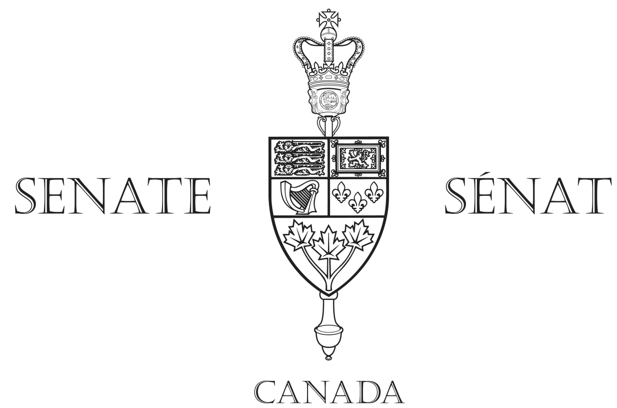


# DEBATES OF THE SENATE

1st SESSION 42nd PARLIAMENT VOLUME 150 NUMBER 289

OFFICIAL REPORT
(HANSARD)

Wednesday, May 15, 2019

The Honourable GEORGE J. FUREY,
Speaker

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

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# THE SENATE

**Wednesday, May 15, 2019**

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

Prayers.

## SENATORS' STATEMENTS

### MENTAL HEALTH WEEK

**Hon. Stan Kutcher:** Honourable senators, I rise today in recognition of Mental Health Week, which was held from May 6 to 12.

During this week, a number of us came together to learn about mental health literacy with students from St. Paul High School. The event was facilitated by Andrew Baxter from Alberta Health Services with the support of the Senate communications team and Youth Ottawa.

We participated in activities and discussions about mental health literacy, which includes understanding how to achieve and maintain mental health, understanding mental illness and their treatments, decreasing stigma and enhancing help-seeking efficacy.

This event was designed to empower and educate youth, to go beyond awareness, to take purposeful action building on the foundation of mental health literacy.

In Canada, we have been working towards raising mental health awareness for the past 20 years. This has resulted in some positive outcomes. However, the major challenge that confronted us then still confronts us. We have much work to do to improve rapid access to effective mental health care.

The rates of mental illness have remained relatively unchanged. We have not yet learned how to prevent mental illnesses, although when effective treatments are applied early, it is now possible to improve the health outcomes of many.

Multimillions of dollars have been raised for mental health awareness and have been spent on numerous initiatives across Canada. The return on this spending has not been robust and access to care has not significantly improved.

Our understanding of the causes of mental disorders has not sufficiently progressed, and effective treatments for mental illnesses have not substantially improved.

So what can be done? I have two suggestions that might help.

First, we must invest in research and the development of innovative and effective treatments that lead to better mental health outcomes. Second, we need to enhance the mental health literacy of all Canadians. By improving mental health literacy, we gain the knowledge and competencies required to build better lives, recognize when to seek help and how to help others.

Honourable senators, I ask that we join together to move from mental health awareness to action and make our goal that of improving rapid access to mental health care for all Canadians. Thank you.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Vikas Swarup, High Commissioner of India to Canada. He is the guest of the Honourable Senator Omidvar.

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

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

### THE NEWFOUNDLAND SHED

**Hon. Fabian Manning:** Today I am pleased to present Chapter 56 of "Telling Our Story."

When I was growing up in the small fishing community of St. Bride's on the south-coast of Newfoundland, several small buildings were constructed along the water's edge near the wharf where the fishermen plied their daily trade. In our area of the province, these small buildings were referred to as "the stages". In other regions, they were referred to as the "twine lofts", the "stores" or "the rooms", depending on what the building would be used for. A twine loft was where a fisherman would keep and mend his nets. A place called a stage, a room or a store, was a shed that was built close to where the unloading of the fish would occur and where fishermen would keep and repair their fishing gear. From time to time fishermen would gather in these sheds and discuss the issues of the day and relate their experiences of life on the water.

Now just to ensure that there isn't any confusion, a place where you buy things in Newfoundland is a not called a store, that is known as a shop.

On July 2, 1992, the Government of Canada declared a moratorium on the Northern cod fishery which essentially put 30,000 people out of work the next morning. The result of the moratorium is that it changed the face of rural Newfoundland forever. Despite all the changes though, the shed has remained central to the lives of many Newfoundlanders. It is a place where people gather, discuss the issues of the day, cook a scoff, have a refreshment or two, play music and enjoy each other's company. The sheds are no longer confined to locations down by the wharves in the fishing communities. They are now moved to the backyards of many Newfoundland homes. The sheds have also moved to the suburbs and cities along with their owners. From Ferryland to Fort McMurray, you will find sheds stocked with comfortable couches, table and chairs, fridges, most likely a wood stove and often a welcome sign on the door.

I have visited many sheds in Newfoundland, and each time it has been a unique experience; whether it is a birthday party, a fundraiser for someone in need in the community, a celebration of someone's life or simply a chat about current and local events, nothing compares to the gathering in the shed.

As an example, in the historic town of Heart's Content, an old fish shed built back in 1956 by William Piercey as a place to store his fishing gear was rebuilt in 2009 and has become an important meeting place for the locals. It is also now a major tourist attraction. The fish shed is now renamed the "House of Commons" and earlier this month Bailey White of our local CBC Radio station dropped by the Newfoundland version of the "House of Commons" in Heart's Content for a chat with some of the local Members of Parliament.

I am not sure whether it was Kyle, Doug, Frank Piercey, John Warren or Ed Arnott who was the Speaker of the House; but regardless, it was a very enjoyable and interesting piece of journalism.

As you all may know, a provincial election is being held in Newfoundland and Labrador tomorrow. I was told last week that in one particular shed on the southern shore, they are holding their own vote as a lead up to the election. But the shed ballot will be a little bit different. On this particular ballot, you can vote Progressive Conservative, Liberal, NDP, the NL Alliance Party or you have a fifth option, none of the above. I am told the results will be released when the polls close tomorrow.

• (1410)

One of our province's greatest musical groups Buddy Wasisname and the Other Fellers wrote and produced *The Shed Song*. It is worth listening to. And then we had "Big Tom", a host of St. John's radio station K-Rock 97.5, who had a huge following for a weekend program called "Saturday in Big Tom's Shed." Sadly, Tom Fitzgerald — Big Tom — passed away in 2012 at the tender age of 38.

