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(HANSARD)

Thursday, November 8, 2018

The Honourable GEORGE J. FUREY,
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Thursday, November 8, 2018

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

Prayers.

SENATORS' STATEMENTS

REMEMBRANCE DAY

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, Sunday is Remembrance Day. As is the case every November 11, Canadians everywhere will pause and pay respect to the men and women who have made the ultimate sacrifice while serving our country in uniform during times of conflict and war.

[*Translation*]

Their loss left an indelible mark on the friends, neighbours, colleagues and families they left behind.

[*English*]

Each day, as honourable senators go about our work in this place, we are reminded of the devastation of the First World War through the sombre paintings that hang upon the walls which we can see in our chambers. Canada's contribution to that conflict was vast. It has often been observed that the First World War helped shape Canada into the country it is today. Sunday will mark the passage of 100 years since the end of that war.

In the days leading up to the signing of the armistice between the Allies and Germany, Canadian soldiers remained on the forefront of fighting. For example, 100 years ago this very day, on November 8, 1918, units of the 3rd Canadian Infantry Division cleared the villages of Thivencelle and St. Aybert in northern France. The last soldier of the British empire to be killed in the First World War was a Canadian — Private George Price of Nova Scotia — who died in Belgium just two minutes before the armistice came into effect.

As a little side note, as we all learned, Sir Arthur Currie, in leading the Canadian troops at Vimy Ridge, was the ascension of Canada towards the nation it is today. The Germans, it was quoted, recognized the Canadian forces as their toughest opponents of all of the allied forces. I know we don't like to compliment things during war, but it shows how tough the Canadians were.

Victory in the First World War came with a high price for Canada. It remains the deadliest conflict in our country's history. The First World War Book of Remembrance in the Peace Tower's Memorial Chamber contains the names of over 66,000 of our fellow citizens who gave their lives while serving in uniform a century ago.

This Remembrance Day, we remember them and, indeed, all Canadians throughout our country's history who have died in the defence of the peace and liberty that we cherish today.

Lest we forget.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Zegalski family. They are the guests of the Honourable Senator Bovey.

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

Hon. Senators: Hear, hear!

GERARD GALLANT

Hon. Diane F. Griffin: Honourable senators, I rise today to talk about the athletic exploits of another great Prince Edward Islander, this time a professional hockey player.

Gerard Gallant started his hockey career in his hometown of Summerside. He then played for the Sherbrooke Castors in the Quebec Major Junior Hockey League before a brief stint in the AHL and then starting his career in the National Hockey League.

Over his NHL career, Gerard scored 211 regular-season goals and 480 points, mostly with the Detroit Red Wings.

After his playing career, Gerard returned to P.E.I. and started coaching the Summerside Capitals in the Maritime Junior Hockey League. He soon made his way up again through the ranks of professional hockey to the NHL. He really rose to prominence last year as head coach for the Las Vegas Golden Knights, who won 51 games in the regular season and made it to the Stanley Cup final in their first year in the league. In June of this year, Gerard won the Jack Adams Award, given annually to the NHL's top coach.

I always thought Gerard would do well as a coach, having seen his qualities as a player. As well, he's ably assisted by a great team of coaches, including Mike Kelly, who is also from Prince Edward Island and has coached professional hockey for years.

• (1340)

In the spirit of Senator Manning, who always makes a point of "Telling our Story," I wanted to share my pride in what these Islanders have accomplished and their contribution to Prince Edward Island's story. I hope you will all join me in wishing them continued success; and by the way, they're in town tonight playing the other Senators.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mrs. Montana Currie, the wife of the Honourable Senator Neufeld.

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

Hon. Senators: Hear, hear!

NATIONAL PHILANTHROPY DAY

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, next Thursday, November 15, is National Philanthropy Day. It is the day when we honour the enormous contributions of volunteers, charitable organizations and, indeed, all Canadians and thank them for their spirit of giving. It is also the day that reminds us we should celebrate the kindness and generosity of others every day of the year.

In 2012, the National Philanthropy Day Act was given Royal Assent to officially celebrate the day in Canada. That act states:

> . . . philanthropy is the spirit of giving without expectation of reward;
>
> . . . philanthropy helps build strong communities and active civic participation by bringing people together to serve a common goal.

I believe Canadians do that every day of the year.

Honourable senators, this year is especially important as we are currently studying the charitable sector in the special Senate committee that was formed to discuss issues facing the sector and how we can find ways to help improve it. Like National Philanthropy Day, the committee's work is reminding us of the importance of giving and how so many organizations across the country are working hard to accomplish their goals.

I encourage all honourable senators to remain active in their communities and to inspire volunteers to continue giving of themselves.

Merely saying "thank you" may sound like a very simple gesture, but the impact of those two words can mean the world to someone.

Thank you, honourable senators.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Maurice and Carol McGillivray. They are the guests of the Honourable Senator Deacon (*Nova Scotia*).

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

Hon. Senators: Hear, hear!

REMEMBRANCE DAY

Hon. Michael L. MacDonald: Honourable senators, we as Canadians can take great pride in our nation's history, and we honour the sacrifices of those who shaped the country we know and cherish today.

This coming weekend we commemorate a uniquely historic occasion. At the eleventh hour, of the eleventh day, of the eleventh month of 1918 — 100 years ago this Sunday — after over four years of the bloodiest conflict in our country's history, the guns fell silent on the Western Front. With the signing of the Armistice, the Great War, as it was then known, was over.

By war's end, over 650,000 Canadians and Newfoundlanders would answer the call — a huge portion of our small population at the time of just over 8 million people; 425,000 of them would go overseas. Victory, however, would come at a great cost: nearly 240,000 casualties — a casualty rate that is unbelievable these days.

Of those, over 66,000 never came home — 66,000 dead, young men mostly, many of whom we would consider just boys today.

As for the soldiers fortunate enough to return home, we can only imagine what they went through and what they experienced over there in the trenches, far from home, and how it would haunt them the rest of their days. But it was in the Great War where I believe so much of our identity as a nation was forged.

The Second Battle of Ypres, the Battle of the Somme, Vimy Ridge, Passchendaele and the Hundred Days Offensive of 1918 were some of the greatest battles of the war, and Canadians participated bravely and effectively in all of these conflicts.

The Canadian troops would be known as the CEF, the Canadian Expeditionary Force, and would be supplemented by troops from all over the Dominion. Nova Scotians answered the call in great numbers: the Nova Scotia Rifles, the Halifax Rifles and the many battalions of both the Nova Scotia and Cape Breton Highlanders.

Many Canadians, particularly Maritimers, served in the Royal Navy, and Canadians comprised almost one quarter of the Royal Air Force by the war's end, with three of them — Major Billy Bishop, Raymond Collishaw and Colonel Billy Barker — ranking among the top aces of the war.

Nova Scotia would also provide the leader of our country, the Right Honourable Sir Robert Borden. Borden successfully led us through the war and was the principal architect of a renewed and confident Canada.

We in this chamber are the most fortunate generation. Unlike our parents' or our grandparents' generation, we were never asked nor compelled to go to war. These brave generations fought and died for the freedoms we are blessed with today.

Lest we forget.

ABORIGINAL VETERANS DAY

Hon. Dan Christmas: Honourable colleagues, it's my honour to rise in this chamber to commemorate Aboriginal Veterans Day.

The marking of this date began in 1994 in Manitoba to honour the contributions of First Nations and Metis people who served in the Canadian military.

In 2001, the National Aboriginal Veterans Monument was unveiled and dedicated here in Ottawa, and commemorative ceremonies are now held in many communities in Canada on November 8.

Polish poet Czeslaw Milosz wrote: "The living owe it to those who no longer can to tell their story for them." I am humbled and thankful to do so on behalf of so many who gave their all to defend this land and the freedom enjoyed throughout it.

In the two World Wars, their sacrifice was significant: 4,000 First Nations men volunteered for service in World War I — over 300 died.

In the World War II, 20,000 First Nations volunteered for service — over 200 died.

These numbers represent about 30 per cent of First Nations men eligible to serve. And when considering the extent of the sacrifice of First Nations people, we cannot forget that they were not considered citizens of Canada and did not have the right to vote.

It's clear that the courage and dedication of First Nations soldiers knew no bounds, and that their selflessness to defend the freedom of the many was paramount in their minds and hearts.

I'd like to tell you the story of one such man, from my home community of Membertou. In February 1945, after many years of training, a soldier was deployed to Italy where he joined the renowned Princess Patricia's Canadian Light Infantry. From there, the young man helped push through France, Belgium, Germany and finally into Holland, all leading up to a final assault, termed "Operation Cannonshot."

The assault was launched by the Princess Pat's at 4:30 p.m. on April 11, 1945, and lasted until 2 a.m. the next morning. But when a German counterattack was launched, the young soldier was struck by shrapnel from an exploding tank shell. Fragments shot through his abdomen before lodging in his spine. Dangerously wounded, he managed to crawl into a bomb crater filled with water and laid there for hours, still conscious, before being found the next morning.

The young man survived. However, the serious injury to his spine left him with permanent partial paralysis of his right leg for the rest of his life.

It's a good thing he did survive, as the young man in question was none other than my father, Private Augustus Christmas.

On this Aboriginal Veterans Day, I remember the sacrifice of all servicemen and servicewomen, and most of all I remember the courage and true grit of that young private from Membertou, Nova Scotia.

Gus Christmas was a strong, caring man who served his country, his community and his family. He was also the greatest father you could ask for.

Today, I salute my father and I give humble thanks for him and all his Indigenous comrades-in-arms; and I remember.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

SUPPLEMENTARY ESTIMATES (A) 2018-19—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Supplementary Estimates (A) 2018-19*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

• (1350)

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-FIRST REPORT OF COMMITTEE TABLED

Hon. Sabi Marwah: Honourable senators, I have the honour to table, in both official languages, the thirty-first report of the Standing Committee on Internal Economy, Budgets and Administration entitled *Annual Report on Parliamentary Associations' Activities and Expenditures for 2017-18*.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-375, An Act to amend the Criminal Code (presentence report).

(Bill read first time.)

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

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

SIKH HERITAGE MONTH BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-376, An Act to designate the month of April as Sikh Heritage Month.

(Bill read first time.)

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

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

[*English*]

THE SENATE

NOTICE OF MOTION PERTAINING TO A NEW ORDER FOR COMMITTEES

Hon. Yuen Pau Woo: Honourable senators, with leave of the Senate and notwithstanding rules 4-12 and 5-5(j), I give notice that, later this day, I will move:

> That, except in relation to the joint committees and the Standing Committee on Ethics and Conflict of Interest for Senators, and notwithstanding the provisions of rules 12-2(3), 12-3(1), and 12-3(2); of the order of November 7, 2017; and of any usual practice:
>
> 1. as of the end of the day on November 15, 2018, senators who are members of committees, other than the ex officio members, cease to be members of those committees; and
>
> 2. at any time after the adoption of this order, the Facilitator of the Independent Senators Group (or designate), the Leader of the Opposition (or designate), and the Leader of the Independent Liberal senators (or designate) name, from their respective party or group, by notice filed with the Clerk of the Senate, who shall have the notice recorded in the *Journals of the Senate*, the new members of those committees to be effective as of the beginning of the day on November 16, 2018, or upon receipt of the notice, whichever comes later, according to the following numbers, with the total membership of a committee increasing, as required, as a consequence:
>
> (*a*) the Standing Senate Committee on Legal and Constitutional Affairs:
>
> (i) six senators from the Independent Senators Group,
>
> (ii) four Conservative senators, and
>
> (iii) two Independent Liberal senators;
>
> (*b*) the Standing Senate Committee on Foreign Affairs and International Trade:
>
> (i) seven senators from the Independent Senators Group,
>
> (ii) four Conservative senators, and
>
> (iii) two Independent Liberal senators;
>
> (*c*) the Standing Senate Committee on Agriculture and Forestry; and the Standing Senate Committee on Fisheries and Oceans:
>
> (i) seven senators from the Independent Senators Group,
>
> (ii) four Conservative senators, and
>
> (iii) one Independent Liberal senator;
>
> (*d*) the Standing Senate Committee on Aboriginal Peoples; the Standing Committee on Internal Economy, Budgets and Administration; the Special Senate Committee on Senate Modernization; and the Standing Committee on Rules, Procedures and the Rights of Parliament:
>
> (i) seven senators from the Independent Senators Group,
>
> (ii) six Conservative senators, and
>
> (iii) two Independent Liberal senators;
>
> (*e*) the Standing Senate Committee on Energy, the Environment and Natural Resources:
>
> (i) seven senators from the Independent Senators Group,
>
> (ii) six Conservative senators, and
>
> (iii) one Independent Liberal senator;
>
> (*f*) the Standing Senate Committee on National Finance; and the Standing Senate Committee on Social Affairs, Science and Technology:
>
> (i) seven senators from the Independent Senators Group,
>
> (ii) five Conservative senators, and
>
> (iii) one Independent Liberal senator;

(*g*) the Special Senate Committee on the Arctic; and the Standing Senate Committee on Official Languages:

(i) four senators from the Independent Senators Group,

(ii) four Conservative senators, and

(iii) one Independent Liberal senator;

(*h*) the Special Senate Committee on the Charitable Sector:

(i) three senators from the Independent Senators Group,

(ii) three Conservative senators, and

(iii) one Independent Liberal senator;

(*i*) the Standing Senate Committee on Banking, Trade and Commerce:

(i) seven senators from the Independent Senators Group,

(ii) five Conservative senators, and

(iii) two Independent Liberal senators;

(*j*) the Standing Senate Committee on Human Rights:

(i) five senators from the Independent Senators Group,

(ii) three Conservative senators, and

(iii) one Independent Liberal senator;

(*k*) the Standing Senate Committee on National Security and Defence; and the Standing Senate Committee on Transport and Communications:

(i) six senators from the Independent Senators Group,

(ii) five Conservative senators, and

(iii) one Independent Liberal senator;

(*l*) the Committee of Selection:

(i) four senators from the Independent Senators Group,

(ii) four Conservative senators, and

(iii) one Independent Liberal senator;

That, for greater certainty, a senator who is, as of the end of the day on November 15, 2018, the chair or deputy chair of a committee remain in that position at the beginning of the day on November 16, 2018, if still then a member of the committee;

That, notwithstanding any other provision in this order, a non-affiliated senator who is a member of a committee at the end of the day on November 15, 2018, continue as a member of that committee at the beginning of the day on November 16, 2018, with the number of seats that the leader or facilitator of the largest recognized party or recognized parliamentary group can appoint under the terms of this order being reduced by an equivalent number;

That a senator who retained a seat on a committee under the provisions of the previous paragraph cease to be a member of that committee if the senator:

1. becomes a member of a recognized party or recognized parliamentary group; or

2. places him- or herself under the authority of a leader or facilitator for the purposes of making membership changes to committees;

That, if a senator ceases to be a member of a committee pursuant to the previous paragraph, the leader or facilitator of the party or group whose number of seats had been reduced be authorized to fill the consequential vacancy;

That, notwithstanding any usual practice, for the remainder of the current session, a non-affiliated senator may, by written notice to the Clerk, place him- or herself under the authority of one leader or facilitator for the purposes of making membership changes to committees, including the joint committees, pursuant to rule 12-5, provided that the senator may, again by written notice to the Clerk, at any time cancel this authority;

That, except as provided in the immediately preceding two paragraphs, nothing in this order affect processes under the Rules permitting membership changes once new members of a committee have been named pursuant to this order; and

That, for greater certainty, nothing in this order affect the provisions of rule 12-3(3) and the provisions of the order of November 7, 2017, respecting ex officio membership.

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

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

• (1400)

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO PUBLIC ASSISTANCE PROVIDED TO MULTINATIONAL COMPANIES BY THE GOVERNMENT

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

> That the Standing Senate Committee on National Finance be authorized to examine and report on issues related to public assistance provided to multinational companies by the Government of Canada, including the 350 million dollar loan provided to Bombardier Inc. in 2008 and the 373 million dollars loaned to Bombardier Inc. in 2017, taking particular account of, but not limited to, the overall value of such investment on behalf of Canadians; and
>
> That the committee submit its final report to the Senate no later than April 2, 2019, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

QUESTION PERIOD

VETERANS AFFAIRS

PENSIONS

Hon. Larry W. Smith (Leader of the Opposition): My question is for the government leader in the Senate. The Liberal Party of 2015, in their federal election campaign promised, "We will re-establish life-long pensions as an option for our injured veterans . . . ."It was widely believed this promise meant a return to the pension system that existed prior to the enactment of the New Veterans Charter in 2006. However, the *Globe and Mail* reported on Tuesday that the new Pension for Life plan announced by Minister O'Regan last December will actually save the government about $500 million over five years.

Why has the government chosen to move to a new pension plan that gives our veterans half a billion dollars less?

