



# DEBATES OF THE SENATE

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1st SESSION



42nd PARLIAMENT



VOLUME 150



NUMBER 248

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OFFICIAL REPORT  
(HANSARD)

Wednesday, November 21, 2018

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, November 21, 2018

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

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE LAWRENCE MACAULAY, P.C.

**Hon. Percy E. Downe:** Colleagues, 30 years ago today on November 21, 1988, the Honourable Lawrence MacAulay was first elected to the House of Commons for the district of Cardigan in Prince Edward Island. Thirty years — elected and never defeated, election after election. In nine straight election victories, the citizens voted to return Lawrence MacAulay to the House of Commons.

Prior to Lawrence MacAulay running federally for the first time in 1988, the Cardigan district was a swing riding, although mostly conservative. In the 20 years prior to 1988, there were five different MPs: three Conservatives and two Liberals. Then, along came Lawrence MacAulay.

Always underestimated, he exceeded where others did not because of his efforts and work on behalf of his constituents and his province. He is well known for his attention to detail in the riding of Cardigan, and he is well known in Ottawa for his hard work on behalf of those he represents and the various ministries he has headed. He has served as Minister of State for Veterans Affairs, Minister of Labour, Solicitor General of Canada and is currently the Minister of Agriculture and Agri-Food. What a career he's had and what service he has given to Canada and Prince Edward Island.

This evening — and everyone is invited — there is a celebration at the Sir John A. Macdonald Building at 6 p.m. to celebrate his achievements. Join me, colleagues, in saluting this outstanding parliamentarian.

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

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of William Park, Nicole Eaton and Gary and Claudette Robinson. They are the guests of the Honourable Senator Marwah.

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

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

#### NATIONAL CHILD DAY

**Hon. Sabi Marwah:** Honourable senators, I rise today to recognize National Child Day. For nearly 30 years, we have marked our ratification of the United Nations Convention on the Rights of the Child and celebrated our country's children on November 20. This commitment includes the opportunity for children to have a voice, to be provided with their basic needs and to be given every opportunity to reach their full potential.

Colleagues, I am afraid we are not providing these opportunities. By many metrics, Canada is a world leader. In the care of our children, we come up short. A recent report by Children First Canada and the O'Brien Institute for Public Health, entitled *Raising Canada*, uncovered disturbing truths about the state of childhood in Canada. There are nearly 8 million children in Canada. While many of them are doing well, far too many young lives are in jeopardy. For 12 years, the infant mortality rate has remained approximately five deaths per 1,000 births. This is one of the highest infant mortality rates in the OECD. Income inequality has sustained such a high level of poverty that 1.2 million Canadian children live in low-income housing. Thirty-three per cent of Canadians report experiencing some form of child abuse before the age of 16. Last, Canada's ranked is in the top five countries for the highest child suicide rates globally.

New economic analysis released yesterday by Children First and the O'Brien Institute for Public Health revealed there is a price for failing to invest in children. Bullying, for instance, costs up to \$4 billion a year. Fifteen per cent of Canadian children aged 11 to 15 reported being bullied at least twice in the last month. Child abuse costs Canadians \$23 billion in court, health care and social service costs. Childhood obesity costs Canada \$22 billion a year in lost productivity and increased health care. Twenty-eight per cent of youth in Canada report being overweight.

While there is clearly a strong moral and legal imperative to act, it also makes good economic sense.

Honourable senators, the Senate was created to serve the under-represented regions of Canada, but it has evolved. It has progressed over time to give voice to under-represented groups of people, of which children may be one of the largest.

The *Raising Canada* report points to three simple actions that would lead to immediate and tangible improvements in the lives of children. The first is the appointment of a commission for children and youth. This has had strong support from the Senate Committee on Human Rights, which called for the appointment in their report *Children: The Silenced Citizens*. The second step would be for the federal government to make public a children's budget to provide greater accountability and transparency regarding the resources being invested in our children. Our government has proven that gender-based budgeting works. Why not use a similar strategy for children? Last, we can lend our support for the Canadian children's charter, an urgent call to action to respect, protect and fulfill the rights of children.

If I am to leave you with one thought today, it is to listen to the children and youth around you. Let's make sure we are living up to our commitments and providing Canadian children with the opportunities they need and deserve. We will be a better country for it.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Alia Hogben, along with family members and members of the Canadian Council of Muslim Women. They are the guests of the Honourable Senator McPhedran.

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

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

### WORLD ADOPTION DAY

**Hon. Richard Neufeld:** Honourable senators, November 9 was World Adoption Day, a day to raise awareness and funds to support families in the adoption process. It's a day to celebrate families and the beauty of adoption.

According to the Adoption Council of Canada, there are more than 78,000 children in Canada's child welfare system. About 30,000 are legally eligible for adoption. The Adoptive Families Association of BC claims there are more than 1,000 children and youth looking for a family in B.C.

It's been said that approximately one in five Canadians are touched by adoption. That represents some 7 million Canadians. In this chamber alone, there could be some 20 senators affected by adoption.

I know one of them, and that's me.

Allow me to share with you a condensed version of my family history. My parents were Russian immigrants who came to Canada at 13 years of age. My father, Peter Neufeld, came through Pier 21 in Halifax, and my mother Jessie Dueck came through Montreal in the 1920s. Jessie's family settled in Steinbach, Manitoba, and the Neufelds settled in Grassy Lake, Alberta. Both were farming families.

• (1410)

My parents eventually met, were married and made a life for themselves. Peter loved mechanics and set up a garage business in Grassy Lake. On Fridays, they would head to Lethbridge for supplies and would drive past a tall building they assumed was an orphanage. Jessie would do some shopping downtown while Peter would get the supplies he needed for the business, and they would eventually meet for lunch.

One Friday after Peter dropped her off downtown, Jessie decided to visit that building. My parents were unable to have children of their own, so she wanted to see if there were any

children who needed a home. It turns out it wasn't an orphanage, but she was told there was a house nearby with babies up for adoption.

Jessie met Peter for lunch and she excitedly shared her news. Together, they went to the house and chose the baby they wanted. This was 1940. That afternoon, my parents picked out a girl and named her Marilyn — she would eventually become my sister. There was very little paperwork: a lawyer for legal documents and an ordained minister to confirm their marriage. And just like that they returned home with their first daughter. They lived in the back of a shop with very little, but happier than ever.

Four years later, in 1944, Peter and Jessie returned to that same home and adopted a baby boy. My sister often reminded me that she's the one who picked me out that afternoon. And I am glad and ever so grateful that she did. Suddenly, I had a family, loving parents and a big sister. Not long after, my younger sister was adopted much the same way. And that's how my family was literally created — thanks to adoption.

But for some reason, adoption continues to be somewhat misunderstood and, in some ways, brings about some sort of stigma, namely for the adopted child. Adopting a baby is one of the most beautiful things someone can ever do. It is a powerful and selfless act — one that deserves to be celebrated.

Honourable senators, please join me in paying tribute to all those who have adopted a child and made life better for him or her, including my loving parents Peter and Jessie for whom I am forever grateful. They have truly changed the course of my life.

### HAITI

**Hon. Mary Coyle:** I rise today back from a week in Haiti to speak to you of hope rather than despair. The source of hope of my hope? Haitian youth.

Monday's *Miami Herald* states:

As Haiti commemorated the 215th anniversary of its decisive battle against the French . . . [on] Sunday, the country continued its downward tumble . . .

Most Canadians will know of Haiti's devastating earthquake in 2010. Some will know that Haiti is the poorest country in the Americas and one of the most unequal on earth. Some will know that Haiti experienced decades of human rights abuses and corruption under the brutal dictatorships of the Duvaliers. Jean-Claude Duvalier said, "It is the destiny of the people of Haiti to suffer."

Well, actually, no, it isn't, and many young women and men of Haiti have had enough of the suffering, corruption and abuses of power which have continued to be perpetuated by subsequent governments, gangs and other offenders.

On Sunday, thousands of demonstrators took to the streets throughout Haiti, calling out government corruption linked to Chavez Petrocaribe funds. Many were youth — caribe challengers — demanding government accountability. Their slogan: "*Ayiti Nou Vle A*" — the Haiti we want!

The youth leaders are proud that Haiti is the only nation in the world established as a result of a successful slave revolt. They're proud that their slave ancestors in 1804 created the first independent nation in Latin America and the Caribbean.

Last week, our Canadian delegation, with former New Brunswick Premier Frank McKenna, met with Haitian youth leaders who not only insist on a better Haiti but are also working hard to build it themselves.

In Cité Soleil, a Haitian slum referred to by the UN as “the most dangerous place on earth”, we met Garissne Gamma Pierre, a young woman leader who, together with other members of the Konbit Soley Leve movement, is working to transform their community through environmental cleanup, civic education, entrepreneurship, a youth radio station, a community peace prize and the library we visited. They model the kind of accountable leadership they promote.

Gamma and her fellow Soley Leve youth leaders are linked to a national network of 2,000 youth trained and supported through le Centre Haïtien du Leadership et de l'Excellence, CLE, a partner of the Coady International Institute here in Canada.

Minister Bibeau, while in Haiti this February, spoke of the importance of women exercising their leadership. Gamma and her colleagues are exercising their leadership to change their community and its image from one of violence and poverty to one of resilience and creativity.

If Gamma and her youthful compatriots can transform the “big man takes all” style of leadership into their style of transformative civic-minded leadership, Haiti will become what their revolutionary slave ancestors were fighting for and what this weekend's demonstrators were demanding — the Haiti we want!

This new face of Haitian leadership — Gamma's — gives me hope.

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## ROUTINE PROCEEDINGS

### TREASURY BOARD

#### 2017-18 DEPARTMENTAL RESULTS REPORTS TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the Departmental Results Reports for the fiscal year ended March 31, 2018.

[ Senator Coyle ]

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

### CONFERENCE OF PARLIAMENTARIANS OF THE ARCTIC REGION AND MEETING OF THE STANDING COMMITTEE OF PARLIAMENTARIANS OF THE ARCTIC REGION, SEPTEMBER 16-19, 2018— REPORT TABLED

**Hon. Patricia Bovey:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association respecting its participation at the 13th Conference of Parliamentarians of the Arctic Region and the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Inari, Finland, from September 16 to 19, 2018.

[Translation]

### WINTER MEETING OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, FEBRUARY 22-23, 2018—REPORT TABLED

**Hon. Ghislain Maltais:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) respecting its participation at the 17th winter meeting of the OSCE PA, held in Vienna, Austria, on February 22 and 23, 2018.