The shed is a major part of the history and culture of our province. If you have the opportunity to visit us soon, I encourage you to find a local shed to drop by and have a chat. Even better, you can book a night in one of "The Fish Sheds" in the beautiful community of Rocky Harbour in Gros Morne. Either way, you won't be disappointed.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mark Critch from "This Hour Has 22 Minutes." He is accompanied by his fiancée, Melissa Royle, a lawyer from St. John's, Newfoundland.

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

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

## HOSPICE PALLIATIVE CARE WEEK

**Hon. Jane Cordy:** Honourable senators, I rise today to direct your attention to Hospice Palliative Care Week. May 5 to 11 marks the nineteenth annual Hospice Palliative Care Week in Canada. It is important that we take the time to acknowledge hospice palliative care given that death, dying, loss and bereavement touch us all. We must break down the myths that exist around the subject and work together to educate one another in the pursuit of excellence in hospice palliative care in Canada.

Honourable senators, I would like to address some of these myths as outlined by the Canadian Hospice Palliative Care Association.

First is the myth that palliative care only relates to pain control. We know that palliative care also encompasses psychological, social, emotional, spiritual, caregiver support and practical support.

Second is the myth that one is not ready to receive palliative care when at least 89 per cent of people with life-limiting illness could benefit from palliative care.

Third is the myth that receiving palliative care means admitting defeat and that talking about dying causes stress for loved ones. Honourable senators, palliative care is aimed at improving quality of life for patients and their families. The more we talk about death and dying, the more we facilitate acceptance and understanding of how palliative care can positively impact people's lives.

Honourable senators, palliative care can be provided to people of all ages from infancy to adulthood. It can be provided at home, in a long-term care facility, in a hospice or a hospital. Patients, and indeed all Canadians, can benefit from talking about end-of-life-care planning. We should encourage initiating conversations about palliative care with physicians. It is also very important that we incorporate future health care plans into discussions with loved ones so that our wishes are known. To quote George Bernard Shaw:

> The single biggest problem in communication is the illusion that it has taken place.

Let's not assume that our loved ones know what we want for end-of-life care. We can initiate these conversations early because palliative care can benefit patients and families from diagnosis until death. It is not strictly reserved for those already nearing the end of their lives.

Statistics Canada estimates that by the year 2020, there will be 33 per cent more deaths in Canada each year. The number of Canadians requiring end-of-life care is increasing drastically.

Honourable senators, I encourage you to engage in public discussion on this topic. It is important that we advocate for quality hospice palliative care so that it is accessible for all Canadians. Honourable senators, keep in mind that it is not a matter of if we die but, rather, when we die.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Suzan and Daniel Benaroche. They are the guests of the Honourable Senator Gold.

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

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

### CANADIAN-INDIAN ECONOMIC RELATIONS

**Hon. Ratna Omidvar:** Honourable senators, the importance of India's vast economic, social and cultural potential for Canada cannot be overstated. India is one of the world's fastest-growing economies, growing steadily from 4.4 per cent in the 1970s to a staggering 7.1 per cent in this decade, touching services, industry, technology and agriculture. It has attracted more foreign direct investment than China, spurring on a flourishing private sector. New Indian start-ups have received billion-dollar evaluations and many are members of the coveted Unicorn Club.

However, the most striking aspect of India is and has always been, and I believe will continue to be, its demographics. As India's economy has grown, so too has its middle class. Its workforce is expected to increase by 250 million people by 2030. Its consumption is set to increase by $4 trillion. It will be led by young people as 1 million young, educated Indians turn 18 every month — every month — for the next several years.

I believe this presents countless opportunities for Canada. Canadian universities have been welcomed in India, reaching thousands of Indian students who are hungry for education but also for services and goods.

The traffic is not just one way. Indian multinationals are finding opportunities for success in Canada in industries ranging from artificial intelligence and blockchain in Toronto to pulp-and-paper mills in Thunder Bay. Just last year, Canadian and Indian companies signed $1 billion worth of contracts that will create 5,800 jobs right here in Canada.

Honourable senators, I will admit that doing business in India is challenging, but we have an inherent advantage. In fact, we have 1.2 million advantages because that is the number of Indo-Canadians in Canada.

We are also fortunate to have His Excellency Vikas Swarup, India's High Commissioner to Canada, as a counterpart. He describes himself as a full-time diplomat and a part-time author. This modest part-time author's novel *Q & A* has been translated into 43 languages and made into the small, little movie that became a blockbuster and won an Oscar, called *Slumdog Millionaire*.

Of course, as a Canadian, I am personally hoping that he will set his next novel right here in Canada featuring our basketball heroes, leading to even greater connection, trade and prosperity between our two nations.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Rory MacDonald. He is the guest of the Honourable Senator Marwah.

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

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

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## ROUTINE PROCEEDINGS

### NATIONAL SECURITY BILL, 2017

TWENTY-SECOND REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

**Hon. Gwen Boniface:** Honourable senators, I have the honour to present, in both official languages, the twenty-second report of the Standing Senate Committee on National Security and Defence, which deals with Bill C-59, An Act respecting national security matters.

(*For text of report, see today's* Journals of the Senate*, p. 4753.*)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Boniface, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

### ADJOURNMENT

NOTICE OF MOTION

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, May 27, 2019, at 6 p.m.;
>
> That committees of the Senate scheduled to meet on that day be authorized to do so for the purpose of considering government business, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That, notwithstanding any provision of the Rules, if a vote is deferred to that day, the bells for the vote ring at the start of Orders of the Day, for 15 minutes, with the vote to be held thereafter;

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

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

• (1420)

[*English*]

# QUESTION PERIOD

## ENVIRONMENT AND CLIMATE CHANGE

### FOREIGN INVOLVEMENT IN ENERGY SECTOR

**Hon. Larry W. Smith (Leader of the Opposition):** My question is for the government leader in the Senate.

Yesterday it was announced the Prime Minister's new director of policy is a former senior vice-president at Tides Canada, an anti-pipeline and anti-oil sands group, largely funded out of the United States. Since 2009, the Tides Foundation and Tides Canada Foundation have reportedly paid out over $25 million to support anti-pipeline campaigns.

