st century. They have an anti-development agenda which is out of step with the vision of our founders and is out of step with the vision that Canadians want, which is a country that can benefit from commerce done together, where people in eastern Canada can buy energy resources coming from western Canada and they can benefit from the value-added opportunities that are associated with that. In Bill C-69, we see specific policies that will make it harder for Canada to make pipelines. It will make it virtually impossible to see pipelines go forward in the future. That is the record with respect to the pipelines.

I have to add a few comments on the Trans Mountain project. As part of the Liberals' discussion on sustainability, they thought they would try this bait and switch strategy because they know Canadians want to see development of pipelines. On the one hand, the Liberals are killing many projects, but on the other hand, without doing anything to establish conditions for the success of the Trans

Mountain pipeline, they decided to buy it. They pretended that buying the existing pipeline would somehow increase its chances of success.

Whether the federal government or the private sector is the owner of the project does not change the fundamental issues, which are the government's refusal to assert federal jurisdiction, the lack of a plan to get it built and the failure of the government to appeal a court decision. There would have been nothing wrong with appealing a court decision that blocked construction from beginning on this project, yet we see, despite spending \$4.5 billion of taxpayer money and despite sending money to an oil company that will now use that money to invest in energy infrastructure outside of Canada, the Liberals still have absolutely no plan. They refuse to appeal a court decision with respect to this decision and they are piling on policies that make it difficult for this to happen in the future.

There is this deeply dishonest set of policies, in the sense that the Liberals are selling a particular policy approach as achieving a result that they do not want to achieve and that they are in fact choosing not to do the things that would much more obviously and directly help us move toward the goal.

When it comes to the government's anti-pipeline agenda, I want to read a few different quotations that underline the problems with Bill C-69, the government's “no more pipelines” bill.

Let us start with someone who is known to many members of Parliament, Martha Hall Findlay, president and CEO of the Canada West Foundation. My notes say she is a former Liberal, but she may well still be a Liberal. She was a Liberal leadership contestant twice. What she had to say about Bill C-69 was:

If passed in its current, even amended form, it could set Canada back for many years in terms of attracting investment and overall prosperity – at exactly the time when our competitiveness, particularly vis-a-vis our huge neighbour to the south, is in peril.

● (1705)

We might be in a much better position if she had won that leadership race, because I think Martha Hall Findlay hits the point on the head here. Again, she said with regard to Bill C-69 the following:

If passed in its current, even amended form, it could set Canada back for many years in terms of attracting investment and overall prosperity—at exactly the time when our competitiveness, particularly vis-a-vis our huge neighbour to the south, is in peril.

I worry that the policies of the government are actually designed precisely to achieve that objective. They are designed to make our energy sector less competitive overall. Therefore, the government is achieving its objective, but it is an objective it is not willing to acknowledge. Again, the Liberals persist in wanting to speak on both sides of these questions, but we see concretely in their policy agenda, recognized in that quotation by the Liberal leadership candidate Martha Hall Findlay, that what they would do through Bill C-69 is to undermine Canada's competitiveness. They have already done many different things that undermine our competitiveness, but this is yet another example of that happening.

I will also read what Gordon Christie, University of British Columbia law professor specializing in indigenous law, said about Bill C-69:

### *Government Orders*

But the courts have said for 15 years that you need to have meaningful dialogue [with first nations and] there is nothing in this legislation that seems to do that.

Moreover, with regard to Canada's activity in the north, the government feels that, somehow, without consultation, it can impose its anti-development agenda on Canadians and in particular on indigenous people there.

I will read what Stephen Buffalo, president and CEO of the Indian Resource Council and a member of the Samson Cree Nation said on Bill C-69:

Indigenous communities are on the verge of a major economic breakthrough, one that finally allows Indigenous people to share in Canada's economic prosperity...Bill C-69 will stop this progress in its tracks.

That is a powerful quote from an indigenous leader that, while indigenous communities are on the verge of a major economic breakthrough, that would be stopped in its tracks by the no-more-pipelines Bill C-69. That is not a plan that reflects an understanding of sustainability in terms of our national economy. It is not a plan that reflects the need of indigenous communities to be economically sustainable. I think indigenous Canadians want us to support their opportunities for economic development and ensure that they are engaged in the process, as well as ensure that we are working with all communities, including indigenous communities, in respecting environmental stewardship and the importance of environmental sustainability. However, that is not happening under the government. It is persisting with a unilateral and anti-development mentality that holds back our prosperity and that hurts the prosperity of communities all across this country, especially communities in Canada's north that especially benefit from natural resource development.

Mr. Buffalo continued:

Left as it is, Bill C-69 will harm Indigenous economic development, create barriers to decision-making, and make Canada unattractive for resource investment. This legislation must be stopped immediately.

Mr. Buffalo also said:

We find it ironic and upsetting that the prime minister who has repeatedly said that the federal relationship with Indigenous peoples will be the defining characteristic of his government will be the one snatching opportunity and prosperity from our grasp.

He went to call on the government to "pull Bill C-69 from its legislative calendar".

We see this recognition of the negative impacts associated with Bill C-69 from even the NDP premier of Alberta, Rachel Notley, someone I do not quote often. She said that "Bill C-69 in its current form stands to hurt that competitive position".

Wow, it must be an election year or maybe there is a sincere conversion going on.

● (1710)

Moreover, the Quebec Mining Association says, "The time limits introduced by the bill will be enough to discourage mining companies and weaken Quebec and Canada in relation to other more attractive jurisdictions."

We are hearing so much opposition to this bill, not just from energy companies, energy workers and Conservative politicians, but also from Liberals, New Democrats, indigenous leaders and people in every region of this country. The approach in Bill C-69 is not one

that recognizes the appropriate balance required for sustainable environmental and economic policy. It is not one that recognizes the benefits that can be achieved by facilitating economic growth in a way that advances our environmental situation as well.

What is the justification for the government's ill-considered environmental policy? It speaks often about the importance of responding to climate change, and I think all of us in the House agree on that. I have spoken today about the real concrete achievements that were advanced under the previous government with respect to environmental change and greenhouse gas emission reductions. When it comes to assessing our sustainability obligations, we need to look at real results and outcomes, not just at the rhetoric.

Part of why the Conservative opposition supported Bill C-57 was that it would provide an opportunity for greater reporting across a greater number of departments and more mechanisms for holding the government accountable for what are demonstrable failures in the area of sustainability. With the kind of reporting mechanism called for in a committee report and that is now moving forward in Bill C-57, people will see more clearly the failures of the Liberal government in achieving our objectives.

When we think about the government's rhetoric around greenhouse gas emissions and sustainability, there is actually a real dissonance between the realities of what it talks about in terms of our international targets and the mechanisms it is putting forward. In that context, I want to make a few comments on the Paris accord.

The Paris Accord establishes a framework that comes out of the Copenhagen, which of course was one that the previous Conservative government was a part of and played a very constructive role in supporting. That process was to recognize the need for all countries to be involved, and the value of having nationally determined targets and clear and transparent reporting around those nationally determined targets. The second section of the Paris Accord speaks specifically of the issue of intended nationally determined targets and creates a mechanism whereby nations would provide reporting internationally on that.

It has been good to have an opportunity to have discussions with constituents on the Paris accord. From time to time, I meet people who are very skeptical about the Paris Accord, but my party recognizes the value of the framework and the differences between the framework we saw in the Paris Accord, for example, and the framework in the Kyoto Accord.

The Kyoto Accord, which was signed by a previous Liberal government that then failed to take any meaningful action toward realizing the goals set under that process, would have involved Canada sending money overseas to buy credits, effectively not reducing our emissions but simply buying credits overseas. That was the policy of the previous Liberal government, which was to do nothing on the environment, but to give money to other countries to buy credits, as if that somehow were a solution.

● (1715)

I do not think that is a sustainable solution by any metric. It is one that is very clearly in the framework of the transparent reporting that is moving forward in Bill C-57. I think that people would be very disappointed about seeing that.



*Government Orders*

The framework that was put in place was nationally-determined targets, which contrast favourably with what was put in place under the Kyoto protocol. The Copenhagen process, of which the previous government was a part, and the targets we set were targets that involved us taking real action at home, not simply musing about buying credits from other countries overseas.

It is very interesting to see the government come into power, championing the Paris accord, yet going into the Paris accord process with the same kinds of targets that were in place under the previous government. I know it has been criticized in some quarters for that by people who said there was there supposed to be real change. We have seen in so many areas a failure of real change in different ways.

Frankly, when it comes to the environment, it would have been better if we had seen more learning from the constructive action and experience of the previous government. So much was achieved at that time in the way of real, meaningful progress when it came to the issue of sustainability. I have read off some of those accomplishments.

I wanted to jump back for a moment to my discussion of Bill C-69. I want to read a letter that was sent to senators dealing with Bill C-69. In particular, it comes from those supporting the Eagle Spirit energy corridor. This is a proposal that would help to strengthen our indigenous communities economically, create linkages that would benefit them in energy development and export, and provide economic benefits in terms of energy across the whole country.

This is a letter that was signed by Helen Johnson, chair, ESE Chief's Council; Chief Isaac Laboucan-Avirom, Woodland Cree First Nation; and Chief Gary Alexcee, co-chair of the Chief's Council of B.C. They write the following:

“Dear Senators, we represent the 35 indigenous communities supporting the Eagle Spirit energy corridor from Fort McMurray, Alberta to Grassy Point on British Columbia's north coast. We have been working on this nation-building multi-pipeline project for the past six years and it is vital to the health of our communities and the future of our collective development. In this time, we have created the greenest project on the planet and developed a new model for indigenous engagement, real ownership and oversight that will lead to self-reliance and prosperity.”

“We are acutely aware that the Senate is currently debating Bill C-69, legislation that will change resource and other major project review in Canada. The objectives of this bill are vital to our communities and we believe the country as a whole. We trust that it should create a project review process involving substantial engagement with indigenous peoples and one in which all Canadians can have confidence.”

“While the bill includes many elements that are constructive, including early planning and engagement and a shift to broader impact benefit analysis, we have some serious concerns. In its current form, Bill C-69 has fundamental problems that increase the complexity and uncertainty of the project review and environmental assessment review process and must be addressed before it can be adopted.”