## THE SENATE

### NOTICE OF MOTION TO REAFFIRM THE IMPORTANCE OF BOTH OFFICIAL LANGUAGES AS THE FOUNDATION OF OUR FEDERATION IN LIGHT OF THE GOVERNMENT OF ONTARIO'S CUTS TO FRENCH SERVICES

**Hon. Julie Miville-Dechéne:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate, in light of the decisions made by the Government of Ontario with respect to the Office of the French Language Services Commissioner and the Université de l'Ontario français:

1. reaffirm the importance of both official languages as the foundation of our federation;
2. remind the Government of Canada of its responsibility to defend and promote language rights, as expressed in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*; and
3. urge the Government of Canada to take all necessary measures, within its jurisdiction, to ensure the vitality and development of official language minority communities.

## OFFICIAL LANGUAGES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Official Languages have the power to sit on Monday, November 26, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[English]

• (1420)

## QUESTION PERIOD

### NATIONAL REVENUE

#### TAX FAIRNESS

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate and it concerns report 7 of yesterday's Auditor General's report which dealt with the Canada Revenue Agency.

CRA gives ordinary taxpayers 90 days to produce a receipt to support a claim and automatically disallows a tax deduction if the receipt is not provided. However, the Auditor General found that those with offshore accounts can be given extensions of months and even years to provide this information. As well, CRA does not waive penalties or interest consistently, offering relief proactively to large corporations and then those with offshore accounts, but not to regular taxpayers.

As a result, CRA is violating its own Taxpayer Bill of Rights which was established under the previous government.

Senator, why is the Canada Revenue Agency failing to apply the law consistently or treat taxpayers equally?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. It is one for which the government shares the concern. The senator will know that after the release of the Auditor General's report, the minister responsible not only accepted all of the recommendations of the Auditor General but also acknowledged that in anticipation of the report — because there is work and cooperation between the OAG and the department — they had already initiated a number of steps to ensure stronger compliance. The senator will also know that this government has invested significant resources at CRA to improve the compliance capacity.

Certainly tax fairness and fair treatment of taxpayers are of keen concern to the government. It will do all it can, redouble its efforts and accept the advice of the Auditor General.

**Senator Smith:** Thank you, leader, for that response. That leads me to the supplementary question. A year ago, I raised another finding of the Auditor General that CRA blocks 50 per cent of the telephone calls it receives from Canadians. Last year, CRA denied coverage under the disability tax credit to Canadians with type 1 diabetes and attempted to tax the employee discounts of retail and restaurant workers.

Now we have proof of what many suspected all along: that the government treats taxpayers differently. Regular middle-class taxpayers are simply not getting the same treatment as large corporations or those with offshore accounts.

I've asked this of the government leader before, and I would like to ask it again: Is this the so-called tax fairness promised to Canadians in the last election?

**Senator Harder:** Again, I thank the honourable senator for his question. Let me repeat that the government has redoubled its efforts to ensure that the processes for performance indicators are more robust in their compliance measures, that steps have been taken even since the last Auditor General's report.

I was briefed by the Auditor General on his report of yesterday and I wanted to assure myself that the work and the comments of the Senate have been incorporated in the approaches being taken. I want to assure all senators that the department, and the minister in particular, is keen to ensure a better performance that closely matches performance indicators that are consistent, transparent and that meet the expectations of Canadians.

## NATURAL RESOURCES

### ENERGY SECTOR COMPETITIVENESS

**Hon. Richard Neufeld:** Honourable senators, my question is for the government leader in the Senate.

A few weeks ago we learned that a made-in-Canada, Calgary-based energy company Encana was purchasing Newfield Exploration for US\$5.5 billion. Earlier this year, Encana CEO Doug Suttles announced that he would be relocating the company's headquarters from Calgary to its Denver offices. At the time, it was reported that the move was for personal reasons. BNN Bloomberg reported that there were no plans to remove Encana's headquarters from Calgary.

With the Newfield acquisition, we now learn that Encana is planning on operating without a headquarters and will have major offices in Houston and Denver. Encana was once the largest Canadian headquartered energy producer. It now seems more focused on prioritizing its U.S. assets.

What does the government leader have to say to the hundreds of people who work at Encana's Calgary offices and who continue to worry about Canada's overall competitiveness? What

can you tell Canadians who continue to worry about foreign funds fleeing Canada's resource sector and now a homegrown company shifting some of its assets to the United States?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. It's multifaceted, and let me try to respond. This afternoon, the Minister of Finance will be giving his Fall Economic Statement and he will speak to some of the issues of competitiveness that are raised in the question, but let me also remind the honourable senator that this government is doing all it can to ensure and advance the energy sector, particularly with respect to the building of pipelines. The honourable senator is well aware of the challenges.

Let me also acknowledge that the sector itself has changed in North America, particularly with the rapid expansion of shale fracking in the United States, and that has changed the nature of the business. What he is reporting are business decisions taken in the interest of shareholders by companies.

**Senator Neufeld:** Alex Pourbaix, the president of Cenovus Energy, an oil and gas company headquartered in Calgary, also raised his concerns about competitiveness with the U.S. last week.

He said:

Canada ignores these red flags at its peril. No one is required to invest in Canada.

It's clear that the federal government is not heeding these warnings. For example, last week, Jonathan Wright, the CEO of NuVista Energy, also based out of Calgary, said of Bill C-69:

It either needs to be completely killed or radically changed.

Senator Harder, at a time when our energy sector is clearly struggling, why is the federal government sticking with its policies that create barriers to investment and badly needed jobs?

**Senator Harder:** I completely reject the premise of the question that the honourable senator is asking. This government has accelerated the investment strategy of the government to support private sector investment in Canada. That is done through both investment promotion and the establishment of new tools for advocating investment in Canada.

This is done in a highly competitive market and the changing nature of some sectors in Canada, but that is clearly a high priority and you will hear later this afternoon in respect of further measures on the competitiveness side.

Let me say in respect to Bill C-69 that perhaps it would be useful if this place sent the bill to committee where the concerns of the senator can be raised and studied. If there are improvements to be made, this government would be open to hearing those. So let us get on with our work.

[ Senator Neufeld ]

## DEMOCRATIC INSTITUTIONS

### SENATE APPOINTMENTS

**Hon. Denise Batters:** Honourable senators, my question is for the Leader of the Government in the Senate. Under the Trudeau government's Senate appointment process, applicants can now self-nominate or be nominated by an individual or organization.

In April 2016, I asked you to provide the names of the organizations that had sponsored the first six senators appointed by Prime Minister Trudeau, including you. I was pleasantly surprised when, two days later, you provided that information to the chamber. Twelve new senators have now joined our ranks since the Trudeau government changed the process to allow individuals or organizations to nominate senators. This information could be important for Canadians to determine potential conflicts of interest when the Senate studies or votes on a bill that affects those individuals and organizations.

Given this Liberal government's commitment to openness and transparency, could you please tell us which individuals and organizations nominated these 12 senators? If you do not have this information right now, could you please undertake to provide it to this chamber? We would appreciate receiving this information within two days, as before, rather than a written response in six or eight months.

**Hon. Peter Harder (Government Representative in the Senate):** Let me assure the honourable senator, first of all, that I don't have that information. I will seek to find that information and see whether it's available. Let me repeat that all senators, and certainly those who have come through this process, are deeply committed to the ethical framework that this Senate has adopted in respect of conflict of interest and there are appropriate ways for all senators to ensure that they are in full compliance.

**Senator Batters:** The information is certainly available as you provided it earlier when the first six senators appointed by Prime Minister Trudeau were appointed. We look forward to hopefully receiving that soon.

• (1430)

Senator Harder, your response to that particular question leads me to ask you another question about transparency and accountability in the Trudeau government's senate appointment process.

Senator Harder, over time, the Trudeau government has stopped announcing when provincial governments nominate Senate appointment advisory panellists. It seems that perhaps this is because more and more provincial governments are not participating in the process. We know that Saskatchewan declined to participate this year. We know the B.C. Liberal government of Premier Christie Clark declined to participate and we know the Manitoba NDP government declined to participate in naming a panellist.

Senator Harder, which other provincial and territorial governments have declined to name Senate advisory panellists in the Trudeau government process?



**Senator Harder:** Again, senator, I'm not privy to those arm's length decisions. I will endeavour to find out and provide this chamber with the answers.

[Translation]

## NATURAL RESOURCES

### NUCLEAR ENERGY DEVELOPMENT

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. On November 7, the Minister of Natural Resources put out a news release to welcome the release of the Canadian Small Modular Reactor Roadmap. Apparently, the government is discreetly pursuing the development of nuclear reactors and is looking to implement a grand plan to build small nuclear power plants across Canada under the federal government's leadership.

Why is the federal government so intent on financing the development of nuclear power while doing nothing for hydro?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the senator for the question. I will make inquiries of the minister concerned. I want to assure this chamber that the Government of Canada has, over many years, ensured the development of the nuclear industry in Canada, the Chalk River plant and the then-Crown corporation AECL. The development of many reactors is seen as an advance in Canada's technology but also ensures we have a suite of non-fossil options as we develop our overall response to lowering our CO<sub>2</sub> emissions.

[Translation]

**Senator Carignan:** Obviously, senator, you are not familiar with these mini reactors, which are completely unrelated to Chalk River and the infamous CANDU reactors. The government wants to build more small nuclear power plants on Canadian soil to produce electricity, especially for mines, and scatter mini reactors throughout Canada's Far North. To that end, it seems that the government is planning to exclude the construction of these nuclear power plants from the provincial environmental assessment process and from the assessment process set out in Bill C-69, which is currently before us.

Senator, can you guarantee that the development of these mini nuclear reactors will be subject to the consultation and control mechanisms set out in Bill C-69?

[English]

**Senator Harder:** I thank the honourable senator for his question. Let me make two points. One, my reference to Chalk River and AECL was to the historic contribution the Government of Canada has made to the sector. The sector is changing and the mini facilities are the way of the future — particularly to service some of the remote facilities such as mining, which he references — and that contribution continues to be a priority.

With respect to the comments on Bill C-69, that's precisely one of the issues, as I understand it from my meetings with stakeholders, they wish to have further discussion and comment. Let's get it to committee and do just that.

[Translation]

## TRANSPORT

### CHAMPLAIN BRIDGE

**Hon. Leo Housakos (Acting Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. The *Journal de Montréal* is organizing a Champlain Bridge pool, where participants have to guess the date on which the new Champlain Bridge will open to traffic. For the past few months, the government leader has been unable to give a straight answer to my questions about the Champlain Bridge. The Trudeau government is sending such mixed messages that people have started betting.

