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Wednesday, November 28, 2018

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, November 28, 2018

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

Prayers.

### SENATORS' STATEMENTS

#### THE LATE JOHN (JACK) O'DONNELL, C.M.

**Hon. Mary Coyle:** Honourable colleagues, I rise today to pay tribute to a leader in the field of music, a member of the Order of Canada, a professor, a passionate supporter of unsung heroes and a dear friend, Dr. Jack O'Donnell.

Best known as director of the Men of the Deeps miners choir, Jack passed away last month. His cherished wife, Judy, followed him just 25 days later.

Marcel Proust said:

Let us be grateful to people who make us happy, they are the charming gardeners who make our souls blossom.

Jack O'Donnell made many souls blossom. Students at St. Francis Xavier University, L'Arche community members, miners learning to sing, audiences across Canada and the world and fellow community members and friends like me who had the privilege of basking in the glow of the brilliance, kindness and gentleness this sweet man exuded.

I met Jack when our family moved to Nova Scotia 22 years ago. He and his beautiful Judy welcomed us warmly into their home and into the community. Jack taught my daughter Lauren a music course at St. FX. Lauren, like many young people who benefited from Jack's tutelage, gained a gift of music appreciation for life.

In eulogizing Jack, I am drawn to focus on his magnum opus — the Men of the Deeps miners choir.

I quote the *Globe and Mail*:

Former miners who sang for him say while Mr. O'Donnell was trained in piano and Gregorian chant, he was also a down-to-earth leader who gained a passion for collecting and arranging songs about the lives of soot-covered men who made their living underground.

Organized in 1966 as part of Cape Breton's centennial contribution, the Men of the Deeps, this unique choir of working and retired coal miners, went on under the unassuming leadership of Jack O'Donnell to become the first Canadian performing group to tour China in 1976 after diplomatic relations had been restored. In 1999, at the invitation of Vanessa Redgrave, Jack and the men performed at a festival in Kosovo in support of UNICEF.

From China and Kosovo, to Massey Hall, to the Ekati mine in the Northwest Territories and to many communities large and small across our land, Jack O'Donnell led the men and their Cape Breton coal mining culture and music into the hearts of people.

Jack's collaboration with Rita MacNeil, adapting her song "Working Man" for the choir was an outstanding success. Another song, "The Lights Will Shine," spoke of the tragedy of the Westray mining disaster.

This Sunday evening our community will gather in darkness at St. Ninian's cathedral as the Men of the Deeps enter dramatically with their miners' lamps glowing and in full voice as we celebrate the life of our gifted friends Jack and Judy O'Donnell.

The Men of the Deeps website reads:

Mr. John O'Donnell, the ultimate maestro, will be greatly missed by family, friends, countless colleagues and by we, his brothers ... we're sure he is organizing a heavenly choir as we grieve his passing.

Indeed, we will all miss this charming maestro and our very dear friend. *Merci. Wela'lioq.*

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Allan Skoronski and Miri Sivan Bar. They are the guests of the Honourable Senator McCallum.

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

**Hon. Senators:** Hear, hear!

### BENEDICT AND NELLIE CAREEN

#### CONGRATULATIONS ON SIXTY-FIFTH WEDDING ANNIVERSARY

**Hon. Fabian Manning:** Thank you, Mr. Speaker. Today I am pleased to present Chapter 48 of "Telling Our Story."

This is a Newfoundland love story that began on April 27, 1927, when Benedict Careen was born in the beautiful small fishing community of Point Lance, St. Mary's Bay. Almost five years later, on April 5, 1932, the community of Point Lance welcomed Nellie Roche into this world. This was during the years of the Great Depression and life was much more different and difficult for people at that time. Families survived by living off the land and from the sea. Just having the ability to get by each day was a constant struggle. The people persevered because of a hard work ethic, a great sense of helping your neighbour, a strong Catholic faith and the unshakeable strength of family.

Benedict and Nellie grew up together in Point Lance. On November 29, 1953, they stood in the church in their hometown, said their wedding vows and became husband and wife. Their witnesses for the special occasion were Nellie's sister Theresa and good friend Allan Careen. Tomorrow, Benedict and Nellie Careen will mark their sixty-fifth wedding anniversary. They are indeed a shining example to us all.

Following in the footsteps of his forefathers, Benedict became a fisherman and worked hard each day to provide for his growing family. Nellie was a stay-at-home mom a long time before people referred to it as such. Let's just say she was kept very busy. Benedict and Nellie have a large family of eleven children. Beginning with the oldest, Diane; and followed by Jane; Eugene; Walter; Gilbert; Roy; Maureen; Melvin; Barry; Gary; and, as she would say to herself, keeping the best for last, Sylvia.

I consider one of the great privileges of my life to have grown up on the Cape Shore surrounded by people such as Benedict and Nellie and their family. Their son Roy was a classmate of mine and was and still is a great friend. During my younger years, I spent many days and nights at the Careen home. As large as the crowd would be at times, there was always room for one more. While from the outside you see this big house, inside it was a warm and comfortable home in the truest sense of the word.

It did not matter then and still does not matter today what time you visit the Careen home, you will be welcomed with open arms and a hug from Nellie and a good old yarn from Benedict as he smokes his pipe while rocking in his chair.

The amazing part of this story is today the community of Point Lance consists of fewer than 100 people. All but one of Benedict and Nellie's children make their home there. All the sons have followed in their father's footsteps and are fishermen. All the daughters are married to fishermen. The youngest, Sylvia, moved just a short distance away to my home community of St. Bride's, where she is also married to a fisherman. The fishery has and still is a major part of the Careen family's livelihood.

• (1410)

On a personal note, my mom Julia taught Mrs. Nellie in a one-room schoolhouse in Point Lance many years ago, and mom and Mrs. Nellie share the same April 5 birthday. I always remember my mom saying from a very young age Mrs. Nellie was a fine and respectful young lady.

On Saturday of this week, Benedict and Nellie will be having an open house at their home in Point Lance to mark this tremendous occasion. They will be surrounded by their 11 children and 11 spouses, their 21 grandchildren and seven great-grandchildren and what I know will be numerous other family members and countless friends.

God willing, I will be joining the crowd on Saturday and will be bringing greetings from the Senate of Canada and especially from His Honour the Speaker who also spent time at the Careen home in years gone by.

[ Senator Manning ]

I ask all my colleagues here today to join with me in congratulating these two very special people, Benedict and Nellie Careen of Point Lance, Newfoundland, as they celebrate their sixty-fifth wedding anniversary tomorrow, November 29, 2018. Thank you.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Konah and Jinah. They are the brother and sister of the Honourable Senator Martin.

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

**Hon. Senators:** Hear, hear!

[*Translation*]

#### THE LATE MAJOR-GENERAL (RETIRED) HERBERT C. PITTS, M.C., C.D.

**Hon. Yonah Martin (Acting Leader of the Opposition):** Honourable senators, I rise today to pay tribute to our Korean War heroes, and more particularly to the legendary Major-General Herbert C. Pitts, who recently passed away.

[*English*]

More than 27,000 Canadian heroes of the Korean War stepped forward when the need arose, from all walks of life, from all corners of our country. What distinguished the Canadians from the Americans, the Brits, the Scots, the Aussies and the Kiwis and all of the other combat forces was that every Canadian volunteered their service, 516 making the ultimate sacrifice.

The late Major-General Pitts is the highest decorated of them, whose military service and achievements spanned more than three decades.

In 1952, upon graduation from the Royal Military College, Herb became a Second Lieutenant with the Lord Strathcona's Horse (Royal Canadians). Within six weeks, he was deployed to Korea and was assigned to the 1st Battalion, Princess Patricia's Canadian Light Infantry as a Platoon Commander. Before his first year of frontline service was complete, he was awarded the Military Cross for gallantry and leadership in action.

In 1954, he then joined the 1st Battalion of the Queen's Own Rifles of Canada. In 1962, he was promoted to Major and joined the 2nd Battalion, QOR in Calgary. Over the decades of service and leadership in the army, he rose to the rank of Brigadier-General in 1973 and eventually served as Major-General in various capacities until his retirement in 1978.

I had the privilege of visiting and getting to know the Major-General for a number of years. Even as illness and age attacked his body and restricted his mobility, his sharp mind, spirit and dignity remained completely intact. I can still remember attending an annual gala dinner for the Queen's Own Rifles of Canada Association in Victoria, B.C. The moment he entered the

room, there was instant and undivided attention to the Major-General as the entire room rose to demonstrate their respect. Their admiration and reverence were palpable throughout the evening.