“Our chiefs have emphasized that the environment is at the top of their list of concerns and we have developed an energy corridor that will be the greenest on the planet and will set a precedent for all nations on how to engage with the impacted indigenous population. We do, however, have to holistically balance environmental concerns against other priorities such as building a strong local economy.”

● (1720)

I will pause to re-read that, because I think it is critical, and it is great wisdom coming from our indigenous leaders:

“We do, however, have to holistically balance environmental concerns against other priorities, such as building a strong local economy. There are simply no other opportunities than natural resource development in the remote locations where our communities are located, where 90% unemployment rates are common.

“For some, the economic opportunities from oil and gas projects have allowed investment in local priorities and the future. It is critical that we develop our own resource revenues rather than continue in debt slavery to the federal government. The best social program is the jobs and business opportunities that come from our own efforts. If reconciliation and UNDRIP mean anything, it should be that indigenous communities have the ability to help themselves rather than continuing the past colonial litany of failed government-led initiatives.

“We agree that the current project review system should require strong engagement with indigenous communities affected by the project as well as responsible and timely development of natural resources. It should avoid litigation of projects in the courts. Investor confidence needs to be restored, and a clear and predictable process has to be set out for indigenous and proponents to follow.

“We are particularly concerned that Bill C-69 allows any stakeholder, indigenous or non-indigenous, to have equal standing in the review process. It is an absurd situation that the only people who have fought long and hard for constitutionally protected rights would have no stronger role in the process than a special interest group that is in no way directly affected by the project. This is a serious and fundamental flaw in Bill C-69 that could undermine the rights of all indigenous people in Canada, and it needs to be addressed.

“We are particularly concerned about the interference in our traditional territories of environmental NGOs financed by American foundations seeking to dictate development and government policy and law in ways that limit our ability to help our own people. What interests could such eco-colonialists have when parachuting in from big cities? They have no experience with our culture, people, history or knowledge of our traditional land. Input from such elitists in this process, who are secure in their economic futures and intent on making parks in our backyard, is not welcome while our people suffer the worst social and economic conditions in the country.

*Government Orders*

“We have been stewards of our traditional territories from time immemorial, and we believe that such parties should have absolutely no say in projects on our traditional territories.

“At the recent meeting of all communities of the chiefs council we unanimously voted in favour of the attached resolution to take whatever legal and political action is necessary to enforce our rights in relation to Bill C-69. In this spirit, we urge you to protect our rights and support badly required amendments to Bill C-69.”

I want to read as well the resolution signed by many indigenous leaders. It reflects unanimous support of the chiefs council that was referenced:

“Therefore, be it resolved that we oppose an act to enact the impact assessment act and the Canadian energy regulator act, to amend the Navigation Protection Act and to make consequential amendments to other acts, legally and politically, as it will have an enormous and devastating impact on the ability of first nations to cultivate or develop economic development opportunities in their traditional territory, since it is being imposed without any consultation whatsoever and against the principles of the United Nations Declaration on the Rights of Indigenous Peoples and the purported reconciliation agenda of the federal government.

“Furthermore, we agree that we will collectively file a civil writ seeking to quash an act to enact the impact assessment act and the Canadian energy regulator act, to amend the Navigation Protection Act and to make consequential amendment to other acts, should it become law.”

These are powerful words from indigenous leaders in Canada. This is the first time I have heard the word eco-colonialists.

• (1725)

That is an interesting term to use. These indigenous leaders speak about people who do not have the same history or connection to their land and who enjoy much greater prosperity than indigenous people in these cases might, yet they are coming in and claiming to speak on behalf of indigenous people while taking action that really has the effect of limiting their opportunity to pursue development.

They are thinking about sustainability. I talked at the beginning about what the principle of sustainability means. Sustainability is the idea that we receive the goods of society, of the Earth, from previous generations. We hold them in trust for the benefit of future generations. This idea is particularly well understood by our indigenous leaders. They have the longest history, by far, in this country. Their understanding of their history, of the need to proceed in this fashion, is particularly acute and is referenced in this case.

They are speaking in this letter very much about the importance of preserving our environment but also about striking a balance that builds opportunity for indigenous people, opportunity economically that would allow them to enjoy a similar standard of living as those who live in other parts of this country. It is rooted in an understanding of equity. That is what they are speaking about in this letter.

For once, the government should actually listen to what they are saying and pursue a change in course that supports the development of pipelines that are good for the environment. It should take steps

that are actually going to move us forward, economically and environmentally. That means building pipelines, having a strong sustainability framework and having meaningful consultation when proceeding with a project but also when trying to kill a project. That is what we are talking about when we talk about the principle of sustainability.

At this point in my remarks, I want to dig a little deeper into the philosophy behind the principle of sustainability. When we talk about sustainability, it should not just be with reference to environmental issues. We can think across the board about our economic policies and our social policies. Are the decisions we are making decisions we could sustain and continue in future generations? Are they decisions that could only be operationalized in the short term, or are they things we could maintain in the long term?

When we look across the board at the government, the clearest example of its lack of sensitivity to the importance of sustainability is its approach to fiscal policy. This has implications for our environmental stability as well, because if we do not have a sustainable fiscal or economic policy, then cuts will have to be made, especially in critical areas, at times when we may not want those cuts.

That is why Conservative governments have pursued a responsible middle course. My friend from Spadina—Fort York thinks this is a reference to Tony Blair, but it is actually a reference to Aristotle, who said that virtue is the mean between extremes. We have pursued a middle course between the extreme of needing to make dramatic cuts when there is a fiscal situation that forces it on us, such as the situation of the previous Liberal government in the 1990s, and avoiding the other extreme of spending out of control and having no conception of the fact that what goes up must come down.

The history of Liberal governments we have seen in this country is a succession of extremes. We have the case with the government, and with the previous Trudeau government, of dramatic out-of-control deficit spending, unprecedented in peacetime in Canada. We had a reality in 1990 when, eventually, the Liberals' out-of-control spending caught up with them. Fortunately, we had opposition parties, as well, that were calling for some measure of restraint. Really, at the time, their way of responding was to make cuts in transfers to the provinces, which passed on the application of that to other levels of government.

• (1730)

Compare that with the approach of the previous Conservative government, which brought us back to balanced budgets, while continually increasing the level of transfers to the provinces.

My friend from Spadina—Fort York is shaking his head, but he needs to review the reality, because transfers were significantly increased to the provinces in every successive year of the previous government, and they were cut by the Liberals in 1990. I look forward to his intervention.

**Mr. Adam Vaughan:** I've endured enough boredom.

**Mr. Garnett Genuis:** Maybe, rather than heckling, he could use his time to pursue the reading list that I have recommended to him on a number of occasions.

### Government Orders

Mr. Speaker, I would like to reference in this context an article about Edmund Burke and the environment, an article that I think is an interesting reflection on the relationship between Burkean principles and sustainability. Edmund Burke is seen as a foremost thinker within the conservative tradition. Edmund Burke articulates this idea of sustainability that we should not be seeking radical revolutions that ignore the wisdom of the past but seeking progress in an incremental and positive way. I think the relationship between Burkean conservatism and environmentalism, properly understood, is quite clear. It is that just as we seek to preserve the goods of civilization, we seek to preserve the goods of the environment.

My favourite thinkers in Canadian and English conservatism are Edmund Burke and Thomas More. It is interesting to think about these two thinkers, generally presented as conservatives, in relation to each other. Thomas More wrote a book called *Utopia*. His reflections on political philosophy are presented in this book, where he imagined a place far away. He wrote as if it existed. However, “utopia” in Latin means “no place”, so it is very clearly a kind of playful use of words to imply that utopia, indeed, does not exist. Thomas More's utopia is actually a place where sustainability is highly prized and much attention is paid to the need to preserve the environment and to have a sustainable society.

What is interesting about More is that he imagined, in a fictionalized sort of way, a far-away place with a totally different structure of society compared with the society in which he lived. In fact, in his own political career, he did not, in some critical areas, pursue policies at home that he described as being pursued in utopias. Therefore, people wonder if Thomas More's utopia is playful fun or a description of policies he would like to have seen pursued if he could have advocated them, but he felt that he could not given the constraints and the politics of the society he lived in. I think Thomas More's utopia is really neither of these things. Rather, he is more inviting us to expand the scope of political possibilities by imagining a different kind of society, and not thinking that we could get there or even would want to get there right away, but rather realizing that other things are possible.

It is interesting to reflect on the English Conservative Canada and the way in which Burke and More both exist as part of it. I think both of these things are part of how we should think about sustainability. We should think about sustainability in this Burkean way of trying to preserve our heritage, our history, and pass it on in complete and, ideally, better form to the next generation. At the same time as we think about those kind of measured incremental improvements we can make to the sustainability of our environment, we should also pause to imagine completely different kinds of societies and the possibility of things working in a very different way. However, we are not capricious enough to think that we can get there overnight by flipping a switch without unintended consequences, because we are societies with histories, with existing economies, with existing cultures, and in the process of imagining that possible future, we need to recognize at the same time the need to move in an incremental way that bears the wisdom of our history.

• (1735)

Doing those things together is what Conservatives have sought to do. It reflects the best insights of the opportunities we have when it comes to sustainability.

I found a brief column called “Edmund Burke's Earth Day Speech”, written by someone named Byron Kenner, who writes: “How environmentalists became Burkians and Burkians became environmentalists”. He says:

Here's my favorite quote from Edmund Burke's Earth Day speech, “Never, no, never did Nature say one thing and Wisdom another.” Isn't that terrific? And so apt for the occasion! I couldn't have said it better myself.

What's that you say? Edmund Burke didn't make an Earth Day speech! He couldn't have! Earth Day was in 1970, almost 200 years after Burke died. That's true, of course, but, nevertheless, there he was—big as life—seated next to me on the speakers' platform. Funny, but what struck me as strange was Burke's speaking at all. Why was Edmund Burke—of all people—addressing an Earth Day rally? Talk about a fish out of water!

Edmund Burke is regarded as the founder of modern conservatism, and Earth Day 1970 was a high-water mark of the then prevalent left-wing counter culture.

More strangeness was to follow. When Burke began speaking, I—along with the huge crowd listening—was soon mesmerized by his magnificent eloquence. Speaking of nature's bounty, Burke urged Americans “not to commit waste on the inheritance...hazarding to leave to those who come after them, a ruin instead of a habitation.”