Could the government leader make a real effort this time and help me participate in the pool to guess when the Champlain Bridge will open? The prize is a \$100 gift card, and I'm more than willing to share it with him if I win.

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his invitation. Let me say Senator Boyer and I, every time we drive into town, we pass the United Church in Manotick which has a sign board. A recent one once struck me. It said: A wise man once said nothing.

## ORDERS OF THE DAY

### FEDERAL PUBLIC SECTOR LABOUR RELATIONS ACT

#### BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)** moved third reading of Bill C-62, An Act to amend the Federal Public Sector Labour Relations Act and other Acts.

She said: Today I rise to speak on Bill C-62, An Act to amend the Federal Public Sector Labour Relations Act and other Acts now in this chamber for third reading.

[Translation]

As I said in this chamber at second reading, this bill seeks to restore specific labour relations procedures for federal public service employees to the way they used to be before the passage of certain provisions that were inserted into three budget implementation bills introduced in the 41st Parliament.

[English]

Honourable colleagues may remember that following the introduction of this legislation by the previous government, 12 of the 15 federal unions representing public servants took the government to court on the grounds that provisions, especially those that unilaterally cancelled the bank of sick days for public servants, were unconstitutional.

[Translation]

Bill C-62 essentially seeks to repeal a number of bills that were never implemented by the current government. It is an act of good faith by the government to re-establish balance in labour relations for public service employees. If Bill C-62 is passed, the employer will no longer have the power to unilaterally designate what services are essential, take away the right of bargaining agents to choose the method of dispute resolution, unilaterally change the sick leave regime, or impose new elements that arbitrators must take into account before making a recommendation or award. I want to reiterate that this bill affects only public service employees. It does not have any impact on private sector employees.

I would now like to talk about the work that was done in committee and the issues that were raised.

I thank the Standing Senate Committee on National Finance for its excellent work. It held four meetings to study this bill and benefited from the expertise of 15 witnesses, including the President of the Treasury Board, the Honourable Scott Brison, and his officials, representatives from the Office of the Parliamentary Budget Officer, public service union representatives, departmental human resources representatives, and individuals with extensive experience in labour relations, namely a lawyer and several academics. The committee's work centred on three main issues: the use of accumulated sick leave by public service employees, the process for negotiating and designating essential services, and dispute resolution.

Before getting into the details of these issues, I want to quickly acknowledge a fourth issue regarding gender-based analysis. Our colleague, Senator Tannas, asked whether the bill had undergone a gender-based analysis. The President of the Treasury Board, the Honourable Scott Brison, confirmed that it had. Like all government bills, Bill C-62 was analyzed to ensure that it is fair for women and men.

Allow me to move on to the three issues raised in committee. I will begin with accumulated sick leave.

The witnesses helped us dispel the myth that public service sick leave is a cashable benefit that employees can accumulate and use as a form of paid vacation. According to this myth, it is common practice for public service employees to bank 200 to 300 days of sick leave to take a vacation before retiring. Witnesses were very clear: Sick leave can only be used by people who are sick.

• (1440)

[English]

Let me say it again. Witnesses were very clear: Sick days can only be used by people who are sick.

Nick Fabiano, Acting Assistant Commissioner, Human Resources Management with Correctional Service Canada, described the national attendance monitoring program that analyzes absences among different groups in his department.

If absences for some individuals are much higher than the average for a certain group, the manager will address this issue with the employee. Management tracks patterns over the course of an employee's career — for example, if someone takes sick leave often on Fridays or Mondays.

[Translation]

Furthermore, managers and supervisors are responsible for asking for a medical certificate if an employee is absent for more than a few days.

[English]

Amy Kishek of the Public Service Alliance of Canada explained:

The accumulated sick leave is not monetized. It can't be withdrawn without proof of illness, without a provable need to rely on that sick leave.

When it comes to people using sick leave at the end of their careers, Ms. Kishek said:

That's easily attributable to people who, at the end of their career, are becoming increasingly sick. They need to exhaust their bank in order to depend on long-term disability, which is not easy to qualify for. It's adequate and necessary.

Deborah Cooper, general counsel of the Canadian Association of Professional Employees, said:

Most people, when they retire . . . have 200 days, 150 days. This is indicative of a dedicated public service who rarely uses their sick leave.

When you retire with 250 or 300 sick days, you get nothing for that. It is an insurance plan that, if you are lucky, you never had to use. Those 250 days go off into the ether, and you hopefully go happily into retirement. It is not something that you get any kind of pay for, or anything else . . .

[Translation]

As these witnesses explained, it is true that a certain number of employees retire after using all their sick leave, but these are people who are ill, people who have cancer or heart problems or have had a stroke, for example.

Marc Thibodeau, director general of labour relations and compensation for the Canada Border Services Agency, summed it up very well:

What may be perceived as using sick leave as a form of early retirement is actually a scenario in which people really become ill to the point that they cannot return to work. So they retire.

It goes without saying that people nearing the end of their career are older. I need not remind you, honourable senators, that age brings wisdom, but it also brings health issues. That is a demographic fact.

Let us now discuss essential services.

[English]

The second issue that stimulated much discussion in committee was about the best way to determine which functions of public service should be considered essential services.

[Translation]

Under Bill C-62, employers will no longer have the exclusive right to determine what is considered an essential service necessary to the safety and security of the public or to designate the positions necessary to provide these services. Employers will work with bargaining agents to determine which positions are necessary to provide essential services and will sign essential services agreements with them, as was the case before the passage of the bills inserted into the budget implementation bills.

[English]

Witnesses were unanimous: The process for determining essential services is best achieved with the involvement of those who will provide them. In other words, employees or the unions who represent them.

[Translation]

In short, it is more efficient to determine which services are essential and who will provide these services by consensus than by having the employer make a unilateral decision. Furthermore, bargaining provides the flexibility to review essential services agreements as the situation evolves.

The third issue, which was discussed many times in committee, has to do with the use of either arbitration or the conciliation/strike route for dispute resolution. If Bill C-62 is passed, it will be possible to choose between conciliation/strike and arbitration. Dispute resolution will no longer be predetermined through the imposition of provisions set out in the act.

[English]

Witnesses confirmed that dispute resolution is more likely to be successful when the method is one of negotiation rather than imposed arbitration.

In the words of Professor Emeritus Robert Paul Hebdon from McGill University:

A freely negotiated settlement between the parties is far superior to an imposed settlement, either by legislation or by an arbitrator . . . . When it's freely negotiated, labour and

management feel like they own the settlement and support it. If they are a union, they have probably voted on it. They are generally more likely to live with the terms of it if they've got their stamp on it.

[Translation]

Some of my honourable colleagues asked the witnesses whether they would insist on an amendment proposed in the other place regarding essential services and the availability of other individuals to provide these services during a strike. The stakeholders are satisfied with the bill as is. This doesn't mean the bill is perfect, but the stakeholders agree that the most important thing is to put things back the way they were, while acknowledging that improvements to the legislation could be negotiated in the future, without amending this bill.

[English]

In general terms, Deborah Cooper, the general counsel of the Canadian Association of Professional Employees, or CAPE, said that Bill C-62:

. . . undoes virtually all the difficulties created by Bill C-4 and Bill C-59. CAPE looks forward to returning to a labour relations system which is not perfect but much more balanced and fair. As such, CAPE urges you to ensure there are no further delays in providing this balanced voice.

Debi Daviau, President, Professional Institute of the Public Service of Canada, urged senators to pass the bill because:

For the moment, the simplest thing to do is set it back to an environment that we worked with for the better part of the last 60 years so that we can just get down to the business of negotiating collective agreements and go back to serving Canadians, which is what we do best.

[Translation]

In closing, honourable senators, I don't want to leave you with the impression that the bill guarantees perfection in labour relations within the public service or that it fixes everything.

We heard that the sick leave system needs to be updated to bring it into the 21st century. The current system puts younger employees at a disadvantage, because, in the event of an injury or a serious illness, there is a good chance they will not have accumulated enough sick leave to heal or recover properly. Accordingly, the President of the Treasury Board promised that his department would work closely with unions to create a wellness regime that will address problems like mental health issues and other potentially chronic illnesses. The committee was assured that that work is under way.

I therefore urge you to pass this legislation quickly. Thank you for your attention.

**Hon. Serge Joyal:** Senator Bellemare, you referred to the issue of conducting a gender-based analysis on the bill. You mentioned that Minister Brison, who is also the President of the Treasury Board and the minister responsible for this bill, said

that a gender-based analysis had been done. Would you say the committee members were able to read the content of that analysis?

• (1450)

**Senator Bellemare:** I don't believe the members read the analysis, because it was presented in cabinet, so it's still an official document. I believe that will be the case for certain justice analyses once Bill C-55 is adopted — I think that's the right bill — and I hope the process will be the same with respect to gender-based analysis.

**Senator Joyal:** If I understand correctly, we basically have to take the minister's word for it that there was a gender-based analysis, but the committee members don't have access to information about the bill's impact on the system. We have to take someone's word for it, without any accountability to Parliament or any opportunity to see what the bill's impact on men and women would be. That points to a fundamental flaw in the government's approach to ensuring equality, in that parliamentarians don't have the means to assess the real impact of the analysis that the government has access to. It seems to me that a government looking to be more transparent and accountable to Canadians on gender equality should gladly make the results of the analysis available so that every parliamentarian can evaluate the impact of the bill. As the Prime Minister would say, "It's 2018."

**Senator Bellemare:** This reminds me of Motion No. 89, which I moved, on the documents that should be studied in committee. There was a series of questions that we had to answer. This motion was amended by former senator Nancy Ruth, who proposed that the gender-based analysis be tabled in committee.

I urge you to act on this motion and get it passed. Then we might be able to ask the government to send us its gender-based analyses. Thank you.

[English]

**Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals):** I have another question for the deputy leader.

You said in your speech this was an act of good faith by the current government. Those were your words. Would an act of good faith not be, on behalf of this government, sitting down and negotiating in good faith with the people who represent the security units in the House of Commons and the Senate of Canada in a dispute that's been ongoing for years?

Those of you who are new here, it's been going on for years. Quite frankly, as someone who believes in the rights of unions, I am embarrassed every time I see our colleagues who do good work and are here to protect us and this institution.

This government and the previous government — it goes back a long way — have not sat down, in my estimation, and acted in good faith. Will this change get the government to the table to negotiate properly with the security people on Parliament Hill?

[ Senator Joyal ]

[Translation]

**Senator Bellemare:** I thank the honourable senator for his question, but I want to stick to Bill C-62, the bill we are debating today. I don't want to make any assumptions. Thank you.