This appointment is yet another example of how the government is not taking seriously this threat to our energy sector. Tides Canada has received tens of thousands of dollars in taxpayer money from this government — our government here. For example, the government leader may remember that I questioned him last November about $35,000 given to the Tides Foundation by Minister McKenna.

Senator Harder, why does the government continue to take such a weak position on the Tides Canada Foundation and groups like it, which are working so seriously to damage our energy sector?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question. The record of this government with respect to the energy sector is well known and one to be proud of. It is one that has seen the Government of Canada bring forward legislation not only to advance our energy interests but to do so in a way that is consistent with our obligations to our Aboriginal peoples and the environment. That balance is in the long-term interests of Canada and one that we are presently debating in this chamber.

With respect to other aspects of the question, let me simply say that the government seeks to bring into service the best people available and the talent they have been able to recruit should be admired, not ridiculed.

**Senator Smith:** Thank you very much for the response.

I don't think there is any intent to ridicule. The intent was to demonstrate that it's counterproductive for foreign-funded foundations to try to stop our development of oil and natural energies.

Both our Senate Energy Committee and Transport Committee have recently heard witnesses speak about the serious matter of foreign-funded interference in the resource sector during the studies of Bill C-69 and Bill C-48. For example, just last week, the Transport Committee heard from researcher Vivian Krause, who detailed the vast amount of money being poured into Canada by these foreign foundations as part of, "an international effort to sabotage the Canadian oil and gas industry by keeping Canada out of global markets." We all know that the founders and supporters of the initial actions in 2006 and 2007 were the Rockefeller Foundation, the Hewlett Foundation and the Gordon and Betty Moore Foundation.

Senator Harder, Canadian taxpayers own Trans Mountain. I certainly hope your government will give the expansion final approval next month. How can the government indicate that Trans Mountain is critically important, as Minister Morneau said the other day, and then turn a blind eye to this campaign against our energy sector?

**Senator Harder:** I think it's important to distinguish between funding in political campaigns and for political parties and funding for advocacy and networks of support for various causes. We live in a free and democratic society in which Canadians have participated in any number of global public policy issues. We welcome voices that are consistent with our laws and obligations. The public square should not be confined to only Canadian organizations, as long as they are respecting Canadian laws and Canadian practice.

## FINANCE

### CARBON TAX

**Hon. Yonah Martin (Deputy Leader of the Opposition):** My question is also for the government leader in the Senate. It concerns rising gas prices, which are expected to remain near historic levels across Canada this summer. In fact, in Vancouver, in my home province on the West Coast, gas prices recently hit almost $1.80 — the highest ever recorded in a major North American city. That's for regular gas, so it's even higher than that.

Skyrocketing gas prices come at a time when many families are struggling to get by. Last month it was revealed that 48 per cent of Canadians — nearly half of our fellow citizens — are $200 or less away from not being able to pay their bills each month. In my home province of B.C., 19 per cent responded that they already don't make enough each month to cover their bills and debt payments.

Senator Harder, I find myself asking, and more and more Canadians are asking, how can we trust your government's management of our economy and energy sector when carbon taxes and a lack of pipeline capacity have directly increased our cost of living?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. With respect to the economic performance of the Canadian economy, I should point out that in the last three years over a million new jobs have been created by Canadians for Canadians in this economy. The average middle-class family of four is $2,000 better off every year compared to their situation only four years ago. The federal debt-to-GDP ratio is firmly on a downward track. Canada has the best fiscal position amongst the G7. The economy is performing quite well. There are still anxieties in the economy, which the recent budget is designed to deal with.

With respect to the specific question on gasoline pricing, the implication that is sought to be drawn is that putting a price on pollution is antithetical to the interests of Canadians. In fact, it is absolutely core to the interests of Canada to deal with our climate-change agenda and to meet obligations which we have collectively made.

TRANS MOUNTAIN PIPELINE

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Senator, I do beg to differ that we have had record deficit spending over the past number of years with the Liberal government and we are borrowing from the future. We can go on and on about that, but just over a year ago, when gas prices in Vancouver were only $1.69, the Prime Minister said that the higher cost of fuel prices as a result of the carbon tax is, “exactly what we want.”

It may be exactly what the Prime Minister wants, but he has never had to worry about making ends meet in the way that many Canadian families do each and every month. Being so out of touch with a growing number of Canadian taxpayers, who are forced to pay more and more at the pumps and cut costs on groceries and other basic needs, I wonder if this is exactly what the Prime Minister wants.

Yesterday we asked Minister Morneau about when there will be certainty about the building of the Trans Mountain pipeline. I would like to ask you, senator, when will the government provide certainty on the building of the Trans Mountain pipeline?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for a wide range of assertions and questions. Let me refer page 20 of the budget statement to the honourable senator for her review, where she will see that in the Harper days the deficits contributed to a growth in the debt-to-GDP ratio and we had the unfortunate experience of both very high deficits and contributing to the debt-to-GDP ratio. That is not the case in the last three years and one we should be celebrating, not ridiculing or seeking to distort.

With respect to the TMX, I can only quote what the minister said yesterday, and that is it’s the government’s intention to move forward and make a decision in June when the advice has been received and it is, as the minister alluded, the desire of the government to take advantage of the summer cycle for works.

• (1430)

[*Translation*]

ELIMINATION OF SEX-BASED INEQUITIES IN THE INDIAN ACT

**Hon. Marilou McPhedran:** My question is for the Government Leader in the Senate. I didn’t have a chance to ask it of Minister Morneau yesterday, so I’m posing it to you in the hopes of getting an answer from the government.

[*English*]

In October 2017, I asked the parliamentary budget office to cost out full implementation of the Indigenous women’s equality amendments to Bill S-3, now the law of Canada in the Indian Act. My question is on the 2019 budget and the December 2017 Parliamentary Budget Officer’s report, entitled *Bill S-3: Addressing sex based inequities in Indian registration*. They calculated the cost for eliminating sex-based inequities once and for all in the Indian Act, concluding they are much lower than the scary, high numbers the department had tossed about.