As he went on, I realized Burke was describing a coherent, overall approach to environmental protection, one that was simple, powerful, and persuasive.

This is Burkian environmentalism. Here is what it boiled down to:

It's highly imprudent, Burke warned, for humans to radically intervene in the functioning of natural systems whose boundless complexity and infinite interdependence exceed our understanding. Such interventions are especially unwise and dangerous when these systems—such as climate—underpin our very existence. Plaintively, Burke asked what in past human experience suggests that such large-scale meddling is harmless? On the contrary, it's prudent to assume that great risks are involved.

(In his remarks, Burke acclaimed prudence as “the chief among virtues.” So I wanted to be absolutely sure of the word's exact meaning. I checked the dictionary: prudence is the exercise of careful good judgment based on actual past experience and the application of such judgment to show care for the future.)

I think the application of the virtue of prudence to our environmental decision-making is critical and often absent from the calculation of the government. Prudence is the virtue that invites us to see the practical world the way it really is, to learn from our experience and to be measured and wise in our response to it. Unfortunately, when it comes to the environment, we often see that the government is not prudent. Instead, we see the pursuit of contradictory policies in the name of sustainability, policies that do not actually move us toward sustainable objectives. There are policies designed to look like a statement is being made, but not actually make anything resembling substantive progress.

Our reflection on this particular tradition in the words of Burke and the principles around prudence could well inform the actions of the government.

The article continues:

When it comes to politics and government, Burke argued that prudence—simple, ordinary prudence—in itself provides a sound base for public policy on the environment. And because this is self-evidently true, environmental activists can stand and fight on this base with strength and confidence.

The second point about Burkian environmentalism that is made in the article is the desirability of organic change:

Burke made clear that his call for prudence is not a call to halt progress. He believes that change is desirable, necessary, and in any case nature compels it. “We must all obey the great law of change,” he declared. “It is the most powerful law of nature, and the means perhaps of its conservation.”

*Government Orders*

● (1740)

This is perhaps a challenge to some of the caricaturist versions of Burke that are presented by his critics. Some people suggest he was against any kind of change, but that is not the case. He speaks of change as a law of nature and the value of organic change as a way to ensure we sustain our civilization, we sustain our ability, but also recognize the change should happen in a way that is organic. The challenge he said is how to best manage change.

Continuing the article, it states:

Burke believes the answer to this challenge may be found in the functioning of natural systems. Change must be sought organically. Organic change occurs on a small scale, incrementally, from the bottom up. It evolves without being forced or contrived.

Organic change should characterize environmental politics too. Burke said change in nature was "a condition of unchangeable constancy, (that) moves on through the varied tenor of perpetual decay, fall, renovation and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve, we are never wholly new; in what we retain, we are never wholly obsolete."

This is some beautiful language coming from Edmund Burke, making a connection between the sustainability of the environment and then the policies we pursue to make the environment sustainable, making that connection also to the kinds of policies we pursue in other areas, to the way we treat our institutions, that we recognize the need for our institutions to be sustainable to preserve what is good about them and where we make changes, to do them in a way that is organic.

This is a point I do not think is well understood by the government. Although it may talk the talk of sustainability, I think it misunderstands its richer application, at least in the way I do, following what is being said by Burke.

The government talks about making immediate and radical changes on which often it cannot deliver. It made promises, for instance, to dramatically change the electoral system and it failed to deliver on that promise. The context of the consultations that happened through the discussion was that people made the point that there were benefits of our existing system that needed to be preserved. Therefore, when we talk about possible changes to the way our democratic institutions work, we have to make changes in a way that is sustainable, not just in the sense that we allow those institutions to continue to exist, but that we sustain the benefits, the wisdom and the effectiveness of those previous institutions.

This is the essence of Burkean philosophy applied to politics. However, it draws an important connection between what we observe in the natural world, change, yes, but the preservation of that change in an organic context and how we ought to think about our institutions. They are not the sorts of things we should cut down and redesign on a whim.

I think about our own parliamentary institutions, how they have evolved organically and how we continue to look for opportunities to change and improve them, how we discuss ways possibly that we can strengthen our institutions, but at the same time do so in ways that reflect observed problems and a desire to preserve the wisdom of the past. That is what we should be doing when we have discussions about ways to preserve the sustainability of strengthening our institutions.

Bill C-57 invites us to use the tools of sustainability more, to include in our reporting and accountability to the government a greater emphasis on sustainability. The government probably thinks about that language of sustainability primarily in the economic context. However, I hope this will engender a deeper appreciation of the value of sensitivity, of how all policy-making, the way we act in the context of our institutions, the way we preserve social institutions and the way we interact with community groups about our fiscal and economic policy. Are we doing things in ways that preserve the sustainability of those institutions?

● (1745)

I wonder if, in the context of goals being set on sustainability, as mandated by Bill C-57, we will see a greater use of that tool in the reports they give. I hope we will see that, because certainly, that is something that is worthwhile and quite important.

I am going to continue now to read from this article about Edmund Burke's approach to environmentalism. The article states:

In this connection, Burke heaped praise on the thousands of new small green businesses and entrepreneurial endeavours now flourishing throughout the country. These businesses are not only transforming the economy, he said, they are also forming a vibrant and vocal political constituency. (Hearing this, I thought—wow!—a constituency like this is exactly what Burkean environmentalism needs if its promise is to be realized.)

We hear him speak about the issue of, in Burke's time, small green businesses, entrepreneurial endeavours coming from within civil society that were responding in a concrete way to the environmental challenges that were faced. Those, he understood, were the benefits associated with that policy.

● (1750)

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Unfortunately, I have to advise that it being 5:51 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

I do want to advise the member that he will be able to continue his speech the next time this matter is before the House.

The hon. government House leader has a point of order.

\* \* \*

**CRIMINAL CODE**

BILL C-51—NOTICE OF TIME ALLOCATION MOTION

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Madam Speaker, it is with regret that I advise that agreement could not be reached under the provisions of Standing Order 78(1) or 78(2) with respect to certain amendments to Bill C-51, an act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another act.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage.

**FEDERAL SUSTAINABLE DEVELOPMENT ACT**

BILL C-57—NOTICE OF TIME ALLOCATION MOTION

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Madam Speaker, it is with regret that I advise that agreement could not be reached under the provisions of Standing Order 78(1) or 78(2) with respect to certain amendments to Bill C-57, an act to amend the Federal Sustainable Development Act.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage.

\* \* \*

**POVERTY REDUCTION ACT**

BILL C-87—NOTICE OF TIME ALLOCATION MOTION

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Madam Speaker, it is with regret that I advise that agreement could not be reached under the provisions of Standing Order 78(1) or 78(2) with respect to the second reading stage of Bill C-87, an act respecting the reduction of poverty.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage.

\* \* \*

**MACKENZIE VALLEY RESOURCE MANAGEMENT ACT**

BILL C-88—NOTICE OF TIME ALLOCATION MOTION

**Hon. Bardish Chagger (Leader of the Government in the House of Commons, Lib.):** Madam Speaker, it is with regret that I advise that agreements could not be reached under the provisions of Standing Order 78(1) or 78(2) with respect to the second reading stage of Bill C-88, an act to amend the Mackenzie Valley Resource Management Act and the Canada Petroleum Resources Act and to make consequential amendments to other acts.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage.

Hopefully we can find a better way forward.

**PRIVATE MEMBERS' BUSINESS**

[English]

**WOMEN, PEACE AND SECURITY AMBASSADOR**

The House resumed from September 20 consideration of the motion.

**Ms. Rachel Blaney (North Island—Powell River, NDP):** Madam Speaker, today I am honoured to speak to Motion No. 163 regarding a plan to appoint a women, peace and security ambassador. I would like to take this opportunity to thank the member for Etobicoke Centre for putting this motion forward.

*Private Members' Business*

Before I get into the content of this motion, I will take a moment to send my deepest condolences to Brian in my riding, who recently lost his partner, Marne. I knew Marne for many years through her work in Campbell River at the women's centre and in Port Hardy with North Island Employment. She suffered greatly and her family supported her. I want to take this opportunity to acknowledge the family's bravery and strength during this very hard time and through the journey that got them to where they are today. I send my prayers to them.

Having discussions on women, peace and security is something I have done multiple times in my work with the NATO Parliamentary Assembly. I have spoken with many parliamentarians from NATO countries about the role of women in conflict and in peacemaking. All of us in the House know that there is much work to be done on this issue, and that many countries are working to advance this process.

On both the civil and military sides of conflict, the world needs to see more women involved and participating. We know, based on research, that when women are involved and at the table, peace lasts longer. As women are empowered and take leadership roles, peace is promoted and society is stabilized. According to the 2018 UN Women website's facts and figures on peace and security, "When women are included in peace processes, there is a 20 per cent increase in the probability of an agreement lasting at least two years, and a 35 per cent increase in the probability of an agreement lasting at least 15 years." The statistics speak for themselves.

The history of the process of including women in peace really started on October 31, 2000, when the first United Nations Security Council resolution on women, peace and security was made. Resolution 1325 affirmed the important role of women in peace-keeping, conflict resolution, peace negotiation and post-conflict reconstruction. There was a call to action by the UN in 2004, and this was integral to member nations' increasing the participation of women and adding gender perspectives into their peace and security operations.

Several more Security Council resolutions have bolstered resolution 1325, and this has become the women, peace and security agenda, which recognizes sexual violence as a weapon of war, encourages collaborative approaches to peacebuilding with civil society, and supports training for peace operatives on issues of gender and women's empowerment.

In 2010, six years after the UN called on member states to act, Canada quietly released its first Canadian national action plan on women, peace and security. It expired in 2016, and the Canadian government held a two-day consultation just this past April to build a new document. New feminist terminology was added to the document, but the question is and will remain: Will this language actually make its way into action?

*Private Members' Business*

When we look at this new Canadian action plan, we will be looking for key indications of action. For example, in her article entitled “The New Era of Canadian Feminist Foreign Policy: Will the new National Action Plan on Women, Peace and Security hold up to scrutiny?” Sarah Tuckey asked, “Will we see a feminist lens brought to the Arms Trade Treaty, nuclear disarmament, and other typically militarized issues?” Members in the House are still waiting for some of those things to be acted on in a more meaningful way.