**Hon. Renée Dupuis:** Would the senator take a question?

**Senator Bellemare:** Certainly.

**Senator Dupuis:** At the end of your speech, you mentioned discussions to be held between the President of the Treasury Board and the unions. You referenced your Motion No. 89, but it is also the will of the Senate. To the best of your knowledge, will a gender-based analysis separate from the memorandum to cabinet be one of the issues to be discussed by the President of the Treasury Board and the unions? This has already been raised because, since the gender-based analysis is part of the memorandum to cabinet, it is confidential and will remain so for 30 years. Will the issue of a separate gender-based analysis that is not included in the memorandum to cabinet be discussed by the President of the Treasury Board and the unions?

**Senator Bellemare:** I thank the honourable senator for her question. Current discussions between the President of the Treasury Board and the unions are focused mainly on the wellness program or the sick leave program. The existing sick leave program is not perfect and does not meet the needs of young employees. It is based on a bank of sick leave. If employees get sick and they do not have enough sick leave banked, they have to rely on employment insurance benefits, which significantly lowers their salary. They have to wait about 13 weeks before they can get disability insurance. The notion of well-being is broader than the notion of sickness, as it was defined in the past, and so Treasury Board is negotiating with union representatives in that regard. Right now, most employees, approximately 70 per cent, are women. The union representatives are also women. The interests of women are truly being taken into account in these negotiations.

**Senator Dupuis:** That is why I asked you that question. In reality, the much-talked-about notion of well-being is related to the additional burden carried by women who act as caregivers for babies, the young, the not-so-young and the elderly, on top of taking care of their own needs. Gender-based analysis is vital to the debate on well-being. We need specific answers from the government about that in order to build on the report prepared by a joint panel made up of Treasury Board and the union, which found that, in addition to problems related to well-being, there are also problems related to systemic discrimination in banks and other institutions.

**Senator Bellemare:** I would hope that this issue of gender-based analysis will be discussed and that a reliable analysis will be conducted. That is what we all hope for.

As far as sick leave is concerned, employees also have leave for family-related responsibilities. Each group is currently in negotiations. The wellness programs may differ slightly depending on the group, department or agency. We will see how things play out. I will take note of it.

I would like us to be able to get the gender-based analysis for each bill. That would give us a better overview of the issue and would do more to promote gender equity. The government could lead by example. Thank you.

(On motion of Senator Housakos, debate adjourned.)

• (1500)

[English]

## OIL TANKER MORATORIUM BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

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

**Hon. Richard Neufeld:** Honourable senators, I rise today at second reading to speak to Bill C-48, the oil tanker moratorium act.

This bill has generated much interest, including from some First Nations who oppose it. A coalition of First Nations is already mounting a legal challenge should this tanker ban become law.

Before I address why I oppose this bill, allow me to contextualize it first.

Five months before becoming Prime Minister, Justin Trudeau was quoted in the *Vancouver Sun* as saying “the Great Bear Rainforest is not a place for an oil pipeline,” and that the north coast is “a fragile ecosystem that needs to be respected and protected . . .”

In that same article, journalist Larry Pynn wrote that the federal Liberal leader’s “. . . mind is closed to oil tankers plying the waters of northern B.C. but open to the shipping of liquefied natural gas as well as increased oil tanker traffic through Port Metro Vancouver — on the condition proper reviews are conducted.”

And so I ask: Where are the proper reviews to impose a tanker ban? Where were the proper reviews to nix Enbridge’s proposed Northern Gateway pipeline? Where is the science making the B.C. north coast more fragile than the Port of Vancouver, than Saint John, New Brunswick, or the St. Lawrence Seaway?

Don’t be fooled, honourable senators: This was an election promise catering to a certain segment of the electorate. By purchasing the current Trans Mountain pipeline and approving its expansion, the Trudeau government has obviously acknowledged that tanker traffic can be done in a safe manner. Yet, with this bill, it’s sending the opposite message.

In June, Senator Jaffer, the bill’s sponsor, provided an overview of what Bill C-48 seeks to achieve. I will not repeat what she has already said, but I encourage you to read the bill.

What most people fail to realize is that this bill does not fully prohibit tanker traffic. As Robert Hage wrote in *Inside Policy*:

The rather odd result under the new bill is that tankers carrying crude can still ply these waters as long as they do not enter or leave from a Canadian port.

I appreciate that there has been a voluntary tanker exclusion zone since the 1980s, but tankers have been going up and down the West Coast since the 1930s. In fact, an archived Transport Canada page mentioned that “more than 300 tankers transit annually along B.C.’s coast while respecting the Tanker Exclusion Zone that exists today.”

In a nutshell, Bill C-48 essentially kills any pipeline project that would have an export marine terminal on the north coast. This was a political decision.

Putting politics aside, I do not understand the so-called scientific evidence supporting this bill. In his second reading speech in the other place, the Liberal MP for Winnipeg Centre said that this bill:

. . . is an attempt by the government to come up with a balance between the economy and the environment, allowing crude oil to be shipped from certain areas of the country but not others, depending on where we are and the type of environment involved. This is really based on the idea of using science and data to come up with something that can respect the long-term vision for what we can and cannot do.

Which science is he referring to? Is tanker traffic on the East Coast safer? Is an oil spill more likely on the West Coast? These questions remain unanswered, despite my best efforts to get responses.

Earlier this year, I had a meeting in my office with Minister Garneau’s officials. They advised me that the parameters of the moratorium are informed and based on science, because the legislation will apply to crude oils and a range of persistent oils, as those products are known to be the heaviest and to persist longest when spilled. Fine. I accept that explanation, while I may not agree with it. But should we assume that none of those products are being shipped from other ports in Canada? Obviously, the answer is no.

When I asked officials for further explanation on the issue of science, the written response I was given was that “substantial emergency response capabilities exist on the south coast of B.C., whereas northern B.C. does not have the same infrastructure or response ability.” That has nothing to do with science. Science is not the reason why the north coast doesn’t have the same spill response capabilities. I can understand if the government opts for that argument to defend this bill, but don’t call it science.

Perhaps the government should increase funding to the Oceans Protection Plan so that any spill can be properly managed and responded to in a proper fashion on the north coast.

Here's another one: The government's briefing binder has a question and answer to help parliamentarians better understand the reasoning behind this tanker ban. Here is, word-for-word, question six in the binder:

The government has said that it wants evidence-based policies. Where is the evidence that this area is more sensitive than any other area in Canada?

The nine-line answer provided by the government in response to its own tailor-made question does not even begin to address the issue. The answer essentially says that the government is delivering on its promise to formalize a moratorium, that it stands by its actions to provide additional protections for this special place and unique ecosystem, and refers to the Oceans Protection Plan.

I couldn't make all this up if I wanted to. The government is unable to actually answer its own question.

In May, the minister told senators at a technical briefing that he feels this is the right thing to do. Exactly. This decision is about government's feelings, not about sound evidence. I am not comfortable whatsoever knowing that feelings are influencing government policy-makers and overtake science, and only on the B.C. coast, of course.

Another issue that came up in Senator Jaffer's speech is limiting the underwater noise from large ships since it can harm marine mammals. We are talking about noise here, not spills. I don't dispute that marine traffic can disturb whales and other species. I know there have been studies on these issues. But are we suggesting limiting all types of ships? What about container ships that bring goods to our shores? Those ships are bigger than some tankers. Tanker ships make noise. Container ships make noise. But why is it just the tanker ships that make all the noise and bother the fish?

Is Senator Jaffer suggesting we limit global marine trade in general, reduce ship entries into our ports and halt the expansion of our economy? Surely that's not what she is proposing.

Allow me to quote the Chamber of Shipping:

While it was understood that the Minister of Transport had been directed to implement a tanker moratorium, we had expected that it would be grounded in a risk assessment and supported with recognized principles that would reflect the absolute risk, the potential impact to the marine environment, and available resources to respond to an incident. We were surprised that Transport Canada had no intention of conducting any risk assessment and that the establishment of the moratorium would not be supported with tangible evidence.

I think that speaks volumes to what the government is doing with Bill C-48.

The Prime Minister claims to be committed to nation-to-nation building. I think it's fair to say that the government has been widely criticized for its failed attempts at reconciliation. Consultations on Bill C-48 are no different. The government claims that extensive consultation was undertaken. I was told by

the minister's officials that the minister himself or his staff met with all First Nations inland and on the coast, acknowledging that there was a vast array of opinions on the proposed ban.

The Lax Kw'alaams First Nation has been quite vocal in opposing Bill C-48. In its 27-page brief on the bill, they argue that it is "an infringement of Indigenous land," and "it effectively prohibits the use of Lax Kw'alaams traditional territory as a port for any marine terminal for the export of oil."

Minister Garneau even publicly stated that he consulted extensively with coastal First Nations. This may not be true. It has come to my attention that there was only one meeting with the Lax Kw'alaams, and during that meeting, Minister Garneau told the chief that he was not prepared to make any changes to the bill. As the chief suggests, that is not consultation.

By failing to adequately consult, the government is killing what could be a great opportunity for First Nation prosperity. In fact, with Bill C-48, the government is ignoring some 35 First Nations from British Columbia and Alberta who firmly oppose this bill. Perhaps some of you may have heard of the Eagle Spirit Energy project. Coined as the greenest pipeline energy corridor on the planet, the \$16 billion Eagle Spirit Energy project is a consortium of First Nations wanting to build a pipeline from Fort McMurray, Alberta, to Grassy Point in northern B.C.

• (1510)

What started off as an oil pipeline is now a corridor with potential upgraders up to four, 48-inch pipelines for crude oil and natural gas plus an opportunity for a petrochemical feedstock plant. It has the potential of delivering Canadian oil to international markets at international market prices. Other benefits include job opportunities for First Nations and northerners and billions in revenues from royalties and taxes.

The proponent claims that the corridor will provide the environmentally safest and profitable scenario for developing and marketing landlocked energy resources. The project has the potential of becoming an historical, generational, nation-building one, given that it will be the first Indigenous-led major infrastructure project in Canadian history.

Let that soak in a bit. The biggest First Nation-led project in our history, yet Bill C-48 shatters that dream.

I think Eagle Spirit may truly understand what balancing the environment and the economy really means. But, of course, no pipeline is welcomed in northern B.C. and Alberta because of the West Coast's unique characteristics — at least that's what we're being told.

Some have argued, including the government, that the B.C. coast is unique and too fragile. Senator Jaffer used such words as "one of Canada's most sensitive ecosystems" and "precious natural value." I don't disagree with her. After all, our licence plates say it all: "Beautiful British Columbia."