Major-General Pitts was also a great leader of many philanthropic causes, including decades of tireless work as the National Commissioner of Scouts Canada, an organization near and dear to his heart. I am also aware of his contributions which helped establish the Korea War veterans' Wall of Remembrance, a national memorial in Brampton, Ontario, where the annual Korean War Veterans Day commemorative ceremony takes place. Above all, he was a loving father, a devoted husband to his wife and best friend Marianne.

[Translation]

On behalf of the Senate of Canada, I would like to offer my deepest condolences to Marianne, to Major-General Pitts' family and his extended military family. Although he is no longer with us, his remarkable contribution will live on.

[English]

Please join me in taking a moment to honour the late Major-General Herbert C. Pitts and the brave heroes of the Korean War. Let us remember Canadians, past and present, who have and continue to serve in uniform in defence of peace and freedom for people of our world. *Merçi.*

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of several members of NORAD and the RCAF, led by Lieutenant-General Christopher Coates, NORAD Deputy Commander and Lieutenant-General Alexander Meininger, Commander RCAF. They are the guests of the Honourable Senator Day.

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

**Hon. Senators:** Hear, hear!

#### AIR FORCE DAY ON THE HILL

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable colleagues, for more than a decade I have risen in this chamber to thank the men and women of the Royal Canadian Air Force for their service, and I do so again today.

I would like to welcome Lieutenant-General Coates from Colorado Springs, a Canadian serving with NORAD, and Lieutenant-General Meininger who has been introduced as Commander of the Royal Canadian Air Force.

Today, approximately 14,500 Regular Force men and women and 2,600 Air Reserve personnel, supported by 2,500 civilians, set a standard of quality of service that harkens back to the extraordinary history of the Royal Canadian Air Force.

For almost 100 years since its foundation in 1924, the RCAF has demonstrated a long-standing commitment to safety and security, serving around the world, and today's members are a part of that proud tradition.

Their role has never been more varied: defending and protecting our Canadian and North America airspace; transporting supplies and personnel wherever required; undertaking critical search and rescue missions; serving in NATO operations; gathering vital intelligence and providing the skilled communications required to connect our men and women wherever operations are taking place around the world.

Time after time, the men and women of the RCAF face challenges at home and abroad with valour, expertise and dedication. I know they will continue to meet the future with the same dedication, courage and professionalism.

This year is particularly special as we celebrate the sixtieth anniversary of NORAD, the North American Aerospace Defense Command. On May 12, 1958, the governments of Canada and the United States signed an agreement to create this binational organization, the only such organization in the world that would be responsible for defending North America aerospace.

For the last 60 years, NORAD has fulfilled that mission, defending our two nations from external threats each and every day. Over the years the mission has evolved to include maritime warning to ensure the defence of North America against threats from the air and from the sea.

Colleagues, this is Air Force Day on the Hill. This evening, between 5 p.m. and 7 p.m., I invite you to come by room 256-S to thank the men and women of the Royal Canadian Air Force for their service to us and to Canada. Thank you.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of ambassadors and diplomatic representatives from the following Latin American countries: Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay, Peru and Uruguay. They are the guests of the Honourable Senator Galvez.

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

**Hon. Senators:** Hear, hear!

• (1420)

#### EMBASSIES AND AMBASSADORS

**Hon. Rosa Galvez:** Honourable senators, I rise today to recognize the important work of embassies and ambassadors in Ottawa.

As His Honour pointed out, we have a few guests in the gallery today: 10 ambassadors, three deputy heads of mission and three chargés d'affaires from Latin American countries. I would first

like to thank these 16 embassies for their immense contributions to the Hispanic and Latin American Day on the Hill that took place last month, a celebration of Latin American heritage that was the result of a bill initiated by the late Senator Enverga, which I supported.

Under the direction of Her Excellency Sofia Cerrato, all these embassies contributed greatly to the success of these celebrations. We had over 800 guests from across the country. We presented visual art and book exhibitions. We also presented music and dance performances.

[Translation]

Colleagues, I must reiterate how proud I am of this initiative to celebrate and promote Latin American culture in Canada. This community makes an enormous contribution to all sectors of society, including science, medicine, the arts, the military and many more. Canada's Latin American community helps us to remain better connected with our friends in the Americas.

It is more important than ever to strengthen our ties with our Latin American allies. We share many of the same values when it comes to democracy, international cooperation and trade. The Government of Canada is currently looking to increase trade through trade blocs, such as the Pacific Alliance, Mercosur and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

[English]

To foster the enriching of relations, the diplomatic work of every ambassador is crucial. Diplomacy is at the heart of every great relationship. It allows for better trade, cooperation and sustainable growth. These ambassadors are all doing exceptional work to increase opportunities between our countries. At every moment, they seek new ideas and promote cooperation. Beyond promoting international relations, they also seek input from Canadian parliamentarians.

I encourage each and every one of my fellow senators to take the time to meet with these ambassadors. They share similar issues as ours in their countries, such as climate change, access to health care and education, Indigenous rights and reducing trade barriers.

As I enter my third year as a Canadian senator, I commit myself even more to building a strong network of international relations. By opening ourselves to others, we increase our chances of success in this world.

My fellow colleagues, please join me in thanking these 16 embassies in Ottawa for their hard work and commitment.

*Gracias.*

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[ Senator Galvez ]

[Translation]

## ROUTINE PROCEEDINGS

### THE SENATE

#### *DESIGNATION OF PREMISES OR PARTS OF PREMISES FOR THE PURPOSES OF THE DEFINITION OF "PARLIAMENTARY PRECINCT"— DOCUMENT TABLED*

**The Hon. the Speaker:** Honourable senators, with leave of the Senate, I have the honour to table, in both official languages, the document entitled *Designation of Premises or Parts of Premises for the Purposes of the Definition of "Parliamentary Precinct"* in Section 79.51 of the Parliament of Canada Act.

Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

[English]

### THE SENATE

#### NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON DECEMBER 4, 2018

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

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, December 4, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

[Translation]

## ADJOURNMENT

### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 3, 2018, at 6 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to do so for the purpose of considering government business, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That rule 3-3(1) be suspended on that day; and

That the Senate stand adjourned at the end of Government Business on that day.

[English]

## BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT ON STUDY OF THE PRESENT  
STATE OF THE DOMESTIC AND INTERNATIONAL  
FINANCIAL SYSTEM

**Hon. Douglas Black:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on January 27, 2016, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the present state of the domestic and international financial system be extended from December 31, 2018 to September 30, 2019.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT ON STUDY OF THE POTENTIAL  
BENEFITS AND CHALLENGES OF OPEN BANKING FOR  
CANADIAN FINANCIAL SERVICES CONSUMERS

**Hon. Douglas Black:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on September 27, 2018, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the potential benefits and challenges of open banking for Canadian financial

services consumers, with specific focus on the federal government's regulatory role, be extended from February 22, 2019 to September 30, 2019.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT ON STUDY OF ISSUES PERTAINING  
TO THE MANAGEMENT OF SYSTEMIC RISK IN THE  
FINANCIAL SYSTEM, DOMESTICALLY  
AND INTERNATIONALLY

**Hon. Douglas Black:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on October 17, 2017, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on issues pertaining to the management of systemic risk in the financial system, domestically and internationally, be extended from December 28, 2018 to September 30, 2019.

[Translation]

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT ON STUDY OF THE EFFECTS OF  
TRANSITIONING TO A LOW CARBON ECONOMY

**Hon. Rosa Galvez:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Monday, June 11, 2018, the date for the final report of the Standing Senate Committee on Energy, the Environment and Natural Resources in relation to its study on the effects of transitioning to a low carbon economy be extended from December 31, 2018 to June 30, 2019.

[English]

## QUESTION PERIOD

### NATURAL RESOURCES

#### OIL AND GAS INDUSTRY

**Hon. Larry W. Smith (Leader of the Opposition):** My question is for the government leader in the Senate. Yesterday, Minister Morneau delivered a speech in Calgary in which he conceded that the oil and gas industry is under threat.

• (1430)

The minister also said he is sympathetic to the extreme anxiety Albertans are feeling. Although the minister acknowledged the situation facing our oil and gas industry, his words did not appear to comfort the hundreds of protesters outside. They want to see some action from this government. The energy workers on the streets of Calgary yesterday want construction on the Trans Mountain pipeline to begin, and they remain gravely concerned about the impacts of Bill C-69 and Bill C-48.

Senator Harder, beyond offering compassionate words, what will the government do to address the valid concerns of our energy workers about the future of their industry?