The issue of nuclear disarmament is top of mind for the people in my riding. When I presented to a group of young people, I was very surprised to hear them talk so passionately about nuclear disarmament and wanting Canada to take more of a leadership role in this direction. They are concerned about the reality of the fragile peace in the world and the potential outcomes that a nuclear war would cause. Many young women, in fact, have come to my office to talk about this issue and their concern for the future, not only of themselves and their families but of the planet.

When we look at taking a next step and having a women, peace and security ambassador, this is a step in the right direction. However, without the support of meaningful resources, the work will be a significant challenge and I am concerned that the work that needs to be done will not be done.

● (1755)

The foreign affairs and international development committee did a study, proposed by the member for Laurier—Sainte-Marie, on women, peace and security. The conclusion of the study was very clear, that greater and more consistent leadership was needed from Canada. This included greater resources and comprehensive coordination at the highest levels of government.

I will be supporting Motion No. 163. In principle, a new ambassador on women, peace and security would be part of a real feminist foreign policy. However, it must be accompanied with a strong mandate and a significant financial commitment if action is to be part of this role. It is very important that the person put in this role actually has the capacity to do the work. It is important to me that the role be one that can impact change and provide leadership. I do not want this to be an ambassador on paper who cannot participate in the meaningful role that Canada should and could be leading on.

The motion has a section which says that the role will “lead the implementation of the Canadian National Action Plan on Women, Peace and Security”. This is an important step, but I have to come back to the reality that if there is not a line in the budget, this will be nothing more than feel good rhetoric. If we want to see the Canadian government move forward with a strong feminist foreign policy, it simply must have resources and be financed. It cannot simply be talked and written about.

I think all of us in the House are recognizing that we are coming to a time when the Centre Block is going to be closed and we will be moving to a new location. This may be my last speech in this space, and I want to take the opportunity to recognize what an honour and privilege it has been to stand here in this place. When we talk about the importance of legislation, when we get up speak, as the member before me spoke quite passionately for an extensive amount of time, we recognize the history of this place, the decisions that were made in this place and that we continue to do all of our work to represent

our constituents as honourably as we can. I am so proud to represent North Island—Powell River. It has been an honour to speak in this House.

Hopefully, all of us collaboratively will continue to focus on peace in the world, to build a world that looks at diversity, that makes sure that women are at the forefront of leadership so that we can move towards a more peaceful place. I will support Motion No. 163, and I hope that in the next step we will see some dedicated resources to fulfill the mandate of this position and the work that we all hold so sacred here and outside of this place.

● (1800)

**Mrs. Celina Caesar-Chavannes (Whitby, Lib.):** Madam Speaker, it gives me great pleasure to rise to speak to this motion today. I do apologize for some of the confusion that happened.

Before I go any further, today is December 6, the National Day of Remembrance and Action on Violence Against Women. Of course, on this day we remember the 14 who were murdered and the 10 who were injured in 1989 at École Polytechnique. I want to change the tone a little, because of this day and its significance, in how I usually give my speeches.

A couple of days ago, I had an opportunity to read an article by the Harvard Graduate School of Education entitled, “What's love got to do with it?” It speaks about John Miller's new book and the role that love and compassion play in education. I was wondering how we could introduce that concept here in Parliament and in politics. I know that each of us in the chamber has different perspectives and different ways of ensuring that Canada will be a better place. At the centre of everything, we love our country and are compassionate about our constituents.

As this may be the last speech I give in this particular chamber, I promise to do things differently. It gives me great pleasure to speak to Motion No. 163, by my colleague, the member of Parliament for Etobicoke Centre, on the establishment of an ambassador for women, peace and security. It is a wonderful opportunity to speak with love and compassion about people around the world, especially the most vulnerable among us, and the love that we have for our planet.

When we look at why individuals are placed in very precarious situations, it often has to do with climate change, which is the destruction of our planet, or with conflict. In both of those situations, women and girls are often most vulnerable. They are often used as weapons of war. They are often very much strategic targets of violence.

In the time that I have, I want to speak a little about what Canada has done so far to ensure that this natural progression to the establishment of this ambassadorial role is fitting, and how it fits within the context of what we have done so far.

*Private Members' Business*

As members know, I was the parliamentary secretary to the Minister of International Development. In that term, I had the tremendous pleasure of being with our Minister of International Development and launching our feminist international assistance policy, where which we put the promotion of women and girls at the centre of everything we did in that policy. We know that the best way to eradicate poverty, to look to achieving some of the sustainable development goals, which I did not have an opportunity to speak to earlier but which are really important, is to ensure that we are putting women and girls at the centre of everything we do.

The feminist international assistance policy, although it had women and girls at its centre, had five pillars. The first pillar was to promote human dignity and to support access to quality health care, to nutrition, to education and to timely needs-based humanitarian assistance. Again, we know that human dignity is at the centre of ensuring that we have a world that is free from violence.

The second pillar was growth that works for everyone, to ensure that women have access to economic opportunities that work for them and access to resources that help them achieve economic independence.

The third pillar was environmental protection and the encouragement of climate action, supporting initiatives that governments are taking to ensure that we are looking after our planet and are building resilient communities. Again, women and girls will be disproportionately impacted by what happens to our planet.

The fourth pillar was to support inclusive government and to work to end gender discrimination by promoting and protecting human rights, which an ambassadorial role would help to ensure not just domestically but also internationally.

● (1805)

Lastly, around this central focus on women and girls, the fifth pillar was to help strengthen global peace and security, to support greater participation of women in peace-building and post-conflict reconstruction.

It gave me great pleasure to be in that role.

In November 2017, we launched Canada's national action plan on women, peace and security that went from 2017 to 2022.

We put a lot of thought into this. If I could look back over my time in Parliament as I speak about love and compassion, I could see that the initiatives that we put forward here, the passion and the dedication we put into these policies, clearly indicated our love for our communities, our country and our planet. Maybe people will not think it as they are watching on the television. We used a whole-of-government approach when we launched this national action plan for women, peace and security. Global Affairs Canada, the RCMP, DND Canada, the Canadian Armed Forces, Status of Women Canada, Immigration Canada, Public Safety Canada and the Department of Justice were all involved in creating this plan.

The plan has five objectives: to increase the participation of women; to prevent impunity and respond to gender-based violence; to promote and protect women and girls' human rights; to meet the needs of women and girls in their settings, often in fragile states; and

to strengthen the capacity of peace operations by increasing the number of women there.

We heard from my hon. colleague that when we add women, we strengthen the peace process. Gender equality creates a more peaceful society. Having women in prevention, mediation and resolution of conflict, in humanitarian responses and peacekeeping and peace-building; in post-conflict resolution; in counterterrorism; and in counteracting violent extremism increase all peace and security efforts. That is why I am so honoured and proud to stand in support of this motion put forward by my hon. colleague from Etobicoke Centre.

It has been really important to stand with a Prime Minister who, on a number of different occasions, has stood on the world stage to promote gender equality.

Canada led a coalition of partners in the G7, including the U.K., Germany, the European Union, Japan and the World Bank in announcing \$3.8 billion for women and girls' education. This has been the single largest investment in women and girls' education in conflict and crisis situations ever.

When we talk about peace and security, we cannot look at it within a silo. We have to look at it holistically. We have to look at how education, legal and climate play a role in ensuring that we leave no one behind. We need to take an approach that is inclusive, that works to true inclusion regardless of age, race, gender, ability, sexual orientation, religion, class or identity. Everyone can be a part of a solution that helps to build peace and security and leave no one behind.

It is with great pleasure that I support my colleague from Etobicoke Centre and Motion No. 163, to support an ambassador for women, peace and security, to assure that we have a high-level person in charge of advancing a women, peace and security agenda, both here in Canada and abroad.

While I am standing, I would like to wish everyone in the House, those watching on TV in Whitby, and all Canadians, a very merry Christmas and a peaceful and secure new year.

● (1810)

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Madam Speaker, I begin my remarks by thanking the hard-working people of Renfrew—Nipissing—Pembroke, whose support and constant words of encouragement allow me the privilege of being their elected representative in the Parliament of Canada.

Motion No. 163, which we have before us today, mentions the North Atlantic Treaty Organization, NATO. I have been a member of the Canadian NATO Parliamentary Association for almost 20 years. Four of those years I had the privilege of serving as chairperson of the association. After serving my tenure as chair, I was succeeded by the member for Aurora—Oak Ridges—Richmond Hill who worked with colleagues and officials throughout NATO on Canada hosting the fall 2018 conference held in Halifax. To set the record straight, it was her hard work that made the conference a success.

*Private Members' Business*

The member for Etobicoke Centre, whose motion we are debating today, after being the beneficiary of a Putin putsch, orchestrated by our so-called feminist Prime Minister, had the nerve to stand in front of the NATO delegates and marginalize the efforts of the member for Aurora—Oak Ridges—Richmond Hill. By that single act, the member for Etobicoke Centre negated everything Motion No. 163 says and what the government claims it is trying to promote.

I heard recently that the hon. member for Etobicoke Centre is retiring at the next election. As someone who has served alongside him in Parliament for over 10 years, I wish him well in his future endeavours and will welcome back Ted Opitz, who was an officer and a gentleman.

The member for Etobicoke Centre was someone who once mused about challenging the current Prime Minister as leader of the Liberal Party with such memorable phrases like, “Party elite needs to be ousted” and that he is hoping to “unwedge the backroom boys”.

Knowing his history, I thought that the member would seek a better legacy than being the front for the Prime Minister's most recent act of useless virtue signalling, Motion No. 163. But then again, saying one thing and doing another is the very definition of being a Liberal.

Of course, the most outrageous example of saying one thing when the Prime Minister's actual behaviour demonstrates something very different is the incident now known to feminists as the “Kokanee grope”. For the benefit of Canadians watching this debate, the Kokanee grope refers to an unwanted sexual advance made by the Prime Minister to a woman in her workplace.

I am told that south of the border the Prime Minister has been referred to as the Bill Clinton of the great white north, in general reference to the behaviour that almost got Bill Clinton impeached as president of the United States. The Kokanee grope incident was first published in an editorial in the Creston Valley Advance, a community newspaper in British Columbia. The Prime Minister, who was in Creston to attend the Kokanee summit festival put on by Columbia Brewery, admitted later to inappropriately groping the reporter while she was on assignment. In addition to being on assignment for the Creston Valley Advance, the female reporter was also on assignment for the National Post and the Vancouver Sun.