But what makes this region more ecologically sensitive than any other region in our country?

The Lax Kw'alaams are also very concerned and committed to protecting the ecology of coastal lands. However, as they argue:

Nowhere on the East Coast or in the southern Pacific coast of Canada is this done by simply shutting out any and all economic development and shipping. . . . Shutting down our prospects of economic development is pure and simple discrimination against one region of the country. In our view, it is illegal as well as unacceptable.

I also believe this as unacceptable.

As Jack Mintz and Ron Wallace wrote in the *Financial Times*:

. . . tankers exporting domestic oil have been judged unacceptable on the West Coast, while tankers bringing foreign oil to Canada's East Coast are acceptable.

Talk about a double standard.

In her speech, Senator Jaffer also quoted an NDP MP from B.C. who apparently said that shipping oil is a dangerous thing to do, especially through the rough waters off the coast of British Columbia.

Earlier this year, six senators, including Senator Jaffer, hosted a tanker and pipeline safety awareness session, and I think our speakers convincingly made the case that oil spills are highly unlikely and that oil is shipped in a safe and efficient manner. Many of us also spoke at length about tanker safety during our many Trans Mountain debates. I won't repeat what has already been said.

However, I will simply remind honourable senators that the world consumes about 100 million barrels of oil a day. The IEA estimates demand will reach 104.7 million barrels a day five years from now. Estimates from the U.S. Energy Information Administration indicate that 61 per cent of the world petroleum and other liquids supply in 2015 travelled via seaborne trade. In other words, three out of every five barrels transits on water.

Furthermore, the United Nations *Review of Maritime Transport 2018* report forecasts that oil will be the second-most seaborne-traded commodity in the world behind main bulks and ahead of minor dry bulks. This same report also shows that crude oil trade has increased by 2.4 per cent between 2016 and 2017.

Transport Canada submits that each year tankers carry about 80 million tonnes of oil from Canada's coasts and about 180 large commercial vessels travel within 200 miles of our shores daily.

**The Hon. the Speaker:** Honourable senator, your time is up. Are you asking for five more minutes?

**Senator Neufeld:** Yes, please.

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

**Hon. Senators:** Agreed.

**Senator Neufeld:** An oil spill can be catastrophic but safeguards and proactive measures have been taken to reduce the risk. According to Clear Seas, tanker safety has improved with new regulations, more robust ship design, codes and enhanced emergency preparedness and response systems and better

regulations and procedures. These developments have coincided with a notable drop in marine shipping accidents worldwide and in Canada as well as fewer oil spills.

Generally speaking, current trends over the course of many decades indicate a steady increase in seaborne oil trade paired with a reduction in spills. More ships, more tonnage, fewer spills.

Bill C-48 sends a clear message to the world: Canada is closed for business. As far as I know, there is no other jurisdiction in the world that has an official tanker ban in place.

There are many opportunities for Canada to develop and export its rich natural resources, and yet we continue to be unable to. Canada's competitiveness is shrinking at the speed of light. Needless to say, uncertainty and unpredictability are hurting investments in this sector of our economy.

Here is what Kenneth Green of the Fraser Institute wrote on June 5 about Canada becoming a have-not destination for resource development investments:

When added to the long list of recent disincentives to invest in oil and gas in Canada: carbon taxes, carbon-emission caps, methane regulations, tanker bans, clean fuel standards, and of course, the recent nationalization of the Trans Mountain pipeline project, the new environmental assessment process could be the straw that breaks the camel's back when it comes to investing in Canada.

Canada is at a crossroads when it comes to resource development. This topic is both heated and politicized. This tanker ban, along with Bill C-48 and Bill C-49, has the potential to seriously harm our economy. This is a serious concern of mine.

In conclusion, I think it's rather hypocritical to implement a tanker ban on the West Coast when no such bans exist on the East Coast, or anywhere else, for that matter. In justifying his tanker ban, Minister Garneau told senators, at a briefing, that this was an election promise. So much for science.

I think Martha Hall Findlay of the Canada West Foundation hit the nail on the head when she said:

The northern West Coast is beautiful and pristine, but it does not have a monopoly on either of those qualities. All of Canada's coastlines, ocean as well as inland waterways, deserve protection, which is why we must do all we can to mitigate risks and invest in oil spill containment and remediation. But with all of our other coastlines, we recognize the need for marine transportation, without which our economy, and our society, would not exist as it does.

In fact, if the government is so confident that Bill C-69's new impact assessment act is the best thing, why impose a tanker ban? Why not allow the future project proponent to go through its new assessment system? Does the government already not have faith in it?

I urge those who have praised Bill C-69's new approach to assessing major energy projects to vote against this bill and actually allow the new agency to judge the value of projects on their own merit.

Surely those who opposed the Trans Mountain Expansion Project on the basis that consultation with First Nations was inadequate will oppose this bill on the very same basis too.

I remain confident that we can safely pipe, ship and export oil in an environmentally sensitive way off the northern coast of British Columbia.

This tanker ban prejudges this outcome, relying on feelings and politics instead of science, evidence and consultation.

Thank you, honourable senators.

(On motion of Senator Housakos, debate adjourned.)

• (1520)

## OCEANS ACT CANADA PETROLEUM RESOURCES ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

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

**Hon. Mohamed-Iqbal Ravalia:** Honourable senators, I rise today to speak in support of Bill C-55, which will enable increased protection of Canada's marine and coastal ecosystems.

Thank you to Senators Bovey, Stewart Olsen and Harder for their fine speeches and observations with respect to this important bill. With the benefit of a period of reflection, I hope we can collectively give Bill C-55 some focus on debate in the near term and get it to committee soon for an in-depth review. It is important to ensure the measures being taken to better protect Canada's oceans and marine habitat are ethical, transparent and scientifically based.

Canada's three oceans support vital economic sectors including transportation, energy, fisheries, aquaculture and ecotourism, amongst many.

As Senator Christmas so eloquently noted in his speech on the proposed changes to the Fisheries Act, our oceans are also a source of spiritual, cultural and historical value. For Atlantic Canadians, including the resilient and industrious people of my home province of Newfoundland and Labrador, the North Atlantic is a foundation of our history, it defines our identity and is an integral part of who we are.

As we continue to face complex and worsening environmental challenges, the world's oceans are critical in addressing potentially disastrous problems like carbon pollution, the cause of climate change, as well as food security.

As Canadians we have a collective responsibility to ensure we are sustainably managing ocean resources and conserving marine ecosystems. Marine Protected Areas, or MPAs, are a tool for protecting ecologically diverse and economically significant areas.

Honourable senators, Canada has committed to the Aichi Target 11 under the United Nations Convention on Biological Diversity, to conserve 10 per cent of coastal and marine areas through effectively managed networks of protected areas and other effective area-based conservation measures by 2020. Thanks to all-in efforts of many organizations, Canada currently has 7.9 per cent of its ocean areas protected. Bill C-55 puts us on track to meeting this 10 per cent target.

Despite progress, establishing Oceans Act marine protected areas under current legislation is no easy feat. It is a lengthy process, typically taking seven to ten years to establish an Oceans Act MPA. During this lengthy time period, important and sensitive species and habitats continue to be at risk from potentially damaging human activities. Under current law, no protection is in place until the very end of this MPA establishment process.

Colleagues, this is not an effective approach to protecting our oceans, especially where preliminary scientific evidence and consultations identify areas of vulnerability as needing some protection to prevent harm well before the MPA regulatory process is complete. This is where Bill C-55 offers practical solutions. The proposed amendments provide another approach for establishing MPAs under the Oceans Act that will allow for interim protections to be put in place prior to completing the final regulatory process. With Bill C-55, we can more quickly protect vital ecosystems and the marine habitats they sustain.

As we have learned with past environmental catastrophes, we often do not understand the consequences of our inaction until it is too late. MPAs require a considerable amount of time and effort to ensure decision-making is evidence-based and all stakeholders, Indigenous communities, and governments are meaningfully engaged and involved in the decision process.

Effective management of Canada's oceans depends on the in-depth understanding of the marine environment. Through rigorous peer-reviewed science, Indigenous and local knowledge, as well as extensive consultation and engagement, Canada can and must establish effective and long-lasting marine protected areas.

The key proposed amendment to the Oceans Act is a new authority to establish an interim protection MPA through ministerial order. This step would typically take up to 1.5 years and would be based on initial science and stakeholder consultations.

Over the subsequent five years, the scientific and consultation processes would continue to establish the final, permanent MPA through Governor-in-Council regulations. These interim



protections would establish boundaries and conservation objectives, ensuring important ecosystems are protected while additional scientific and socio-economic analysis and consultation continues. This would be coupled with the so-called freezing of the footprint of activities occurring in that area to preserve the existing status of an area to help meet the preliminary conservation objectives.

To complement the process of an interim protection MPA, Bill C-55 also proposes amendments to the Canada Petroleum Resources Act. These proposed amendments would provide the Minister of Natural Resources Canada or Crown-Indigenous Relations and Northern Affairs the authority to prohibit authorized oil and gas exploration and/or development activities within MPAs. Either minister would also be able to negotiate compensation with an interest owner for the relinquishment of an oil and gas interest located within a MPA. These departments will continue to discuss with their partners how this new authority could be best operationalized. It is important to note these changes do not affect the offshore accords that currently exist in provinces such as Newfoundland and Labrador and Nova Scotia.

Bill C-55 also proposes amendments that would require the use of the precautionary principle when deciding whether to designate a new MPA. The precautionary principle means that the absence of scientific certainty should not always be used to postpone decisions where stakeholders have recognized risk of serious or irreversible harm to a particular area.

During the House of Commons review, amendments were made to the Oceans Act portion of Bill C-55. An important amendment was the addition of maintaining ecological integrity as a reason for designating a MPA under section 35. This amendment would allow for the establishment of MPAs with even more rigorous safeguards in place where science tells us that such precautions are necessary.

Bill C-55 will serve as an important catalyst in the evolution of ocean management and conservation in Canada. Not only will the amendments provide another avenue for protecting our oceans, but it will be based on a collaborative process which continues to bring governments, Indigenous organizations and stakeholders to the table.

Bill C-55 shows Canadians and the international community that we are taking significant steps to ensure the ecological health of our oceans and we are serious about working toward greater protections while allowing for sustainable use of our marine wealth.

Our oceans are an important economic and cultural resource for Canadians, including, of course, my home province of Newfoundland and Labrador. Conserving our oceans will help us directly support the Canadians who make a living on the oceans and also help to safeguard the opportunity for future generations to do the same.