Senator Harder, under the effective leadership of Indigenous senators, the Senate has demonstrated consistent vigilance on following through on the Bill S-3 promises.

Would you please clarify for us whether, in the 2019 budget, the funding assessed by the PBO for $71 million in one-time administrative costs, plus $407 million a year in ongoing costs to ensure the full implementation of the promise this government made in Bill S-3?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question and for her and other senators’ vigilance on this issue. She will know that the PBO is, of course, an independent parliamentary organization that provides advice independent of the Department of Finance. I’ll make inquiries to determine whether the figures that the PBO has issued are in conformity with those estimates of the government as they move forward to fully implement Bill S-3.

## PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

NATIONAL SECURITY—TERRORISM

**Hon. Linda Frum:** My question is for the government leader. Last Friday, York Regional Police arrested two men, a father and a son, in Richmond Hill for possession of explosive and hazardous materials and an explosive device. The arrests were made following information received from Canadian and U.S. border protection agencies. Minister Goodale was quick to say neither of these individuals were under investigation by border protection agencies and there is no connection to national security. Senator Harder, how can the minister be so sure that these individuals were not a threat to national security?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. The Minister of Public Safety has an obligation, as the senator will know, to not only be the minister responsible for the agencies that provide security to Canadians, the police force, our intelligence and other services, to ensure that Canadians are appropriately informed when incidents like this occur. The minister is informed by the responsible officials and makes statements that can bring forth information transparently to the public.

**Senator Frum:** Senator Harder, you say it is transparent. However, you'll recall that Minister Goodale was also quick to say that the individual who committed the atrocious Danforth mass shooting in July 2018 was not linked to terrorism, even if ISIS had claimed responsibility. We have since learned things were not quite so clear. The individual had, in fact, resided in Afghanistan and Pakistan and had suspicious online activities. How can we be sure that Minister Goodale is not trying once again to hide the true motives of the people involved?

**Senator Harder:** I thank the honourable senator for her question. Minister Goodale is an experienced and senior minister who takes his role very seriously and performs it admirably. I believe the minister conducts himself in an appropriate fashion to ensure both public awareness and public information is provided, yet that which is necessary for the security and ongoing surveillance of groups is undertaken with the appropriate oversight and protection. That is the role of the minister. He is performing it entirely in good faith.

## PRIME MINISTER'S OFFICE

### PRIME MINISTER'S TRAVEL

**Hon. David Tkachuk:** Senator Harder, on Easter weekend last month the Prime Minister flew, emitting pollutants, to Tofino to do some surfing. On his way back, he flew, emitting pollutants, back to Saskatoon and attended what was called a private meeting. No details were offered. As the Prime Minister travels on public funds Canadians should know who he was meeting with, although not necessarily what it was about. Private does not mean secret. Senator Harder, can you provide us with details of the private meeting held in Saskatoon that weekend, its purpose, whom he met with and the costs of the trip paid for by taxpayers?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question and I'll take it under advisement.

**Senator Tkachuk:** Last Saturday night, on the 11th of May and possibly the 12th, the Prime Minister flew to Chicago, emitting pollutants. According to news reports, it was because his mother was in a one-person show at Second City. Interestingly enough, he stayed at a hotel called the Soho, an exclusive members-only hotel for members of the media and the cultural community. You have to apply to stay there. That is so they don't have to hang out with members of the middle class, be they American or Canadian. If you are a non-member, you can stay there and rent a regular room in Chicago's Soho. It will cost you $650-plus U.S. per night, plus all those rooms for security. That would be U.S. dollars. Does the Government of Canada or the Prime Minister have a membership in the Soho club hotels, or do the taxpayers pay the premium price for his suite and the rooms for security? Could the leader provide us with the cost of the Prime Minister's trip to Chicago, the cost of his hotel room, the cost of the security hotel rooms and for his mother, if applicable, or other parts of his entourage?

**Senator Harder:** I will add that to my inquiry. I'm glad to see the senator is in good shape and back to his old form.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### CHINA—CANOLA EXPORTS—CANADIAN REPRESENTATION

**Hon. Victor Oh:** Mr. Harder, in March 2016, during the Canada-China Legislative Association's annual visit to China, we raised the issue of canola and negotiated an extension of the implementation of the new treasurer of canola dockage. Later, during Justin Trudeau's official visit to China, he touted an agreement on regulation of foreign material until 2019, allowing for a three-year study to find out a science-based solution to the dockage issue.

What has the Liberal government done in the past three years to settle this matter? What finding has the study uncovered? The government's inaction on this file is leaving little time for a resolution. While Prime Minister Justin Trudeau is dragging his heels, our farmers and economy are suffering.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. This is an issue that we have had a number of questions on, both in Senate Question Period and also with ministers concerned.

Let me repeat that the Government of Canada takes the challenge to our canola market, our farmers and our exporters very seriously. That is why the Government of Canada has, at the highest level and consistently, promoted the idea of a science-based approach and solution. That is why the Government of Canada has undertaken not only close working relationship with the exporting community but also to put in place appropriate support systems to our farmers in this time.

It is not unnoticed. I'm sure the senator would acknowledge, that the bilateral relationship is going through a period of challenge. That is why it is important for the government, as it is, to continue to be vigilant in all matters of the bilateral relationship and to take them very seriously.

**Senator Oh:** Can you find out what happened in the past three years? After almost four months since the firing of Mr. McCallum, will the government finally be appointing a new ambassador to China?

• (1440)

**Senator Harder:** Again, I thank the honourable senator for his question. I want to assure him, as I have on other occasions when a similar question was asked, of the full support the government has with respect to the acting chargé. He is a person of not only sound experience and diplomatic skills but well placed to promote the interests of Canada in China.

The question with respect to a permanent appointment is one that the government is reviewing, and an announcement will be made at the appropriate time.

With regard to the preamble to that question, let me repeat: The government has consistently, throughout its time in office, sought to strengthen the bilateral economic relationship. There have been bumps on the road, including the canola issue, the response to which is being taken at the highest level in working with the sector and working with the farmers in terms of direct support. This is a challenge that I would suggest all sides have an interest in being resolved and not inflaming other aspects of the bilateral relationships that are under test.