While the reporter's connection to the big city newspapers have prompted remorse after the fact, that is a topic for a proper investigation. The allegation came into wider circulation the first week of June, when photos of the Creston Valley Advance editorial were widely shared on social media and it received further comments when prominent online media outlets finally reported on it that same week. The now former female reporter for the Creston Valley Advance community newspaper, the Vancouver Sun and the National Post confirmed that the Prime Minister groped her, or in his words, “inappropriately handling”, while she was on assignment at the festival.

After the incident, the reporter wrote an unsigned editorial blasting the Prime Minister for his misconduct. The editorial confirmed that the Prime Minister told the female reporter that had he known that she was working for a national paper, he never would have been so forward.

This is what the Prime Minister stated on CBC Radio on January 30, 2018 before details of the groping incident were reported in the national and international media, “I've been very, very careful all my life to be thoughtful, to be respectful of people's space and people's headspace as well. This is something that I'm not new to. I've been working on issues around sexual assault for 25 years. My first activism and engagement was at the sexual assault centre at McGill students' society where I was one of the first male facilitators in their outreach program leading conversations—sometimes very difficult ones—on the issues of consent, communications, accountability, power dynamics.”

The Kokanee grope occurred after the Prime Minister claims that he was active at university. What are Canadians expected to take away from this incident of groping that took place between the Prime Minister and a young female reporter?

● (1815)

First and foremost, this incident is about hypocrisy, saying one thing and applying a different set of rules to one's own behaviour. It is about believing women, until it happens, then it is deny and hope the clock runs out on the media cycle. It has been noted by the CBC that there is no dispute that this incident happened. In 2018, the excuse, “I did not think I was doing anything wrong”, does not pass the smell test.

It was not my intention to speak to this motion. However, as a member who represents Garrison Petawawa, Canada's largest army base, I have an obligation to defend the women and men in uniform who are members of Canada's armed forces. It will be our women and men in uniform who will be sent into harm's way to implement the lofty phrases contained in Motion No. 163, which we are debating today.

“Never again” must be the response of all members of Parliament to sending our soldiers into harm's way without proper equipment and resources. The decision by the Liberal Party to play politics with military purchases, with the policy decision to interfere in the equipment procurement process and the subsequent decision to cancel the EH101 helicopter contract, cost the lives of Canadian soldiers in Afghanistan. Without strategic lift to transport our soldiers off the roads that were mined with improvised explosive devices, IEDs, soldiers died.

It cost taxpayers over half a billion dollars to cancel the helicopter contract and another \$700 billion or \$800 billion to eventually by an off-the-shelf version of the same replacement helicopter.

Death does not discriminate on the basis of gender when a soldier is sent into conflict without the proper equipment. Parliamentarians need to be very careful before committing Canadian soldiers, women and men, to so-called peacekeeping missions where there is no peace to keep.



*Private Members' Business*

My constituents in uniform fear that this motion is another tactic to cover up another broken promise made by the government on military procurement. It is no secret that our military leadership does not believe the government has any actual plans to spend the money the federal government has earmarked for the military over the next century. In fact, according to a senior defence official, Julie Charron, who testified before a parliamentary committee, “We are not in the position at this point to provide you with the information itemized by project simply because there may be some delays in the projects.”

The promise to inject billions into the military budget is always after the next election, which is the same as saying that it is not going to happen at all under the Liberals' watch. That is already the case, as the last two budget statements made by the government made no mention of defence. No more phony photo ops or selfies for the Prime Minister with veterans or soldiers.

The peace and stabilization operations program, which is used to implement the women, peace and security agenda, has budgeted expenses of \$450 million. At the same time the Prime Minister told a veteran in Edmonton that he was asking for too much, the Prime Minister had \$2 billion of taxpayers' dollars to fund a feminist international development agency.

As pointed out previously in debate, the position of a women, peace and security ambassador, which this motion would create, does not include a budget. Is the Liberal Party proposing to add another billion dollars to the deficit while the Prime Minister attacks veterans for asking only what was promised them in the last election?

It will be these same soldiers, women and men, who will be ordered into conflict. Does the government not believe it has an obligation to its own citizens first before it runs off and tells other countries how to run their affairs?

The presentation of this motion is rather symbolic. Unfortunately, it is symbolic of what we have come to see of the Liberal government. It includes a lot of talk and discussion on women, women's rights and women's protection, yet starting with the Prime Minister, and then to the mover of this motion, what Canadians see is just more virtue signalling from the government. It is time to move from symbolic virtue signalling to something that starts with an apology from the Prime Minister.

● (1820)

**Ms. Pamela Goldsmith-Jones (Parliamentary Secretary to the Minister of Foreign Affairs (Consular Affairs), Lib.):** Madam Speaker, it is truly an honour to support my colleague from Etobicoke Centre and to recognize his lifelong commitment to human rights.

I welcome the opportunity to address the House today on Motion No. 163 with respect to the appointment of a Canadian ambassador for women, peace and security.

It is our government's position that an ambassador for women, peace and security would help to advance Canada's feminist foreign policy and would support our renewed commitment to implement the women, peace and security agenda in its entirety.

Canada's commitment to a feminist foreign policy is rooted in the belief that when women and girls are equal to men and boys, our world becomes more just, more prosperous, more peaceful and more secure for all. Political, economic and social barriers for women and girls are already pervasive. These barriers are exacerbated, and even intentionally exploited, in times of conflict. Women and girls suffer disproportionately in conflict settings yet remain almost entirely excluded from the processes that build peace.

Canada's feminist foreign policy makes women a priority in all of our security-related activities. We seek to increase the participation of women in peace-building and peacekeeping and to provide a solid foundation of conflict prevention and recovery. Where women are included in peace processes, peace lasts longer. When peacekeeping talks break off, if women are at the table, the talks have a much better chance of resuming. When women and girls are safe, entire communities are safer, poverty decreases and development opportunities increase. Studies show that the security of women and girls is one of the best predictors of the state of peace of a state.

Canada has been a leader in advancing and implementing the women, peace and security agenda, which was created when Canada was last on the UN Security Council in 2000. At that time, our allies relied upon and deeply appreciated our leadership. Since then, more than 60 other countries have developed their own national action plans.

Unfortunately, the previous government abandoned the women, peace and security agenda and non-governmental organizations in Canada were left to do their best for a decade. I would like to salute them for their perseverance with little to no support whatsoever.

As Parliamentary Secretary to the Minister of Foreign Affairs, I have been privileged to help advance women, peace and security from the moment we formed government. As previous parliamentary secretaries to the Minister of International Development, my colleagues from Burlington and Whitby have also led this initiative, as has our colleague, the member for Laurier—Sainte-Marie on the foreign affairs committee. Of course, the member for Ottawa West—Nepean has been a constant champion of the UN Security Council resolution 1325, which reaffirms the important and consequential role in women's engagement in preventing and resolving conflicts, peace operations, humanitarian response, post-conflict reconstruction, counterterrorism and countering violent extremism.

When we formed government, the Standing Committee on Foreign Affairs and International Development undertook a study on women, peace and security straight away.

I would like to thank Canadian leaders like Beth Woroniuk from MATCH International and Diana Sorosi from Oxfam, who remained strong advocates through their volunteer roles at the Canada's Women, Peace and Security Network. They have been stalwart and steadfast in their faith that the government would once again lead on women, peace and security.

*Private Members' Business*

Margot Wallström, Sweden's foreign minister, said at the UN this past week, "No woman needs to be 'given a voice'. Everyone has a voice. What is needed is more listening." Minister Wallström is a strong supporter of our government's commitment to gender equality that is so central to our diplomatic, trade, development and security priorities. We are listening to women. We are championing the rights of women and girls in the work we do on behalf of Canadians.

The women, peace and security agenda is at the heart of Canada's feminist foreign policy. Exactly one year ago, our government made a renewed commitment to implement the full breadth of the women, peace and security agenda by launching Canada's second national action plan, which will cover the years 2017 to 2022. Nine federal departments are responsible for its implementation.

• (1825)

The new plan is informed by the expertise of civil society and establishes an advisory group consisting of civil society and government experts to guide us. It is ambitious. It is led by Global Affairs, the RCMP, the Department of National Defence and is supported by Status of Women; Immigration, Refugees and Citizenship; Public Safety, and the Department of Justice. Our plan has won accolades from experts and stakeholders at home and abroad.

Recently, Crown-Indigenous Relations and Northern Affairs Canada, and Indigenous Services Canada have also become implementing partners so that we can apply the women, peace and security approach to violence and discrimination faced by indigenous women, girls and two-spirit people in Canada. We are holding ourselves accountable. The first annual progress report recently tabled in the House reflects the fact that we are mostly on track to reach our objectives. We are fostering partnerships to be more effective in the pursuit of peace.

Canada launched the Elsie Initiative for Women in Peace Operations to increase the meaningful participation of uniformed women in UN peace operations. To this end, Canada is establishing partnerships with the armed forces of Ghana and the police service of Zambia. Through the women's voice and leadership initiative, Canada is supporting grassroots women's rights organizations. The new gender equality partnership with philanthropists and the private sector will bring new investment in support of women's rights. We recognize that women's grassroots organizations must be directly funded and directly involved to be successful.

Addressing the challenges inherent in the women, peace and security agenda is a long-term commitment. A Canadian ambassador for women, peace and security would be a vital aspect of our women, peace and security agenda in Canada, as announced by the Minister of Foreign Affairs at the women foreign ministers meeting in Montreal in September this year.

Civil society has been clear in its recommendation to the Canadian government to establish the role of a high-level champion. We have heard these requests loud and clear. Numerous studies show that when women participate in peace and security, when women and girls are empowered, when gender equality is recognized and employed as a source of strength, personal security and the security of communities and countries is improved.

The appointment of an ambassador for women, peace and security would be an important step for Canada and the world. It would represent a strong, positive response to the good work of the foreign affairs and international development committee and to civil society. I am very proud to be standing in the House today in full support of this motion.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Resuming debate, the hon. member for Etobicoke Centre has the right of reply for five minutes.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Madam Speaker, it is particularly poignant that this debate takes place on the 29th anniversary of the École Polytechnique horror.