In order to provide healthier and more enduring ocean ecosystems for generations to come, the Aichi targets must be met.

• (1530)

In doing so, MPAs must be established through science-based decision-making, transparency and to further the necessary objectives of advancing reconciliation with our Indigenous brethren.

Bill C-55 encapsulates these principles, I believe, while enabling us to do more to protect the oceans. I encourage all senators to support and advance this legislation to help maintain the health of our oceans and the livelihoods of Canadians. I hope we can focus our debate on this matter in the near term and move forward to the committee process expeditiously. Thank you.

**Hon. David M. Wells:** Would Senator Ravalia take a question?

**Senator Ravalia:** Yes.

**Senator Wells:** Senator Ravalia, as a fellow Newfoundlander, you know the importance not only of the offshore oil and gas industry, but of the fishery which is 500 years in the making of our province.

Do you think the fish harvesters would be in favour of having traditional fishing grounds closed down not because of a decision based on science, which would come after the assessment, but a decision perhaps based on politics, which would freeze an area before the actual decision is made based on science?

**Senator Ravalia:** Thank you. That's an excellent question. It's a question I have had an opportunity to discuss with my own constituents.

I think the basis of this discussion is principally on the potential risk to stocks. You and I both realize the cod moratorium of 1992 not only devastated our inshore fishery, but its impacts today psychologically, culturally and economically and, in an entire way of life, continue to haunt much of coastal Newfoundland and Labrador.

In my discussions with local fishermen and fisheries groups, this is an issue that is contentious in their minds. I would believe and hope, at the committee level, we would discuss this in further detail to ensure that the establishment of MPAs does not in any way hinder or impact, in a negative way, upon the livelihood of coastal Newfoundlanders and Labradorians.

**Senator Wells:** Thank you. Would you take a second question, please?

**Senator Ravalia:** Sure.

**Senator Wells:** You said the establishment of an MPA would not have an effect on jurisdiction currently covered under the Offshore Petroleum Board acts, the one in Nova Scotia and in Newfoundland and Labrador.

If we want to get stranded gas, which is currently in offshore Newfoundland, to our primary markets in North America, the most effective way would be through a pipeline which would run through potential MPA regions. Would the establishment of an MPA prohibit the possibility of a pipeline with natural gas

running through that area to get to market? Or would this be another way for the Trudeau government to strand our natural resources from getting to market?

**Senator Ravalia:** Thank you, Senator Wells. I was fortunate enough to meet with the Minister of Natural Resources for Newfoundland and Labrador, the Honourable Siobhan Coady, last Friday on a separate discussion, but this issue did come up. Fortunately, there were individuals at the meeting, including engineering specialists and the deputy minister.

The assurance I was given, particularly in light of the current \$1.3 billion that a variety of oil companies have invested in deep water reserves outside of our offshore, is should a marine protected area be impacted, every effort would be made to divert pipelines to ensure the minimal potential risk to these marine protected areas. This might come at some cost, but there would be an opportunity for discussion between the marine protected agency and the development of a pipeline.

There would be no intent whatsoever to, in any way, act negatively toward the development of our offshore resources. The cost of the diversion of pipelines, however, may be part of the price we pay to maintain ecological integrity.

(On motion of Senator Housakos, debate adjourned.)

## FISHERIES ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

**Hon. Mary Jane McCallum:** Honourable senators, I would like to thank Senator Christmas for sponsoring this bill, which I titled, “towards an ecological solution.”

When I spoke in this chamber recently regarding the issue of whales and dolphins in captivity, I began my speech with the words, “All my relations.” For me, this was an important way to begin that speech. The speech was truly aimed at all of my relations.

For Indigenous peoples, our link to the land and water runs deep and goes beyond appreciation and protection. Land and water have always been and remain fundamental components of our spirituality. It is on the land and water that we hold our ceremonies and give thanks to the bounty that gives us sustenance. It is this connection that forms the foundation of our very way of life.

On a recent trip of the Senate Aboriginal Peoples Committee to the Western Arctic, an Indigenous witness affirmed that the land is not dependent on humans for its survival, but that humans are highly dependent on the land and water for their survival.

This is true in more ways than one. This remark resonated with me personally and underscores the importance of preserving our land and our waters — land and water we cannot and do not claim ownership over, but rather a role of stewardship.

With this sacred responsibility, we have a spiritual connection between humans and the many spirits of the earth and water that also share it with us and that we need to protect from overfishing, but also to ensure the breeding of new life.

In the book *Eco-Catastrophe* by the Editors of Ramparts, published in 1970, Murray Bookchin informs us that:

The complexity and diversity of life which marked biological evolution over millions of years is being replaced by a simple, more synthetic and increasingly homogenized environment. Aside from any esthetic consideration, the elimination of this complexity and diversity may prove to be the most serious loss of all. Modern society is literally undoing the work of organic evolution. If this process continues unabated, the earth may be reduced to a level of biotic simplicity where humanity — whose welfare depends profoundly upon the complex food chains in the soil, on the land surface and in the oceans — will no longer be able to sustain itself as a viable animal species.

With this understanding, colleagues, I am pleased to rise today in support of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence. This is an important piece of legislation that would amend the Fisheries Act to, among other things, ensure proper regulations are put in place to conserve and protect marine biodiversity, including fish and fish habitat.

It is becoming increasingly apparent with each passing day, month and year that ecosystems the world over are being severely altered and are struggling to survive due to the actions of humans. As one current example, we have had colleagues of ours here who live on the East Coast voice their concerns about the dire situation currently facing the Atlantic salmon spawning grounds. We have also been informed salmon are now in the Arctic Ocean mingling with the Arctic char, a state that has never been witnessed by our generation.

• (1540)

These issues further highlight how precarious a state many of our ecosystems are in, and how easily a single variable can cause such massive disarray and destruction. These variables are caused by humans with a single purpose in mind: greed and money.

Honourable senators, through Bill C-68, we take a step toward mitigating not all but some of these issues. The goals of this bill are sensible. It will prohibit the killing of fish by any means other than fishing. It will prohibit the disruption or destruction of fish habitat. It will ensure projects that may threaten these habitats are transparent and accountable in their practice and procedure, through either the obtaining of a permit or the compliance with specified codes of practice. Why do people continue to be threatened by that? Which of these processes they will need to follow will be dependent on the size and scope of the project in question.

I know there has been some concern over certain aspects of this bill. One valid concern came from a point raised within the Standing Senate Committee on Energy, the Environment and Natural Resources. The issue considered the effects this bill may have on inhibiting economic opportunities that arise from protected areas interfering with established shipping lanes. To ensure these protected habitats are interfered with in as minimal a way as possible, shipping speeds will likely need to be slowed down in these areas. This, in turn, will inevitably slow down the local economy in one way or another.

We were told that a balance will need to be struck between the well-being of the fish and fish habitat and the well-being of the economy. While I am unsure of what this balance will look like, I am cognizant of the fact that it needs to be found so that the local economies are not unduly impacted. I do know that our grandchildren and great-grandchildren will be unable to eat oil.

A second issue I have heard raised is the broad definition of “fish habitat” and “environmental flows.” The concerns here are, for example, if a farmer’s field floods and fish end up in this flow, they will then have to be protected. As a First Nations woman who has been raised in fish camp and understanding the habitat of fish sustainable systems, fishbowls in the middle of fields are not and have never been sustainable. Let’s get real here. They will remain part of a transient system. I feel it is important to ensure that this type of scenario, while seemingly extreme, will contribute to being a red herring. With our fish habitat being in a perennial state of duress by both environmental and man-made threats, I do strongly believe the benefits of having greater protection.

Honourable senators, with regard to the Indigenous-related concerns that have been raised on this piece of legislation, I am of the belief that Bill C-68 is respectful and responsible when it comes to upholding the rights afforded to Indigenous people through section 35 of the Constitution Act, 1982.

Specifically, proposed section 2.3 of this bill explicitly states that nothing in the bill will abrogate or derogate from Indigenous rights as provided by section 35 of the Constitution. Of similar importance, proposed section 2.4 also indicates that the minister will consider any adverse effects that any decision under this act would have on the rights of Indigenous peoples.

Colleagues, as with any bill, there will always be room for greater certainty, greater clarity and a general improvement in any number of areas. Bill C-68 is no exception. An example of this is proposed section 2.5, which states the minister may consider, among other things, Indigenous knowledge of the Indigenous peoples of Canada that has been provided to the minister. With noncommittal language of this nature, there will always be concern and mistrust over whether or not the minister will in fact consider Indigenous knowledge in decisions affecting fish habitat. Ideally, I would have liked to have seen the language reflect a duty of the minister that “must” consider Indigenous knowledge rather than the use of the word “may.”

Also within proposed section 2.5 is the provision that the minister “may” consider cooperation with Indigenous governing bodies in habitat decisions. As was stated above, the word “may” represents a problem in that there is no real obligation to enter into such an agreement. In my estimation, it would be preferable

that cooperation and collaboration were founding principles of this legislation between the federal government and the relevant provincial and Indigenous governing bodies.

Honourable senators, despite these issues, I still believe this is an important and necessary piece of legislation. As this government has demonstrated a strong willingness to work with reconciliation top of mind, I have no reason to believe the minister or any other government official would act in a way contrary to the rights of Indigenous peoples, including the right to participate in matters surrounding the protection of fish and fish habitat.

While there is still much work to be done on the issues of consultation and reconciliation, I feel that this is a good step in the right direction of ensuring Indigenous rights and concerns are taken into consideration and given their due diligence. Through this bill, I believe Indigenous peoples and Indigenous governing bodies will be given a seat at the table and will be actively consulted and heard when it comes to decision-making on these matters.

With this government being a full supporter of the United Nations Declaration on the Rights of Indigenous Peoples and with this fact further reflected through Bill C-262 currently before this chamber, I would urge that this piece of legislation, as with all current and future pieces of government legislation, be reflective of the principles set out by the United Nations Declaration on the Rights of Indigenous Peoples.

Of note, the specific articles relevant to Bill C-68 are Article 18 on the Indigenous right to participate in decision-making in matters which affect their rights; Article 19 on obtaining free, prior and informed consent on issues that may affect them; and Article 25 on the right of Indigenous peoples to maintain their distinctive spiritual relationship with their traditionally held lands and seas. I expect that these articles will be upheld with all outcomes spawning from Bill C-68.