[*Translation*]

## DEMOCRATIC INSTITUTIONS

### REPAYMENT OF IMPROPER ELECTION DONATIONS

**Hon. Jean-Guy Dagenais:** In 2005, Paul Martin, the then Liberal Prime Minister, ordered the reimbursement of $1.14 million that the Liberals had illegally collected in the Adscam, but corruption is still deeply rooted in the Liberal Party of Canada.

I have yet to receive an answer about the $600,000 collected by MP Raj Grewal at a fundraiser held in April 2018 in his riding of Brampton East. I'm also still waiting for an answer about the repayment of his gambling debts.

Now it's emerged that Mr. Trudeau's party received $118,000 in illegal donations from SNC-Lavalin, the company he desperately tried to help by interfering in the judicial process. The Prime Minister says that the Liberals repaid the $118,000 they illegally accepted.

Could you tell us if the Prime Minister now intends to get the Liberal Party of Canada to boot out all those Liberal donors, like it did with Marc-Yvan Côté in the wake of the revelations of the Gomery commission?

[*English*]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. As the question implies, this is not with respect to government business, but I will certainly bring it to the attention of the Prime Minister.

[*Translation*]

## FINANCE

### TAXATION OF DIGITAL ENTERTAINMENT COMPANIES

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. During the first three months of 2019, Quebec collected approximately $15 million simply by making foreign digital companies, including Netflix, Spotify, Apple, Amazon, Facebook and Google, charge QST. That amount is much higher than originally anticipated.

The Auditor General of Canada estimates that the government would bring in $169 million if it were to make these foreign companies charge GST like their Canadian competitors.

Yesterday, in response to a question from our colleague Senator Joyal, Minister Morneau said that he was still thinking about how to collect those taxes. However, the answer seems fairly straightforward. All he has to do is make those companies start charging GST.

Can you tell us why the government continues to refuse to make these foreign digital companies collect sales tax when it expects Canadian digital companies to collect and pay it?

[*English*]

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question. Let me refer, as he did, to the Minister of Finance yesterday in his explanation of the coordination that the Government of Canada is undergoing with respect to like-minded OECD countries to ensure that, as individual countries deal with this sector, they do so in a concerted way so that there's no tax game-playing by the companies involved. The minister made clear that the Government of Canada was very much engaged in this review and would be making a decision at the appropriate time.

[*Translation*]

**Senator Carignan:** Is the government aware that it has been so lax on this issue that it might even lose Senator Joyal's vote?

[*English*]

**Senator Harder:** That's a very interesting concept. Like the honourable senator, I enjoyed the question and the response yesterday and have nothing to add.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### CANADA-CHINA RELATIONS

**Hon. Leo Housakos:** My question is for the Leader of the Government in the Senate. It goes back to 2016, when Prime Minister Justin Trudeau defended his decision to negotiate an extradition treaty with China, arguing a deal would offer Canada a higher level of relationship with Beijing. The Prime Minister said at the time that the strong, robust relationship he is building with the Chinese allows us to make gains on human rights and consular files. He blamed the Harper government, saying the fact is, the relationship with China during the previous government was very inconsistent. Prime Minister Trudeau said then what we need to do is set up a positive, robust relationship.

So my question to the government leader is: Can you tell us how you characterize the relationship between Canada and China now? Is it robust? Is it positive? Is it strong?

I just want to remind the government leader that Stephen Harper left the Prime Minister's Office close to four years ago, so who will the government blame for the current mess in Canada-China relations?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. He will know that successive governments of Canada have sought to have appropriate engagement with China, that that engagement has economic roots in Canada — I'm thinking of Mr. Diefenbaker and the sale of wheat, which is still recognized in China as a gesture of not only economic self-interest but importance, through to the recognition of bilateral diplomatic relations, through to the level of investment and cultural and political engagement.

That file has been actively pursued. I've had the opportunity to participate on that file with four prime ministers, including Prime Minister Harper, and can say that the Government of Canada has recognized the importance of the bilateral relationship in an era when Asia and China, within Asia, are an increasing balance in a growing world economy. It is part of our political and security interests, as well as our economic interests, and it takes complexity and diplomacy to work through some of the challenges that faces.

The honourable senator started with the extradition treaty. Clearly, if we had an extradition treaty with China, we would be in a better situation with respect to the management of some of our consular issues. But the fact is that the extradition negotiations haven't led to fruition at this point, and that has consequences in a real sense for Canadians who are in the state of concern that we all have for their well-being in China.

I think it's important in dealing with the bilateral relationship that we not seek to have excessive, exuberant condemnation of or focus on any one issue and that we work, through appropriate diplomatic fashion, to seek to resolve issues because there are not only Canadian consular cases involved, but there is a significant economic engagement that Canadians benefit from and, I must say, the Chinese benefit from as well.

**Senator Housakos:** Government leader, I'm happy you highlighted five or six decades of continuous success in Canada-China relations. That's because prime ministers have built upon the foundation that governments from the past left behind and kept building upon. This Prime Minister has created a mess between Canada and China and has continued to look for ways to deflect that attention.

Five months ago, entrepreneur Michael Spavor and former Canadian diplomat Michael Kovrig were arrested by Chinese security services and thrown in jail for dubious reasons, and we all know it was retaliation for the arrest of the Huawei CFO.

• (1450)

While the Prime Minister qualified these two individuals as hostages, the Trudeau government appears to have given up on its demands for their release.

Senator Harder, why has the Trudeau government abandoned these two Canadians? Who is negotiating for their release, and can you share with this chamber the name of the chief negotiator and lead on this particular issue for Canada and China?

**Senator Harder:** Senator, I would caution you to be a little less rhetorical on this. There are Canadians in jail. They are in very difficult circumstances. I don't think the hyper-vituperation on your part assists them or gives them any comfort.

I can confirm that consular visits have taken place in recent days. I can confirm that the Government of Canada, in concert with like-minded countries, which is an unprecedented action on their part, is under way on this consular matter.

I would also caution you to place, as the honourable senator is anxious to do, the situation in the hands of our Prime Minister. These were decisions taken by the Government of China. The decision with respect to the extradition or potential extradition of Ms. Meng is entirely within our court system.

It is important that we not seek to have partisan advantage in a situation where Canadian lives are at stake.