Hon. Peter Harder (Government Representative in the Senate): Again I thank the honourable senator for his question.

Let me remind all senators that Pension for Life represents an additional investment of $3.6 billion to support Canada's veterans. When you combine that with the well-being programs that were announced in earlier budgets, the Government of Canada's investment since 2016 adds an additional $10 billion. It would not be surprising that, as you do the mathematics of a plan for pensions for life, the expenditure over the period of that life ebbs and flows so that you can't compare in the first five years the costs of one plan versus the cost of the other. Rest assured that the commitments made by the government to enhance the pensions for life is exactly that which I have described.

Senator Smith: Thank you for your answer.

Earlier this year, Minister O'Regan fought a well-known veterans advocate in court regarding his claim that disabled veterans would receive less under the new pension system than the previous one. The minister's own department officials and Library of Parliament study both confirmed that this veteran's figures were correct.

I appreciate your response, but I'm not sure how clear it is or whether it leaves questions in the minds of people. Could you find out why the government continues to fight veterans in court? And can we get information in terms of really showing exactly what the new deal is worth versus the old deal so that we can be informed completely of the issues and there will be clarity?

Senator Harder: I thank the honourable senator for his question.

As you would expect, it would not be appropriate for me or for the government to comment on individuals. However, with respect to global reporting, I will make inquiries. The senator will remember that when Minister O'Regan was here, he gave some figures. I'll ensure that those figures remain the accurate figures of the day.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

BOMBARDIER INC.

Hon. Leo Housakos: Honourable senators, I would like to ask a question of the government leader.

About 18 months ago we learned that the Trudeau government had given Bombardier Inc. $373 million of taxpayers' money, but we were not provided any details of the handout or given any assurances that it was a sound use of Canadian taxpayers' money.

I asked the government leader in this chamber to answer some of the most basic questions — whether it was a loan or, if so, when it would be repaid. I also asked Senator Harder at the time if he would tell us if this was an investment in the company short term or long term. The answer I got from Senator Harder was that it was an investment in Canada's aerospace industry and an investment in Canadian jobs.

Not long after, of course, we learned that the executives at Bombardier gave themselves bonuses of 50 per cent while thousands of jobs had been lost. Bombardier went on to sell their signature C Series to a foreign entity, Airbus. Today, we learned of the sale of more assets by Bombardier and the loss of thousands of jobs to Canadians. More than 3,000 jobs have been lost in my home province alone and 500 jobs in the province of Ontario.

I would like to ask the government leader again, what assurances do Canadians have that this government has not squandered their hard-earned money? This certainly doesn't look like a sound investment, because thousands of jobs have been sent out the door while we have given Bombardier hundreds of millions of dollars.

Hon. Peter Harder (Government Representative in the Senate): Again, the honourable senator will know that the announcement made this morning was the most recent announcement by the company with respect to reordering its strategic plan and implementing its revised vision.

The Government of Canada remains a solid partner, along with the Government of Quebec I should add, in supporting the aerospace sector in Canada. That continues to be the view of the government.

Senator Housakos: Leader, I'm not asking about the government's philosophical support of the industry or this Parliament's commitment to the industry. I find it unbelievable that the government leader is unwilling to provide answers to this chamber on behalf of the government in regard to Canadians' hard-earned money and how it's being spent.

I'm renewing my call to have this matter sent to a committee of this chamber to be studied in-depth. I would like the government leader to give his commitment today that he will endorse this chamber's ability and right to question projects and initiatives of the government when it comes to taxpayers' money and its efficient use.

Senator Harder: Again, honourable senators, the chamber does not require the support of the Government Representative in the Senate to determine its work plan. Obviously, I stand ready to support any committee in the work plan that it adopts.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

UNITED STATES-MEXICO-CANADA AGREEMENT

Hon. Diane F. Griffin: My question is for the Government Representative in the Senate.

Yesterday, Global Affairs Canada cancelled a briefing that I had been looking forward to on the USMCA trade agreement. It was intended for both members of Parliament of the House of Commons and for senators. The reason for the cancellation was due to recorded votes in the other place. Members of the Senate Agriculture and Forestry Committee were unable to attend a prior briefing on the USMCA due to a scheduling conflict with the meeting times. We were looking forward to last evening.

I would like to have the opportunity to ask departmental officials why there is still no published Canadian version of the USMCA text. Only the American version is available. The lack of a text is worrisome for supply-managed agricultural sectors, especially dairy. They are unable to provide detailed comments to working groups established by Agriculture and Agri-Food Canada.

Would you speak with Minister Freeland and arrange a separate technical briefing for senators and their staff on the USMCA before the winter break? This will allow senators to have a briefing with officials without it being either interrupted or cancelled due to division bells in the other place.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She may or may not be aware that earlier this afternoon Minister Freeland in fact sent an e-mail to all senators, indeed all members of Parliament, apologizing for a technical error which did not give advance notice to the cancellation of the program to some senators. I apologize on the floor of this chamber on her behalf.

• (1410)

Let me say the reason for that is exactly as the questioner suggests, there were division bells. It is the intention of the minister to reschedule to ensure that all members of Parliament are given the opportunity to both be briefed and ask questions on this important matter.

In the question of the honourable senator, she also referenced the text that was available through the USTR. Under American legislation, their trade promotion authority requires a text such as it exists to be tabled no later than September 30. That is the text the Americans have released. It is not the official Canadian text or, for that matter, the official Mexican text and I suspect will not be the last American text.

As soon as the text negotiations have been completed, text will be forthcoming so all members of Parliament will have ample opportunity to study, review and ask questions on this matter before Parliament is asked to ratify the agreement as to be signed.

[*Translation*]

VETERANS AFFAIRS

BOOK OF REMEMBRANCE

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. I just want to remind you that on at least four occasions over the past year, I've asked you or the Minister of Veterans Affairs to arrange for the War of 1812 Book of Remembrance to be placed in the Memorial Chamber where it belongs. The book is ready, but there must be a lack of will somewhere, because it still hasn't been put in its rightful place. In just a few weeks, Centre Block will be closing down for several years. In order to properly honour our fallen, can you assure us that steps will be taken before this building becomes inaccessible to Canadians?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question.

When I last visited the refurbishing of the West Block, it was pointed out to me where that chapel will be located. I was given an update at the time. I will have to make inquiries as to whether we're still on schedule to have that in place when the move does take place. It obviously is of concern to all parliamentarians the appropriate commemoration of those who served our country over the now more than a century and a half are appropriately recognized for visitors to the Parliament of Canada. I would be happy to report back when and how that will take place.

[*Translation*]

SUPPORT FOR VETERANS

Hon. Pierre-Hugues Boisvenu: Since we are just a few days away from Remembrance Day, when we honour those who died for our country, I would like to know more about the man who killed Constable Catherine Campbell in Nova Scotia in 2015. He has no connection with the Canadian Armed Forces; rather, it is his father who was a member. There was a major public outcry about the fact that this individual was receiving benefits. We called on the government to address the issue, and it decided to put an end to this type of support for those who have never served in the Canadian Armed Forces.

Why does that decision not apply to the individual in question, as it did in the McClintic case, where the Minister of Public Safety made the retroactive decision to no longer transfer inmates to minimum-security facilities? Why will this individual, who has no connection with the Canadian Armed Forces, continue to receive benefits from Veterans Affairs Canada?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I will make inquiries and report back.

[*Translation*]

Senator Boisvenu: I would like you to remind the Minister of Veterans Affairs and the government that it needs to stop providing benefits to this individual, who has no ties to the Canadian Armed Forces and, moreover, killed a police officer. He should be receiving support from the prison system, not from Veterans Affairs Canada. That is fundamentally wrong, and it shows a blatant lack of respect for veterans. Will the Leader of the Government in the Senate pass this message on to the minister so that this individual no longer receives benefits from Veterans Affairs Canada and instead gets help from the programs offered within the corrections system?

[*English*]

Senator Harder: I will.

[*Translation*]

CANADIAN HERITAGE

MEDIA PRESERVATION

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Earlier, Senator Housakos raised a troubling issue. It is always tragic to see such massive layoffs affecting Canadian families, especially just a few weeks before the holidays.

Another deplorable issue our society has been grappling with for some time is the crisis plaguing the media and threatening the health of our democracy. This morning, *La Presse* announced that it is cutting 37 jobs. We all know that Canada's daily papers are struggling and could disappear if nothing is done. Canada's newspapers earned $3.87 billion in net revenue in 2007 but just $2.13 billion in 2016. The difference went to web giants like Google, Facebook and YouTube. I'm not talking about bailing these companies out. There are plenty of potential solutions involving taxation and copyright protection. Unless something is done, Facebook and Google will kill the information sources that are so vital to Canadians.

Bill C-86 offers no concrete solutions. Is the government taking this crisis seriously, and what is it doing to resolve it?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I think all parliamentarians and the Government of Canada is concerned with the well-being of our print media in particular. The challenges to print media in this country are shared in a number of Western democratic jurisdictions. What the efforts of this government have been focusing on, as the last budget bill indicated, is a fund to provide support to those papers like *La Presse*, which have become not-for-profit organizations. This, of course, is a delicate balance the government has to face in terms of what is appropriate for public funds to be in support of the media.

The honourable senator will also know the Public Policy Forum, Ed Greenspon, led a review of this matter. His report was tabled and has been used widely. In fact, it was the basis of which the government proceeded with the initiative I have described. That report had other suggestions, which I think will benefit from further public commentary because obviously there will have to be more done in the face of continuing challenges this sector faces.

[*Translation*]

VETERANS AFFAIRS

SUPPORT FOR VETERANS

Hon. Ghislain Maltais: My question is for the Leader of the Government in the Senate. We are all wearing our little poppies with pride today. The First World War ended 100 years ago with

the armistice. Many of us will lay wreaths this Sunday in memory of those who gave their lives for our country. We will be surrounded by veterans, including a few from the Second World War and many more from the Korean War, Afghanistan, Bosnia and other deployments.

I look around the Senate Chamber with pride today. Will those veterans be as proud when they look at us, knowing that Veterans Affairs Canada is throwing up obstacles and making it harder for them to access the benefits they are entitled to?

• (1420)

It can take up to 16 weeks for veterans to get medication, see a specialist or receive a pension payment. Is that how your government thanks veterans, Senator Harder?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. I think all senators will, in their own way, over the course of Sunday have a number of occasions where we as individuals and groups will commemorate the armistice, both here and abroad.

Let me simply say this government has, as I indicated earlier, enhanced its investments to our veteran support programs to the tune of about $10 billion since 2016. The Government of Canada has, in the last three years, opened up additional offices regionally that had been closed to ensure better service to our veterans. The government will continue to ensure our veterans are appropriately treated. That is what Canadians expect and what the government is delivering.

[*Translation*]

Senator Maltais: That, of course, is just rhetoric, and if I repeat it to the veterans on Sunday I'm not sure they will invite me for coffee.

My other question is the following: Can you tell us why francophone veterans have to wait five to six weeks longer than other veterans to receive care?

Can you undertake, in this chamber, to have the Minister of Veterans Affairs agree to all the conditions issued by the Veterans Ombudsman?

[*English*]

Senator Harder: As the minister made clear, both when the minister was here and as he has in the other place and outside of Parliament, the Government of Canada continues to work to improve service levels to our veterans. We should never take the status quo as the acceptable goal. That is why the enhanced program initiatives of the last three years have been taken. That is why budgets over this period have increasingly provided additional funding. Service delivery options have been provided in terms of selection of life pensions and the like.

More obviously needs to be done. That is what the minister has committed to and what the government is constantly reviewing. Service level performance is one of the areas the deputy minister, Mr. Natynczyk — who himself, as you will know, is a veteran — has dedicated himself to. That is the objective of the government.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for the government leader in the Senate.

Veterans Affairs Canada currently has a service standard of 16 weeks from the date the service begins to the date a decision is delivered. In 2016-17, the service standard was met only 43 per cent of the time. Last month, it was revealed the government is considering raising the service standard from 16 weeks to 20 or even 30 weeks.

Senator Harder, could you please tell us if the government is indeed considering extending this timeline for service at the Department of Veterans Affairs? And if so, why not focus on improving services to meet the 16-week standard instead of simply pushing back the time frame?

Senator Harder: Again, I would be happy to seek a fuller response. Let me assure the honourable senator the objective of the minister and of his department is to ensure better service standard performance. That is why service standards were put in place by this government and why a focus on improved service is at the heart of the minister's attention.

Let me get back to you with respect to the way in which service standards have been decided upon and how and if they may be adjusted.

Senator Martin: Thank you. I look forward to that response.

In addition, in a report released in September, the Veterans Ombudsman looked into the length of time it takes veterans to receive a decision from the department on their disability benefit applications. The ombudsman recommended the department "provide each applicant with an individualized expected turnaround time for their application and inform them if the decision will be delayed and why."

Could the government leader please provide us with the government's response to this particular recommendation? Is Veterans Affairs considering providing individualized timelines to veterans awaiting decisions?

Senator Harder: I will make that inquiry.

Senator Martin: Thank you.

[*Translation*]

ORDERS OF THE DAY

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am now prepared to rule on the question of privilege raised by Senator Patterson on Thursday, November 1. His question of privilege related to events that took place at the Annual General Meeting of the Canadian NATO Parliamentary Association, and concerns that it was not conducted in accordance with the Constitution of the Association.

A number of senators contributed to the debate, and I thank them for their interventions. The careful arguments that were presented are a testament to the importance senators place on parliamentary diplomacy, and in particular the work of our parliamentary associations.

As honourable senators know, a question of privilege arises when there is an alleged breach of the powers, rights or immunities of the Senate, a committee or a senator — what we refer to as parliamentary privilege. Rule 13-2(1) sets out four criteria, all of which must be met in order for a question of privilege to be accorded priority. As noted in previous rulings, it is not necessary to review the four criteria in a set order, since a question of privilege will only be founded when all four are met.

The first of these criteria is that the question must "be raised at the earliest opportunity". In this case, the events in question took place on the evening of Tuesday, October 30. While Senator Patterson had attended this meeting, the events that form the substance of his question of privilege occurred after he left, believing the meeting to be adjourned. He indicated that he did not learn that the meeting had continued and a new chair had been elected until late the following morning. Senator Cordy questioned whether this was indeed raised at the earliest opportunity, indicating that she had seen media reports of the incident when she returned home following the event that evening. Senator Pratte, for his part, suggested that whether a matter is raised at the earliest opportunity should not be a matter of minutes or hours.

The inclusion of the requirement that a matter be raised at the earliest opportunity is an example of the seriousness and importance of matters of privilege. As noted in a ruling of December 10, 2013, Senate "precedents establish that even a delay of a few days can result in a question of privilege failing to meet this criterion. Attempting to exhaust alternative remedies before giving notice of a question of privilege does not exempt it from the need to meet the first criterion." Senator Patterson, however, indicated that he only learned of the incident at the end of the morning of Wednesday. That appears to have been after the deadline for giving notice, in which case rule 13-4 specifically allows the senator some flexibility, including raising the issue at the next sitting, as Senator Patterson did. Therefore, I find that the question of privilege has satisfied the criterion of rule 13-2(1)(a).

I will now turn to the fourth criterion, that a question of privilege must, "be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available." The concerns that have been raised surround questions of whether the meeting was called, held and adjourned in accordance with the Constitution of the Canadian NATO Parliamentary Association. This situation in some ways parallels a case addressed in a ruling of October 30, 2012, dealing with the adjournment of a committee meeting. The ruling stated that, "[i]n this case, the action of the committee chair in adjourning the meeting without verifying if there was other business is really one of order, and, as such, there is another reasonable parliamentary process available. The matter could be raised as a point of order in committee, where it can be dealt with more effectively." While recognizing the fundamental differences between a parliamentary committee and an association, this ruling does provide useful guidance as to how the matter at issue could be addressed, suggesting that the procedural mechanisms available at the next meeting of the Association are more appropriate.

Furthermore, Senator Plett noted that there were different committees and associations meeting to address this matter. Specifically, the Joint Inter-parliamentary Council and our own Committee on Internal Economy, Budgets and Administration are two bodies that can undertake this work. Thus, it is clear that there are other more appropriate avenues for this matter to be addressed. Consequently, Senator Patterson's question of privilege does not satisfy the criteria of rule 13-2(1)(d). As a question of privilege must meet all four criteria of rule 13-2(1), it is unnecessary for me to address the other two.

In closing his question of privilege, Senator Patterson sought any advice that I "might choose to give that would comment on the importance of maintaining dignity and respect for each other in undertaking our parliamentary duties and representing this great democracy in interfaces with other countries."

As Speaker, I place high value on our roles as senators with respect to parliamentary diplomacy. In a world where lines between domestic and international policy continue to blur, groups like the Canadian NATO Parliamentary Association are important avenues of diplomacy that help to maintain an open dialogue between Canada and our international counterparts. We must be mindful of how we conduct ourselves, remembering that we are being watched not just by Canadians, but by our friends around the globe. In doing so, we must set a good example. I would encourage all senators to work with our colleagues in the other place to see this matter resolved in an orderly manner.