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

I think it behooves us all to be concerned about the workers and to go beyond that concern to take concrete action. That is why the government has initiated, with Bill C-69, reforms to the environmental assessment process which will, in the view of the government, lead to a greater assurance that a project, once assessed, does lead to construction. That has been a problem in Canada and we have been debating this for some time. I hope we can take this matter to committee to review and test the proposals under way and to determine what, if any, improvements can be made to the legislation. The government has been open to that process, and I hope we can undertake that.

In addition, the acquisition by the Government of Canada of the pipeline, to build a pipeline, is a very dramatic action on behalf of Canadians. There are processes under way — which the honourable senator is well aware of — that the government is following through on, which had been ordered by the court, to ensure the project is able to move forward. The government is making every effort to ensure this project comes to fruition because it is the view of the government that tidewater is essential to both the fairness of pricing and to open up markets which are diverse from those we have been dependent on for too long.

Finally, the senator will know that the minister, in his meetings in Calgary, has been apprised by the Government of Alberta of various measures they wish the government to consider. The minister has undertaken that the government is, in fact, considering those.

**Senator Smith:** Thank you for the answer.

A side issue which came to our attention is it was also reported that the federal government has given \$35,000 in taxpayers' money to Tides Canada, an anti-pipeline and oil sands group largely funded out of the United States by Tides USA.

Senator Harder, can you please explain why, after purchasing the Trans Mountain pipeline for about \$4.5 billion, the government is also spending taxpayers' dollars on an organization dedicated to shutting down Alberta's energy sector?

[ Senator Smith ]

**Senator Harder:** I thank the honourable senator for his question, which has been raised in the chamber before. I have attempted to answer it by saying that the funding to which he refers has been provided by the Government of Canada over a number of years. That does not deter the government from its determination to bring forward the pipeline in the fashion I described, meeting, of course, the court direction as quickly as possible.

[Translation]

## PRIME MINISTER'S OFFICE

RAJ GREWAL

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

I was personally informed on May 31, 2017 that Liberal MP Raj Grewal was being investigated for some of his activities, specifically his spending at casinos. I will repeat that I was informed of this fact on May 31, 2017, which is 18 months ago. Therefore, I have some very specific questions about this matter today. This is altogether different than an MP who simply has a gambling and debt problem.

I would like to know when the RCMP informed, as it should, the Prime Minister's Office that Mr. Grewal was being investigated and under suspicion for money laundering. Can you also tell us why the Prime Minister delayed removing MP Grewal from his caucus and, more importantly, from the House of Commons Standing Committee on Finance, on which Mr. Grewal sat up until September 29 and which is now studying money laundering and terrorist financing?

Finally, has your Prime Minister ordered an investigation to ensure that his member did not have access nor forwarded important information with respect to money laundering and terrorist financing based on the documents to which he had access as a member of the House of Commons Standing Committee on Finance?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I will need to take the question under advisement. I am not familiar with the precise nature of the question being asked.

Let me also state the tragedy that this individual is facing and the circumstances that led to his decision to resign. Of course, the police will be making their own further inquiries and the course of justice will be pursued.

[Translation]

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### EMBASSY IN CUBA

**Hon. Thanh Hai Ngo:** My question for the Leader of the Government in the Senate is about a group of Canadian diplomats and their families in Cuba who experienced unexplained brain injuries similar to the Havana syndrome that affected American diplomats.

These Canadians recently turned to the media to speak out about their frustrations in seeking treatment and recognition from their employer, Global Affairs Canada. Here is what one diplomat told *The Globe and Mail*:

They are afraid of upsetting Cuba because of Canada's bid for a UN Security Council seat.

Senator Harder, we all remember the Prime Minister's eulogy in tribute to Fidel Castro, a man who oppressed his own people for half a century.

What do you have to say to the diplomats who claim their health and safety were sacrificed so your government could avoid upsetting the communist Cuban regime?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I recognize that one of our honourable senators was, in fact, posted in Cuba and served with distinction in that role.

This is a serious case. Honourable senators will know that the Government of Canada withdrew family support personnel in Cuba in light of the incidents that were reported.

The Government of Canada is working closely with the Government of the United States where similar cases have emerged. Support to the employees is being rendered through the appropriate support groups to our diplomats. In addition, the government, with its security apparatus and through its communications establishments, is seeking to determine the cause of this and is working together with our allies. This is an action that is not only regrettable but is abhorrent to the principles of the Geneva Convention. The Government of Canada supports our personnel to the hilt.

**Senator Ngo:** Thank you.

Canada is pursuing a seat on the United Nations Security Council to the detriment of the health of our diplomats in Cuba and our democratic values. On November 1 at the United Nations, Canada broke with the free democratic world and joined Syria, Iran and North Korea by voting "no" on eight separate measures that sought to hold Cuba accountable to their widespread human rights violations. Can you explain why Canada is reversing its human rights policy and siding with Cuba's communist regime?

**Senator Harder:** Again senator, it would be another forum in which we could discuss the precise votes within the many votes that take place at the United Nations. Let me assure all senators that the Government of Canada continues to pursue a common and long-held view that human rights issues are appropriately addressed in the United Nations. The General Assembly has ample opportunity to, with our like minds, express those views.

With respect to the specific vote the honourable senator references, it would be important for me to find out the broader nature of that vote and the broader context of with whom we voted.

But let me assure all senators that the Government of Canada takes each and every vote seriously. We need to take the overall efforts of Canadian diplomacy into account when we make these judgments.

• (1440)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### HARASSMENT COMPLAINTS

**Hon. Marilou McPhedran:** Honourable senators, my question is to the chair of the Standing Committee on Internal Economy, Budgets and Administration. I'd like to ask when I might expect answers to two questions that I put to CIBA in February of this year, in writing.

The questions are asking CIBA to put on the public record answers to the following two questions: One, since 2006, what is the dollar amount authorized by CIBA to be paid for legal assistance of any kind in relation to complaints of harassment, including bullying and sexual harassment against senators or officials of the Senate? Two, since 2006, was any of the amount identified by an honest and accurate answer to my first question allocated to any form of settlement to anyone alleging harassment, either paid directly to the complainant or ending up with the complainant having been paid out of legal or other professional fees, authorized by CIBA? If yes, how much?

If CIBA decides not to answer these questions, which in no way identify anyone, then I am asking CIBA specify the source of its authority or privilege in refusing to put such information on the public record.

**Hon. Sarabjit S. Marwah:** Thank you, senator, for that question. As you are aware, you brought this to my attention 10 days ago. I asked the Senate administration to look into the matter and will respond as soon as I hear back from them.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### DIPLOMATIC RELATIONS WITH IRAN

**Hon. Linda Frum:** Honourable senators, my question is for the Leader of the Government in the Senate. On November 1, while in Jerusalem, Minister Freeland stated there is one

condition for the Trudeau government to re-establish diplomatic relations with the Islamic Republic of Iran. That is the liberty of Maryam Mombeini.

When pressed by journalists, her office refused to say if the talks to reopen our embassy in Tehran were still ongoing. This is a surprising response given that last June 12, the House of Commons adopted a motion calling for the government to cease any and all negotiations or discussions with the Islamic Republic of Iran to restore diplomatic relations.

Both Minister Freeland and Prime Minister Trudeau voted in favour of the motion to cease any and all negotiations.

Senator Harder, what exactly is the position of the Trudeau government on this topic? Are you negotiating with Iran for the reopening of the Canadian embassy? If not, why will you not confirm you are abiding by the terms of the motion adopted by the House of Commons of June 12?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. Let me repeat the Foreign Affairs Minister of Canada speaks on behalf of the Government of Canada and her expression of views with regard to the obstacle preventing the Government of Canada from moving forward with diplomatic relations remains the obstacle.

**Hon. Leo Housakos:** On the same line of questioning, government leader, when the Parliament of Canada puts forward a motion and supports it almost unanimously on the other side, isn't the government obligated to respect the wishes of Parliament? Doesn't Parliament also speak on behalf of the Canadian people?

**Senator Harder:** Of course, the Parliament of Canada is an important voice. The House of Commons is an important voice. The Senate is an important voice. Foreign policy is conducted by the Government of Canada.

## HEALTH

### ADVERTISING OF VAPING PRODUCTS

**Hon. Judith G. Seidman:** Honourable senators, my question is for the Leader of the Government in the Senate. Health experts are growing increasingly concerned about tobacco companies, like Imperial Tobacco Canada, running lifestyle advertisements for their vaping products on television, social media and in other settings.

Since the spring, lifestyle advertising of vaping products has been prohibited under the Tobacco and Vaping Products Act. However, these laws are not being enforced. Last week, four health groups held a press conference on Parliament Hill calling on the federal government to take action against Imperial Tobacco's television campaign for its vaping product Vype ePen 3.