I begin this evening by picking up where I left off on September 20 in the first hour of debate on my motion to create the institution of an ambassador for women, peace and security. At that time, I spoke of Canada's legacy of bringing peace to the world, our Pearsonian peacekeeping legacy, Prime Minister Mulroney's leadership in the Commonwealth in the fight against apartheid, foreign Minister Axworthy's Ottawa Treaty on the prohibition of land mines and Prime Minister Martin's call for the Responsibility to Protect, R2P, at the 2005 UN World Summit.

I turn to my colleagues in this 42nd Parliament. We cannot predict a year from today who among us will once again be the few elected to serve in the House. We only know that in these waning months of the 42nd Parliament we still have the opportunity to make a positive difference in the lives of millions.

In 2005, as I walked down a dusty road in Jowhar, Somalia to a waiting vehicle convoy, a small girl walked up to me and took my hand. She was barefoot with only a torn red T-shirt to wear, yet when she took my hand, she beamed the most beautiful of smiles. We walked hand-in-hand to my waiting car. I smiled back at her, however, it pained me that as I left, I had nothing to give her. I could not even offer her hope.

As we drove away, I watched the little girl in the red T-shirt disappear into the distance. In the years since, I have often wondered what happened with that little girl. Did she ever learn to read and write? Did her black curls turn reddish from malnutrition? Did she survive? Is she in fact still alive?

This past summer the Minister of International Development and I travelled into Ukraine's devastated Donbas region's grey zone, the area OSCE observers leave before sunset, as artillery and snipers set to work. In the zone's villages, it seemed that only older women, widowed or too poor to leave remained behind.

We stopped on a road next to shell-damaged homes. As we stepped into the ankle-deep mud, twin girls of about seven years shyly came out from the neighbouring house. They were adorable with ribbons in their braided hair. Their mother came out, and I asked why they had not left the zone. She took the minister and I inside. Her legless husband sat in a makeshift wheelchair.

I asked how the girls were doing in school and she responded, “poorly”. She said that every night as the sun set, the twins began to shake and then would hide under their bed throughout the night. Later, once again as we drove away, I watched the twins with braided hair disappear into the distance and I wondered if their shattered lives would ever be whole again.

I have travelled through multiple war zones. The harsh reality is that it is men who do the killing and women and children who do the suffering.

In October of 2000, the UN Security Council passed resolution 1325 on women, peace and security. For 18 years, we have repeatedly acknowledged that women's engagement is a critical key for peace and security. It has been studied and reaffirmed. Multiple international resolutions are passed regularly. It is time to act.

Two days after the first hour of debate on Motion No. 163, on September 22, our Minister of Foreign Affairs announced that Canada would create the institution of an ambassador for women, peace and security, which fits hand in glove with the minister's Elsie initiative announcement to increase the participation of women in peace operations.

I would like to express my heartfelt gratitude to the minister. We have made the commitments, we are creating the institutions. Now is the time to take the next step and to operationalize. Next summer's Ukraine Reform Conference, hosted by Canada, will provide an opportunity to put women, peace and security projects on the table.

We heard yesterday in the foreign affairs committee how a window of opportunity had opened up in Somalia and how Canada, with its Somali diaspora, could host a transformative international donors conference.

We are the privileged few, entrusted by the people of Canada to not just be the temporary custodians of Canada's peace inheritance. Through the institution of this ambassadorship, we have an opportunity to build upon our predecessors' peace legacies.

● (1830)

Let us build a world where every little girl, every child, no matter where they are born, can have the same hopes and dreams of Canadian children.

● (1835)

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** All those in favour of the motion will please say yea.

### *Adjournment Proceedings*

**Some hon. members:** Yea.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** In my opinion the nays have it.

*And five or more members having risen:*

[*Translation*]

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Pursuant to Standing Order 93, a recorded division stands deferred until Wednesday, December 12, immediately before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

TRANSPORT

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Madam Speaker, I rise today during Adjournment Proceedings to revisit an issue I raised in the House during question period on September 20, when I asked the Prime Minister and the Minister of Transport about a letter that the Penelakut First Nation in my riding had written, expressing their anger and frustration about the establishment of anchorages in their traditional territories without their consent. The Minister of Transport responded that no relationship was more important than that with first nations, but we still have a situation on the south coast of Vancouver Island and among the Gulf Islands that is clearly not working for first nations, stakeholders and local communities.

Earlier this year, the federal government created the interim anchorages protocol and in August it announced that the protocol would be extended by one year. However, it is quite apparent that the protocol is not working very well. There is increasingly frequent freighter traffic and freighters are staying for longer periods of time, which is causing more consternation among my constituents. In September, the member for Nanaimo—Ladysmith and I co-hosted a round table, which a lot of stakeholders, municipal representatives and first nations attended. They were pretty well unanimous that something had to be done to fix the issue.

*Adjournment Proceedings*

The impact of these freighters is quite wide-ranging. Not only are they there for longer periods of time and freighter traffic has increased, but they are also parked in a very sensitive marine environment that is home to many species of aquatic life. Some crews of the vessels have been observed power washing the decks, with the resulting dirty water going right into the ocean. There have been reports of crews fishing. I would like to know if any of them hold valid federal fishing licences. The noise from generators used to power lights and power tools at all hours of the day carries across the water. Of course, the navigation lights at night, which are required by international maritime law, are so bright that they can illuminate the houses on the nearby shore. Some people have even reported being able to read books with those bright lights.

I have also consulted with local first nations, namely, the Lyackson, Penelakut and Cowichan tribes. They have described Transport Canada's consultations with first nations as superficial and think that the tone set by the federal government does not demonstrate a sincere effort by it to resolve this outstanding issue. This is really important because first nations are not stakeholders, not in the normal sense of the word. It goes far beyond that: They are rights holders, as guaranteed under our Constitution and upheld by numerous Supreme Court rulings. These anchorages were established on their traditional and unceded territories with no consultation and no consent.

Going forward, we need to fix our transport system as a whole, looking at our railways, our ports and our shipping system. We need better oversight of the ships that are inbound to port, particularly as we now know that the government is planning to reach \$75 billion worth of agricultural exports by 2025 and also wants a sevenfold increase in tanker traffic from its disastrous plan to expand the Trans Mountain pipeline. We are also still exporting American coal from Vancouver, which is a shameful blot on efforts to combat climate change.

First nations' rights are important. The government has acknowledged that and all members of the House understand that. We need to stop using their traditional and unceded territories as a parking lot for freighters.

● (1840)

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Madam Speaker, our government remains committed to reconciliation with first nations and acknowledges that in the past, anchorage locations were selected for reasons of safety and security of the ship and at a time when consultations with first nations were not required as they are today.

The past practice was abandoned in the early 1990s, and since that time there has been no process for the identification and designation of new anchorages. Since then as well, Canada's population and economy have grown and the number of ships arriving at our west coast has increased. Our government recognized a need for a new framework for the selection and management of anchorages outside ports, one that would include many more considerations than in the past.

In response to the changing needs of Canadians, in 2017, we launched the national anchorages initiative as one of the many

projects within our unprecedented oceans protection plan. The project when completed will deliver a new modern anchorages selection and management framework, which will respect the rights of first nations and take into account the impacts of an anchorage on the surrounding communities and the environment.

The objectives of the anchorage review are to: develop a practical process to identify anchorages; analyze and respond to environmental, economic and cultural concerns now and over the long term; draft a best practices at anchor manual; and recommend oversight management options for these anchorages.

As we move forward, I want to assure the Penelakut Nation that the views and comments of their nation will be included and considered in the development of a modern anchorages framework for all of Canada.

Our government is committed to the safety and environmental protection of marine communities, something the previous Harper government did not adequately address. Under our new oceans protection plan, we are developing a sustainable national anchorage framework that responds to environmental, economic and cultural concerns.

The national anchorages initiative is just now beginning its detailed work and will be seeking the input of first nations, other levels of government, as well as industry and coastal communities in the weeks and months ahead.

**Mr. Alistair MacGregor:** Madam Speaker, I appreciate the parliamentary secretary's comments. He would know very well that section 136 of the Canada Shipping Act allows the minister of transport to regulate or prohibit the navigation, anchoring, mooring or berthing of vessels. This is to promote the safe and efficient navigation of vessels and protect the public interest and the environment.

He is also one of the members who supported Bill C-262 and has acknowledged that the United Nations Declaration on the Rights of Indigenous Peoples is a part of international law that should be incorporated into Canadian law.

I want to end with this. I want to know when the government is going to respect first nations' rights. There are 19 nations that have their traditional and unceded territories in this area. They were not consulted. This is negatively impacting coastal communities. I want to know when the process is going to begin, when we can actually see these anchorages move and when we will have a holistic view of our transport system to control the inflow of all of this tanker traffic.

**Mr. David Lametti:** Madam Speaker, let me assure the hon. member that we do believe we have put a holistic process in place and that we are committed to reconciliation with first nations. This too is a process which we are undertaking step by step and in good faith. We do hope the convergence of these two processes will result in anchorage locations being selected in a way that respects the rights of first nations both under our Canadian Constitution and under UNDRIP, which he is correct to say I did in fact support.

*Adjournment Proceedings*

Once again, I want to assure the Penelakut First Nation that our government is committed to that reconciliation process. I want to assure the hon. member that we will continue to move forward in that light.

• (1845)

## INTERGOVERNMENTAL AFFAIRS

**Mr. Murray Rankin (Victoria, NDP):** Madam Speaker, my presentation tonight emerges from a question that I asked of the Minister of Intergovernmental and Northern Affairs and Internal Trade on September 25, which in turn resulted from a motion I had made at the justice and human rights committee, of which I am proud to be the vice-chair.

The motion asked that the committee study something that I think most Canadians would agree is very much within the purview of justice and human rights and that is the status in Canada of the Canadian Charter of Rights and Freedoms.

Members will know that over the summer the new Premier of Ontario decided that he would invoke, as he has said on a routine and repeated way, the notwithstanding clause, section 33, of the Charter of Rights and Freedoms. That of course would allow for the suspension of the charter for five years in that province for the first time in the 36 years that we have had the charter in Canada. That overrules therefore freedom of expression, freedom of religion, freedom of conscience, freedom of association and the right to life, liberty and security of the person, which of course was the foundation of a woman's right to choose upheld in the Morgentaler case.