• (1430)

[*English*]

OIL TANKER MORATORIUM BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, for the second reading of Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast.

Hon. Scott Tannas: Honourable colleagues, I'm rising to speak briefly to Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast, known by many Canadians as "the tanker ban."

This is one piece of multiple actions that Prime Minister Trudeau committed to when he formed a grand bargain to balance the demands of a significant block of his supporters with the reality of having a functioning energy sector that can pay taxes, create jobs and contribute to the economy. This grand bargain he explained quite eloquently and thoroughly in a speech that he made on November 29, 2016.

In the speech, the Prime Minister referred to a number of steps that were being taken to satisfy the environmental bloc that supports it. He spoke of the Oceans Protection Plan and the investment of more than a billion dollars in that plan. He announced that same day the cancellation — "dismissal," he called it — of the Northern Gateway project. He referred to the tanker moratorium for the West Coast, and he spoke glowingly of Alberta's leadership on climate change. Here is what he had to say:

> . . . let me say this definitively: We could not have approved this project —

— and he was speaking about Kinder Morgan, because that same day, he announced Kinder Morgan —

> — without the leadership of Premier Notley, and Alberta's *Climate Leadership Plan* – a plan that commits to pricing carbon and capping oilsands emissions at 100 megatonnes per year.
>
> We want to be clear on this point, because it is important and sometimes not well understood. Alberta's climate plan is a vital contributor to our national strategy.

So that was the bargain. Alberta would come on side, there would be these steps, including the tanker ban, and all of these steps would help to balance the decision that was also announced that day, which was the approval of the Trans Mountain pipeline.

Let's review where we are today in that grand bargain. Ocean Protections Plan, check. Cancellation of Northern Gateway, check. Alberta climate change cheerleading continuing, check. The tanker ban is in the final stages right here before us. Energy East smothered. That was a bonus. That was never referred to, but that actually has come about as well. We have TMX, the Trans Mountain pipeline, in purgatory at the moment.

Colleagues, Bill C-48 was introduced in May 2017, and it was conceived, clearly, on the assumption that Trans Mountain would proceed. I don't think there is anybody who could credibly claim that all of the environmental measures were to be put in place and maybe Trans Mountain would happen.

What does that mean for Bill C-48? Well, without the Trans Mountain pipeline and with the tanker moratorium, there is absolutely no possibility for Alberta to get its product to tidewater. We will have closed the gate and made any alternative solution, if Trans Mountain fails, impossible.

That was not the plan. It was just not the plan, as evidenced by what the Prime Minister said when he made his series of announcements in November 2016.

As we move this bill through the final steps to becoming law, let's keep in mind what the plan was. If TMX is not through all its obstacles and ready for construction by the time this bill comes back for third reading, then I think we should do one of two things: We should delay the approval, or we should amend the bill to suggest that the moratorium does not come into effect until Trans Mountain is under construction.

Thank you.

(On motion of Senator Martin, debate adjourned.)

OCEANS ACT
CANADA PETROLEUM RESOURCES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bovey, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act.

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to speak on Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act. It's another water bill. I'm quite enjoying speaking with the fishermen and everyone about this, but particularly in New Brunswick.

The Prime Minister has directed the Minister of Fisheries and Oceans to work with the Minister of Environment and Climate Change to increase the proportion of Canada's marine and coastal areas that are protected — to 5 per cent by 2017 and 10 per cent by 2020.

We all can agree that everyone wants to keep our rivers, lakes, streams and oceans clean, not just for today but definitely for our future.

The government has set lofty goals illustrated in very vague terms that don't provide a lot of context for what these objectives mean for the working men and women whose livelihoods are tied in with our natural resources.

• (1440)

I have serious concerns about Bill C-55. The bill, once again, smells of special interests in forming the policies of this government. This is not just speculation, colleagues. The Hereditary Chiefs' Council of Lax Kw'alaams in British Columbia has stated:

> . . . we categorically reject interference of outside environmental NGOs (especially those foreign-based) who appear to be dictating government policy in our traditional territory.

Ideological goals must not be pursued at the expense of the people whom we are appointed to represent. I'm fearful this bill has implications that have not been fully considered, implications which will have a harmful impact on everyday Canadians who are being represented less and less in this place.

Conservation is important and responsible stewardship of our great bounty of natural resources is critical, but not at the expense of people's livelihoods.

Bill C-55 will allow for the interim designation of significant or sensitive areas, as defined by scientists through their stated consultations with Indigenous people, local communities, and others interested in the area.

How can we have faith in the consultation process when we see how this government has decided to pick and choose when it will engage in proper consultation?

We have heard in other debates this bill empowers the government to proceed without consensus among affected stakeholders. As I noted yesterday in my remarks on Bill C-48, it is not consultation when we are dealing with ideologues who engage in the process with a predetermined outcome.

If scientists are defining the parameters of this process, is it a consultation which will give a fair and equal hearing to local people? Or is it an exercise in checking a box so the government can once again evade responsibility when a poorly thought-out policy backfires?

The bill empowers the minister to designate marine protected areas by order and prohibits certain activities in those areas.

Coupled with the problematic record this government has on consultation, I find it very troubling.

Consultation must be broad, but must also be local. People who aren't impacted by these decisions shouldn't be weighing the decision against those who are.

Consultation processes shouldn't be designated in Ottawa for people who live in Ottawa and then imposed on everyone who lives elsewhere.

The designation mentioned earlier should consider the fact that fish will move and the environment will change.

The government is proposing to draw lines on a map to protect an area, without accounting for the fact that area will change. I would be very curious to see what sort of consultations this government did when the new cable link between New Brunswick and P.E.I. was laid down in the Northumberland Strait.

Members of Parliament heard from fishermen who are now fishing halibut in an area where there had not been halibut five to seven years ago. If a marine protected area has been established there, people would now not be allowed to fish. Once a protected area is designated, it's not easy to make the changes. I wonder how many opportunities will be lost as a result.

Senators, fishermen, our fishermen, are expert conservationists. Fishermen work with marine life every day. The ocean is the bread and butter for this industry. One wrong step takes the food out of their families' mouths.

Many lessons have been learned since the collapse of the cod stocks in the 1990s. Today's fishermen are keen to be active partners with regulators when it comes to managing our oceans.

As we saw with temporary closures of lobster fishing areas, this government is not inclined to work with fishermen. The mentality in Ottawa is to decide here for over there and clean up the mess afterwards by blaming someone else or offering government handouts or retraining programs.

The Prince Edward Island fishermen's association has been explicit on this point:

> Throughout the consultation process, fishing areas were discussed, but not the economics of how a large MPA along the small coastline of Prince Edward Island would impact the island.

Senators, this is not speculation. It's right in the bill.

In Bill C-55, the government is trying to eliminate long-established structures and processes for engaging local people who will be affected by the new marine protected areas.

Section 35.3 proposes a strict timeline of five years from the time an interim MPA is designated by the minister for the government to make a decision, either go forward with the permanent MPA or repeal the initial order.

Will those five years actually be five? The people who have had to deal with the imposition of an MPA in their backyard say, in real life, it can take up to 10 years to settle that issue. Meanwhile, this is years of lost income for some. That is why I have consistently stressed the importance of stakeholder consensus.

Ottawa can dictate a timeline, but as we have seen in so many other things, Trans Mountain being a big one, timelines set 1,000 kilometres away are meaningless.

This also does not consider the economic consequences of creating new MPAs without proper consultation. Again, I quote the P.E.I. fishermen's association:

> Prince Edward Island is a small province driven by small fishing communities. The displacement of fishers from one community to another as a result of an MPA would shift the economics of the island.

When we were looking at the closure of lobster fishery areas, proponents suggested the lobstermen could just pick a different area or fish in a different season if offered by the minister.

Comments like these show that people are very ignorant of the industry. The fishing industry is populated by ordinary people who are just trying to get by and feed their families, raise their children and put a bit aside for a rainy day.

Marine areas already are strictly controlled.

The Halibut Management Association of British Columbia has said:

> . . . if fishermen are forced from productive, high catch per unit effort areas to less productive ones, this means increased fishing time and the need to use more gear to catch the same amount of fish. If you increase fishing time, that means more fuel. That means greater carbon emissions. More gear means increased benthic impacts and the risk of bycatch. . .

Colleagues, in simple terms this will mean fishermen will spend more time catching less and pollute the environment while they're doing it.

Conservatives are not ideologically opposed to conservation. The previous government, through the national conservation plan, invested $252 million to secure ecologically sensitive lands and support voluntary conservation. This is just one measure of many.

In Canada, what we need is a balanced approach, a recognition we have to weigh our ideology and personal beliefs with those people who actually live there and would protect our local economies.

Bill C-55 not only fails to strike that balance but, in tandem with Bill C-68 and Bill C-69, presents a serious threat to the livelihoods of the millions of Canadians who depend on our natural resources to feed their families.

The bill is yet another example of this government's ideological efforts to stifle our natural resources development on the one hand, while claiming to support them on the other.

Thus, I cannot support this bill. Thank you, honourable senators.

[*Translation*]

The Hon. the Speaker: Question, Senator Dupuis?

Hon. Renée Dupuis: Would Senator Stewart Olsen take a question?

Senator Stewart Olsen: Yes.

Senator Dupuis: Thank you, Senator Stewart Olsen. When you said that there had been consultations by Ottawa, you said the following:

[*English*]

Consultation must be local.

[*Translation*]

You said that there was no consensus among the interest groups involved. You referred to, and I imagine you were speaking about, the fishermen from Prince Edward Island and British Columbia. My question is the following: In order to have a consensus, who do you believe should be involved in the discussions and a future agreement on a bill?

• (1450)

[*English*]

Senator Stewart Olsen: Thank you for the question, senator.

I think we need more local area consultation if there is a proposal to develop a marine protected area, and then the people who are directly impacted should be consulted.

In New Brunswick, we have local Indigenous people and we have fishermen — I'll use the protection of the right whale, for example — who were forced to raise their nets, get their equipment out of water on the sightings of right whales. I'm not saying that wasn't a good thing, but fishermen were taken off guard, and it caused a lot of problems for them.

If the government can just come down to where we live, where we eat and where we raise our families, then the consultations could be accomplished very well. I do have to reiterate that our Indigenous people, our local fishermen and local families are great conservationists. They know how to manage the fish in the area. They know when something is being overfished. By their own consensus, they stop overfishing and move to other areas.

We need to do it better. I'm not saying that we shouldn't do it. I just think we need to do it better.

[*Translation*]

Senator Dupuis: Would the senator take a supplementary question?

Senator Stewart Olsen: Yes.

Senator Dupuis: No matter what we think about the consultations that have been held so far, do you think that the Senate committee that will be looking at this bill has a responsibility, in terms of choosing the witnesses it would like to hear from, to ensure that the consultation meets criteria like the one you laid out regarding local organizations?

[*English*]

Senator Stewart Olsen: Thank you for the question, senator. That's exactly what I'm saying. We have an opportunity in the Senate to call local witnesses. The fishermen's union of New Brunswick was in touch with me today to say they would like to be considered for witnesses.

This is something we can do, and I think it would behoove us to do it well and very thoroughly. That would add to everyone's sense of security when it comes to bills like this.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I too rise to speak to Bill C-55, the government's legislation to better protect and improve the health of Canada's oceans and indeed the world's oceans.

This bill, which I should remind senators was first introduced in this chamber in late April of this year and spoken to at second reading in May, will help create more marine protected areas, or MPAs, off of our coasts.

The proposed measures will better conserve ecological integrity, meaning enhanced protection for wildlife populations, biodiversity and the natural life cycles that sustain our fisheries, such as spawning events.

In the bigger picture, Bill C-55 represents an important part of the Government of Canada's plan to increase protection of Canada's marine and coastal areas from 7.75 per cent to 10 per cent by 2020, thereby meeting the previous government's international policy commitment made in 2010. I would hope that we, on all sides, can agree that this bill ought to be sent to committee soon so that we can jointly meet the commitments made by the previous government with this legislation.

At the outset, I want to thank our colleague Senator Bovey for sponsoring Bill C-55 and in particular for her excellent speech in early May.

Colleagues, we live on a blue planet. Phytoplankton and algae in the world's oceans supply over half of the oxygen we breathe, and provide sustenance and livelihoods to more than a billion people on our planet. The oceans are home to a wondrous array of species, from tiny invertebrates to the biggest creature that has ever existed on earth, the blue whale. But our oceans are in crisis.

The oceans may seem endless, inexhaustible and indestructible, but the opposite is true. Oceans are a delicate life system now in serious decline. Scientific predictions for the future of the ocean ecosystem are sobering indeed.

For example, our planet has already lost half of its coral reefs and intertidal mangrove forests, some of the most productive habitats on earth. We've pushed many crucial fish stocks to the point of collapse threatening people's livelihoods and food security and harming species that rely on these food webs, including seabirds, turtles and marine mammals.

In fact, 60 per cent of the world's population of vertebrates — comprising fish, birds, mammals, reptiles and amphibians — has been eradicated since 1970 by human activity. This is alarming and upsetting, and the situation requires an urgent answer.

Canada must and can be a leader as we collectively work to change course and practice better stewardship of the natural world. This conservation is not only for the benefit of the next generations, but for the sake of the species we have a responsibility to manage and protect.

[*Translation*]

Here in Ottawa, Bill C-55 should remind us that Canada is a maritime nation bordered by the Pacific, Arctic and Atlantic Oceans. Of the 13 provinces and territories, 11 have coastlines that span over 244,000 kilometres. Canada's marine environment covers roughly 5 million square kilometres, an area equivalent to more than half of Canada's land mass. We are therefore the stewards of a large area of the earth's oceans.

[*English*]

More than 7 million Canadians live in coastal communities, many of their lives intertwined with the sea economically, culturally and spiritually.

Senator Christmas spoke so eloquently about this connection to the ocean in relation to Bill C-68, the changes to the Fisheries Act. I cannot match him for eloquence or experience, but I would echo his views that we need to protect the natural world. We need to see and understand ourselves as connected to the natural world and do right by it.

Canada's diverse maritime environments are home to some of the most spectacular marine life in the world and many species are endemic or unique to our seas.

Approximately 1,200 species of fish are native to Canadian waters, along with a wide variety of invertebrates, such as shellfish, crustaceans and the giant Pacific octopus. And there are many kinds of marine mammals, including orcas, belugas and narwhals; grey, bowhead, minke, humpback, right and blue whales; dolphins and porpoises; seals, sea lions, walruses and sea otters; and, of course, polar bears, who spend much of their time on sea ice.

But human activity has finally pushed the oceans to their limit.

Overfished, polluted, filled with plastic and other garbage, carelessly abused and destroyed, and much more fragile and complex than we once thought, the largest living space on earth is fast deteriorating. Its creatures are falling victim to what scientists tell us is the sixth mass extinction in the history of the earth.

This mass extinction is not only well under way, it is accelerating due to human activity. This situation means that Canada's regional and Indigenous cultures that rely on the sea are also at risk.

Our collective conscience must be engaged.

Honourable colleagues, that is the context of Bill C-55. This is why I hope we will see focused debate on this legislation in the very near term and in committee consideration as soon as possible.

[*Translation*]

As I mentioned earlier, in 2010, Canada made a commitment to meet marine conservation targets set out in the United Nations Convention on Biological Diversity. This agreement, commonly referred to as Aichi target 11, committed Canada to conserving 10 per cent of its marine and coastal areas through networks of MPAs and other conservation measures by 2020.

• (1500)

[*English*]

As I said earlier, we currently protect 7.75 per cent of our coasts. To help meet Canada's marine conservation targets, the government will create a network of marine protected areas guided by three foundational principles: science-based decision-making, transparency and advanced reconciliation with Indigenous groups.

The concept of a network of marine protected areas is at the heart of Bill C-55. It enhances the powers and clarifies the responsibilities of the Minister of Fisheries, Oceans and the Canadian Coast Guard to designate these locations and establish such a network.

Bill C-55 also aligns with the government's objectives surrounding management regimes and zoning systems for marine protected areas, as well as Fisheries and Oceans Canada's integrated ocean management policies and practices.

If we think of the world as containing a single, unified ocean, Canada's continued alignment with the International Union for Conservation of Nature, the IUCN, marine protected area framework offers significant value.

First, the interconnectedness of all oceans means the protection of ocean health is an international responsibility. Formal alignment with the IUCN framework will help Canada collaborate with other countries in international research, monitoring and evaluation initiatives.

Second, alignment with the IUCN framework means that Canadian standards will be understood by, and have credibility with, the international community.