Senator Harder, when will the government step up and take enforcement action against Imperial Tobacco Canada for its seemingly illegal advertisements?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. It proves the need for us to move to a chamber that I hope has better audio. On the specifics, let me take leave to make inquiries of the department on the matter of Imperial Tobacco.

The senator will know the enforcement of this regime, which has been adopted by the Parliament, is important to the Government of Canada and the Minister of Health. The department has taken certain enforcement actions. However, I don't know if it's the one to which the honourable senator refers. I will be happy to report back.

**Senator Seidman:** As you might recall, during the debate on Bill S-5, greater restriction on vaping product advertising was requested by many honourable senators, members of Parliament and health agencies. These requests were not heeded despite evidence of a growing epidemic of nicotine addiction amongst our youth.

Senator Harder, will the government use its regulatory power to restrict advertising for vaping products to brand preference and information advertising only? Will the government use its regulatory powers to restrict this advertising only to publications sent to named persons and places where minors are prohibited by law from entering?

**Senator Harder:** I take the question as a serious request for the government to consider doing this. I will bring it to the attention of the minister and report back.

[Translation]

## PUBLIC SAFETY

### RECIDIVISM RATES

**Hon. Pierre-Hugues Boisvenu:** My question is for the Government Representative in the Senate.

As I told this chamber last week, Correctional Service Canada has been underestimating recidivism rates, since its method of calculation deliberately excludes a great many convictions. In some cases, the actual recidivism rate could be as much as five times higher than the reported rate. In his report on Correctional Service Canada, the Auditor General of Canada notes, and I quote:

... that CSC's performance measures did not include data on offences requiring incarceration in provincial or territorial facilities.

This is also known as a jail. The report also indicates that Correctional Service Canada officials confirmed that such data was difficult to gather.

The Office of the Auditor General noted that information on such convictions was easily available to the public. Since the public has access to information on convictions by consulting the records, why does Correctional Service Canada not make an effort to gather those data in order to present an accurate recidivism rate?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. With regard to the specific information he is asking of Correctional Service Canada, I will make inquiries.

On the Auditor General's report to which he referred, as I said, when it was tabled in this chamber and questions were asked, the government accepted the Auditor General's findings. The minister has directed Correctional Service Canada to respond to the recommendations.

As to the specific numbers being asked, I will make inquiries.

[Translation]

**Senator Boisvenu:** Since we know the problem and the solution, could you immediately ask the Minister of Public Safety to include offences and convictions in prisons, so that Correctional Service Canada can present the real risk of reoffending, since we are talking about public safety here?

[English]

**Senator Harder:** I will bring this to the attention of the minister and respond appropriately.

[Translation]

## CANADIAN HERITAGE

### SOCIAL MEDIA

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate.

Last week, Minister Morneau announced several measures to help traditional media. I don't want to get into the details of these measures, because something else stuck out to me.

None of what was announced would inconvenience the Googles and Facebooks of the world. There was not a word about reviewing tax policies for advertising on digital platforms or reviewing the copyright rules, as is currently being done in Europe. I noticed some strong ties between Facebook, Google and the Trudeau government. Lobbyists from these multinationals are among the most active on Parliament Hill.

Why is the Liberal government trying so hard to spare Facebook and Google? How will Minister Morneau's policy transfer ad income to traditional media?

• (1450)

[English]

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question. Regarding the announcement about traditional and newspaper media, I won't get into it, as the questioner hasn't either, except to say this is, in the government's view, an important step to ensure an ongoing and vibrant press able to contribute to our

democratic life and do so in a fashion that clearly doesn't bring the government into direct subsidy to select media. That's an important balance. There was a report done by the Public Policy Forum, which has guided the government's thinking, but not explicitly and in all cases.

With regard to Google and Amazon, these are issues the government continues to review and reflect on. If it chooses, in the course of those deliberations to make further announcements, it will. The announcement in the fall economic update was designed to deal with those measures on which the government had concluded.

[Translation]

## HEALTH

### ADVERTISING ON FACEBOOK

**Hon. Claude Carignan:** Leader, Health Canada paid Facebook \$40,000 for an ad on how to cook chicken nuggets. How does the government justify such a gift?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** Without getting into the specifics of the single reference the honourable senator made, he might not know, but most Canadians, particularly young Canadians, get their information through Facebook and the Internet. It is of vital importance the Government of Canada finds ways of communicating with those Canadians. The contract to which he referred is one such example. He may try it himself.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### DIPLOMATIC RELATIONS WITH IRAN

**Hon. Linda Frum:** I would like to return to my previous question and ask you how it is anything less than contempt for Parliament for the foreign minister to continue her negotiations with the Islamic Republic of Iran when the Prime Minister, she herself, the entire front bench of the Liberal government and the entire Liberal caucus itself voted on June 12 for a motion in the House of Commons to cease any and all diplomatic relations with Iran.

**Hon. Peter Harder (Government Representative in the Senate):** Again, let me repeat: It is not at all inconsistent for the foreign minister to make clear what the obstacles are to complete restoration of diplomatic relations. That's what the minister did. I congratulate her for it.

**Hon. Frances Lankin:** I question is for the Government Representative. As I understand, with respect to issues of national security, defence, war-making actions and foreign affairs, much of that is guided by Crown prerogative and provides a right and a responsibility for the executive branch to make decisions with the advice of Parliament.

The questions I have heard seem to strike at whether this undemocratic and a flouting of the democratic majority wish of Parliament. I'm not sure those two things are the same. I am wondering if you could dig down deeper on the Crown prerogative issue?

**Senator Harder:** Thank you, senator. I would be happy to. I was attempting to say, in more diplomatic words, the voice of Parliament is important, whether that be the House of Commons or the Senate. The Government of Canada conducts Canada's foreign policy and is accountable for that to the people of Canada. The Government of Canada, through the Crown prerogative to which you refer, has great latitude, as we would wish it to have, to ensure the security of Canada, the defence of Canada and the advancement of Canada's interests in diplomatic and other avenues.

**Senator Frum:** Am I to understand now that we have had a legal explanation of the difference between a contempt of Parliament and something merely dishonest and cynical on the part of the Liberal government?

**Senator Harder:** No.

## ORDERS OF THE DAY

### 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. David M. Wells:** Honourable senators, I rise today to speak at second reading to Bill C-48, the "oil tanker moratorium act" or, as it's commonly known, the tanker ban bill. The bill formalizes a crude oil tanker ban on the north coast of British Columbia and sets penalties for contravention on this ban.

As you may recall, colleagues, I asked a question to Senator Harder on this bill last year during Question Period. The question is similar to the one posed by Senator Eaton in her speech, and the point it raises is central to my remarks today. I wanted to know then and still want to know now, because my question has not yet been answered: Is the northern coast of British Columbia more pristine, sacred and valued than the coast of Newfoundland and Labrador? Because that's what this bill implies. Frankly, it's offensive to Newfoundlanders and Labradorians, as it should be to all Canadians, coastal dwellers or not.

I have travelled across the province and seen the beauty of its many coastlines. The world-famous East Coast Trail is a few minutes from my house. I hike it all the time. I've gone swimming in the waters off the coast. I can tell you from direct experience our province's coastal waters are pristine, just like the waters off the coast of northern B.C.

Guess what, colleagues? Newfoundland and Labrador is an oil-producing province. It does not have a tanker ban. In fact, my province has an oil refinery that serves thousands of oil tankers, coming and going, every year. It also has four active and productive offshore oil platforms that supply jobs and a healthy economy for my province and, indeed, my country.

The refinery and the Whiffen Head oil storage facility sit at the head of Placentia Bay, the location of hundreds of fishing vessels; numerous lucrative fisheries; dozens of beautiful communities, including Senator Manning's hometown of St. Bride's; vibrant aquaculture operations; a world-renowned seabird sanctuary called the Cape St. Mary's Ecological Reserve; it has a healthy population of whales, dolphins and porpoises; a Marine Atlantic ferry running to and from Nova Scotia; numerous pleasure craft; fish processing operations; and a nickel-processing plant served daily by ore carriers. It is also the location of more than 370 islands. It's a body of water open to the Atlantic Ocean and its harsh conditions.

As Senator Manning will attest, it has the thickest fog conditions in the world.

Tanker traffic in and out of Placentia Bay runs smoothly and safely because there are procedures in place that tie in marine traffic technology, like vessel monitoring systems, communication systems and protocols. Those protocols are followed to the letter by the tanker captains, marine pilots, fish harvesters, ore carriers, ferry captains and operators of pleasure craft.