This is a very grave situation. It was not about simply one province saying that it would do so in what most people thought was a rather strange context, on electoral reform in the City of Toronto.

The new Premier of Quebec has also indicated that he would not hesitate to use the notwithstanding clause. He would do so in the context of making sure that people wearing religious symbols would not be able to be in authority and make any decisions. It would therefore prevent public servants like teachers and judges from wearing religious garments like the Muslim hijab or the Jewish kippah when they interact with the public. It perhaps might also apply to large Christian crosses or turbans. We do not know. He would simply use the charter's notwithstanding clause to overrule the rights that Canadians have taken for granted in the 36 years we have had the charter.

My question was: Would the government please have a study at the justice and human rights committee so we could have at that? We could hear from the people who were there at the time, some of whom are still very much alive, like former prime minister Chrétien, Mr. Romanow, Mr. Davis, people who were there to tell us what their intent was. We could hear from experts and human rights-seeking groups that the notwithstanding clause was never intended to be used in the way that these two premiers have chosen to suggest they would use it.

What better place is there than the justice and human rights committee of the House of Commons to convene such a meeting in the interests of Canada? The government has said no. I would like to know why.

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Madam Speaker, I thank the hon. member for his commitment to discussing the charter and Canadian fundamental freedoms. I have come to cherish, since being elected in 2015, my discussions with the hon. member on these various issues over time. Indeed, he is one of the people whose opinion I seek out when I am reflecting on these various matters. These discussions are at the core of our shared commitment to the democratic process.

Sadly, it is becoming increasingly clear that Conservative governments across the country have tended to trample on the rights of the most vulnerable. As my hon. friend knows, our government is the party of the Charter of Rights and Freedoms, and we will always stand up and protect those rights.

The inclusion of the notwithstanding clause was debated vigorously by the charter's authors. I remember that context very well. It was a compromise reached during discussions on the patriation of the Constitution, which enabled our predecessors to conclude the process of achieving Canada's sovereignty.

As we have seen, even former prime ministers and premiers have reservations about the use of the notwithstanding clause by any government. Certainly, academic writing has pointed it out. I think, in particular, of an article by Lorraine Weinrib that pointed out that it ought to be used only as a last resort and after the courts had struck down a piece of legislation. That is why we believe that any time a government invokes the notwithstanding clause to override the charter's protections, it has to be done deliberately, carefully and with the utmost forethought. Governments should not trample on the rights of their citizens on a whim. We will always be prepared as a government to stand up for the rights of all Canadians.

Although the Government of Ontario has committed to abandoning its plans to proceed with its then Bill 31, which included the notwithstanding clause, we were disappointed in its willingness to make use of such a powerful tool on a local matter. We were also dismayed by the Premier of Ontario's suggestion that he would use the notwithstanding clause routinely to achieve the province's legislative agenda.

Our government strongly supports Canadians' freedoms. We strongly support the Charter of Rights and Freedoms that is there to protect Canadians from governments when they do overreach.

In celebrating International Day of Democracy, the Prime Minister remarked on how easy it had become in today's political climate to dismiss opportunities for debate and conversation. He called on all Canadians to strengthen our democracy every day.

We welcome the opportunity to discuss Canada's democratic tools and measures to enhance human rights in Canada.

Again, I would like to thank my colleague for his important question. However, I would remind him that committees work independently of government and are free to make their own choices for their topics of study.

*Adjournment Proceedings*

● (1850)

**Mr. Murray Rankin:** Madam Speaker, I very much respect my colleague, the parliamentary secretary and appreciate his very kind words. I enjoy working him a great deal and appreciate his very wise words.

I am still disappointed that the party of the charter would not see this as something it could embrace. I have no doubt that the government would not invoke the notwithstanding clause. I do not think that is going to happen. However, we are looking for leadership from the government.

He talked about the Prime Minister's commitment to debate and conversation. What better place to do that than the justice and legal affairs committee. He said that the committees were independent. It certainly did not seem that way when I put the motion forward just after the premier designate in Quebec decided he would go this route and follow the route that apparently the Government of Ontario had contemplated, namely routine use of the notwithstanding clause to overrule people's rights.

I am surprised and disappointed that the Government of Canada does not see fit to show leadership in this important area.

**Mr. David Lametti:** Madam Speaker, as a member of Parliament from Quebec, I am obviously watching that situation with the Quebec government very carefully. I have a number of people in my riding who wear visible demonstrations of their faith and participate in Canadian society in a variety of ways, but always positively.

Therefore, as a member of Parliament, I am watching that quite carefully. I can assure the hon. member that our government is watching that situation quite carefully, as we are watching the situation in Ontario.

I would reiterate that we were disappointed with the Government of Ontario's decision initially to invoke the notwithstanding clause. We will continue to be defenders of the charter and continue these constitutional conversations with interlocutors across Canada.

## THE ENVIRONMENT

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Madam Speaker, as I rise tonight in this late show on December 6, I am keenly aware that this is the last time I will rise to speak in an adjournment proceeding in this place, in this building. I leave tomorrow for the climate negotiations now in progress in Katowice, Poland. By the time those negotiations are completed, Parliament will be in recess. It is bittersweet to stand here, at this hour of night, knowing that this beautiful chamber will not be the one to which I return in the new year.

The question I raised and pursue tonight in adjournment proceedings was on September 25. I asked the Minister of Environment whether we were going to take the warnings of climate scientists seriously. I am quite firmly of the view that most Canadians from coast to coast to coast want to see their government take meaningful action, whether they are in New Brunswick and experienced a flood such as I have never seen before, or in British Columbia where I live, where we have now had several summers in which our usual rain does not come and our forests are on fire. Last summer we had 500 separate fires burning. We had so many volunteer firefighters leaving Vancouver Island very bravely, head-

ing into the interior into the forest fire zone to fight fires, that some fire chiefs worried that if we had a fire on Vancouver Island, we might not have enough people left to fight it. Moreover, we had storm surges in Atlantic Canada, droughts and weather in the Prairies that drove farmers to levels of depression as they saw their crops covered in snow far too early before they had been able to get out and harvest them.

I am of the view, and the Canadians who speak to me consistently say, that we need to see real climate action. The level of despair is a real risk, because as people read the reports by the Intergovernmental Panel on Climate Change, they are informed that we only have a very short period of time in which to meet the Paris targets of ensuring that global average temperatures will increase no more than 1.5°C above the global average temperature before the industrial revolution. They are equally informed that Canada's plans and targets are among the weakest in the world, that if the world followed our path, we would not hold to 1.5°C or to 2°C, but would hit a 5.1°C increase in global average temperature. That is a path to the loss of human civilization.

Sir David Attenborough spoke at the opening of COP24 in Katowice and said exactly that. We are in a race against time to save human civilization because the ravages of catastrophic climate crises are not merely more bad weather, but amount to an existential threat.

As I stand here today, the Minister of Environment has said that we are not going to improve our targets for another two years. We do not have two years. The question I raised on September 25 was about we are going to have consistent policies. How can we possibly spend another \$10 billion on the Kinder Morgan expansion to get raw bitumen out of Canada with the effect of boosting production of some of the most heavy greenhouse gas producing fossil fuel on the planet?

My question tonight, and I will raise it every chance I draw breath of life, is when are we going to set partisanship aside, do what our children and grandchildren demand of us and make a wholesale transition off fossil fuels and to the forms of energy that sustain us?

● (1855)

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Madam Speaker, I thank the hon. member for Saanich—Gulf Islands for her wisdom and her commitment to environmental stewardship as we move forward. I have the good fortune this evening in these three adjournment debates to have answered questions from three colleagues whom I enjoy working with. It is a very lucky thing this evening. Of course we love and respect all our colleagues, but some a little more, so I appreciate all of our presence here this evening.

*Adjournment Proceedings*

As for my hon. colleague's question about weighing climate impact, I can assure her that we are doing that every day. It is called the "Pan-Canadian Framework on Clean Growth and Climate Change", which we believe is a blueprint for reducing greenhouse gas emissions and adapting to climate change, as well as creating good jobs across the country in a responsible way. It is a plan that puts a price on pollution and accelerates the phasing-out of things such as coal-fired electricity in favour of cleaner options such as renewable sources of energy. It is supported by our government's unprecedented investments in the clean-growth economy, something that often gets forgotten, which includes areas such as clean tech and green infrastructure. All of this together is how we are making sure that environmental protection goes hand in hand with a responsible approach to economic prosperity and developing Canada's abundant natural resources.

The member for Saanich—Gulf Islands also knows that our government is making the single largest investment ever to protect our oceans, coastal communities and marine life through our \$1.5-billion oceans protection plan. On the Trans Mountain project, we have developed a plan for ensuring it moves forward in the right way, and only in the right way, by expanding the environmental considerations and ensuring meaningful indigenous consultations. All of these actions, all of our efforts, represent the real and substantive ways that our government is delivering on its commitment to do things differently and to do different things.

As for the National Energy Board, I must point out that Bill C-69 includes creating a new Canadian energy regulator to integrate Canada's energy, economic and climate-change goals. We are proposing to give the new federal energy regulator the required independence and proper accountability to oversee a safe, strong and sustainable Canadian energy sector in the 21st century. That is why we are eager to see Bill C-69 passed as part of our new approach to resource development, an approach that is environmentally sound and reflects what we have heard from Canadians. Canadians have told us they want project reviews that provide greater certainty and more transparency, and we hope that we are achieving this; and also that expand the role of indigenous peoples in meaningful consultation processes.

Our government and the member opposite, we like to think, are on the same page. I know that she probably would like to push us harder

and I am glad that she does do that. In that light, I share her thoughts about speaking in this House for perhaps the last time and I wish everyone the best of the season.

● (1900)

**Ms. Elizabeth May:** Madam Speaker, I do hold the hon. parliamentary secretary in very high regard and consider him a friend.

The problem here is that the pan-Canadian framework is not a climate plan. It is a patchwork of what provinces were agreeing to do, bound together and negotiated. I hate to out the reality of what happened under that pan-Canadian framework, but I think I ought to.

The deputy minister of Environment Canada through that period was the same person who was the architect of the Harper climate plan, who developed the 30% below 2005 by 2030 target. I believe that this sometimes happens; sometimes big trends of history come down to who was there, who held the pen and who chaired the meetings. Somehow, despite the fact that our Minister of Environment and Climate Change initially said that target was too weak and they would improve it, we still have the Harper target and we are not on track to meet it. We know the Harper target is far too weak to save our children.