With Bill C-55, what practical changes will we see? Currently, it takes seven to 10 years to officially designate an Oceans Act MPA. Through all those intervening years, the potential MPA gets no protection at all. The solution proposed in Bill C-55 is to provide interim protection for these vital, unique areas in Canada's oceans by means of a ministerial order.

The ministerial order would follow scientific assessments and initiate consultations so that the area may be protected while the rest of the federal regulatory process unfolds. It may still take up to seven years for an MPA to be fully established, but interim protections could be provided within the first two years. An interim protection MPA would protect an area by effectively freezing the footprint of ongoing activities. This means that those activities that had already taken place, within the preceding year, for example, would be allowed to continue.

Allowed or prohibited activities would be determined by the class of the activity, not according to the individual or company conducting those activities. For example, if whale watching was already occurring in a newly created MPA, that activity could be frozen in scale. But it would not be limited to incumbent operators and could include new market entrants. However, any increase in activity in a specific permitted class would be reviewed before being authorized to ensure no cumulative negative impact on the area.

Bill C-55 requires the application of the precautionary principles when deciding whether to designate new MPAs. The precautionary principle means that the absence of scientific certainty should not be used to postpone decisions where there is a risk of serious or irreversible harm.

[*Translation*]

If passed, this bill will mean that no one can use a lack of information or absolute certainty as a reason for not establishing an MPA, in cases where there is an immediate, high risk. The proposed amendments will standardize the process for creating new MPAs and guarantee their protection.

These amendments will require collaboration, which means that Indigenous partners, provinces and territories, industry and other stakeholders will have to participate in creating and managing MPAs.

[*English*]

Going forward, MPAs will be an important part of ensuring that Canadians who depend on fishing, whether for shellfish, finfish or other marine organisms like squid, can count on their livelihoods being protected over the long term. It is all about sustainability. In other words, if you give a man a fish, he may eat for a day, but if you keep a community marine-area protected, it will flourish for generations.

It's also important to note that Bill C-55 proposes amendments to the Canada Petroleum Resources Act that would complement the freeze-the-footprint process of an interim marine protected area. These changes would provide the minister with the authority to prohibit previously authorized oil and gas exploration or development activities, such as seismic testing, drilling or production, within a designated marine protected area. However, Bill C-55 provides for compensation to the interest owner for cancellation or surrender of such an interest.

I would also emphasize these changes do not affect the offshore agreements in Atlantic Canada.

Another reason that Bill C-55 is important is that it will contribute to the reconciliation with Indigenous partners on a nation-to-nation basis. Indigenous peoples are rights-holders in conservation planning and management, and their authorities, leadership and expertise are essential to marine conservation. MPA designations must respect Indigenous people's constitutionally protected inherent and treaty rights.

For these reasons, I hope you will join me in supporting Bill C-55 and focus our debate on this legislation in the near term so we can advance the bill to committee for in-depth review.

To close, in thinking about the sad state of our oceans and the considerable challenges that lay before us in protecting them, I wish to quote one of my favourite theologians, Dietrich Bonhoeffer, when he said:

> The ultimate test of a moral society is the kind of world it leaves to its children.

This bill, in part at least, gives us in the Senate of Canada an opportunity to answer that statement with a demonstrated willingness to meet that moral test.

The Hon. the Speaker: Senator Harder, will you take a question?

Senator Harder: Certainly.

Senator Stewart Olsen: Thank you, senator.

I would have a lot for faith in these signature bills if, for instance, you said that we're going to designate the area in the St. Lawrence River as a marine protected area, so that cities in Quebec could no longer pour their raw sewage into the St. Lawrence.

I would also have more faith in what is happening if we perhaps had a look — we have looked at the map of the already protected areas, and I have never seen a boat or any kind of monitoring vessels around these smaller areas. I'm speaking of the Northumberland Strait area. I have never seen a boat or the Coast Guard monitoring. I see a little of DFO.

Is the government really considering that we're going to have to hire more people, more inspectors and we're going to have to bump up our Coast Guard? These are all things that I would be more reassured about if I could hear that from you.

Senator Harder: First, with respect to the honourable senator's suggestion that the St. Lawrence be so designated, I will let the minister know of your support for that.

Let me say that the government will ensure it is adequately resourced to meet the demands of this bill, should this bill become law, so that the commitments made by the government and, indeed, in that case by Parliament, can be fulfilled.

(On motion of Senator Martin, debate adjourned.)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Nathan Poklar and Richard Lincoln. They are the guests of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

[*Translation*]

NATIONAL SECURITY BILL, 2017

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, seconded by the Honourable Senator Moncion, for the second reading of Bill C-59, An Act respecting national security matters.

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today to speak at second reading of Bill C-59, An Act respecting national security matters.

As a member of the Standing Senate Committee on National Security and Defence, I take a special interest in terrorism-related matters, which, as senators know, create many innocent victims.

• (1510)

On October 22, 2015, as many of you will recall, a terrorist came within a few metres of Prime Minister Harper, MPs and senators. I remember it like it was yesterday, because I was there. Shots rang out in the halls of Parliament. A few brave Canadians became the last line of defence against a terrorist who wanted to kill as many parliamentarians as possible. Today I want to commend the outstanding work of the security personnel who undoubtedly saved lives.

Since those events, which left a lasting mark on all Canadians, I am more convinced than ever that we need to do everything legally in our power to strengthen our lines of defence against terrorism, and that includes our legislative tools. That is why the federal government of the day, my government, introduced Bill C-51. That bill was a compromise that strengthened our legislative arsenal to combat terrorists and prevent threats while giving judges the means to enforce the law based on the facts presented.

Today we are studying Bill C-59. What exactly is this bill? It is the fruit of a campaign promise from a party, the Liberal Party, that was just a third party back when it drafted its platform. It is a party that seems to be heading for the official opposition benches, because this promise to reduce our legal tools for fighting terrorism makes no sense. It is completely out of step with the threats we are facing today, and above all, it is completely out of step with all the measures that the G20 nations are taking to fight terrorism.

The terrorist threat today primarily comes from online propaganda designed to indoctrinate youth and goad them into action. I would remind you that 60 or so of these young Canadians are expected to be brought back to Canada one day, after undoubtedly committing terrorist atrocities that took many innocent lives.

In particular, I want to draw your attention to Part 7, which amends the Criminal Code. The Liberal government is proposing to replace the offence of "advocating or promoting terrorism offences in general," which appears in section 83.221 of the Criminal Code, with the offence of "counselling the commission of a terrorism offence." In other words, it wants to delete the words "advocating" and "promoting."

The current offence is from the Anti-terrorism Act of 2015, which provided for a new offence of advocating or promoting the commission of terrorism offences in general, also known as being a terrorism apologist.

According to the 2016 Annual Report on the Use of Electronic Surveillance, in 2015 only two authorizations for electronic surveillance were granted to persons designated by the Minister of Public Safety and Emergency Preparedness with respect to this offence. These numbers are not huge, nor do they suggest abuse. Even so, Bill C-59 amends the wording of the act to replace the offence of "advocating or promoting" with "counselling the commission of a terrorism offence". In other words, Bill C-59 will raise the threshold of proof. The word "counselling" requires evidence of more sophisticated planning and intent. As you know, my colleague Senator Frum reminded us last week that the expressions "advocate" and "promote" exist elsewhere in the Criminal Code. In addition, the offence of willfully promoting hatred is listed in subsection 319(2) of the Criminal Code.

In the wake of the attacks in France in 2015, the French National Assembly adopted major reforms that affect acts to incite terrorism. I would like to point out that France has had a legislative tool similar to the one in our Criminal Code since 2015. Indeed, in France, the legislative arsenal to crack down on the incitement of terrorism has expanded over the past few years. Of course, France has experienced some very serious acts of terrorism. Before November 2014, the incitement of terrorism was subject to article 24 of the Law on the Freedom of the Press of 29 July 1881, and punishable by a sentence of up to five years in prison and a fine of 45,000 euros. Since then, section 421-2-5 of the French penal code makes the act of directly inciting acts of terrorism or publicly promoting those acts punishable by a fine of 75,000 euros. The sentence can be as high as seven years in prison if the acts were committed by using an online public communication platform such as Twitter or Facebook. We are seeing it. The G20 countries are taking measures to modernize their criminal codes rather than weaken them. In France, the number of convictions has soared since 2015.

Christiane Taubira, a socialist member of the National Assembly who was then the Keeper of the Seals in the socialist government, even published a memorandum on January 23, 2015, asking the public prosecutors to take extreme measures in their public response to those promoting terrorism.

The day after the attacks in Saint-Jean-sur-Richelieu and Ottawa, the Minister of Justice, Peter MacKay, raised the importance of moving forward with this offence. We will recall that the two men who committed the "terrorist" attacks of October 2014 had been "radicalized."

Honourable senators, any online material that intentionally seeks to radicalize our young people and provide them with materials that poison their minds and advocate terrorist acts must be investigated by police when these messages call for acts of terrorism. That is why I oppose any amendment to this offence.

On another subject, I am opposed to any change to subsection 83.3(4), which has been in the Criminal Code for many years and deals with arrests without a warrant, more commonly known as "preventive arrests." To be more specific, the subsection has existed since Jean Chrétien's Liberal government introduced and passed Bill C-36, the Anti-terrorism Act, on October 15, 2001, following the horrific terrorist attacks in New York City that claimed the lives of thousands of innocent victims, including Canadians.

This subsection was one of the measures that sought to prevent terrorist incidents and to provide law enforcement agencies with new investigative tools. Preventive arrests are an important tool that enables law enforcement to take action before people commit terrorist acts. I repeat: This is a tool that enables police officers to take action before the act is committed. Unfortunately, this subsection is going to be amended. I am aware that this important legislative tool for law enforcement will not just disappear. However, Bill C-59 will make it much more difficult for police to use preventive detention. Law enforcement will have to meet onerous criteria to be able to use preventive detention. In a limited number of situations, peace officers can arrest people and bring them before a judge if they have reasonable grounds to believe that detaining such individuals will likely prevent a terrorist act. However, in order to do this, peace officers must show that the preventive detention will indeed prevent a terrorist act from being committed.

Bill C-59 increases the threshold of proof, by requiring that the arrest be "necessary to prevent" the carrying out of the terrorist activity. The proposed wording, "necessary to prevent", and the current wording, "likely to prevent", are quite different in terms of the level of evidence required, and law-enforcement officers have less time to act. Under the proposed amendment, there will be fewer legislative tools that allow them to take action before the worst happens.

I want to conclude by reminding senators that the threat of terrorism is real, even though it is too often forgotten. The Liberals are giving up, while terrorists around the world are refining their techniques to make even more victims. I do not understand why the government is setting us back with Bill C-59. This is a missed opportunity to modernize our legislative tools, as most G20 countries are doing. This is a step backwards for national security. I'm convinced that the government missed quite a few opportunities, such as providing more protection for witnesses and others involved in situations affecting national security. Among others, judges come to mind, since they might be vulnerable to attacks, threats or extortion. This is why I oppose the underlying principles of this bill and will vote against it. I urge everyone to do the same.

• (1520)

Hon. André Pratte: Would the honourable senator take a question?

Senator Boisvenu: I'm listening.

Senator Pratte: With respect to the charge of advocating or promoting the commission of terrorism offences in general, the vast majority of legal experts agree that that section of the Criminal Code is far too vague, probably unconstitutional and unenforceable. Also, the fact is that it has never been used since it was created with the passing of Bill C-51.

In your opinion, does that mean we should leave the law as it is, despite the opinions of the vast majority of experts and the fact that it is probably unconstitutional?

Senator Boisvenu: You know, we sit on the Legal and Constitutional Affairs Committee. Any time a bill raises opposing points of view, the same argument is always used, namely that the bill contains aspects that are unconstitutional.

In this case, no legal challenges have been brought against it, and therefore I think that clause should stay in the bill.

Senator Pratte: It hasn't been challenged in court because it hasn't yet been enforced. Of course it hasn't been challenged.

This is about enforcing the section in question so that people have ways to defend themselves. The offence must be detailed enough to make it clear what is and isn't prohibited. The vast majority of experts agree that no one knows what it means to advocate the commission of terrorism offences in general. Nowhere else in the Criminal Code do you see this type of offence in general.

Don't you think it would be better to clarify the section and make sure it is enforceable, so as to combat real terrorist propaganda?

Senator Boisvenu: You know that I am a man of precision. Clarifying the scope of the bill? Sure. Undermining it? No.

Hon. Marc Gold: Would you take another question, senator?

Senator Boisvenu: Yes.

Senator Gold: You mentioned preventive detention. As you surely know, preventive detention is a serious violation of personal liberty. Someone can be detained for as long as seven days without being charged with or convicted of any crime. The powers of warrantless arrest and preventive arrest were created in 2001, but these tools were never used before they expired in 2007. Another bill reintroduced them in 2013.

Bill C-51 lowered the threshold for using these tools, even though they still had never been used. Why? Because using them meant that a court had to review the grounds for believing that the person was involved in a terrorist activity, which would expose sources and investigation tactics.

Are you saying that we should maintain the existing preventive detention rules, even though they have never been used, and that, to use them, our officers will have to reveal their tactics and sources?

Senator Boisvenu: I support preventive arrests. I'm working on drafting a bill on domestic violence right now, and one of the main problems with domestic violence is that police have no tools for making preventive arrests that would give the partner or ex-partner time to cool off instead of engaging in violence.

The same goes for acts of terrorism. If there are grounds to believe that an act is going to be committed, the police need to be able to use this tool, otherwise lives will be in danger. Is it necessary to specify the application, meaning how the police should use it? I think so. But preventive arrests —

[*English*]

Hon. Patricia Bovey (The Hon. the Acting Speaker): Excuse me, senator, your time is up. Are you asking for another five minutes?

Senator Boisvenu: One minute.

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

Hon. Senators: Agreed.

[*Translation*]

Senator Boisvenu: Preventive arrest is a tool that should be available to police officers, otherwise the word "prevention" that is on patrol cars is meaningless. Preventive arrest may temporarily violate a suspect's rights. However, it can also save a life, so I am in favour of it.

Senator Gold: Could you respond to what is the real challenge here? Put the Constitution aside for now. Our agencies, composed of professionals, do not want to use this tool because it hampers their ability to do their job, which is to keep us safe. Using this tool involves disclosing sources and tactics. Police officers refuse to do that and will never do that.

Senator Boisvenu: I would remind you that in Canada several acts of terrorism were foiled thanks to some very fine police work.

[*English*]

The Hon. the Acting Speaker: Your one minute is up, senator. Do you want more time?

Some Hon. Senators: No.

(On motion of Senator Martin, debate adjourned.)

FISHERIES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Christmas, seconded by the Honourable Senator Deacon (*Ontario*), for the second reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

Hon. Donald Neil Plett: Honourable senators, I rise today to speak to Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

Let me say at the outset that I support the objective of this bill, which is to protect fish and their habitat for future generations. Born and raised in Manitoba, a province with over 110,000 lakes, covering more than 15 per cent of its surface area, I have a deep appreciation for the need to be excellent stewards of our waterways and fish habitat. However, my concern is that Bill C-68 not only fails to do this, but also places a significant burden on our agricultural sector. It is this impact on agriculture that I will be focusing my remarks on today.

Most of you will be aware that in 2012, the Conservative government — a government that actually stood by our farmers and did not work against them — introduced changes to the Fisheries Act designed to improve fisheries conservation, prioritize fish productivity, protect significant fisheries, and streamline an overly bureaucratic process. The amendments were well received by the ag sector because they addressed some long-standing issues.

Prior to these changes, the reach of the Fisheries Act had evolved over time to include entire watersheds, regardless of whether a body of water supported fish or not. This overreach not only encompassed naturally occurring watercourses, but also man-made structures such as irrigation channels and reservoirs.

As you can imagine, colleagues, this was a huge problem for farmers. These kinds of projects are commonly built by producers because they serve important agricultural purposes. Yet now they are being subjected to the same rules and guidelines as rivers, lakes and oceans.

Ron Bonnett, President of the Canadian Federation of Agriculture, appeared before the House of Commons Fisheries Committee and described the impact of the legislation this way:

> Pre-2012, the experience of farmers was not positive, as it was characterized by lengthy bureaucratic applications for permitting and authorizations; a focus on enforcement and compliance measures, which were taken by officials, often with a lack of consistency; and a lack of guidance or outreach on the purpose of the measures being taken, or information on how to navigate through the process. . . . the Fisheries Act was cumbersome and created major delays for farmers seeking to do minor work, like clearing drainage systems on their land.

• (1530)

The previous Conservative government recognized the objective of legislation should be to deliver a public policy outcome, not simply protect a bureaucratic process. They amended the act to address the problems while continuing to provide for fish and fish habitat.

The amendments acknowledge the obvious fact that farmers need to be able to carry out projects such as digging ditches to prevent fields from flooding, and that these projects should not be treated the same as Lake Winnipeg or Lake Manitoba under the law. Farmers were quite happy with the revised act.