For a culture that needs to balance environmental versus economic resources, it is perhaps unreasonable to expect a general outpouring of grief over one more crisis in the existence of a species of fish. But how is it that the Canadian scientific establishment, whose ingenuity and technology often appear to be almost infinitely versatile, is fumbling with this crisis of the environment? Science should have been intensely concerned with the devastation of the earth long before conspicuous disasters and grassroots protests made ecology fashionable. But both politicians and parliamentarians have not been leaders in the protest, and now we are conspicuously unprepared for the environmental crises and we are often even antagonistic.

Honourable senators, of great importance is what this bill actually sets out to do. The protection of our fish and fish habitats is an important undertaking in this day and age of relative environmental instability. What this bill aims to do is laudable and, in my opinion, once enacted will highlight its goal of ensuring protection and accountability on behalf of Canada’s fish and fish habitats.

(On motion of Senator Housakos, debate adjourned.)

• (1550)

[Translation]

## BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

BILL TO AMEND—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. Éric Forest:** Honourable senators, I am pleased to rise today to speak to Bill C-71 on firearms. I want to begin by thanking the sponsor of the bill and the members of his staff, who have done exceptional research to keep us informed and answer our questions.

[English]

We know that gun control is a very polarizing issue, all too often used for short-term political gains in this context. I appreciate the fact that Senator Pratte, as the sponsor of this bill, is helping us by having an evidence-based debate about gun laws.

[Translation]

In recent months, we have seen plenty of statistics on firearms circulation and violent crime. Three figures really stood out for me. First, I was surprised by the increase in the number of restricted firearms in circulation. This basically means handguns and semi-automatic weapons, which increased in number by 180,000 between 2013 and 2016, an increase of 27 per cent in three years. As we understand it, there are not enough ducks to justify that increase.

The other figure that is very telling is the increase in the number of homicides committed with a firearm, which rose for the fourth year in a row. The 223 homicides recorded in 2016 represented the highest rate per 100,000 population since 2005, and the trend continues, according to the latest statistics that we just received today. In 2017, the rate was the highest since 1992.

Lastly, we must recognize that gun violence is not just an urban problem, contrary to what one might assume based on media reports. In fact, the rate of violent crime involving hunting weapons is four times higher in rural regions when compared to urban areas, and five times higher in the provincial north and territories when compared to the south.

As I see it, the statistics allow us to frame the debate as follows: armed violence is on the rise; the number of guns in circulation is on the rise; all Canadian regions, whether urban or rural, are affected.

Without restoring the gun registry, which I would have wanted for people outside Quebec, the bill we are studying brings in more stringent security checks and establishes a traceability mechanism for guns that are being sold.

Bill C-71 is somewhat complex. However, it quite simply improves Canadians' safety with four measures. First, it will allow the office of the chief firearms officer to consider an applicant's full history when deciding whether to issue a licence. The five-year limit will be abolished. Second, Bill C-71 will ensure that when an individual sells or gifts an unrestricted firearm, they will be required to verify that the person receiving the firearm has a valid possession and acquisition licence. For me, that is a minimum standard. Third, the bill will require merchants to keep records of firearm sales. The police will be able to access these records, but only with a warrant. Lastly, Bill C-71 depoliticizes the classification of firearms by giving this role back to the RCMP in order to avoid, for example, reducing restrictions on certain semi-automatic weapons for electoral reasons, as we have seen in the past.

When this bill was introduced in Parliament, my thoughts were with the many unfortunate victims of the various tragedies that have struck Quebec, such as the shootings at the École Polytechnique, Concordia University and the Quebec City mosque.

I also thought of the thousands of hunters who feel unfairly targeted by these measures. I pondered whether the government was striking a balance between enhancing public safety and respecting the rights of gun owners who participate in a legitimate sport. I myself have gone hunting, and I represent a region known as a deer- and moose-hunting paradise. Anticosti Island and the Matane and Rimouski reserves are just some of the reasons for that reputation. I know from experience that people have to do a lot of paperwork to go hunting, and hunters are generally happy to comply. For example, in addition to obtaining a firearms licence, they have to get a hunting licence for the species they are hunting, get a permit to hunt in a wildlife reserve or a controlled harvesting zone, register their vehicle, trailer and ATV and, if they are using a boat or a dog to hunt waterfowl, get a pleasure craft operator card and a dog licence. Anyone who wants to buy bear spray has to give their contact information to the vendor, who has to enter it into a registry that the police can check. In my view, since a firearm can cause more damage than bear spray, I don't think it's unreasonable for gun sellers to collect and carefully record basic information about gun buyers.

I'd like to talk briefly about the long-gun registry because there has been a lot of misinformation about it. To be clear, Bill C-71 does not reinstate the centralized gun registry that was abolished in 2012. Quebec has its own registry, but there is no federal legislation requiring hunters in other provinces to register their long guns. Bill C-71 in no way authorizes or requires the registration of unrestricted firearms. Acknowledging that this is a sensitive issue, and to give hunters additional guarantees, the House of Commons Standing Committee on Public Safety and National Security amended Bill C-71 to clarify the following:

For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

This amendment, which passed unanimously, is both belt and braces. It covers everything.

Some people claimed that requiring sellers to contact the Canadian Firearms Program to verify the validity of the possession licence essentially creates a registry, since the government could potentially keep information on the buyer. I should point out that most responsible merchants already take this step voluntarily. This is nothing new. In addition, the bill clearly states that no information on firearms being transferred or sold can be given to the Canadian Firearms Program or to law enforcement agencies. Under Bill C-71, these records remain the private property of the seller and will be given to law enforcement only if appropriate judicial authorization is given.

In short, it is already common practice among businesses to check licences and maintain sales records. Bill C-71 will ensure that these measures are consistently enforced, which will simply achieve greater public safety. I think that the requirements imposed on hunters in Bill C-71 are quite reasonable.

[English]

Bill C-71 will improve public safety, you can be sure of that, but we could have gone further as a society if the federal government would have shown some leadership. Let me give you an example.

[Translation]

The Quebec City mosque shooter had a legal firearms possession licence, despite well-documented mental health issues. The problem is that although obtaining a possession licence is conditional on a medical history check, the system relies on self-reporting.

RCMP spokesperson Harold Pfeleiderer told *Le Devoir* that if the applicant says that they do not have a mental health history, then “the signed declaration is accepted as an attestation that the information submitted is accurate”.

That is exactly what happened with the Quebec City mosque shooter. He admitted to having lied on his licence application and said that he had consulted health professionals on a number of occasions for anxiety, suicidal thoughts and depression. Although Bill C-71 may extend the period for which people are required to self-report mental health issues beyond five years, no additional verification mechanism has been created. We are no further ahead, and that has me deeply concerned.

• (1600)

I understand that an applicant has to have their permit application signed by two references, but who really knows the mental state of a friend, loved one or colleague who asks us to vouch for them? As journalist Hélène Buzzetti brilliantly demonstrated, the crux of the problem is that there is no single place where an individual's entire medical file can be consulted. Even the Quebec Health Record, a tool created by Quebec's department of health and social services, does not disclose information about an individual's psychological background.

Even if the RCMP contacted an applicant's family doctor, they would not necessarily know whether the individual had received emergency treatment for a psychotic episode.

There is no easy solution to this problem, but one thing is certain: gun control is also, above all, a mental health issue, and mental health falls under the jurisdiction of Quebec and the provinces. That is why I implore the federal government and the provinces to work together. We must improve the flow of information and learn best practices to enhance public safety.

In Quebec, Anastasia's Law provides that every health professional who, and I quote:

... in the course of exercising his or her profession, has reasonable grounds to believe that a person is behaving in such a way as to compromise the safety of that person or another person by the use of a firearm, is authorized to report that behaviour to the police. ...

We might start by inviting the other provinces to adopt a similar provision.

[English]

I will conclude by calling upon the government to complete its work. In addition to mental health issues and the necessary federal-provincial collaboration, it is time to take the next step and amend the Criminal Code to ban handguns and assault rifles in Canada.

[Translation]

As the victims of the Polytechnique and the Quebec City mosque shootings have said, and as many major cities across Canada have pointed out, there is no need for ordinary citizens to own that kind of weapon in 2018. It is time to stop using hunters as a pretext for opposing legitimate legislation that aims to improve public safety. No one needs an AK-47 to go duck hunting. In Australia, where these weapons have been prohibited for 20 years, the rate of gun deaths has dropped considerably.

I believe that Canada has matured and that we have reached that point. A Nanos poll recently found that 67 per cent of Canadians and 77 per cent of Quebecers support the idea. I am not claiming that such a ban would be a cure-all, but I am convinced that it is crucial if we really want to tackle gun violence in Canada.

Thank you.

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

**Hon. Ghislain Maltais:** Would Senator Forest take a question?

**Senator Forest:** With pleasure.

**Senator Maltais:** Given that cannabis was recently legalized, does Bill C-71 contain any provisions to give wildlife officers, the Sûreté du Québec, the Ontario Provincial Police or the RCMP the power to seize a weapon from someone who is under the influence of cannabis?

**Senator Forest:** Thank you for your question. I cannot say with any certainty whether such a provision exists.

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, I rise today to take part in the debate at second reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

This bill proposes two types of legislative changes to gun control. Today I will focus on the first part of the bill.

I would like to start by indicating that, as you surely know, I fully support the objectives of preventing criminals from illegally obtaining, importing or selling firearms. As a co-founder of the Murdered or Missing Persons' Families' Association, I have met many times with the loved ones of individuals who were murdered with a firearm. It is one of the reasons why I even supported measures implemented by the previous government to combat street gangs.

Since I believe that street gangs are the root of the firearms problem, Bill C-71 will not prevent unscrupulous gangs and criminals from resorting to smuggling to obtain firearms.

First, I will address the bill's approach, which consists of targeting law-abiding citizens instead of criminal groups. Second, I will discuss the issue of background checks and suicide.

[English]

We agree that the problem of gangs and gun crime in major urban centres has been growing.

[Translation]

Statistics clearly show that the increase in gun homicides is connected to street gangs, and this is one of the biggest flaws of this bill. The previous government went after criminals, not law-abiding Canadians who live on a farm or in the country. We took action because street gangs and organized crime adapt every time a new law comes into force. Street gangs were, and still are, a threat. Based on the figures released this morning by Statistics Canada, and in particular those in the "Victims of gang-related homicides" section, there is no doubt that street gangs pose the biggest firearms threat.

As I read through the bill, I was looking for measures that would address the problems we are seeing in many urban centres in Quebec and across the country. In Toronto, for example, 429 people were killed by guns in 2015, 581 were killed in 2016, 594 were killed in 2017, and by mid-May this year, the figure had reached 215. This morning's figures indicate that the rate of homicide victims where the homicide was linked or suspected to be linked to organized crime or a street gang is on the rise.