Therefore, I will say again, it is not enough to be better than the Conservatives, the Liberals actually have to do what is right.

**Mr. David Lametti:** Madam Speaker, I do think everyone in this House agrees, or I hope everyone in this House agrees, that we need to do more in order to meet and maintain the targets that were set under COP21. I wish the hon. member the very best in the negotiations that are upcoming in Poland, as well as the whole Canadian team. Like her, I can say for myself that I do hope that we succeed.

[*Translation*]

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** The motion that the House do now adjourn is deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:03 p.m.)





# CONTENTS

Thursday, December 6, 2018

## ROUTINE PROCEEDINGS

### Bill C-84—Criminal Code

Ms. Wilson-Raybould ..... 24515

### Foreign Affairs

Mr. Leslie ..... 24515

### Government Response to Petitions

Mr. Lamoureux ..... 24515

### Violence Against Women

Ms. Monsef ..... 24515

Mrs. Boucher ..... 24516

Mr. Caron ..... 24517

Ms. Pauzé ..... 24517

### Committees of the House

#### Procedure and House Affairs

Mr. Bagnell ..... 24518

#### Citizenship and Immigration

Mr. Oliphant ..... 24518

Ms. Rempel ..... 24518

#### Public Accounts

Mr. Sorenson ..... 24518

### Business of the House

Mr. Lamoureux ..... 24518

Motion ..... 24519

(Motion agreed to) ..... 24519

### Petitions

#### Firearms

Mrs. Gallant ..... 24519

#### Canadian Heritage

Mr. Aldag ..... 24519

#### Canada Post

Mr. Aldag ..... 24519

### Questions on the Order Paper

Mr. Lamoureux ..... 24519

### Questions Passed as Orders for Returns

Mr. Lamoureux ..... 24521

## GOVERNMENT ORDERS

### Criminal Code

Ms. Wilson-Raybould ..... 24521

Motion ..... 24521

Mr. Cooper ..... 24524

Ms. Quach ..... 24524

Mr. Virani ..... 24524

Mr. Cooper ..... 24525

Mr. Cooper ..... 24525

Mr. Virani ..... 24529

Ms. Moore ..... 24529

Mr. Lloyd ..... 24529

Ms. Quach ..... 24530

Mr. Virani ..... 24531

Ms. Boutin-Sweet ..... 24532

Ms. Moore ..... 24532

Mr. Virani ..... 24533

Mr. Cooper ..... 24534

Mr. McKinnon ..... 24534

Mr. Cooper ..... 24535

Ms. Quach ..... 24535

Mr. Longfield ..... 24536

Mr. Housefather ..... 24536

Mr. Lamoureux ..... 24536

Mr. Sorenson ..... 24536

Mr. Housefather ..... 24538

Mr. Cullen ..... 24538

Mrs. Vecchio ..... 24538

Mr. Virani ..... 24540

Mr. Cullen ..... 24540

Mr. O'Toole ..... 24541

Mr. Virani ..... 24543

Ms. Moore ..... 24544

Mr. Bagnell ..... 24544

Mr. Blaney (Bellechasse—Les Etchemins—Lévis) ..... 24545

## STATEMENTS BY MEMBERS

### Federal-Provincial Relations

Mr. Barsalou-Duval ..... 24546

### Armenia

Mr. El-Khoury ..... 24546

### Christmas Giving

Mr. Brassard ..... 24546

### Bhimrao Ambedkar

Mr. Sarai ..... 24546

### Violence against Women

Ms. Benson ..... 24546

### Spanish Influenza

Ms. Jones ..... 24547

### Hazaras

Mr. Genuis ..... 24547

### Crossroads International

Mr. Oliphant ..... 24547

### Chief of Police

Mr. Gerretsen ..... 24547

### Canada Summer Jobs Initiative

Mr. Warawa ..... 24547

### Holiday Celebrations in Saint-Jean

Mr. Rioux ..... 24548

### Viola Desmond

Mr. Virani ..... 24548

<b>Carbon Pricing</b>	
Mr. Barlow .....	24548
<b>Christkindl Market</b>	
Mr. Saini .....	24548
<b>The Environment</b>	
Mr. Dusseault .....	24549
<b>Violence Against Women</b>	
Ms. Harder .....	24549
<b>Violence Against Women</b>	
Ms. Lapointe .....	24549

## ORAL QUESTIONS

<b>Natural Resources</b>	
Mr. Scheer .....	24549
Mrs. Lebouthillier .....	24549
Mr. Scheer .....	24550
Mr. Sohi .....	24550
Mr. Scheer .....	24550
Mr. Sohi .....	24550
<b>Finance</b>	
Mr. Deltell .....	24550
Mr. Brison .....	24550
Mr. Deltell .....	24550
Mr. Brison .....	24550
<b>Natural Resources</b>	
Mr. Caron .....	24551
Mr. Sohi .....	24551
<b>Indigenous Affairs</b>	
Mr. Caron .....	24551
Mrs. Philpott .....	24551
Ms. Blaney (North Island—Powell River) .....	24551
Mr. Sohi .....	24551
Ms. Blaney (North Island—Powell River) .....	24551
Mrs. Philpott .....	24551
<b>The Economy</b>	
Mr. Berthold .....	24552
Ms. O'Connell .....	24552
Mrs. Falk (Battlefords—Lloydminster) .....	24552
Ms. O'Connell .....	24552
Mrs. Kusie .....	24552
Mr. Champagne .....	24552
Mr. Schmale .....	24552
Mr. Lametti .....	24552
<b>Automotive Industry</b>	
Mr. Carrie .....	24553
Mr. Lametti .....	24553
<b>The Economy</b>	
Mr. O'Toole .....	24553
Ms. O'Connell .....	24553
<b>Ethics</b>	
Mr. Cullen .....	24553
Ms. Chagger .....	24553

<b>Natural Resources</b>	
Mr. Julian .....	24553
Ms. O'Connell .....	24553
<b>Telecommunications</b>	
Mr. Paul-Hus .....	24554
Mr. Lametti .....	24554
Mr. Paul-Hus .....	24554
Mr. Lametti .....	24554
Mr. Albas .....	24554
Mr. Lametti .....	24554
Mr. Albas .....	24554
Mr. Lametti .....	24554
<b>Indigenous Affairs</b>	
Ms. Ashton .....	24554
Mrs. Philpott .....	24554
Mr. Angus .....	24555
Mrs. Philpott .....	24555
<b>Violence Against Women</b>	
Ms. Sgro .....	24555
Ms. Monsef .....	24555
<b>News Media Industry</b>	
Mr. Brassard .....	24555
Mr. Rodriguez .....	24555
Mr. Brassard .....	24555
Mr. Rodriguez .....	24555
<b>Infrastructure</b>	
Mr. Godin .....	24556
Mr. Champagne .....	24556
Mr. Jeneroux .....	24556
Mr. Champagne .....	24556
<b>Official Languages</b>	
Mr. Choquette .....	24556
Ms. Joly .....	24556
<b>Agriculture and Agri-food</b>	
Ms. Brosseau .....	24556
Mr. MacAulay .....	24557
<b>Ethics</b>	
Mr. Kent .....	24557
Ms. Chagger .....	24557
Mr. Kent .....	24557
Ms. Chagger .....	24557
Mr. Gourde .....	24557
Ms. Chagger .....	24557
<b>Veterans Affairs</b>	
Mr. Bratina .....	24557
Mr. O'Regan .....	24558
<b>Indigenous Affairs</b>	
Mrs. McLeod (Kamloops—Thompson—Cariboo) .....	24558
Mrs. Philpott .....	24558
<b>Pensions</b>	
Mr. Duvall .....	24558
Mr. Lametti .....	24558

<b>The Economy</b>	
Mr. Sorbara .....	24558
Ms. O'Connell .....	24558
<b>International Trade</b>	
Mr. Généreux .....	24558
Mr. Garneau .....	24558
Mr. Ste-Marie .....	24559
Mr. MacAulay .....	24559
<b>Immigration, Refugees and Citizenship</b>	
Mr. Thériault .....	24559
Mr. DeCoursey .....	24559
<b>Indigenous Affairs</b>	
Mr. Tootoo .....	24559
Mr. Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs) .....	24559
<b>Business of the House</b>	
Mr. Strahl .....	24559
Ms. Chagger .....	24559

### GOVERNMENT ORDERS

<b>Federal Sustainable Development Act</b>	
Mr. Blair (for the Minister of Environment and Climate Change) .....	24560
Motion .....	24560
Mr. Fraser (Central Nova) .....	24560
Ms. Duncan (Edmonton Strathcona) .....	24562
Mr. Bittle .....	24563
Mr. Lamoureux .....	24563
Ms. May (Saanich—Gulf Islands) .....	24563
Mr. Genuis .....	24564
<b>Criminal Code</b>	
<b>Bill C-51—Notice of time allocation motion</b>	
Ms. Chagger .....	24580

<b>Federal Sustainable Development Act</b>	
<b>Bill C-57—Notice of time allocation motion</b>	
Ms. Chagger .....	24581
<b>Poverty Reduction Act</b>	
<b>Bill C-87—Notice of time allocation motion</b>	
Ms. Chagger .....	24581
<b>Mackenzie Valley Resource Management Act</b>	
<b>Bill C-88—Notice of time allocation motion.</b>	
Ms. Chagger .....	24581

### PRIVATE MEMBERS' BUSINESS

<b>Women, Peace and Security Ambassador</b>	
Motion .....	24581
Ms. Blaney (North Island—Powell River) .....	24581
Mrs. Caesar-Chavannes .....	24582
Mrs. Gallant .....	24583
Ms. Goldsmith-Jones .....	24585
Mr. Wrzesnewskyj .....	24586
Division on motion deferred .....	24587

### ADJOURNMENT PROCEEDINGS

<b>Transport</b>	
Mr. MacGregor .....	24587
Mr. Lametti .....	24588
<b>Intergovernmental Affairs</b>	
Mr. Rankin .....	24589
Mr. Lametti .....	24589
<b>The Environment</b>	
Ms. May (Saanich—Gulf Islands) .....	24590
Mr. Lametti .....	24590

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