Mr. Bonnett told the House of Commons Fisheries Committee that:

> Many farmers were then relieved when the changes that were made just a few years ago drastically improved the timeliness and cost of conducting regular maintenance and improvement of activities to their farms as well as lifting the threat of being deemed out of compliance.

Regrettably, under Bill C-68, this is now being reversed.

Ironically, when this bill was first introduced by the government, farmers and ranchers were fairly supportive of it. But while it was at the House of Commons Fisheries Committee, the bill was amended to include subsection 2(2), which adds the following clause to the Fisheries Act:

> For the purposes of this Act, the quantity, timing and quality of the water flow that are necessary to sustain freshwater or estuarine ecosystems of a fish habitat are deemed to be a fish habitat.

In other words, every body of water that could support fish will be deemed to be fish habitat and subject to all corresponding requirements, regulations and restrictions.

It will not matter whether the body of water is naturally occurring or man-made. The dysfunctional system which was in place pre-2012 is being reimplemented and imposed on our farmers and ranchers without their consultation and, indeed, against all of their wishes and their ability to farm their land.

Senators, we should not underestimate the impact of this on our agricultural industry. According to the Grain Growers of Canada, ". . . a grain farmer would be prohibited from moving a drainage ditch or filling in a reservoir that is no longer needed, even if there has never been a single solitary fish in it." They acknowledge that, "In theory, permits could be issued, but that is likely to be a burdensome and expensive process."

Earlier this week, I met with representatives from the Canadian Cattlemen's Association and the Beef Producers of Ontario. The first thing on their agenda was concerns about this bill. To quote from their submission to the Senate, they state that, "The proposed Fisheries Act expands substantially on the scope of what was already too expansive. It is an extremely small list of water bodies that would not be either fish habitat or deemed fish habitat. This, in turn, means the prohibitions apply almost everywhere and to almost all activities."

The Cattlemen's Association goes on to give a practical example of an agricultural ditch which has no fish and is not connected to any water body with fish. In spite of this, they note: "The deeming provision that because the quantity, timing and quality of water flow could be comparable to other agricultural ditches that support fish populations, this ditch could be deemed fish habitat with the attached prohibitions."

Colleagues, it goes without saying that farmers and ranchers in Canada are some of the very best land and natural resource stewards in our country. They do not need to be threatened or bullied into protecting the environment. They live close to the land. Their livelihood depends on sustainable agricultural and environmental practices. Environmental stewardship legislation should be designated to enlist them as allies rather than threatening them with fines and penalties.

Regrettably, Bill C-68 not only miserably fails to do this but it is going to send us back to the situation where, as described by the Grain Growers of Canada: "Almost all water that flows in Canada will be deemed first habitat and will receive full protection under the Fisheries Act. This includes man-made [projects] ... that were never intended to be fish habitat."

Here we have an industry which is already being severely impacted by the ridiculous carbon tax. Now the government is adding another unnecessary obstacle to their ability to make a living.

Now, if there was a compelling body of evidence which demonstrated that such measures were necessary to protect fish, I am certain our farmers and ranchers would support it. The reality is that there is no such evidence.

The House of Commons Standing Committee on Fisheries and Oceans which studied this bill held nine meetings, heard from 46 witnesses and received 57 briefs. Yet, colleagues, not a single witness was able to point to any fish population in Canada that has been negatively affected by the changes made to the Fisheries Act in 2012.

Senators, for a government which promised to make policy based on science, this bill fails spectacularly. As it currently stands, it will introduce the same problems farmers were experiencing before the act was amended in 2012, while doing absolutely nothing to improve protection for fish.

As I have said in the past with other legislation, I typically support sending legislation to committee for further study, flawed as it may be. I will not stand in the way of this bill going to committee.

However, colleagues, unless there is substantive evidence this legislation does something other than hurt farmers while failing to protect fish habitat in any significant way, I will be working and voting against this bill every step of the way. I hope you will as well. Thank you.

Hon. Patricia Bovey: Honourable senators, I rise to speak on Bill C-68, which proposes to better protect marine and freshwater fish and fish habitat while better recognizing Indigenous rights with respect to fisheries.

At the outset, I thank our colleague Senator Christmas for his eloquent and inspiring speech as sponsor of Bill C-68. His opening remarks were thought-provoking and exactly on point. I agree with Senator Christmas when he says he sees his sponsorship of ". . . this endeavour through a lens that supports improvements to law and policy that can yield benefits to the sea, its marine inhabitants and the people whose living comes from the oceans."

This is certainly my view as sponsor of Bill C-55, which proposes improvements to marine and coastal protections; Bill C-68 and Bill C-55 have similar goals.

In my view, Bill C-68 is a product of a robust process. Two rounds of consultations were held on Bill C-68. In both rounds, Canadians were invited to offer advice, suggestions and comments on the proposed legislation. Canadians, including Indigenous peoples, industry and environmental groups, shared their key areas of interest, their support and concerns.

These consultations produced this legislation, legislation which would ensure that all fish, and fish habitat, are protected with meaningful, modern safeguards. Importantly, Bill C-68 also

respects the importance for commercial interests, crucial for Canada's economy. Bill C-68 provides measures to better define projects requiring ministerial permits.

[*Translation*]

Honourable senators, in our study of a long-term sustainable fishery, no one can deny that the economy and the environment not only can, but must, go hand in hand. If we want to have fish in the future, we must maintain, protect and develop fish stocks; otherwise there won't be any fish left to catch.

• (1540)

Bill C-68 provides a better framework for authorizing businesses and activities. Not all businesses have the same impact. Guidelines must be put in place to determine which projects are major and which are minor. For major projects, the bill sets out a licence issuance process; for minor projects, it sets out a code of practice. The code of practice would ensure that industries, farmers and other businesses involved in commercial activities that could have an impact on fish habitat will implement simplified directives on how to carry out their projects. For big industries, this means that if entities have to bid on projects, they will have greater certainty as to how to satisfy the requirements.

[*English*]

When the minister considers impacts, the effects on Indigenous peoples' rights, the fishing industry, and fish and their habitat must be considered. The minister must also consider whether proposed projects will ensure that the economy, resource development and the environment are balanced.

When making decisions, the minister must show both accountability and transparency. To further transparency, this bill proposes introducing an official public registry. That registry would show what plans are in place to support, protect and safeguard industry as well as the actions government is taking to protect fish and fish habitat resources.

Canadians will be able to see the plans and provide feedback on these plans, both steps being critical to secure public trust in the decisions made on key issues. The public registry would include all permits issued and specify conditions.

The minister would also be responsible for ensuring that fish stocks are managed sustainably. Further, if the stocks are depleted, there must be a plan in place to rebuild them. Safeguarding Canada's fisheries is imperative in conserving and protecting biodiversity and in supporting a sustainable fishing industry. Given the environmental issues facing the world, now more than ever, we must continuously plan ahead.

The recently published *Canada's Arctic Marine Atlas* shows alarming shifts in that ocean, making action even more urgent.

Colleagues, we have heard Senators Richards, Mockler and McIntyre speak passionately on the decline of the Atlantic salmon stock, specifically in the Miramichi and Restigouche Rivers in New Brunswick. As a former resident of British Columbia I, too, have concerns regarding the survival of salmon on the West Coast due to the practice of open-pen salmon aquaculture. I have seen the results of escaped salmon on the wild population. It has been disastrous for the ecosystem in British Columbia. I would like to see the Minister of Fisheries and Oceans take action on this file and use his powers within Bill C-68 to protect and restock the salmon on both coasts.

Bill C-68 also has some important new provisions that support the viability of the inshore commercial fishing sector in Atlantic Canada and Quebec. These amendments will help to ensure that benefits flowing from the fishing activity remain with the licence holder and their coastal communities. Livelihoods of local residents and businesses are important.

Bill C-68 also introduces two important ways in which area-based management can be addressed under the Fisheries Act. How will these new tools address key issues?

The first area management tool is the Fisheries Management Order. Last year, a number of North Atlantic right whales, out of an already small global population, died in Canadian and U.S. waters. These deaths were unprecedented and extremely alarming.

Fellow senators, the death of North Atlantic right whales serves to illustrate and underscore the need and urgency with which we need to enact modern ecological safeguards, including by the allowance for targeted, short-term orders to address urgent threats to the conservation and protection of marine life.

The B.C. coast has also suffered loss of whales, most recently the young J50 from J-pod off Trial Island where I kayaked this summer to watch the pod itself.

Clause 11 of Bill C-68 further modernizes the Fisheries Act by adding specific provisions for the proper management and control of fisheries to the minister's authority, so licence conditions can be amended once a fishery is under way. For example, through the use of Fisheries Management Orders, Bill C-68 would provide the authority to adjust the management of fisheries to help protect transiting North Atlantic right whales, while simultaneously minimizing the impact on ongoing fisheries.

These Fisheries Management Orders would be used to allow Fisheries and Oceans Canada to respond to emergent issues affecting the conservation and protection of marine life, including right whales, in a targeted, area-based and time-sensitive manner. The orders allow for establishing a broad range of specifications that may be imposed as conditions with which to comply. A Fisheries Management Order may provide that it applies only to a particular class of persons who fish using a particular method or who use a fishing vessel of a particular class, and to holders of a particular class of licence.

These orders are meant to be of limited duration when time is of the essence. Hence Fisheries Management Orders apply only for a 45-day period, but they are renewable if and when necessary.

As we've seen with the North Atlantic right whales, government action often needs to be swift, but it also needs to be comprehensive, strategic and long term. While government often needs to act urgently and, given the impact and rapidity of climate change and species moving north into new territories, it may well need to act even more urgently in future to protect and rebuild a healthy and sustainable population. We owe it to future generations and we owe it to the whales.

The second of Bill C-68's management tools are the Biodiversity Protection Regulations. This new authority allows for new Biodiversity Protection Regulations to be put in place to restrict specified fishing activities for the purposes of conserving and protecting marine biodiversity over the long term. These new regulations would establish marine refuges complementing the Oceans Act Marine Protected Areas proposed under Bill C-55.

Marine refuges and marine protected areas are both used to protect important species, habitats and features. The key difference between these two tools is that the new Fisheries Act Biodiversity Protection Regulations would only be used in cases where fishing activities alone pose a specific threat to the important elements of biodiversity identified in a specific area. By contrast, the Oceans Act Marine Protected Areas would be used to manage risks posed by a wider range of human activities.

[*Translation*]

Under this bill, the proposed new powers in the Fisheries Act would provide added flexibility to determine fishing prohibitions that protect specific areas, which ensures long-term protection. These regulations will also help differentiate measures designed for long-term biodiversity protection from short-term fisheries management measures. They will establish a clear distinction between measures taken in the interest of marine conservation.

[*English*]

Clause 49 of Bill C-68 provides for a five-year review of the act by the Fisheries Committees of both the Senate and the House of Commons. Knowing the work of our Standing Senate Committee on Fisheries and Oceans, this review will be a thorough one and should provide confidence in the review process.

Senators, we need these protections now. We need these protections for the future.

Senators will be aware of the World Wildlife Fund's *Living Planet Report*, released last week, which referred to the ongoing loss of species occurring across the planet, as Senator Harder referred to in his Bill C-55 speech this afternoon.

Between 1970 and 2014, the vertebrate populations — fish, birds, mammals, and amphibians — on the planet declined by 60 per cent. In Canada, the barren-ground caribou and the North Atlantic right whales saw serious decline.

The reasons attributed to this remarkable decline in a 44-year period includes climate change, of course, but human activity is also a major factor as it contributes to habitat loss.

As signatories to the United Nations Convention on Biological Diversity, a credit to the previous Conservative government, Canada has committed to protecting 10 per cent of marine areas and 17 per cent of lands and inland waters. Bills C-55 and Bill C-68 will help us get to those objectives and hopefully help reverse the alarming trend of species population loss and extinction.

The WWF report refers to our generation as being the first generation that has a clear picture of the value of nature and of our impact on it. We may also be the last generation that can take action to reverse this trend.

• (1550)

I encourage all honourable senators to support Bill C-68 and, like Bill C-55, to focus our attention on debating and proceeding with these important marine protection initiatives. May the committee discussions be rich and soon. Thank you.

Hon. René Cormier: Would Senator Bovey accept a question?

Senator Bovey: Of course.

Senator Cormier: Thank you for your speech, Senator Bovey. I wonder if you could share with us your thoughts on the following issue. You didn't speak specifically about it, but I would like to hear your thoughts.

As you know, one of the main challenges for the fishing industry is to ensure succession and help in the development of the next generation. However, fishing licence fees are extremely high, notably for crab or lobster in New Brunswick. Adding to that, fishermen must assume a multitude of fees and expenses. Sections 8 and 11 of Bill C-68 address the issue of fees and costs.

Moreover, for tax reasons, it is sometimes complicated for fishermen to transfer their licences to their children. Therefore, it's becoming harder for young people to obtain a fishing licence. Members of the New Brunswick fishing industry are particularly concerned about this issue and how to ensure succession, but Bill C-68 does not address this.

Do you agree that Bill C-68 provides the opportunity to study the issue of succession in the fishing industry and to determine the best solutions to ensure sustainability of these economic activities in our regions?

Senator Bovey: Thank you for your question. I think this bill allows all sorts of opportunities for discussion as to how we can provide for the future, preserve the stocks and allow the stocks to be there for the commerce of fishing, both on an individual basis and, of course, on a commercial fisheries basis.

I would urge the committee to address this question when the bill goes to it. Of course, once passed, there will also be regulations. I can assure you that the question of the succession

of fisheries licences — I know you speak from the East Coast perspective, but after all my years on the West Coast, I can assure you it's an equal concern on the West Coast as well.

(On motion of Senator Martin, debate adjourned.)

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Pratte, for the second reading of Bill C-69, 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.

Hon. Scott Tannas: Honourable senators, I rise again today to speak to Bill C-69. Before I start, I want to congratulate Senator Simons on her powerful and compelling speech yesterday, a maiden speech nonetheless. I wasn't in the chamber, but I had the opportunity to read it this morning. Congratulations. I want to associate myself with everything that she had to say.

Hon. Senators: Hear, hear.

Senator Tannas: I also want to salute our brave friend Senator Mitchell. He has been an unrelenting advocate for the environment the entire time that I've been here watching him. I was thinking about his former mentor and colleague here in the Senate, Nick Taylor, who used to be the Leader of the Alberta Liberal Party and was in fact that when the National Energy Policy from Trudeau senior was given to Alberta.

Nick Taylor said that at that time he could hold a Liberal convention in a phone booth. He was only half-joking, I think, at the time.

Senator Mitchell, while we're not there yet, this bill would go a long way towards making that reality happen again for you, so I do salute you for your bravery, sir.

Hon. Grant Mitchell: I'll take that as a compliment.

Senator Tannas: My province is seized with this legislation. The provincial government has stated that the bill in its present form is unacceptable. It's unacceptable to Alberta, and I have to say that Albertans themselves are becoming increasingly alarmed at what they perceive to be an attack on them, their values and their way of life.

I can say that in the five-and-a-half years I've been here — and I wasn't expecting this — I've had more people stop me in supermarkets, at community events, at the airport and in business meetings to tell me that we have to stop this. It is quickly becoming a lightning rod in my province and I believe potentially in other provinces as well.

Folks, we in the Senate will need to bring our very best to this issue as we examine its intention and understand its proposed processes, and from there, develop the right package of amendments. The oil and gas industry has much to say about the bill, and their advocates and experts will be ready to testify at committee.

I'd like to take a minute to talk about the nuclear power industry in Canada, an industry that we have pioneered in many ways by leveraging another abundant Canadian resource, which is uranium. We forget something that Premier Brad Wall once said: "We are the Saudi Arabia of uranium." This is a country with that resource in abundance more than anywhere else in the world.

This industry has been so far sidelined by the attention, I think, given to the oil and gas sector. This industry employs many thousands of Canadians in mines in Saskatchewan and power plants in Ontario. Cameco, which is the largest uranium miner in the country, located in Saskatchewan, is Canada's largest industrial employer of Indigenous people. It's something to think about. I don't think they were consulted.

Everybody in that industry has concerns about the potential for harm with respect to Bill C-69. In particular, what I heard from a number of parties is that Bill C-69 carves out the impact assessment function for nuclear projects from the Canadian Nuclear Safety Commission and hands it to the impact assessment agency. Industry groups are concerned that the government is dismantling a regulator that was viewed — and is still viewed — as world class and handing those powers to the newly created impact assessment agency, which cannot possibly possess the institutional knowledge and scientific expertise of the Canadian Nuclear Safety Commission. The CNSC is mandated now, or will be, as the junior partner to the impact assessment agency in joint panels, and the Canadian Nuclear Association argues that they should at least be given equal status.