[*Translation*]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table the response to the oral question of March 21, 2019, by the Honourable Senator Dupuis, concerning copyrighted material.

## CANADIAN HERITAGE

### COPYRIGHTED MATERIAL

(*Response to question raised by the Honourable Renée Dupuis on March 21, 2019*)

> Our Government is concerned with ensuring that the legislative framework in the *Copyright Act* can allow Canadians to access high-quality content, while ensuring respect for copyright and the vitality of creative industries, including book publishing.
>
> To that end, the Minister of Innovation, Science and Economic Development, and the Minister of Canadian Heritage and Multiculturalism have written to the Standing Committee on Industry, Science and Technology and the Standing Committee on Canadian Heritage as part of their review of the *Copyright Act* to share with them concerns they have heard with regard to the state of Canada's publishing market.
>
> The Parliamentary Committees will submit their reports in the coming weeks and we are awaiting their recommendations with interest.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

FINANCE—FOREIGN TOUR AND CONVENTION INCENTIVE PROGRAM

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 89, dated May 10, 2018, appearing on the *Order Paper and Notice Paper* in the name of former senator the Honourable Nancy Greene Raine, respecting the Foreign Tour and Convention Incentive Program – Finance Canada.

TOURISM, OFFICIAL LANGUAGES AND LA FRANCOPHONIE—FOREIGN TOUR AND CONVENTION INCENTIVE PROGRAM

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 89, dated May 10, 2018, appearing on the *Order Paper and Notice Paper* in the name of former senator the Honourable Nancy Greene Raine, respecting the Foreign Tour and Convention Incentive Program – Tourism, Official Languages and la Francophonie.

NATIONAL REVENUE—FOREIGN TOUR AND CONVENTION INCENTIVE PROGRAM

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 89, dated May 10, 2018, appearing on the *Order Paper and Notice Paper* in the name of former senator the Honourable Nancy Greene Raine, respecting the Foreign Tour and Convention Incentive Program – Canada Revenue Agency.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—NUMBER OF CANNABIS POINTS OF SALE SHUT DOWN BY THE RCMP

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 120, dated March 18, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting the number of cannabis points of sale shut down by the RCMP.

JUSTICE AND ATTORNEY GENERAL OF CANADA—COMPLAINTS RELATED TO THE VICTIMS BILL OF RIGHTS

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 123, dated March 18, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting complaints related to the Victims Bill of Rights.

NATIONAL REVENUE—CANADA REVENUE AGENCY SPENDING—TAX EVASION

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 125, dated March 21, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, respecting Canada Revenue Agency spending – tax evasion.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—RCMP C DIVISION—POSITIONS BY LANGUAGE

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 127, dated April 3, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting the RCMP C Division – positions by language.

NATURAL RESOURCES—CRUDE OIL EXPORTS

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 128, dated April 3, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting crude oil exports.

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[*English*]

# ORDERS OF THE DAY

## OCEANS ACT
## CANADA PETROLEUM RESOURCES ACT

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENT—DEBATE ADJOURNED

The Senate proceeded to consideration of the message from the House of Commons concerning Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act:

Monday, May 13, 2019

*ORDERED*,—That a Message be sent to the Senate to acquaint their Honours that, in relation to Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act, the House proposes that amendment 1 be amended by replacing the text of the amendment with the following text:

"(4) If an order is made under subsection (2), the Minister shall publish, in any manner that the Minister considers appropriate, a report

(a) indicating the area of the sea designated in the order;

(b) summarizing the consultations undertaken prior to making the order; and

(c) summarizing the information that the Minister considered when making the order, which may include environmental, social, cultural or economic information.".

**Hon. Peter Harder (Government Representative in the Senate)** moved:

> That the Senate agree to the amendment the House of Commons made to Senate amendment 1 to Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable colleagues, I rise today to speak to the message received from the other place concerning the Senate amendments made to Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act.

Before I begin, I would like to thank the members of the Fisheries Committee, who did great work on the bill, and to all other senators who participated in the debate in this chamber. A special thanks goes to Senator Bovey, who has done a phenomenal job as the sponsor of this bill. It is due to her dedication to protecting and conserving our oceans that we are where we are at and hope to be in the final decision with respect to this bill.

The message before us today declines the two amendments made by the Senate Fisheries Committee. However, the other place has accepted the intent of one of the amendments by proposing a new amendment that covers the changes sought by Senator McInnis. This proposed amendment ensures the government is undertaking the consultations already provided for in the Oceans Act by requiring that they be published upon an order being made for interim protection. Furthermore, this amendment would require that the geographic location for the area under consideration for interim protection and other relevant information is also published when an order is made.

Indeed, you will recall that, at third reading, senators debated whether the amendments made at the Fisheries Committee might have been redundant. However, I think we all agree that the amendments were made with good intent and the interests of Canadians in mind. During the committee review of the bill, we heard from departmental officials that the policy of intentions of the amendments by Senator McInnis and Senator Patterson are already required under the existing cabinet directives and legislation. In short, all the legal mechanisms are in place to achieve the intent of the amendments.

Senator McInnis's amendment would have required that the approximate geographic location of an area proposed for interim protection and a preliminary assessment of any habitat or species in need of protection be published. However, this information is already required under the cabinet directive on regulations that requires processes to be open and transparent.

Senator Bovey gave a good, practical example of this fact in her speech at third reading. She said that you can go online right now to look at any area of interest and see that, while there are not yet official Marine Protected Areas, all pertinent information is available.

At committee, Senator McInnis made a comment referenced by Senator Christmas at third reading when he said:

> Hearsay and unfounded statements can and do create turmoil among stakeholders . . . . We cannot continue to create a veil of uncertainty as to what the MPA or the interim MPA will hold for the communities in these areas . . . . Rumours of geographic areas to be covered are a problem.

I would like to add that these sorts of statements on the requisite availability of information also contribute to creating turmoil and mistrust in the public. Information on areas of interest already exist, so why is it that we are questioning the existence of information in this chamber?

I reiterate today that information regarding proposed MPAs is available. Information on the geographic location of areas of interest is currently available online.

With regard to Senator Patterson's amendment, we heard repeatedly that its intent is covered by sections 29 to 33 of the existing Oceans Act, which outlines explicitly the consultative requirements for all action taken regarding establishing Marine Protected Areas and interim protection. The amendment is further covered by the cabinet directive on regulations that requires the government to be open and transparent.