If it can be done safely and effectively in Newfoundland and Labrador, why can't it be done safely and effectively in British Columbia? Is the federal government saying B.C. isn't able to follow these processes?

In my former capacity as deputy chair of the Newfoundland and Labrador Offshore Petroleum Board, it was my job, along with my colleagues at the board, to ensure operator compliance with the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act provisions as well as accompanying regulations. My experience on the board of this world-class regulator showed me that robust economic development can be pursued while keeping workers safe and respecting the environment. In fact, those are the board's priorities.

A moment ago, I mentioned the Whiffen Head oil storage facility. In 2017, the facility saw 3,584 vessels come and go — 3,584 in one year — and handled in excess of 2.6 billion barrels of petroleum safely and without incident. For scale, the world produces approximately 93 million barrels per year. The Whiffen Head facility handled 2.6 billion barrels.

• (1500)

It is able to do that in a high-fog, high-sea area like Placentia Bay because protocols and procedures are in place and followed precisely.

Placentia Bay traffic is managed through what is called an integrated management plan. Colleagues, this was developed and pioneered by Fisheries and Oceans Canada.

My question is simple: Why can't an integrated management plan be developed for northern B.C. to ensure every stakeholder and user can benefit from this corridor and still maintain the ecological integrity of this beautiful area of Canada like it has done in Placentia Bay?

The government likes to claim it makes decisions based on science and evidence. The government has shown no reason that effective and safe vessel movement cannot happen off B.C.'s northern coast.

The government has claimed it meaningfully consults with Indigenous peoples; yet the consultations were undertaken with a predetermined outcome which, incidentally, was not the outcome many Indigenous groups were hoping for.

The decision to bring this tanker ban seemed to be a political calculation. Science and economics had nothing to do with it. Colleagues, we know it had the desired effect of making the Northern Gateway pipeline a non-starter.

If the government cared about the middle class, it would not block the safe and effective transfer of our natural resources. The result is Alberta and Saskatchewan oil is being sold at rock-bottom prices. This is real, colleagues, and it is a shame.

It is also disappointing the government is ignoring the feedback from First Nations groups, such as the Chief Council of Eagle Spirit, who say revenues from the Eagle Spirit Energy Corridor project would go a long way toward enabling them to be self-sufficient.

Bill C-48 will kill that project and eliminate that avenue of legitimate economic opportunity for landholders.

Let me conclude, honourable senators, with an analogy. We can ensure no one dies on highways by shutting down highways. Does that mean we should shut down highways? Of course not. Should we put procedures in place to ensure road safety? Of course. When you drive on a highway, you wear a seat belt, you receive driver training, you are tested on this training, your car has been inspected, you drive at the speed limit, adhere to road signs, follow established rules, use winter tires and reduce speed in slippery conditions. Obviously, colleagues, I could go on, and we know these.

There are also emergency response mechanisms to ensure, in the event of an accident, damage is mitigated. That's why we have guardrails, air bags, seat belts, special automobile glass that won't disperse when broken, intercom emergency response systems, and again I could go on.

Colleagues, the story is the same for tanker transport. There is electronic monitoring, double-hulled vessels, harbour pilotage, alert systems, operation restrictions, sea state limits for vessel movement and petroleum transshipment, vessel traffic hailing procedures, and again, colleagues, I could go on.

It's unnecessary and harmful to our economy and one more step in the choking off of responsible resource development in our resource-rich country.

I will be voting against the permanent tanker ban bill because there is a better way to achieve the objectives of environmental protection and responsible resource development.

Thank you, colleagues.

**Hon. Peter Harder (Government Representative in the Senate):** Would the honourable senator state whether he opposes the now-20-year-in-place voluntary ban?

**Senator Wells:** It depends on who is volunteering the ban. I don't support it. There are groups — I mentioned one of them, and there are many others — that would like to get their oil to tidewater and economic benefits for those along that corridor. I don't think they would volunteer for that ban; in fact, they are vocally opposed to it.

**Senator Harder:** The honourable senator references the Eagle Spirit group and suggests they are more than a corporate structure. Would he confirm that, in fact, they are simply a corporate structure?

**Senator Wells:** I don't know their incorporation status. They control land in that area. They would like to take economic benefit from responsible resource development under the correct rules.

**Senator Harder:** Would the honourable senator be prepared to hear from the Aboriginal communities that are affected?

**Senator Wells:** I'm sure the committee will hear from them. Obviously, I would welcome their comments and comments from all stakeholders and Canadians who would like to get their natural resources to tidewater.

**Hon. Frances Lankin:** Would the honourable senator take another question?

**Senator Wells:** Yes, I would.

**Senator Lankin:** The arguments you have put forward bring an important perspective. There is a big balancing act to be done on this. There are Indigenous nations who are in favour of this moratorium. There are Indigenous nations, 30 some of which form part of Eagle Spirit, that are opposed to it. I don't think it's black and white.

You talked about your experience with respect to the offshore petroleum drilling and, in the Placentia Bay and others, the multi-stakeholder integrated solutions. Because I'm not familiar with what process gave rise to what you called a multi-stakeholder integrated solution, could you explain that?

**Senator Wells:** Thank you for that question, Senator Lankin. It's called an integrated management plan. The details are on the DFO website. It's plain to see.

That integrated management plan takes fisheries, transportation, the oil and gas industry, the mining industry that has a large nickel processing facility, marine Atlantic tourism. It has all those groups that get together and say these should be the established rules and the best practices. It ties in with the Department of Transport; marine forecasting; and the FFAW, which is the fisheries union in Newfoundland and Labrador. It brings all those groups to the table in the harshest natural environment in the world.

Placentia Bay is open to the Atlantic; it's not a protected bay. As I said earlier, it has the worst fog and wave conditions in the world and over 370 islands and shoals. You have petroleum tankers, ore carriers, pleasure craft, all the fisheries and the economic development that happens along the water coast — aquaculture operations and tourism being key ones.

It's a plan created by all of those groups to say these are the established rules, this is the world-class technology we can use — vessel monitoring systems, professional pilots. If someone is coming in with an ore carrier or tanker, a pilot who is familiar with the bay will bring that in. If the wind conditions are too high, they have to anchor off.

There are a lot of processes that can take place. I'm sure there is harsh weather off the north coast of B.C., maybe not as harsh and populated by industry as Placentia Bay, including pleasure craft.

That's the integrated management plan. I understand there is not always a solution to a problem. A tanker ban is obviously a solution to that problem, but there is a better solution to satisfy responsible resource development and protection of the environment.

(On motion of Senator Martin, debate adjourned.)

## 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. Paul E. McIntyre:** Honourable senators, I rise today to speak on Bill C-59, An Act respecting national security matters.

First and foremost, I would like to thank my colleagues on both sides of this chamber for their thoughtful interventions in this debate.

This is a large piece of legislation that impacts many components of our current national security legislation. However, I will be focusing my remarks on those parts of this legislation that amend the Criminal Code, namely Part 7.

There are several components of the bill that amend the Criminal Code. One element of the bill amends the code in relation to the terrorist-listing regime. Another repeals the offence of advocating or promoting terrorism and substitutes an offence of “counselling the commission of a terrorism offence.”

• (1510)

This component of the bill was spoken to eloquently by my colleagues who raised some very important questions about the removal of the offence of advocacy and promotion, thus making it more difficult for the Crown to bring charges against those who openly advocate terrorism. Such advocacy occurs in social media, where the purpose is to radicalize vulnerable youth and to create an environment where acts of terrorism are committed.

The government is arguing that the current law is overly broad and, therefore, proposes to eliminate the offences of advocacy and promotion entirely. The government proposes to do this despite the fact that witnesses appearing before the House of Commons Committee on Public Safety have argued that these provisions remain important.

Others have argued that if the concern is that provisions in the Criminal Code are overly broad, the code might instead be strengthened to provide greater specificity around the offences of promotion or advocacy when it comes to terrorism.

I suggest that a solution might be to ensure that the Senate committee studying this bill hears from witnesses who might suggest some of these solutions when it comes to wording, with the aim of arriving at a solution that protects Canadians against the dangers posed by those who advocate terrorism, particularly on social media. If we can arrive at possible language that achieves that objective while also minimizing legitimate constitutional risks, I think that would be a preferable outcome to simply repealing these provisions entirely.

In general, this is one of the major concerns that I have with the government's approach in this bill.

Provisions in earlier legislation that were enacted to provide the tools to better protect our society against terrorist threats are being abandoned or weakened with what I believe is inadequate analysis related to the implications. In this respect, I wish to refer briefly to the proposal in Bill C-59 to raise the thresholds for imposing a recognizance with conditions under section 83.3, while also providing that, unless provided by Parliament, the provision will cease to have effect in five years.