If our world needs less CO_2 emissions — and that seems to be the collective wisdom these days — it will need more of some other kind of energy. I think we would do well to listen to and consider what Canada's nuclear industry has to say.

I have to say, I'm puzzled why we seem to be ashamed of the abundance of resources that we have in this country, especially resources related to energy.

• (1600)

We have hydro, nuclear and oil and gas. We also have the sun and the wind, although, as we will see over the next little while, the sun doesn't show up very much at certain times of the year. All of these things are under attack — all oil and gas.

We hear from hydroelectric proponents that Bill C-68 will have a significant effect on their business, and the nuclear industry. I don't understand why they are all under attack at the same time. I don't understand whose agenda this is and why.

Honourable senators, I want to mention one more thing: The bill proposes to radically alter the process as to who can have standing during a process of review of a project. The new principle appears to support the notion that any and all must be heard when projects are being considered.

Colleagues, I think we should test this concept out as we consider Bill C-69. Why don't we send our committee on the road to hear from any and all, from coast to coast to coast? Why don't we try walking a mile in the shoes of a proponent and see how it works out?

Some Hon. Senators: Hear, hear!

Senator Tannas: Let's make that part of our deliberations.

(On motion of Senator Martin, debate adjourned.)

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Coyle, for the second reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Ratna Omidvar: Honourable senators, before I address the particular question of Bill C-71, I have to remark that in today's sitting, we have debated the transportation of crude oil along British Columbia's pristine coast. We've debated marine protected territories. We've talked about terrorism and security. We've talked about the protection of fish and fisheries, and we've just heard comments from Senator Tannas on energy and the National Energy Board. It strikes a chord in me that, as senators, we have to embrace Canada in full and move outside of our personal lived experiences to face the issues that are confronting this country, and so I come in a roundabout way to guns and violence.

I have never held a gun in my hand. I don't own a gun, but I come from Toronto. Guns are an increasing fact of life in my city. Gun violence and its increase in my city has dismayed us and left us saddened. As just one example, in July of this year, a young man killed two people and injured another 13 on the Danforth, which is one of the busiest and most popular tourist areas in our city. He fled the scene but soon turned the weapon on himself and committed suicide. Later on, we found out that he likely suffered from mental health problems.

All too sadly, such horrific instances are becoming more commonplace, giving rise to a certain kind of mythology — certainly coming out of Toronto — that gun violence is an urban problem; that it is in big cities that gangs are using guns to exert their power over others.

But as I looked at the evidence, I came to understand that gun violence is not just an urban problem. It is not just a gang problem, and it is not just a problem emanating from illegally obtained firearms. It is in fact a Canadian problem. It touches our urban centres, but it also touches all parts of Canada, in cities and towns big and small and in rural areas across the country.

Stats Canada reports that the use of a shotgun or a rifle in violent crimes in rural areas is four times that of urban areas. Saskatchewan has twice the rate of gun violence per capita than urban Toronto, and homicides there were more likely to occur in a rural setting. Most often, the weapon used was a rifle and not a handgun.

There are other parts of our country that struggle with an increase in gun crime, too — Edmonton, Winnipeg, Moncton, and, of course, Toronto.

Nationally, there is a disturbing trend that I would like to point out. Honourable senators, 2013 was a pivotal year for gun violence in Canada because previous to 2013, crime rates in Canada were generally improving over several decades. However, starting in 2013, statistics tell us that gun violence began travelling in the wrong direction. Between 2013 and 2016, criminal incidents involving firearms increased close to one third. Additional figures available from 2017 show a further deterioration. The increase since 2013 has actually climbed to 44 per cent. What's most disturbing, I think, is the rate and the increase of youth participation in gun violence. Their share rose by 20 per cent in 2016 as compared to 2013.

It is no wonder, then, that Canada performs badly in comparison to other jurisdictions. Gun-related crimes in Canada are about 10 times higher than in the United Kingdom for a simple reason: Guns are more tightly regulated there. Canada ranks fourth among OECD countries in rates of firearms deaths. Guess which countries are ranked the lowest? Korea and Japan. We know where gun-related crimes are the highest — in the United States.

Whilst we talk about these numbers, I want to ensure and underline that behind every number, behind every statistic, is a very tragic story. There is a direct correlation between guns and domestic violence.

In Calgary this year, Nadia El-Dib, a 22-year-old woman, was stabbed 40 times before being shot twice as she tried to escape her ex-boyfriend. In Mississauga, Alicia Lewandowski was shot by her boyfriend. She was only 25 years old. In 2016, Christina Voelzing, a 24-year-old woman, was killed by her former boyfriend on Easter Sunday. He used a .22-calibre handgun and left her to die. In 2015, in Renfrew County, just outside of here, a man shot three of his former partners to death. He showed up unannounced at their doors carrying a sawed-off pump-action shotgun.

Of course, Senator Cormier touched yesterday on the horrible tragedy of the Desmond family. I can't help wondering that if this law had been in place, if the proposed checks had been carried out, then perhaps that family would still have been with us.

These are just some of the stories of domestic violence. In Ontario, a quarter of domestic violence homicides are committed with firearms. In New Brunswick and Prince Edward Island, two thirds of the women whose homes had firearms in them felt more fearful for their safety, and 70 per cent of them said the presence of a firearm in their home impacted their decision whether to seek help from others.

Honourable senators, Canadians not only pay with their lives, devastating families and communities, but we pay a collective price for this too. According to the Barbara Schlifer Clinic, a shelter in Toronto, Canadians pay $7.5 billion to deal with the aftermath of spousal violence — costs ranging from funerals to the intangible costs of pain and suffering. The ripple effects are huge. They affect families, communities and, I would suggest, our national psyche.

• (1610)

Every bill that comes to us from the other place has a gender-based plus analysis attached to it. Since it is part of cabinet documents, this analysis is part of a confidential memorandum and we are not able to see it. I personally think this is a problem, and one that we may have to find our own way to fix.

For instance, ensuring every bill that goes to committee is subject to a GBA+ analysis as part of its work or finding some other way of getting the information. I am personally committed to achieving this objective. In the case of this particular bill, Bill C-71, I hope the committee that looks at it will apply a gender lens to their work.

Honourable senators, this bill provides reasonable measures that help strengthen our firearm laws in Canada. Extending background checks to include a person's life history, not only the previous five years but beyond that, is a reasonable approach. Why would we let someone who has a violent or even a disturbed past own a gun? It also seems reasonable to me retailers who sell guns should maintain a record of who they sell it to. Most retailers, in fact, already do. It makes sense that all should do it. This would help police trace guns used in crime.

Mr. Mario Harel, who is the president of the Canadian Association of Chiefs of Police, has said:

> . . . police have been effectively blind to the number of transactions by any licenced individual relating to non-restricted firearms. The absence of such records effectively stymies the ability to trace a non-restricted firearm that has been used in crime. The tracing of a crime gun can assist in identifying the suspect of a crime and criminal sourcing of a trafficking network.

It's all about law and order.

This bill deals with two separate questions. The first is prevention. Looking at a person's history, beyond the immediate past, may reasonably contain the potential for harm in the future.

Second, this bill will make it easier for the authorities, in particular the police, to trace weapons and therefore find criminals and perpetrators. I think it is important to do both. I will invoke an age-old metaphor: An ounce of prevention is worth a pound of cure. I believe the prevention measures embedded in this bill will be a reasonable deterrent to the misuse of firearms.

Let me address some of the concerns that have been voiced in the chamber, and in the many e-mails we have all received — that most gun owners are law-abiding people and this bill unnecessarily targets them instead of focusing on gangs and hand guns. Yes, we should focus on gangs and yes, we should focus on hand guns. I hope we will see measures to do that. This bill is not meant to address all the many issues related to firearm violence. It is meant to address a growing problem.

Here is another fact: Almost 20 per cent of firearms-related violent crimes involve a non-restricted firearm. It's 20 per cent. It is not the majority of cases, but the figures leave no doubt there is a small percentage of people who have used guns for other purposes. I have cited statistics on domestic violence, but let's not forget the link between mental health and guns.

Between 2014 and 2016 — I think Senator Cormier talked about this — an average of 600 Canadians have killed themselves with a gun.

Honourable colleagues, I want you to stop and think about that number; 600 people annually. We would have to fill this chamber five times over to imagine the scale of that tragedy.

I conclude the numbers are serious enough for us to pay attention. Even if they were not, I would still argue that every single life deserves our attention because as John Donne so aptly wrote in the 1500s:

> Any man's death diminishes me, because I am involved in mankind.

Back to the law-abiding citizens who are peaceful gun owners, I do not believe they should feel targeted by this. In fact, if I was one of them, I would feel more secure that the few bad apples would no longer infect the forest; that my interest in using a weapon for sport, hunting or recreation, would be secured from the ill intentions of a few. Yes, I grant there will be some inconvenience involved, as Senator Gagné has pointed out. However, I believe some inconvenience may be necessary if, as a result, lives are saved.

Personal inconvenience, I believe, is part and parcel of living in a civilized society. We encounter various forms of inconvenience every day on a personal level, to protect the collective and public good. We stop at red lights, we go through security checks, we renew our driver's licence, we moderate our driving speed, we smoke in designated areas, we wear seat belts and so on and so forth. I don't want to minimize the inconvenience to legitimate and law-abiding gun owners. It deserves to be pointed out that in Canada, owning a gun is not a right. It is a privilege. With every privilege comes responsibility.

I believe it is our responsibility here to send this bill to further study to committee. Because of the seriousness of this matter, I urge us to send it to committee sooner rather than later. Thank you very much.

Hon. Nancy J. Hartling: Would the senator take a question?

Senator Omidvar: Always, thank you.

The Hon. the Speaker: I'm sorry, Senator Hartling, Senator Omidvar has less than a minute left in her time. Are you asking for five more minutes?

Senator Omidvar: If leave is granted, yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: I'm sorry, Senator Hartling, I have to ask again. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Hartling: Thank you. This is a very serious area I am interested in, the domestic violence that you talked about. According to the Canadian Women's Foundation which is one of the 10 largest women's foundations in the world, women comprise 80 per cent of those killed by intimate partners annually. Do you agree, or what are your thoughts on enhanced background checks helping prevent harm to vulnerable Canadians, especially women and children?

Senator Omidvar: Thank you, senator, for that question. As I said, an ounce of prevention is worth a pound of cure. If we can make sure guns are in the hands of the people who are qualified to own them, and that background checks are more expansive and go beyond five years, then I think it's an important measure not to be undercut by other measures that are in the bill. I think this measure is one of the most important measures in the bill and will do exactly what you're suggesting, hopefully reduce the incidents of violence against women inside or outside their homes.

Hon. Marilou McPhedran: Thank you, Your Honour. Senator Omidvar, I think you made some reference and I'm sure you have given considerable thought to this: I wonder if there was anything more you could say about hand guns and the fact they appear to be absent from this bill?

Senator Omidvar: Yes, I agree hand guns are absent from this bill. I agree they are a growing problem. I read today in the newspaper, I think, the government has devoted $86 million, or a figure in that range, to deal with urban violence. Urban violence is, by my information, primarily perpetrated through hand guns.

This bill is not meant to cover all aspects of firearm violence. It is a small step in the right direction. I hope to see more legislation follow which will deal with growing incidents of gang violence and the use of hand guns.

The Hon. the Speaker: On debate, Senator Patterson.

Hon. Dennis Glen Patterson: I would also like to speak to Bill C-71 an act to amend certain acts and regulations in relation to firearms. I do so, perhaps, from a different perspective than Senator Omidvar. From the perspective of my region of Nunavut, from the viewpoint of the majority of our population, 85 per cent of which are Inuit and a high proportion of them, both men and women, are hunters.

• (1620)

For them, this bill is not about sport or about transporting firearms to shooting ranges. Many Inuit residents — and, I think, increasingly these days — have firearms not only for hunting, but also to protect themselves from polar bears, which are increasingly showing up in communities. We have sadly had citizens killed by polar bears this year in Nunavut.

So for many Inuit in Nunavut, like for many Indigenous people who continue to have strong connections to their traditional roots, firearms are actually a way of life. Inuit are known to be close to the rich lands and wildlife resources in Nunavut and heavily reliant on healthy, country food as opposed to expensive imported store-bought food.

The Firearms Act, which is being amended in this bill, has existed since 1995, and since its introduction, Nunavut Tunngavik Incorporated, which is the organization representing the interests of Inuit beneficiaries in Nunavut, has resisted the general application of the registration system in Nunavut, arguing in a lawsuit that it impeded the right of Inuit to hunt as guaranteed under the Nunavut Land Claims Agreement.

The judge in that case, Justice Kilpatrick of the Nunavut Court of Justice, granted an interim stay in July of 2003, acknowledging that there is a significant public interest in Nunavut in ensuring that the constitutional rights of Inuit are respected at all stages of the adjudicative process. This is so particularly where questions of treaty interpretation engage "the honour of the Crown."

> I conclude on the basis of the limited evidence before me that the alleged infringement of a treaty right may cause collateral damage to important Inuit interests. It may interfere with Inuit harvesting, whether this is done full time as a livelihood or part-time as a means of supplementing diet. It may impact upon the quality of Inuit lifestyle in isolated settlements. It may disrupt Inuit food supply in remote communities. It may cause long-term damage to a defining or core social value of Inuit society. The potential for damage is both significant and immediate.

Section 112, the provision at the heart of NTI's argument, which dealt with compulsory licensing and registration, has since been repealed by the former Conservative government in 2012 and a suite of Indigenous-specific regulations was put in place that addressed concerns of Indigenous peoples being prevented from owning firearms necessary to hunting, as guaranteed under the Constitution and various comprehensive land claim and self-government agreements in Nunavut and, really, throughout the country.

Article 5.1.2(b) of the Nunavut Land Claims Agreement, for instance, recognizes:

> . . . the legal rights of Inuit to harvest wildlife . . . .

And 5.1.3(a)(iv) states that the article:

> . . . provides for harvesting privileges and allows for continued access by persons other than Inuit, particularly long-term residents, and
>
> (v) avoids unnecessary interference in the exercise of the rights, priorities and privileges to harvest; . . . .

So the regulations that followed the repeal of section 112 of the Firearms Act enable Indigenous persons who wish to acquire firearms a way of taking the tests on firearm safety — required in order to be licensed to carry a firearm — orally should language be a barrier. It also enables the Chief Firearms Officer to essentially vouch for individuals seeking to purchase a firearm but who lack the proper documentation.

I did take the opportunity recently to speak with Mr. Ed North, the Chief Firearms Officer for Nunavut. Mr. North is a retired, long-serving member of the RCMP in Nunavut who has lived in many communities and regions of Nunavut, and I think he is probably a model example of how a Chief Firearms Officer applying these regulations can do so in ways which do not interfere with Indigenous rights.

During our meeting he described instances where a firearms store in the South would call him, telling him that an individual in a certain community had ordered a firearm without having a firearms possession and acquisition certificate. More often than not, he would be familiar with the applicant and could either vouch for the individual then and there, or make inquiries to confirm that the individual is a long-time and respected local hunter and issue the permit over the phone. Alternatively, he could phone the individual and conduct the firearms safety test that way.

So his work is to be commended, and I would respectfully suggest that Mr. North be someone that the committee that studies this bill could consider as a potential witness. I do hope that every Chief Firearms Officer in every region who is dealing with Aboriginal hunters is able to effectively apply the regulations as they are being applied in Nunavut.

While my meeting with Mr. North did assure me that the system is working in Nunavut to protect the rights of Inuit, it did cause me to worry that the level of service to Indigenous people throughout the country may not be consistent. I hope that the committee studying this bill will be able to study the effectiveness of the application of the Indigenous-specific regulations throughout the country, specifically in remote regions with significant Aboriginal populations.

I would also like to mention the issues raised by the Assembly of First Nations during committee consideration of the bill in the other place. They need to be adequately addressed by the Senate committee.

Vice-Chief Heather Bear raised two issues. One was in regard to new requirements to obtain authorizations to transport a firearm for purposes other than from the place of purchase or to a firing range; and two was the new provision that would enable the Chief Firearms Officer to look at the history of an individual beyond the current five-year limitation.

Vice-Chief Bear stated:

> The proposed amendments to the Firearms Act raise serious constitutional concerns to first nations. Our first concern is that this bill does not incorporate or safeguard our aboriginal and treaty rights that might be impinged, such as our treaty right to hunt. Nowhere in this draft legislation does it state how the provisions of the bill will be implemented for first nations or on our reserves. It should be made clear that the first nations' hunting rights will be respected and that we won't need a transport certificate for any kind of hunting rifle, even those classified as restricted. . . .
>
> Concerning background checks, under the new rules, the entire life of a person who applies for a firearm licence will be examined, instead of just the past five years. First nations' people are more likely to have criminal records due to systemic discrimination and other reasons I won't get into right now, but is it fair that a person could be denied a licence on the basis of a criminal offence committed 20 or 30 years ago? Does that really predict how likely he or she is to misuse a firearm today? Obviously we need to keep firearms out of the hands of dangerous criminals and people with serious mental illnesses, but why punish a person who made a mistake decades ago?