In his speech at third reading, Senator Patterson indicated that the order for interim protection would not go through the Gazette process. That is inaccurate. All proposed regulations are required to go through the Gazette process, as prescribed by the Statutory Instruments Act, in order for interim protection to have regulatory measures regarding the activities that are permitted under the freezing-the-footprint concept. Such an order would also have other regulatory measures regarding the geographic area and conservation objectives. As a result, an interim order is required to be gazetted.

The message from the other place goes further than just saying there are duplications with the amendments. The message underscores Bill C-55's purpose, which is to provide faster protection for marine areas.

Of course, we must remember that our oceans are in serious decline. The environmental catastrophe unfolding in the world poses an urgent and accelerating threat to many of Canada's regional economies and cultures, as well as to the marine species we have an obligation to protect.

Of importance, I also want to touch on the subject of consultations. A lot has been said about the need to have comprehensive consultation that respects the rights of Indigenous partners. Let me be clear: Meaningful consultations should always be the standard and senators are right to emphasize this

principle. However, with respect to Bill C-55, I believe the letter from the Qikiqtani Inuit Association regarding consultations says it best:

• (1500)

> For QIA, this is not a theoretical issue. For the last three years, we have been working collaboratively, hand-in-glove, with the federal government to negotiate the final terms defining the creation of marine conservation areas. We are also engaged in examining protection for an area known to Inuit as Tuvaijutuuq.

Further to this, a memorandum of understanding has been signed by the Government of Canada, QIA and the Government of Nunavut on a collaborative way forward on the creation of an MPA in Tuvaijutuuq, also known as the High Arctic Basin.

I believe this is a great example of the partnership that is truly and increasingly happening on the ground when it comes to protecting our marine and coastal areas and working collaboratively with Indigenous partners to protect our oceans.

Personally, I have heard this from the leadership of the Coastal First Nations of the Pacific Northwest in relation to another matter before this chamber.

We also know that the High Arctic Basin was part of Budget 2019 and funds have been allocated for its possible designation. I say possible because, even if an agreement under the MOU was finalized tomorrow, it cannot be designated by the end of this year, or likely even the next, under the current Oceans Act.

However, with the passage of this message before us and Bill C-55, we can move this process along faster to ensure that the area gets the interim protection its needs as consultations continue to take place to inform a determination within five years.

I would also add that the initial proposal by the QIA outlines investments of $260 million over seven years for marine and community infrastructure, stewardship initiatives, community development and governance for a designated High Arctic Basin.

Honourable senators, the world's oceans and their temperature, chemistry, currents and life drive global systems that make the earth habitable for humankind. Our rainwater, drinking water, weather, climate, coastlines, much of our food and even the oxygen in the air we breathe are ultimately provided and sustained by the sea.

Careful management of this delicate global habitat is a key feature of a sustainable future. However, time is of the essence, and with the mass extinction currently underway, we need move quickly.

I hope we can all concur with the message to ensure that our marine and coastal areas, such as the High Arctic Basin, have the protection they need and deserve. Thank you.

**Hon. Patricia Bovey:** Senators, I rise today to speak to the message received from the other place regarding the Senate's proposed amendments to Bill C-55, an Act to amend the Oceans Act and the Petroleum Resources Act.

If I may, I would like to send my hopes and best wishes to the Minister of Intergovernmental Affairs and Northern Affairs and Internal Trade for a full and speedy recovery and return to good health. Our thoughts are with you.

I would also like to thank the current Minister of Fisheries, Oceans and the Canadian Coast Guard and his staff for their support throughout.

You all know that I felt the two amendments we sent to the other place were redundant, but I did support the amended bill. That said, as sponsor of the bill I am pleased to see the government has made this overture to senators and has taken into consideration the concerns expressed in this chamber regarding Bill C-55. The message we are considering today will provide more transparency to proposed process of designating an interim marine protected area contained in Bill C-55.

Under the proposal we have before us, the minister shall publish a report that includes the geographic area, a summary of consultations that took place prior to making an order and a summary of information the minister took into consideration when making the order. I agree with Senator Harder that this meets the intent of the amendment proposed by Senator McInnis in that it ensures the government is undertaking the consultations already provided for in the Oceans Act by requiring they be published upon an order being made for interim protection and that the geographical area is also published when an order is made.

I would like to reiterate my concern with the amendment proposed by Senator Patterson, which was not accepted vis-à-vis the legal analysis posted by Professor Bankes at the University of Calgary:

> . . . since the amendment is only proposed to apply to the creation of MPAs by ministerial order and not to the process of creating an MPA by order-in-council and regulation, it will arguably be more difficult to use the ministerial order process than the MPA by regulation process.

I do not believe we are in a position to be slowing down the work of protecting our oceans. I also understand the expectations of those who have negotiated our agreements, such as the Qikiqtani Inuit Association, who are awaiting passage of Bill C-55 in order to move the process along with an interim protection order, which will lead to a determination within five years.

Colleagues, this bill is intended to provide an option for interim marine protection in areas that are deemed ecologically sensitive. Bill C-55 would allow the minister to freeze the footprint of ongoing activities after initial consultations. This freeze would be in place for five years, during which time further consultations and scientific research would be conducted. The minister, at the end of this five-year period, would either move ahead to establish the area as a permanent MPA based on these consultations and science, or repeal the interim order.

The current regime has proven to take 7 to 10 years to complete, which is far too long when an ecologically sensitive area is at stake. Furthermore, there could be no interim protection given to these areas during the process to establish an MPA. Bill C-55 establishes a more timely process and interim protection measures while preserving the consultation and scientific processes on which MPAs are based.

A 2012 report by the Commissioner of the Environment and Sustainable Development found that:

> During the 20 years since Canada ratified the United Nations Convention on Biological Diversity, 10 federal MPAs have been established by Fisheries and Oceans Canada and Parks Canada as part of their marine protected area programs. Federal, provincial and territorial governments and non-governmental organizations are collectively protecting about 1 per cent of Canada's oceans and Great Lakes through MPAs. At the current rate of progress, it will take many decades for Canada to establish a fully functioning MPA network and achieve the target established in 2010 under the United Nations Convention on Biological Diversity to conserve 10 per cent of marine areas.