Yet this bill's approach focuses on strengthening the measures related to licence checks. I repeat: this bill seeks to strengthen the measures related to licence checks. For example, Bill C-71 will require owners of restricted or prohibited firearms to obtain a new authorization to transport from the chief firearms officer of the province in which the firearm is located when they are transporting their firearm to any location other than the owner's

residence following purchase or to an authorized firing range. The same holds true if an owner needs to transport the firearm to a gunsmith for repairs. A special permit will be required.

As you know, criminals operate outside this system. They sidestep the legal registries and will not be affected by this type of measure at all. Many of the firearms of choice for street gangs are smuggled across the Canada-U.S. border. For example, in May, 60 guns destined for a Toronto gang known as the Five Point Generalz were seized near Cornwall, Ontario, and that is just the tip of the iceberg.

This gun seizure happened despite the fact that governments are not providing border officers with enough resources. Actually, I would go so far as to say "the" government. Will this bill do anything to strengthen the legal tools available to border officers? No, it will not.

Another growing source for the illegal gun trade swelling street gangs' arsenals is the Dark Web. The Berlusconi online market on the Dark Web has 234 listings for illegal weapons, including AR-15 rifles, AK-47s and even handguns. Let us remember that handguns are the weapon of choice for criminals because they are easy to hide in urban settings. Will Bill C-71 change anything about that? Not in the least.

• (1610)

[English]

Another trend is the stripping of guns, which is the stripping of guns in order to be undetectable or at least imperceptible in order not to raise suspicions and thus not be opened or inspected. Bill C-71 does not address this technique used by street gangs or organized crime.

[Translation]

A growing number of weapons are sent by mail.

[English]

The role of the Dark Web has grown in prominence in recent years following a shooting in Munich in late 2016, where the lone wolf terrorist used a weapon purchased on the Dark Web.

[Translation]

By obtaining firearms in the United States and smuggling them into Canada, violent street gangs can get whatever guns they want, which often means prohibited or restricted firearms. There is still absolutely nothing in Bill C-71 that will address this problem in any way. That is quite surprising, considering that Canadians have been concerned about illegal imports of firearms for years. Conservative senators have not hesitated to voice these concerns.

A few weeks ago, Senator Pratte reminded us of several violent incidents involving firearms. He then noted that the number of restricted weapons belonging to licensed firearms owners has increased. With all due respect to Senator Pratte, I have to say that we can hardly make a link between the increased number of legitimate owners of legitimate firearms and any influence on the illegal use of firearms in our streets.

Instead, we need to deal with individuals who never register their weapons, rather than honest citizens who do. That is a serious flaw in this bill. Its proponents claim that it will get dangerous weapons off our streets, in line with the Liberal Party's election promise, but this bill has little to nothing to say about that. I think that's a serious omission. It feels as though legitimate gun owners are being attacked, because it's easy to go after them and, above all, to identify them. They seem to be this government's prime target.

Tackling street crime is obviously not an important objective for this government. If that were the case, it would have passed legislation to do so as soon as it took office in 2015. In fact, since this government has been in power, it has given no additional powers and very little in the way of additional resources to police forces or the Canada Border Services Agency to combat the problem of street gangs and firearms smuggling. I could draw a parallel with child prostitution, since this government has done nothing since 2015 to stop young girls from working as prostitutes. We have before us a bill that deals with the legal procedure for acquiring firearms, but does nothing to go after criminals.

This brings me to my second point: background checks. When the bill's sponsor gave his speech, one thing in particular caught my attention: the fact that a background check would cover a person's entire life, not just the last five years. The government says that the provisions of Bill C-71 will improve the process for evaluating applicants seeking a firearms acquisition licence. In particular, the bill removes the reference to the five-year period set out in subsection 5(2) of the act, which applies to the consideration of certain eligibility criteria for holding a licence. Under Bill C-71, the background check can now go back indefinitely.

At first glance, this measure seems sure to please. Quebec has been the scene of some very tragic events, such as the 2005 murder of Constable Valérie Gignac in Laval by François Pépin, a man with mental health issues who had just reclaimed his rifle. The judge had just given back his rifle so he could go hunting on the weekend. He used it to kill a police officer.

Just a few days before the murder, Constable Gignac and her partner had arrested Pépin for harassment. He was released not long after on a promise to appear in court at a later date. In order to get released, he lied and promised that he would not be in possession of a firearm while the charges against him were pending. François Pépin's hunting rifles had been seized in 1999 in response to serious concerns about his mental health.

The Saguenay—Lac-Saint-Jean region experienced a similar tragedy when a mother was killed by her partner. She had reported her partner's mental health problems to police, but red tape kept the police from seizing the firearms in question in time to prevent her murder.

Nevertheless, despite these preventable tragedies, we have to wonder how enhanced background checks will actually work in the real world. Under what circumstances can a person's past be scrutinized for a licence application? Will the resources required to conduct these checks be available? Will mental health

professionals report these individuals to police? The police are already overwhelmed by all the checks they have to do for various crimes, such as those committed by sexual predators.

On November 16, 2018, the Canadian Press reported that the RCMP's investigations into whether gun licences should be revoked due to violent incidents or mental illness have faced significant delays. According to an internal RCMP review, these delays could endanger public safety. Again according to the Canadian Press, the RCMP's internal audit report indicates that police are facing significant backlogs, which could be impacted by this bill.

I would like to quote the report that the Canadian Press is referring to. It says, and I quote:

Information which needs to be requested from third parties may experience delays, thereby delaying the conduct of eligibility investigations. This increases the potential risk to public safety.

What training will be given to the police officers who evaluate the licence applications so that they can weigh the information received properly? To what extent will the process be open to contributions from mental health experts? What appeal mechanism will be available to rejected applicants? Remember that these procedures will apply to all applicants who are seeking to obtain a firearm licence in accordance with the law.

People have expressed completely understandable fears about how the process will work and potential concerns about marginalized communities. Vice-Chief Heather Bear, who represents the region of Saskatchewan on the Assembly of First Nations, testified before the House of Commons committee examining this bill and said, and I quote:

First nations people are more likely to have criminal records due to systemic discrimination.

Is it fair to deny someone a licence because of a crime they committed 20 or 30 years ago? It goes without saying that we all want to ensure the safety of our communities. However, we are taking measures that focus more on law-abiding citizens. These measures need to be reasonable and fair.

For your information, know that I believe that proper background checks are absolutely necessary. Issuing acquisition licences is an important and legitimate part of our gun control system, but I also believe that we must opt for effective measures. If not, we are only wasting resources and undermining public confidence in our gun control system.

For these reasons, I am not convinced that Bill C-71 achieves the right balance. It has to focus on the right things, on the most serious problems. I anticipate that a Senate committee will be called to study the bill and that it will look at these issues.

During his testimony before the House of Commons Standing Committee on Public Safety and National Security, the sponsor of Bill C-71, Minister Goodale, never addressed the issue of suicide or answered any questions on the matter.

Unfortunately, Bill C-71 is a piece of 20th-century legislation that is unsuited to the challenges of the 21st century. I am planning to be involved in the committee's study of this bill, and I thank you for listening.

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

**Senator Boisvenu:** Yes.

**The Hon. the Speaker:** Excuse me, senator, but your time is up. Do you want another five minutes to answer the question?

**Senator Boisvenu:** Yes, please. Thank you.

• (1620)

**The Hon. the Speaker:** Honourable senators, is it agreed to give Senator Boisvenu five more minutes?

**Hon. Senators:** Agreed.

**Senator Gold:** In the other place, the committee responsible for studying the bill unanimously passed an amendment to expand the list of factors to be considered during background checks for firearms licence applicants to include prohibition orders, such as restraining orders. Even in the United States, a country that is often criticized for its gun problem, the federal legislation includes a clear prohibition on the possession of firearms for anyone who is the subject of a restraining order.

My question is this: do you believe that requiring the chief firearms officer to consider prohibition orders, such as restraining orders, will improve the safety of victims?

**Senator Boisvenu:** Could you please repeat the last part of your question? I'm sorry, but I didn't really understand it.

**Senator Gold:** It's probably because of my accent.

Would you agree that requiring the chief firearms officer to consider prohibition orders, such as restraining orders, before deciding to issue a licence, is an improvement in terms of victim safety?

**Senator Boisvenu:** What is important to me is that this bill deal with the current problem. The problem is mainly related to street gangs, because 70 per cent of the increase in gun crimes is due to gang activity. Some of it can be attributed to suicide, which is often related to mental health issues.

These issues are relatively easy to identify when conducting a check for a licence application. The problem arises when mental health issues develop after an individual has already obtained a licence. It becomes problematic for the police and the system to identify these people. For the majority of people who commit crimes or suicide with a firearm, mental health issues develop after they obtain a licence. It is extremely difficult and complicated to link the registry managers and mental health services. I don't believe the bill will have much of an impact in that regard.

Most of the firearms seized from street gangs are illegal or unregistered. What will this bill do about that? These people do not follow the law and register their firearms, and even fewer of them claim ownership.

The bill does not address the real criminals. It simply addresses people who register their firearms and often have no association with the criminal world.

There are no avenues of communication between mental health professionals and firearms officials, for cases in which a firearm owner develops a mental illness.

I don't see how this system will have any impact on reducing the number of victims.

**Hon. André Pratte:** Senator, would you take another question?

**Senator Boisvenu:** I would be happy to take a question from the bill's sponsor.

**Senator Pratte:** A sponsor does what he can.

You mentioned that the increase in the number of homicides in Canada that we once again saw in 2017 is mainly attributable to gang violence. However, what do you make of the statistics that were also published today that indicate that the rate of firearm-related homicides in rural areas is 16 per cent higher than that in urban areas, that these homicides increased by 66 per cent last year, and that at least two-thirds of them were committed with hunting rifles?

**Senator Boisvenu:** I tried to get the data. Maybe Senator Sinclair can tell us about it. I wanted to understand what was considered a rural community and whether they tend to be more northerly, where there are isolated communities, or more southerly, such as in Estrie or Gaspésie. Are they talking about more northerly, isolated rural communities, which are struggling with much more serious health and social problems?

I wanted to find a correlation between the two because we know that standards of living are lower in those communities and so on. I tried to find a parallel because it's obvious to me that we need to understand what is meant by rural community.

**The Hon. the Speaker:** Excuse me, Senator Boisvenu, but your time is up once again.

Do you want five more minutes?

**Some Hon. Senators:** No.

(On motion of Senator Housakos, debate adjourned.)

*(At 4:26 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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