Honourable senators, I can tell you that more often than I would like to acknowledge there are incidents involving Inuit, firearms and standoffs with the RCMP. We know there are a high number of Inuit facing mental health issues for a variety of reasons, including remoteness, lack of jobs, intergenerational trauma or a lack of support or access to treatment.

I have spoken about my concerns about Bill C-45, and so on.

At its worst, in 2004, suicide in Nunavut was 11 times the national average, at 121 per 100,000 people. Last year, that rate was 106 per 100,000 people.

• (1630)

Unfortunately, these statistics are reality for many Indigenous populations throughout the country.

Great efforts are being made with the leadership of the Chief Firearms Officer in Nunavut to enforce safe storage of firearms and the use of trigger locks, but the practice is still not widespread. Keeping this in mind, I share the concern of Vice-Chief Bear that extending the period of review of a person's history could potentially prevent a disproportionately large number of Indigenous persons from accessing firearms necessary for hunting.

I also have outstanding concerns that the requirement in this bill for persons not to gift or sell a firearm to an individual not holding a Possession and Acquisition Licence could impede the traditional rights of individuals to pass on firearms to family members. In Nunavut, I can tell you that children as young as six years old have been given firearms as part of the beginning of their journey as hunters. It will be important for the committee studying the bill to find out what proportion of Aboriginal hunters are holding Possession and Acquisition Licences and how many opportunities there are to take the courses and tests in remote communities.

I believe the majority of Inuit hunters in Nunavut do not hold Possession and Acquisition Licences, so they are carrying on their traditional hunting activities outside the existing law. Should we not be concerned about that?

In closing, I look forward to the committee's study of the bill. I've raised some issues that I hope will be addressed. When the committee studies the bill, I hope they will make sure they hear from witnesses who are Aboriginal hunters. Thank you.

The Hon. the Acting Speaker: Senator Patterson, we have some questioners.

Senator Lankin, are you asking a question?

Hon. Frances Lankin: Yes. Senator, will you accept a question?

Senator Patterson: Yes.

Senator Lankin: Thank you for your thoughtful speech.

There are issues we certainly need to look at in terms of rights of Indigenous peoples and the constitutional issues. I'm sure the committee will delve into that.

You also spoke about Vice-Chief Bear's concern about the Chief Firearms Officer, as well as your own concern. I want to know how broad your concern is with respect to the provisions. One of the new provisions is that the Chief Firearms Officer can deem a person broadly ineligible to hold a possession acquisition licence if that person "poses a risk of harm to any person."

I know you'd be aware of, and I know you would deeply care about, the alarming rate of firearm-related intimate-partner violence in Nunavut. It's an issue I'm very concerned about, also. It's an issue that affects marginalized communities, as you've talked about, and disproportionately affects women and children in those communities. In Nunavut, from 2009 to 2017, 45 per cent of the victims of police-reported firearm-related violent crimes were partners or other family members. We're talking about intimate partners, children, parents and siblings. That's nearly four times the rate of the rest of Canada.

Moreover, if we look at what the stats tell us, it is not handguns that are the problem. Over 80 per cent of those crimes are being committed with non-restricted rifles and shotguns.

A provision is being proposed that will expand the ability for the Chief Firearms Officer to deem a person broadly ineligible to hold a Possession and Acquisition Licence if that person, as I said, poses a risk of harm to any other person. As Senator Boisvenu said earlier, we need to have more preventive tools in dealing with domestic violence, and I wonder if you would then say that you agree with the proposed amendments of the Firearms Act that will better protect and prevent violence to vulnerable women and children in your communities.

The Hon. the Acting Speaker: Senator Patterson, your time has expired. Are you asking for five more minutes?

Senator Patterson: Yes, please.

The Hon. the Acting Speaker: Five more minutes, honourable senators?

Hon. Senators: Agreed.

Senator Patterson: I made some references to the incidents of firearms violence in Nunavut, and it is a concern. What I raised here today is that the PAL, which is the vehicle that you say, Senator Lankin, should be used to prevent the kind of domestic violence we all are concerned about, is that — and I think the committee should study this — in my anecdotal experience, hunters are not widely in possession of a PAL. That's why the Chief Firearms Officer gets calls from gun shops often, because people are trying to buy rifles without the necessary licence.

You're asking me if I think provisions in the bill will help to reduce domestic violence because the wrong people will not be given licences to possess rifles. They don't have the licences to possess them right now, so I think we should be looking at the basic underpinnings of the Firearms Act, which are safe storage of firearms and trigger locks.

I remember that legislation being introduced by Kim Campbell when she was Minister of Justice . There's a long tradition in Canada of trying to protect people through safe storage of firearms. I don't know how well that is working. More efforts should be made in that connection. I'm hoping the committee study of the bill may shine a light on that.

The best answer I can give to your question, Senator Lankin, is that I'm just not sure how many people are respecting the Possession and Acquisition Licence, at least in the rural parts of the country and among Aboriginal people who sometimes have a language barrier, as well, in dealing with officials. Thank you.

Senator Lankin: Thank you very much. Just so you know, I live in a hunting community. My husband is a hunter, as are many people around me. The hunting camps are all around the area in which I live. At this time of year, they will have just finished the moose hunt but the deer hunt is going on. This is something I'm well aware of.

I also understand the issues you are raising with respect to the particular concerns in remote communities and language concerns. Those are all appropriate issues to raise. Also, your request to look at the underlying workings and whether they work in these communities is good.

I want to push you a little bit on the role of the Chief Firearms Officer and the expansion of this role. When gun shops call and ask because someone dost doesn't have a licence, it's an opportunity for the Chief Firearms Officer to do the work to understand whether this is a person who should be able to acquire a gun. I know guns are out there already, but should they be able to acquire a gun? If there's an incident, should they be able to continue to hold a gun?

Eighty per cent of these violent crimes are being committed with shotguns and rifles. They're not restricted weapons of any sort. There is almost four times the rate of family violence reported. The uniformed crime reporting provisions tell us that women and children in Nunavut — and in other parts of the country, but certainly in your part of the country — are at risk. I would hope that we could maybe come together in discussion, through committee, to understand the right provisions for people who are suffering in remote communities, who are suffering from mental health or who have a history of violence are somehow managed in not getting a licence and/or in having weapons taken away from them.

Senator Patterson: The role of the Chief Firearms Officer is important, and I wonder if they are as effective as the great guy I met in Nunavut, Ed North. He's doing a great job. I was comforted by that.

• (1640)

The Hon. the Acting Speaker: Your time has expired, Senator Patterson.

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of the debate.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of November 7, 2018, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 20, 2018, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

BORROWING AUTHORITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-246, An Act to amend the Borrowing Authority Act.

Hon. Lucie Moncion: Honourable colleagues, I would like to say a few words today about Bill S-246, which was introduced in this chamber by Senator Day.

This bill would amend the Borrowing Authority Act in order to give Parliament the exclusive power to authorize borrowing and to require that the Minister of Finance provide to Parliament a report every year, rather than every three years, on the amount borrowed in relation to the maximum amount of the country's debt.

[*English*]

My presentation today deals with three aspects. First, I will touch on the historical context of federal government borrowing. Second, I will speak on the purpose of Bill S-246 relative to the operation of public financial management. Lastly, I will briefly discuss analysis and reports produced by the Parliamentary Budget Officer.

[*Translation*]

Before 1975, the government's borrowings were usually included in one of the first supply bills in the new fiscal year. If circumstances required an increase in borrowing authority, the government requested Parliament's authorization by submitting a subsequent supply bill, such as supplementary estimates or interim estimates. The authorization was often automatic because increasing the spending authority was tied to measures already approved by Parliament.

[*English*]

From 1975, the practice was to introduce a bill according to the normal procedures when the budget was tabled or shortly thereafter. If further borrowing was required, a bill granting additional borrowing authority was then introduced.

Between 1996 and 2007, Parliament did not once review the government's authority to borrow. However, it had to obtain the approval of Parliament to increase the annual borrowing on the financial markets if it expected an increase over the previous year.

[*Translation*]

In 2007, an amendment to the Financial Administration Act removed the requirement for Parliamentary approval of borrowing and replaced it with a requirement for approval by the Governor-in-Council only. Section 43.1 reads, and I quote:

> The Governor in Council may authorize the Minister to borrow money on behalf of Her Majesty in right of Canada.

Section 43.1 was repealed, and Parliament passed the Borrowing Authority Act, which took effect on November 23, 2017. This new legislative regime restores the requirement for the Minister of Finance to obtain Parliament's approval for government borrowing.

More specifically, the Borrowing Authority Act requires the government to seek the approval of Parliament to establish the maximum stock of debt that the Minister of Finance can take on for the Government of Canada and its Crown corporations and requires a report to be tabled in Parliament every three years.

A maximum stock level is a certain authorized amount. The government can work and manage the country's finances without seeking Parliament's approval if it keeps its borrowing below that amount.

[*English*]

Accordingly, since 1996, parliamentary approval for borrowing has not been solicited. In 2007 it was completely removed in favour of Governor-in-Council approval only.

[*Translation*]

By restoring the requirement for the Minister of Finance to obtain authorization for his borrowing activities in November 2016, the government recognized the executive and legislative powers of the government and Parliament. This requirement gives Parliament the authority to rule on the issue of the maximum stock of debt, but gives the government the latitude to implement its budget goals over a period that reflects the management cycle of such a debt load.

[*English*]

In the past year, Parliament has voted in favour of Bill C-44, which authorizes borrowing that is below the maximum amount outstanding.

The borrowings are the aggregate amount of the federal debt contracted in the past and projected amounts for the three fiscal years 2017 to 2020, the cumulative total of the borrowings of the Crown corporation contracted in the past and projected amounts for the same period and a contingency reserve of 5 per cent or $56 billion.

At the end of the fiscal year 2018-19, total debt expected will be $1.066 billion, distributed as follows: $755 billion for the federal debt and $311 billion for Crown corporations. The net debt to GDP ratio is 33.2 per cent and is one of the lowest of the G7 countries.

[*Translation*]

Let's now move on to the purpose of Bill S-246. The bill amends the Borrowing Authority Act to give Parliament exclusive authority over government borrowing and require the Minister of Finance to present a report to Parliament annually, rather than every three years, on the status of borrowing with respect to the maximum amount of the debt.

The impact of the provisions in this bill make the process of exercising the government's borrowing authority more complex and cumbersome. This leaves us to wonder, then, whether this is having the effect the legislator intended when the Borrowing Authority Act was passed, that is, when Bill C-44 passed.

Let me explain. First of all, requiring parliamentary approval in a legislative system that already sets the maximum amount of debt approved by Parliament complicates the government's borrowing process to the detriment of the purpose of the bill, which is to strike a balance between transparency and giving the government some flexibility to manage the debt. Also, an annual vote in Parliament on the maximum stock becomes futile when you understand the inherent limits on the information included in a report under the Borrowing Authority Act.

Second, in terms of transparency, I'm having a hard time understanding the need for an annual report produced under the Borrowing Authority Act specifically. There are claims that the government is not accountable to parliamentarians on the national debt if it reports just once every three years. This argument ignores the reports that the Parliamentary Budget Officer produces on the government's overall fiscal sustainability and other reports on the debt produced in accordance with the Financial Administration Act. This argument also fails to consider that the government must present a report before the three-year deadline if it plans to surpass the maximum amount set in the Borrowing Authority Act.

• (1650)

We could talk more about the Financial Administration Act, which is connected to the Borrowing Authority Act. I will not do that, but I will ask my colleagues who will be studying Bill S-246 in committee to do so, since this bill would amend the Borrowing Authority Act and concerns the estimates requirements for the following fiscal year, borrowings in respect of extraordinary circumstances, and the tabling of a report on the money borrowed or to be borrowed.

[*English*]

In addition, I will ask my colleagues who will be studying this bill in committee to invite the Parliamentary Budget Officer to be a witness and report on the analysis of the federal debt.

He published, in April 2018, a report entitled *The Borrowing Authority Act and Measures of Federal Debt*. This report speaks of the:

> Recent changes to the Financial Administration Act require the Government of Canada to seek parliamentary approval to borrow in debt markets. The Government has done so with the Borrowing Authority Act . . . .

> This report was prepared to address two areas of confusion that have arisen in committees and debates following Budget 2018:
>
> 1. How was this new debt aggregate calculated?
>
> 2. How should it be used to scrutinize government borrowing?

[*Translation*]

Certain other matters could be considered by committee members when studying Bill S-246, such as: the relationship that should exist between the approval of a maximum debt and Parliament's authorization under the Borrowing Authority Act when the amount is below a ceiling voted on by parliamentarians in advance; the government's borrowing cycle and accounting standards for national debt in relation to the need for an annual report; the duty to obtain Parliament's authorization every time the government must borrow, which could obstruct the advancement of public debate and generally undermine the effectiveness of the machinery of government; and, lastly, determine whether conventional measures of debt that parliamentarians are familiar with and which appear in Canada's consolidated financial statements are better tools for evaluating the government's finances, in particular total liabilities which show liabilities recorded and tied to public sector benefits, or net debt, which shows pension liabilities.

In conclusion, although I understand the motivation behind Bill S-246, I don't really see how it is relevant. The Borrowing Authority Act strikes a good balance between legislative and executive powers. It returns to Parliament the powers it should have and provides sufficient leeway to ensure flexibility in dealing with the national debt. If we demand some measure of control over government borrowing by requiring annual reports, we could find ourselves interfering in government affairs, limiting flexibility and having a negative impact on borrowing activities.

Thank you for your attention.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Marwah, for the second reading of Bill S-250, An Act to amend the Criminal Code (interception of private communications).

Hon. Pierre J. Dalphond: Honourable senators, I rise today to speak to Bill S-250, An Act to amend the Criminal Code regarding the interception of private communications, introduced by our colleague Senator Wetston last spring.

This bill is quite simple: a single, short clause that proposes to amend section 183 of the Criminal Code to add to a list of 137 offences a new offence, namely insider trading. Since this is a very short and simple bill, I will be brief — perhaps even more brief than some questions could be.

Insider trading is committed when a person uses privileged information to trade on the stock exchange to their own advantage before other shareholders and members of the public have knowledge of the information in question. The person can therefore sell or buy based on information that puts them at an advantage, distorting markets and securities rules. This activity is not only illegal and unfair, but it also compromises the integrity of stock market transactions and undermines investor confidence in the market. In truth, it would be only natural to add insider trading to a list that includes fraud, misrepresentation of information, breach of trust, and fraudulent manipulation of stock exchange transactions.

In his speech at second reading, Senator Wetston explained that, in Canada, "enforcement of insider trading comprises a variety of approaches from administrative to criminal." However, only a criminal conviction would result in a prison sentence of up to 10 years and a criminal record, an appropriate sanction in the most serious cases.

As Senators Wetston and Boniface said, if this bill is passed, it will provide the police with an additional tool, and more importantly an effective one, for investigating the most serious insider trading offences. Those who engage in this behaviour deserve to have criminal charges brought against them, deserve to be brought to trial and, if they are found guilty, deserve to be given a long jail sentence and to have a criminal record. That is what section 382.1 of the Criminal Code provides for.

However, we also need to remember that, in order to obtain a criminal conviction, the Crown must prove that the accused intended to engage in insider trading. In law, we refer to that as *mens rea*.

In his speech at second reading, Senator Wetston talked about how difficult it is to obtain a criminal conviction, since it is complicated to try to prove that the accused intended to engage in such activities given that the evidence is often based on deduction and inference.

[*English*]

In reality, as it was written in the *New York Times* on September 30, 2010:

> This is the type of case that would be nearly impossible to prove without evidence like that obtained through the wiretaps because the trading was not based on a single corporate event that could be traced back to a source.

To the same effect, one could read in *The Globe and Mail*, on March 27, 2014, the following:

> Insider trading cases are notoriously difficult to prosecute as criminal offences because they require proof that individuals made trades based on undisclosed material information they discovered about a company. People

accused of the crime typically argue they traded for other reasons — such as their own investment research — and not because of insider information.

Honourable colleagues, the time has come to give the investigator of insider trading a reliable tool to prove the criminal intent to take advantage of tips or insider information, and to ensure that this unethical and disturbing practice of the markets is stopped by deterring those who might otherwise be tempted to commit an illegal act knowing how difficult it is to prove.

It is easy to provide this tool. Just add a few words — two words — in a long list of potential offences, including some that present some similarities with insider trading.

This entails no substantive modification to the Criminal Code. To be clear, the procedure to follow in obtaining a judicial authorization would not be modified in any way. I refer you to the speech of Senator Boniface, given on October 23, where she explained the various requirements presented in the Criminal Code to ensure there are no abuses in the use of wiretapping.