A recognizance with conditions is a tool to assist law enforcement in disrupting terrorist plans to potentially carry out a terrorist activity. If a police officer believes on reasonable grounds that a terrorist activity may be carried out and suspects that imposing conditions or arresting a person would prevent it, they can go before a judge to seek to have a recognizance imposed on that person.

What is proposed in Bill C-59 is to increase the threshold for using this tool by requiring that a recognizance order be “necessary to prevent” a terrorist activity instead of simply being “likely to prevent” it. This revised recognizance with conditions will also now be subject to a five-year sunset clause.

It has simply not been satisfactorily explained why this amendment to the legislation is necessary and how it enhances public safety.

The government is arguing that the provision has not been used, so therefore nothing is lost by weakening it; but the fact is that this provision in the law is designed to protect Canadians in what are essentially emergency conditions; in other words, when the provision may be needed most, when a police officer believes on reasonable grounds that a terrorist activity may be about to be carried out.

The government is saying that we will weaken this provision because we cannot trust the police, the Crown or, for that matter, the courts to use this provision with proper discretion when the need arises.

The same argument is being used by the government to justify another proposal in Bill C-59 to repeal sections 83.28 and 83.29 relating to an investigative hearing into a terrorism offence. Here the government is proposing not only to weaken provisions in the law but to eliminate them entirely.

The provisions related to an investigative hearing permit the Crown to bring an application to a court to compel a person to attend a judicial investigative hearing into a terrorism-related matter. They are admittedly rarely used, but in this case the provisions of the code were actually upheld by the Supreme Court of Canada when challenged. Despite this, the government argues that the limited use of these provisions means that the section can be eliminated.

If we were to take the government’s line of argument to its logical conclusion, then perhaps since the treason provisions in the Criminal Code are also rarely used, we should also just repeal those laws as well.

I am concerned with this approach, particularly in an age where the threat of terrorism is not going away but is increasing. Certainly, other countries are not taking the approach that the Government of Canada proposes to take.

In Australia, police officers may detain a person under preventive detention orders if they suspect on reasonable grounds that the person will engage in a terrorist act.

In the United Kingdom, police officers may arrest without a warrant and detain a person if they suspect on reasonable grounds that the person is a terrorist or if there are reasonable grounds for believing that further detention of the person is necessary to obtain or preserve evidence.

These provisions are analogous to the investigative hearings that the government now proposes to repeal with Bill C-59.

In both Australia and the U.K., preventive arrest periods are for up to 14 days; in Canada, similar detention has a maximum seven-day limit. This illustrates that current Canadian law does not constitute an overreach. If anything, it is in line or actually weaker than the laws which exist in those countries that are closest to Canada; in other words, countries that adhere to the common law tradition.

The legal measures that have been introduced in Australia and in the United Kingdom are not measures that have as their objective the curbing of civil liberties. Rather, they are the product of analysis that suggests that when a society is under threat, credible tools are needed to protect citizens.

In the United Kingdom, experience with terrorism goes back to the threats that the United Kingdom faced during the Northern Irish troubles and, more recently, following the terrorist attacks in London in July 2005. The current counterterrorism provisions in the law are designed to prevent such terrible acts from recurring. I believe that we would be wise to learn from international experience rather than ignore it.

I think that if we look objectively at the international experience, we can only conclude that if provisions in the law are being rarely used, it is confirmation that they are not being abused and that they exist to protect Canada when they may very well suddenly be needed.

It is unwise to weaken or repeal these provisions and simply to hope for the best. I believe this issue needs to receive careful examination in the Senate committee. Thank you.

**Hon. Marc Gold:** Would the senator take a question, please?

**Senator McIntyre:** Absolutely.

**Senator Gold:** Thank you, senator, for your speech. I quite agree with you that the committee should take a serious look at all of these issues to make sure there are constitutional ways to ensure that we’re safe.

I want to ask you a question about investigative hearings. You correctly pointed out that the Supreme Court in 2014 upheld investigative hearings as constitutional but did so because they insisted that the hearings had to be in public. As a result of that, the security services like CSIS would be forced to reveal in public their sources and tactics, and thereby compromise their ability to carry on to protect our national security. Since that point, importantly, there have been no investigative hearings for these reasons.

Are you suggesting that we should keep a tool that in fact weakens our national security by compromising investigations and that our agencies tell us they have no interest in using?

**Senator McIntyre:** Thank you for your question, Senator Gold. As I've indicated, I have serious concerns regarding this bill, one of which is the preventive measures.

• (1520)

When I speak of current measures, I have in mind the current wording of "likely to prevent," as opposed to the proposed wording, "necessary to prevent." I believe these are the magic words.

Now, in answer to your question, there is no question that the Criminal Code currently provides for various measures designed to prevent the commission of acts of terrorism before they are committed. They are: investigations before a judge, preventive arrest with a warrant, detention for a maximum of one week, and recognizance with conditions and sureties to keep the peace and be of good order.

You've mentioned the Supreme Court of Canada, and you are absolutely correct. The Supreme Court has upheld the investigative hearing provisions of the code. As a matter of fact, I think they made it clear that section 83.28, I believe, does not violate section 7 of the Charter.

The provisions such as recognizance with conditions, I think, are there for those circumstances when police believe that a terrorist attack is likely to be carried out. This is when we need such a provision the most and we need it to be effective.

I think implying that whenever recognizance with conditions is sought that police would be forced to reveal compromising tactics and sources is not right. I think this, again, suggests that because something is rarely used, we don't need it. I think this is a provision that we need.

Terrorist threats have occurred and will occur again. All we have to do is remember London in 2005, Paris in 2015 and 9/11 in New York in 2001. I believe exceptional mechanisms are required to combat these threats. They may be rarely used but must nevertheless be available to combat the threats.

**Senator Gold:** Thank you, Senator McIntyre. My question was exclusively on investigative hearings, though I appreciate your comments on the other matter. I agree, and I'm sure this issue will be taken up by committee as it should and, I hope, as soon as possible.

Would your conclusion be different, though, if representatives of our security agencies testified before committee to the effect that they neither want nor need this tool — the tool of investigative hearings, is what I'm suggesting — because, in fact, it would compromise their ability to continue with their ongoing investigations?

**Senator McIntyre:** Once again, thank you for your question, senator.

As you know, we have Bill C-51 — well, we had Bill C-51, the terrorist act of 2015, and the proposed legislation under Bill C-59.

Bill C-51 amended the Criminal Code. This was followed by public consultations and the government's Green Paper in 2016.

The results of the consultations were published in a report dated March 2017, and there's another report that was filed by the SECU, the House of Commons Standing Committee on Public Safety and National Security. That report coming from the House of Commons gave birth, of course, to this bill.

The idea, really, was to strike a proper balance between national security and the rights of individuals, and that is still the case here today. The question remains: Is Bill C-59 striking the proper balance between the two? Some say yes; some say no. In her speech, Senator Frum referenced witnesses who appeared before the House of Commons committee —

**The Hon. the Speaker:** Sorry, Senator McIntyre, but your time has expired. Are you asking for more time to finish the question?

**Senator McIntyre:** Yes.

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

**Hon. Senators:** Agreed.

**Senator McIntyre:** In her speech, Senator Frum referenced witnesses who appeared before the committee of the other place and argued that the offence of advocacy of terrorism is defensible under Canadian law. I believe we should hear from those witnesses, and that's why I think it's important to send this bill to committee.

Senator Gold is absolutely correct: after we hear from witnesses, we may have a different approach to this bill, but once again, the subject of preventive measures is one of the concerns I have.

The other concern I have has to do with the current wording and the proposed wording in section 83.221. The Criminal Code currently uses "advocate and promote," and the proposed legislation uses the word "counselling." I don't think counselling is the proper word. I think we should keep using the words advocate and promote.

To this I would add that the words as currently set in the code — advocate and promote — are tied into the hate propaganda measures, and there are defences to this, but there are no defences to 83.21 as it relates to advocate and promote.

On the other hand, the proposed legislation uses the word counselling, which is similar to section 22 of the Criminal Code, but there are no defences to counselling. To be honest with you, it is not clear what the practical differences are between the current section and the form proposed by the new clause. In other words, what is the difference between a terrorism offence in general and a nonspecific terrorism offence?

In the Criminal Code, we have the words, "terrorism offences in general," but the proposed legislation under clause 4 is using a nonspecific offence. So I don't see much difference between the terrorism offence in general and a nonspecific terrorism offence.