• (1700)

The amendment will also follow a 2014 recommendation unanimously made by the Uniform Law Conference of Canada, an organization that, amongst other things, endeavours to identify deficiencies in federal criminal legislation and makes recommendations for change where appropriate.

The amendment will place Canadian practices on equal footing with practices prevailing in the United States, where, and I quote here from Neil Gross, the former executive director of the Canadian Foundation for the Advancement of Investor Rights: "wiretaps have been instrumental in successfully prosecuting insider trading." As Gross concludes, wiretaps are "likely to be equally useful here."

Indeed, when the U.S. legislation authorizing wiretaps was adopted in 1968 — that's a long time ago compared to Canada — the use of wiretaps during investigations was restricted to a list of enumerated offences, which entirely omitted white collar crimes and focused primarily on offences pertaining to organized crime and narcotics. Over the years, the legislation was amended to include numerous white-collar crimes, including insider trading.

When it comes to insider trading, I believe a similar amendment is now badly needed in the Criminal Code of Canada. I remind you, honourable colleagues, it will not be a significant change to a list already long, including numerous older types of white collar offences. It will also offer an opportunity to correct the deficiency in the Criminal Code and to provide to law enforcement agencies an effective tool to regulate and maintain the integrity of our security markets.

I thank you, Senator Wetston, for bringing this matter forward. You are an experienced man in that field. Thanks to your knowledge, you raised the awareness of this place about something that needed to be corrected in the Criminal Code.

I thank you all for your attention at this late hour on the last day of this week. Thank you.

(On motion of Senator Martin, debate adjourned.)

STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY

TENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the tenth report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled *Decarbonizing Transportation in Canada*, tabled in the Senate on June 22, 2017.

Hon. Richard Neufeld: Honourable senators, with leave of the Senate I move that further debate be adjourned until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Neufeld, debate adjourned.)

[*Translation*]

STUDY ON NEW AND EMERGING ISSUES FOR CANADIAN IMPORTERS AND EXPORTERS WITH RESPECT TO COMPETITIVENESS OF CANADIAN BUSINESSES IN NORTH AMERICAN AND GLOBAL MARKETS

TWENTY-FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Black (*Alberta*), seconded by the Honourable Senator Bovey:

That the twenty-fourth report of the Standing Senate Committee on Banking, Trade and Commerce, tabled on Tuesday, October 16, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Finance being identified as minister responsible for responding to the report.

Hon. Julie Miville-Dechêne: Honourable senators, I too am rising at this late hour to discuss a delicate subject that prompted me to move the adjournment of the debate two weeks ago, when the Chair of the Standing Senate Committee on Banking, Trade and Commerce, Senator Doug Black, presented its report for

adoption. The title of the report is *Canada: Still open for business?* I was not prepared, and I am still not prepared, to support the adoption of that report.

With all due respect to the members of that committee, I want to explain why. First, I was uncomfortable to note that the Banking Committee had invited the President of the Canadian Chamber of Commerce, Perrin Beatty, to take part in the press conference for the release of the report. Mr. Beatty had appeared before the committee and had called for a royal commission on taxation, a suggestion that is at the top of the list of the report's recommendations.

Why then do I have misgivings? Throughout my career as a journalist, Radio-Canada ombudsman and chair of a research council, I dealt with the notions of ethics, equilibrium, conflicts of interest, and maintaining distance from sources. Of course, the Senate is not a newsroom or a research institute, but as politicians, we must do everything, yes, everything, to maintain public trust in the Senate as an institution and avoid reinforcing any preconceived notions that we are beholden to the most powerful lobbies.

I want to clarify that I'm talking about perception and appearance. Unfortunately, associating the highly influential Canadian Chamber of Commerce with the release of a Senate report could give the impression that the Senate is aligned with this business lobby. I think that the Senate should always be seen as protecting the greater good and public interest. It should not be associated with any lobby, whether it be a business lobby, union lobby, or any group that makes recommendations to the government and has a financial interest in the issues or bills the Senate is studying.

Following the press conference, as I read the report and the testimony closely, reviewed the list of witnesses and did a little research, my discomfort grew. According to its order of reference, the committee was to examine new and emerging issues for Canadian importers and exporters with respect to the competitiveness of Canadian businesses in North American and global markets. After hearing from 21 witnesses, the committee's recommendation to the government was nothing less than to immediately reduce the corporate income tax rate.

Most of the witnesses who appeared represented the business community and the oil sector. The list included the Canadian Energy Pipeline Association, Suncor and the Canadian Association of Petroleum Producers, plus experts from think tanks, such as the Fraser Institute, that advocate for economic liberalism, and four witnesses from academia. What is striking is how well the oil industry was represented on the witness list. There were no witnesses from any other sector. I noted a lack of ideological diversity among the think tanks invited to the table. For example, the more progressive Canadian Centre for Policy Alternatives and the Broadbent Institute were not invited.

On October 30, in response to the report, a Broadbent Institute advisor wrote in *The Globe and Mail* that corporate tax cuts are not the right way to go because that is not the most decisive factor for investors.

The only testimony in support of the carbon tax came from Canada's Ecofiscal Commission, but it was excluded from the report. Only two dissenting opinions appear in the report.

The committee's witnesses painted an alarming picture of the situation. Canada lost the competitive advantage it needs to attract businesses with the uncertainty associated with renegotiating the free trade agreement with our neighbours to the south, but especially when the United States adopted the Tax Cuts and Jobs Act, in December 2017, a law that changes both personal and corporate taxes. As everyone knows, to our great relief, between the start of the work on the report and its publication, a new free trade agreement was concluded with the United States, so at least some of the uncertainty mentioned by the witnesses has dissipated.

• (1710)

In its recommendations, the committee does not take into account the call for prudence of at least one of the witnesses: Fred O'Riordan from Ernst & Young. He refused to make any recommendations to the committee for any immediate, ad hoc, and piecemeal changes, including lowering taxes, and I quote:

> I honestly feel it is better to do a comprehensive review, partly because tax policy is complicated and making a particular change in one area inevitably will have impacts on other areas, both in the tax system and the non-tax system.

Fred O'Riordan also provided some background for the issue, which is oddly missing from the Senate report, and I quote:

> Since 2000, Canadian federal and provincial governments have gradually reduced business taxes to attract investment here, primarily by implementing staged reductions in corporate tax rates, eliminating taxes on capital and reducing taxes on business inputs.

Under these circumstances, is there really an urgent need to reduce corporate taxes before undertaking a more comprehensive study of taxation and competitiveness? I find this to be a very legitimate question. Not everyone has such an alarmist view of the probable impacts of this new American legislation on investment in Canada.

In his October 2018 report entitled *Economic and Fiscal Outlook*, the Parliamentary Budget Officer stated:

> We maintain our assumption that the *U.S. Tax Cuts and Jobs Act* (TCJA) will not have a material impact on Canada's investment climate.
>
> . . . the TCJA is projected to reduce the U.S. marginal effective tax rate on new investment slightly below Canadian rates over 2018 to 2022 . . . . However, beyond 2022 some of the tax advantages, prominently 100 per cent expensing provisions for capital, are phased out. With each deduction removed, U.S. competitiveness decreases.

The report continues:

> While Canada's corporate tax advantage relative to the United States has declined, it is important to recall that firms' investment decisions are based on more than taxes

> alone. In the case of foreign direct investment (FDI), the OECD notes that it is encouraged by "access to markets and profit opportunities; a predictable and non-discriminatory legal and regulatory framework; macroeconomic stability; skilled and responsive labor markets and well-developed infrastructure."
>
> To date, FDI flows do not suggest an immediate deterioration of Canada's investment climate.

The Parliamentary Budget Officer is not on the committee's list of witnesses. The Governor of the Bank of Canada, Stephen Poloz, testified before the committee, but his much more encouraging view of Canada's economic situation is not included in the committee's report. He said, and I quote:

> . . . where we do have some growth in investment is in the non-energy sector over the forecast horizon, and that's coming from the fact that many industries, both domestic and export-oriented, are at their capacity. They have all of the incentives — and they tell us that they do — to invest.

Mr. Poloz went on to say the following:

> One area that I would say is doing relatively well is services and, in particular, ICT services. So it's quite important not to paint all export-oriented industries with the same brush.

Stephen Poloz warned the committee against taking a too simplistic view of the competitiveness of a business, which includes all input costs such as electricity, paperwork and regulations.

Lastly, I thought it important to quote something one of the witnesses said about the impact of the Tax Cuts and Jobs Act, which also didn't make it into the final report. Jeremy Kronick, a policy analyst with the C.D. Howe Institute, believes that lower corporate taxes in the U.S. can't last. Here is what he said:

> It's easy to say they will be lower and will stimulate business, that's fine, but don't forget that this budget will add $1 trillion to the deficit. We are talking about significant percentages each year to a deficit that was already quite big. So at some point down the line, one might see tax rates moving back up to pay for some of this deficit spending.
>
> The [American] government spending is likely to stoke further inflation, which is likely to cause the fed to have to increase interest rates, which has a different set of impacts on Canada.
>
> There is a lot to think about. It is not as simple as just the relative competitive tax rates on that front.

In conclusion, I would have liked the committee report to be more balanced and nuanced with respect to the possible consequences that losing that tax advantage could have on our economy. Economists do not agree about either the consequences of the American law or the factors that help Canadian businesses compete.

Lastly, corporate and individual tax rates are also social choices. That revenue provides Canadians with more equitable benefits than those available to our American neighbours. Our public services, such as health care and education, improve the quality of our labour force, and that is an important factor in Canadian competitiveness. Thank you.

(On motion of Senator Omidvar, for Senator Galvez, debate adjourned.)

[*English*]

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO RECOGNIZE THE GENOCIDE OF THE PONTIC GREEKS AND DESIGNATE MAY 19TH AS A DAY OF REMEMBRANCE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Merchant, seconded by the Honourable Senator Housakos:
>
> That the Senate call upon the government of Canada:
>
> (*a*) to recognize the genocide of the Pontic Greeks of 1916 to 1923 and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity; and
>
> (*b*) to designate May 19th of every year hereafter throughout Canada as a day of remembrance of the over 353,000 Pontic Greeks who were killed or expelled from their homes.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, I move the adjournment of the debate in the name of Senator Cordy.

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to adopt the motion?

Senator Plett: No.

Hon. Senators: Agreed.

Senator Plett: On division.

(On motion of Senator Mercer, for Senator Cordy, debate adjourned, on division.)

MOTION TO URGE THE GOVERNMENT TO CEASE DIPLOMATIC RELATIONS WITH IRAN—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:

That, in light of the Government of Canada's recent significant shift in its foreign policy relating to Iran, which does not reflect the Senate's recent decision to reject the principles of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations, including an annual report of Iranian human rights violations, the Senate now:

(*a*) strongly condemn the current regime in Iran for its ongoing sponsorship of terrorism around the world, including instigating violent attacks on the Gaza border;

(*b*) condemn the recent statements made by Supreme Leader Ayatollah Ali Khamenei calling for genocide against the Jewish people;

(*c*) call on the government to:

(i) abandon its current plan and immediately cease any and all negotiations or discussions with the Islamic Republic of Iran to restore diplomatic relations;

(ii) demand that the Iranian Regime immediately release all Canadians and Canadian permanent residents who are currently detained in Iran, including Maryam Mombeini, the widow of Professor Kavous Sayed-Emami, and Saeed Malekpour, who has been imprisoned since 2008; and

(iii) immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the *Criminal Code* of Canada; and

(*d*) stand with the people of Iran and recognize that they, like all people, have a fundamental right to freedom of conscience and religion, freedom of thought, belief, opinion, and expression, including freedom of the press and other forms of communication, freedom of peaceful assembly, and freedom of association.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, this item is at day 15. I would like to move the adjournment in the name of Senator Tkachuk for the remainder of his time.

(On motion of Senator Martin, for Senator Tkachuk, debate adjourned.)

• (1720)

MOTION TO URGE THE GOVERNMENT TO INITIATE CONSULTATIONS WITH VARIOUS GROUPS TO DEVELOP AN ADEQUATELY FUNDED NATIONAL COST-SHARED UNIVERSAL NUTRITION PROGRAM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Mercer:

That the Senate urge the government to initiate consultations with the provinces, territories, Indigenous people, and other interested groups to develop an adequately funded national cost-shared universal nutrition program with the goal of ensuring healthy children and youth who, to that end, are educated in issues relating to nutrition and provided with a nutritious meal daily in a program with appropriate safeguards to ensure the independent oversight of food procurement, nutrition standards, and governance.

Hon. Ratna Omidvar: I move the adjournment of the debate in the name of Senator Deacon (*Ontario*).

(On motion of Senator Omidvar, for Senator Deacon (*Ontario*), debate adjourned.)

MOTION TO URGE THE GOVERNMENT TO ADDRESS THE ISSUE OF THE SELLING OF FALSE MEMBERSHIP CARDS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Deacon (*Ontario*):

That the Senate urge the Government of Canada and the RCMP to address the issue of fraudulent "native" individuals and organizations selling fraudulent membership or status cards, a practice that is detrimental to the Indigenous peoples of Canada.

Hon. Ratna Omidvar: I move the adjournment of the debate in the name of Senator McCallum.

(On motion of Senator Omidvar, for Senator McCallum, debate adjourned.)

CHARITABLE SECTOR

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals), pursuant to notice of October 25, 2018, moved:

> That, notwithstanding the order of the Senate adopted on Tuesday, January 30, 2018, the date for the final report of the Special Senate Committee on the Charitable Sector in relation to its study on the impact of federal and provincial laws and policies governing charities, nonprofit organizations, foundations, and other similar groups; and to examine the impact of the voluntary sector in Canada be extended from December 31, 2018 to September 30, 2019.

He said: Honourable senators, for your information, the Special Committee on the Charitable Sector has been doing some great work this session. As of today, we have heard from 86 witnesses. We have 20 remaining on the approved fall work plan, and we have a further 29 requests to appear. We have received 35 briefs and written submissions, with six more pending translation and review. We have held 16 meetings, which is 32 hours of debate, and five more meetings are still left on our fall work plan. As you can tell, we have been diligent in our work, but we know there is more to do if we are to get it right.

We have also undertaken a survey that is asking for information from every charity and non-profit we can contact about their views on the industry and commentary on how to improve it.

Indeed, you should have received today an invitation from me to circulate the survey to organizations that you might know in your sphere. I believe this project is the first of its kind for the Senate, and we look forward to seeing the results. To date, we have over 500 responses from across the country. However, it will take time to analyze them, which is another reason we will require an extension. The sheer amount of information and witnesses in the sector is quite astonishing and encouraging. The committee has been a long time in the making and we want to get it right.

Honourable senators, that is why we are asking for this extension, so we can do just that. I humbly ask you for your approval of this motion.

The Hon. the Acting Speaker: Senator McPhedran, do you have a question?

Hon. Marilou McPhedran: Yes, I do, if the honourable senator would take a question.

Senator Mercer: Sure.

Senator McPhedran: Could you tell me, please, if among the list of planned or already completed testimony to the committee you have included young leaders in philanthropy and also those who are critics of the current model of philanthropy?

Senator Mercer: Yes. We have not excluded anyone from appearing, no matter what their points of view are. That's exactly what we want to hear. We want to hear the different points of view and attitudes as to what is right or wrong with the system. We can't come to a good conclusion if we only hear from one side. We need a broad spectrum of opinions.

(On motion of Senator Woo, for Senator Omidvar, debate adjourned.)

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

Hon. Chantal Petitclerc, pursuant to notice of October 30, 2018, moved:

> That, notwithstanding the order of the Senate adopted on Thursday, December 14, 2017, the date for the final report of the Standing Senate Committee on Social Affairs, Science and Technology, in relation to its study on social affairs, science and technology generally be extended from December 30, 2018 to September 30, 2019.

She said: Honourable senators, I'll just take a minute to talk about this motion calling for a general extension to allow the committee to continue studying issues related to its mandate. We are talking about one to three meetings that do not involve travel or spending.

The committee has already tabled three interim reports, as part of this order of reference, on the following subjects: the Disability Tax Credit, forced adoptions, and social finance funds. The adoption of this motion would allow us to continue our work.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Michael L. MacDonald, pursuant to notice of November 7, 2018, moved:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than November 23, 2018, an interim report relating to its study on the effects of transitioning to a low carbon economy, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE HONOURABLE BETTY UNGER

INQUIRY—DEBATE ADJOURNED

Hon. Yonah Martin (Deputy Leader of the Opposition) rose pursuant to notice of June 19, 2018:

> That she will call the attention of the Senate to the career of the Honourable Senator Unger.

She said: Your Honour, if I may, I would like to adjourn debate for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

(*At 5:29 p.m., the Senate was continued until Tuesday, November 20, 2018, at 2 p.m.*)

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