There again, we'll hear from witnesses at committee. Hopefully this bill will be referred to the Legal Committee and we will look into this further. Thank you.

(On motion of Senator Martin, debate adjourned.)

**IMPACT ASSESSMENT BILL  
CANADIAN ENERGY REGULATOR BILL  
NAVIGATION PROTECTION ACT**

DECLARATION OF PRIVATE INTEREST

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention that the Honourable Senator Wells has made a written declaration of private interest regarding Bill C-69, and in accordance with rule 15-7(1), the declaration shall be recorded in the *Journals of the Senate*.

**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. Chantal Petitclerc:** Honourable senators, firearms make me very uncomfortable. Maybe it is because, in the Paralympic international community that I have belonged to for over 20 years, I have heard so many firearms stories turned bad from all over the world, about individuals now with a disability after accidents, war, family violence and gang violence.

I personally know someone for each of these examples. And even though they are still alive and are now successful Paralympians, I can tell you that they would happily give back their medals just to be able to walk again.

So I wanted to voice my support for this bill. To me, saving one life, preventing one accident and one disability and saving one family from trauma is absolutely worth it.

[Translation]

Clearly, Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, concerns us all. That comes as no surprise considering that this is an important societal challenge where the loss of life and protecting life is at issue.

[English]

According to 2017 data from Statistics Canada, firearms-related violence has increased since 2016. This increase is due not only to a rise in the number of homicides committed with a handgun, but also to homicides involving a rifle or shotgun. In 2017, 63 per cent of urban firearm homicides involved a

handgun, while in rural areas, 66 per cent of homicides committed with a firearm were committed with non-restricted rifles or shotguns.

Bill C-71 will not eliminate gun violence, but it does offer solutions, for example, for our police officers and those in communities who face gun violence. I have heard and read, here and there, criticism on this bill.

[Translation]

• (1530)

Among the concerns that keep coming up, we have all heard that this is a way to reintroduce the 1995 registry through the back door. Like many of you, I looked at Bill C-68, the Firearms Act, which brought in the Canadian Firearms Registry in 1995.

I also looked at Bill C-19, which in 2012 abolished the requirement to register non-restricted firearms and ordered all existing registry records to be destroyed. None of the provisions we are currently considering reinstate what was abolished in 2012 or allow the government to gather information on purchased firearms. There is, however, one specific clause in the bill that shuts down any interpretation that would lead to the direct or indirect creation of a registry. I am therefore convinced that this isn't about resurrecting the firearms registry.

One thing that keeps coming up in the speeches or in the many pieces of email that we get is the bureaucratic red tape that law-abiding gun owners have to contend with. I wanted to explore this further and that will be the focus my remarks today.

What do these new requirements represent in real terms for firearm owners? What will be the real impact of these new measures?

[English]

Anyone who wishes to hold a firearm will obviously need a licence.

Whenever an unrestricted firearm is transferred, the buyer will have to present a licence and the seller will have to verify its validity online or by phone. This verification should take five, 10 or 15 minutes. Is that really too much time to ask for something as serious as the transaction of a firearm?

Under the new criteria, the background check for the purchaser of a firearm will now cover the applicant's entire life instead of five years. The Firearms Officer will have to consider a number of factors, including the applicant's history of violence against himself or others.

The vast majority of current owners have not been involved in a violent incident. Therefore this verification will not affect them. I also understand this is not a measure to prohibit a licence

for an individual who has committed a minor crime or experienced a depression episode, for example, as a youth. Again, very few will be impacted by this measure.

[Translation]

The bill changes none of the rules around the transportation of non-restricted firearms, such as hunting rifles and shotguns. Again, there are no additional constraints in that respect.

Bill C-71 restores the requirement to obtain special authorization to transport a restricted or prohibited weapon every time the owner wishes to transport it to a location other than a shooting range or the owner's home. More than 90 per cent of the time, that is where prohibited and restricted firearms are being transported to.

Individuals who hold a licence to possess a restricted firearm will still have automatic authorization to transport it. That means there will be no additional burden for over 95 per cent of firearms owners.

Individuals required to obtain special authorization will be able to contact the Canadian Firearms Program by phone, mail or email. Same-day authorization may be granted, so even in these cases, the requirement is perfectly reasonable.

Minister Goodale mentioned that an electronic system would be available to apply for and obtain an authorization to transport firearms in the event that the permit were not automatically authorized. A chief firearms officer who has all the pertinent information would be in a position to provide this electronic authorization to the applicant within three minutes.

Owners of CZ858 and Swiss Arms rifles, firearms that are now prohibited, could keep the firearms they currently own and continue to use them at target ranges. To do so, however, they would have to take the Canadian Firearms Safety Course, which costs less than \$100.

[English]

This measure to a transportation authorization strikes the right balance. It avoids imposing an unnecessary administrative burden on sport shooters and helps police officers to more easily determine if a person is legally carrying a firearm.

Keeping records by sellers is another point I've been paying attention to. Retailers, not individuals, will be required to keep and maintain unrestricted firearms inventory and sales records for longer periods. Most traders already have these records, which will remain their property, and already do this. The police will need to have a valid judicial authorization to access these. In the United States, all sellers must record and retain sales information on their products. I do not see a particular burden that unrestricted firearms sales records would impose on owners and retailers.

[Translation]

The advantage of this measure is that all merchants will have to keep their records up to date, and records will now be standardized. Having standardized records will make law

enforcement's job easier, as the committee was reminded by Chief Mario Harel on behalf of the Canadian Association of Chiefs of Police. Police officers will have a tool at their disposal to help them deal with situations where someone who has a valid licence purchases firearms and resells them on the illegal market.

With regard to cost, it is estimated that implementing these licence checks and enhanced background checks and issuing authorizations to transport will cost \$1.5 million more per year.

Looking at all of these measures together, I have to conclude that they're not overly onerous considering the time, effort and costs involved compared to the possible and documented risks. After all, we're talking about firearms here.

Honourable senators, I don't want to make any easy comparisons, but to put things into perspective when it comes to constraints and red tape, let me give you a brief outline of what athletes on our national teams are asked to do. Every year, our athletes must apply for membership in their provincial and national sports federations. If they are selected to be part of a team, they also have to fill out a form that is about 10 pages long to participate in each provincial, national or global championship, or the Olympic or Paralympic Games.

Every year, they must provide a detailed list of all of the medications or supplements they are using and declare any changes, as they occur. Two to three times a year, they must meet the team doctor. Plus, every quarter, athletes must fill in a detailed online calendar and indicate where they are every hour of the day, to make it easier for anti-doping agents, who must be able to test athletes whenever and wherever in the world. From experience, I can say that filling out this detailed form takes much more than 10 or 15 minutes.

As you can imagine, I don't see what is so restrictive about the proposed requirements for firearm owners when I compare them to the requirements I just mentioned.

Possessing a firearm is a privilege that comes with responsibilities.

[English]

In my view, Bill C-71 introduces balanced measures, the effects of which will be very reasonable for law-abiding firearm owners.

• (1540)

I realize it could be different for Aboriginal law-abiding firearms owners, as Senator Patterson mentioned to us. It is something that should not be overlooked and should be analyzed in detail at committee. Let's not forget that the benefits expected by these new measures and rules are measured in the number of lives saved, especially in cases of domestic violence and suicide.

Many of our colleagues reminded us, and I thank them and support their observations which are essential in this debate. This is very important when we know that in 2016, the number of victims in spousal violence reported to police services involving the presence of a firearm increased by almost 29 per cent

compared to 2013. Every year there are more than 500 firearms suicides, often among young people, and we have a responsibility as a country to try and prevent this.

[*Translation*]

Honourable colleagues, as parliamentarians, we are petitioned from all sides and we have been receiving hundreds of emails related to our study of this bill. We have the responsibility to read and consider them. However, not everyone is part of a group or organization that has the structure and means to write to us or hire lobbyists.

We must never forget those who do not have the ability, the tools or the means to communicate with us. We mustn't forget those who will never write to us. Their concerns don't always make it to Parliament Hill. It's up to us to seek them out and take their opinions into account.

Women who are the victims of violence and terrorized by the presence of a gun in the house will most likely never write to us. Little boys whose mothers are threatened at gunpoint will never write to us. The wounds from some traumas never heal, and statistics don't show the depths of fear that children in these situations come to know. Individuals with a history of mental illness who reach for a firearm when things get tough will also never write to us because they will have committed suicide.

[*English*]

Therefore, I do not believe this bill is too restrictive. What is too much, in my opinion, are those who become disabled, injured, traumatized or die of situations that could be avoided.

The more silent that some vulnerable persons are, the more we must make an effort to listen to them and put them at the centre of our reflections and decisions. This is why I will support this bill and hope we can send it to committee as soon as possible in order to properly answer all remaining questions.

**Some Hon. Senators:** Hear, hear.

(On motion of Senator Omidvar, debate adjourned.)

[*Translation*]

## NATIONAL STRATEGY FOR THE PREVENTION OF DOMESTIC VIOLENCE BILL

### SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Smith, for the second reading of Bill S-249, An Act respecting the development of a national strategy for the prevention of domestic violence.

**Hon. Marilou McPhedran:** Honourable senators, I rise today to speak to Bill S-249, introduced by our colleague Senator Manning.

I want to thank him for his compassion for victims of gender-based violence and domestic violence.

Although there are some flaws in the bill as currently worded, I believe it is important to acknowledge our allies in this fight for the right to live without violence for all Canadians and people all around the world.

[*English*]

As parliamentarians, it is our responsibility to legislate in accordance with Canadian Charter values of respect, equality and democracy. We must uphold these values, especially when legislating on complex issues like gender-based and domestic violence and balancing rights while observing the modern rule of law, which is not patriarchal and not colonial.

When legislating on gender-based and domestic violence, we must respect the strength of women by supporting and empowering them, not by consigning them to victimhood and thereby circumventing their right to make choices about their lives. We must also commit to ensuring substantive equality by analyzing the experiences of women within the framework of intersectionality of rights.

Before I begin, I would like to acknowledge Georgina McGrath and all the hard work she has done with Senator Manning to put forward this bill. Georgina has survived the unimaginable. As with all survivors of domestic violence, her strength is both inspiring and humbling.

Honourable senators, let us remember this strength as we discuss Bill C-249. Today, is the fourth day of the United Nations' 16 Days of Activism against Gender-Based Violence beginning on November 25, which is the International Day for the Elimination of Violence against Women. The purpose of this global campaign is to encourage dialogue and create action that will provide preventive solutions to end violence against women and girls.

This is an important reminder that Canada is not alone in the struggle to eradicate domestic violence. In November 2017, the World Health Organization noted that one in three women across the world have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence.

Of this violence, the majority has been intimate partner violence. The World Health Organization also noted that one third of women who have been in a relationship have reported that they experienced some form of physical and/or sexual violence by their partner. There are senators in this chamber who have survived such personal experiences. Gender-based violence is a complex issue that impacts lives in every part of the world. There will never be one legislative solution that will prevent domestic violence. The issues are more complex and far-reaching.

When drafting legislative strategies to prevent domestic violence, we need to think carefully about scenarios far beyond our horizons today. Bill S-249 addresses the need for a national strategy to prevent domestic violence.

I believe the intent of this bill was, first and foremost, to be diligent and attentive to the needs of women. To implement this intent, we cannot jump to legislative conclusions without thoroughly understanding the impacts that would be felt by women should this private member's bill proceed to passage. No one in this chamber is going to disagree that domestic violence is an important issue that needs to be addressed. However, to counter violence, we need holistic solutions that do not compromise the strength of women — the intersectionality of their experiences and their right to make their own choices as capable adults.

• (1550)

While we should move forward support for a national strategy to prevent domestic violence, at least two key changes must be made to this bill. The first is more ministries must be named in order to adequately address all facets of domestic violence. The minister currently named is not the minister responsible for driving a national strategy. As you have heard from Senator Pate, any form of mandatory reporting, as is currently outlined in section 3(2)(d), must be removed.

Let me say more about the proposed necessary changes. The first necessary change is to include more than the Minister of Families, Children and Social Development. Other ministries will need to be involved to effectively address the issue of domestic violence, because domestic violence is a problem with complexities beyond the scope of one single ministry. Preventing domestic violence will require the input of the Minister for the Status of Women, because we know 85 per cent of domestic violence victims are women. As Senator Hartling mentioned, Status of Women's current strategy, entitled *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*, is a strategy that must be better understood if this bill moves forward. Status of Women Canada has confirmed this strategy is currently in development and has \$200 million committed to its development.

Since 2016, the government has created a ministerial advisory council, met with survivors, conducted online surveys, co-hosted expert panels, and hosted thematic and regional round tables, including a round table on shelters and transition housing with the Canadian Mortgage and Housing Corporation.

Before moving forward with Bill S-249, we must look carefully at the results from this engagement process. We need to ask if this bill is needed at this time.

In preparation for today, my team has consulted experts in Status of Women Canada, and the ministry has emphasized Bill S-249 is not survivor-centric. They share Senator Pate's concern that Bill S-249 does not adequately take the needs of survivors into account. Even if articulated with the best of intentions, mandatory reporting will result in victims feeling afraid to seek help. Status of Women Canada also noted there is a very real risk that mandatory reporting will further isolate women who are victims of domestic violence.

In addition to the Minister of Status of Women, the Minister of Justice must be involved, as preventing domestic violence has clear implications for the judicial systems in Canada. We must also include the Minister of Health. Domestic violence has

serious impacts on the health of victims. We need to better understand the ways in which physical, emotional and mental health are impacted by domestic violence. Finally, we must include the Minister of Public Safety.

The second required change to this bill is we remove paragraph 3(2)(d), which calls for mandatory reporting. As a lawyer, I recognize the judicial system is a legitimate forum for women who want to criminally pursue their abusers. However, as a feminist human rights lawyer, I recognize there are many reasons women may not want to engage with the criminal legal system, even when embroiled in domestic abuse.

Honourable senators, we must not accept legislation that denies women the right to choose when and if they will criminally report domestic violence. Mandatory reporting will not help end violence against women. Every situation is different, and every woman is different. We cannot assume that women's experiences with domestic violence are homogeneous. To craft legislation that will work for all women, we have to recognize that blanket solutions like mandatory reporting, however well-intentioned, will never resolve complex problems. Mandatory reporting will force victims of domestic violence into the criminal legal system. It will force interactions with the police and the judiciary. These are serious implications we have to thoughtfully and critically think through.

It is also important to briefly note that, for some women, the criminal process may be unappealing because, unlike most civil litigation, criminal cases effectively remove the victim from the trial process. In a criminal case, the victim becomes a witness rather than a party to the case. A witness is not represented by any of the lawyers involved in criminal cases.

We must recognize that criminal cases can be extremely taxing for victims and their families. In many instances, a criminal case can be a source of revictimization.

Additionally, in criminal cases where an alleged perpetrator's freedom is at stake, victims are often required to undergo very fierce cross-examination, far too often resulting in what some defence lawyers have acknowledged to be, in effect, victim-bashing.

An intersectional analysis is necessary to prevent domestic violence, because an intersectional lens will allow us to identify the ways in which substantive inequalities shape the differences in the lived experiences of women and why calling the police is not seen by many women as helpful.

In considering Bill S-249, we have to consider the evidence on ways that women may be adversely impacted by mandatory reporting, as pointed out by Senators Pate and Hartling. Let us consider together some of these intersections. For Indigenous women, mandatory reporting may likely further expose them to violence. We must consider the relationship many Indigenous women have with both the police and the criminal legal system. Any strategy to address gender-based violence experienced within Indigenous communities must recognize the unique needs of First Nations, Inuit and Metis peoples. This was confirmed in the federal government's findings in June of this year from the engagement process on their strategy to end gender-based violence.

Senator Manning has noted a lack of access to financial security is often one of the reasons why women stay in abusive relationships. For women living in poverty, mandatory reporting risks creating additional and undue stresses to an already tenuous situation for them and their children.

Mandatory reporting also risks further isolating minority women. For example, we can imagine a situation where a niqab-wearing woman would be forced to remove her niqab in a courtroom that she did not even choose to enter, as per the Supreme Court's decision in *R. v. N.S.*

We must also consider the impact mandatory reporting will have on women with children, particularly when the alleged abuser is the father of their children. It is important to consider the impact mandatory reporting would have on women in rural areas. In rural areas, criminal courts may be far away and require a significant amount of travel away from supports and families.

We must also consider how frightening mandatory reporting could be for immigrant or refugee women who are unfamiliar with the Canadian legal system. This is particularly important because these women may not have a strong support network, especially if they have recently come to Canada.

This list is not exhaustive, but it emphasizes —

#### **BUSINESS OF THE SENATE**

**The Hon. the Speaker:** I'm sorry to interrupt, Senator McPhedran, but you will be given the balance of your time at the next sitting of the Senate.

*(At 4 p.m., pursuant to the orders adopted by the Senate on February 4, 2016, and October 31, 2018, the Senate adjourned until 1:30 p.m., tomorrow.)*

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