Furthermore, the commissioner documented that it took Parks Canada more than 20 years to establish Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site, and more than 10 years for the Department of Fisheries and Oceans to establish the Tarium Niryutait MPA. I don't believe this to be an acceptable time frame in the context of the challenges facing our oceans today.

Coincidentally, last week the United Nations released its Global Assessment Report on Biodiversity and Ecosystem Services. The report examines the changes that have occurred to the planet over the last five decades. With the contributions of some 450 experts from 50 countries, the report paints a very bleak outlook for the future if we do not address the issues facing us now.

According to the authors:

> The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.

Among its findings regarding the world's oceans, the report indicates that one third of marine mammals are threatened; 66 per cent of the marine environment has been altered by human activity; 33 per cent of marine fish stocks are being harvested at unsustainable levels and plastic pollution has increased tenfold since 1992.

Senators, we need to move forward in a more timely fashion while still employing a responsible and transparent means of protecting our ecologically sensitive marine areas. The bill we have before us provides a solution to the problem identified seven years ago.

It is for that reason I urge senators to concur with this message so that we can move ahead with the work of protecting our oceans, which need our stewardship now more than ever. Thank you.

(On motion of Senator Martin, debate adjourned.)

• (1510)

## INDIGENOUS LANGUAGES BILL

### SECOND READING—ORDER STANDS

On Government Business, Bills, Second Reading, Order No. 3, by the Honourable Murray Sinclair:

> Second reading of Bill C-91, An Act respecting Indigenous languages.

**Hon. Murray Sinclair:** Honourable senators, I had intended to deliver my speech today, but I'm going to ask to stand this item for one day. I have to be at the Legal Committee for clause-by-clause consideration on Bill C-75. I ask to stand this item until tomorrow.

**The Hon. the Speaker pro tempore:** Is it agreed, honourable senators, to stand this item until tomorrow?

**Hon. Senators:** Agreed.

(Order stands.)

[*Translation*]

## THE SENATE

### MOTION TO STRIKE SPECIAL COMMITTEE ON PROSECUTORIAL INDEPENDENCE—MOTION IN AMENDMENT—POINT OF ORDER—SPEAKER'S RULING RESERVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Marwah:
>
> That a Special Committee on Prosecutorial Independence be appointed to examine and report on the independence of the Public Prosecution Service of Canada and of the Attorney General of Canada;
>
> That the committee be composed of six senators from the Independent Senators Group, three Conservative senators and one Independent Liberal senator, to be nominated by the Committee of Selection, and that four members constitute a quorum;
>
> That the committee examine and report on the separation of the functions of the Minister of Justice and those of the Attorney General of Canada, and on other initiatives that promote the integrity of the administration of justice;

That the committee also examine and report on remediation agreements as provided by PART XXII.1 of the *Criminal Code*, in particular, the appropriate interpretation of the national economic interest mentioned in subsection 715.32(3) of the *Criminal Code*;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 12-18(1), the committee be authorized to meet even though the Senate may then be sitting;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to meet from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and submit its final report no later than June 1, 2019, and retain all powers necessary to publicize its findings until 30 days after the tabling of the final report.

And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Wells:

That the motion be not now adopted, but that it be amended by:

1. Replacing the words "a Special Committee on Prosecutorial Independence be appointed" with the words "the Standing Senate Committee on Legal and Constitutional Affairs be authorized";
2. Deleting the paragraph beginning with the words "That the committee be composed of six senators";
3. Deleting the paragraph beginning with the words "That the committee have the power to send for persons"; and
4. Deleting the words "be empowered to report from time to time and".

**Hon. Pierrette Ringuette:** Honourable senators, I wish to raise a point of order regarding the amendment proposed by Senator Plett to Motion No. 474.

Simply put, I would argue that Senator Plett's amendment is out of order.

[*English*]

At the outset, I want to make clear that I present this point of order purely as a matter of procedure. I believe it would produce a negative precedent which would allow senators to use procedural tactics to derail motions that seek the creation of special committees to study public policy issues of importance to Canadians.

*Senate Procedure in Practice* at page 90 identifies six factors that govern the receivability of amendments to motions. One of these is that an amendment cannot be negative to the core of the main motion. As our speaker stated in his ruling on the receivability of an amendment to Senator Smith's Motion 435, which has now been withdrawn, "an amendment that can be understood as effectively a rejection of the main motion is cause for serious concern."

The original motion, moved by Senator Pratte, proposes the creation of a special committee on prosecutorial independence. Indeed, the very heart and core intent of the original proposal is the creation of this special committee. It is provided for in the very first line of the motion. Speeches made on debate by Senators Pratte, Miville-Dechêne and Batters focus on the creation of this special committee.

• (1520)

A review of the Hansard shows that Motion 474 is identified as, "Motion to Strike Special Committee on Prosecutorial Independence."

In short, Senator Plett's amendment removes the pillar of Motion 474, because in its pith and substance the amendment seeks to change the motion so that the Senate does not create a special committee on prosecutorial independence. Senator Plett's amendment amounts to a rejection of the core feature of Senator Pratte's proposal. Indeed, ". . . Beauchesne and *House of Commons Procedure and Practice* state that a proposal contrary to the main motion or one that is essentially a new proposal should not come before the Senate by means of an amendment. It requires separate notice."

Honourable senators, even assuming that the amendment was not seen as an expanded negative or as an outright rejection of Motion 474, it is still out of order because it undermines the principle of Motion 474 and because it falls outside its scope.

On this point, His Honour recently noted as follows in his ruling of April 4, 2018:

> The issue of the receivability of amendments usually arises in terms of proposed changes to bills, where issues of principle, relevancy, and scope have been examined with some regularity. As noted in a ruling of December 9, 2009:
>
> It may generally be helpful to view the principle as the intention underlying a bill. The scope of the bill would then be related to the parameters the bill sets in reaching any goals or objectives that it contains, or the general mechanisms it envisions to fulfil its intentions. . . .
>
> Even if the amendment is not seen as an expanded negative, however, other Senate precedents show that amendments to add significant new elements to a motion have been found to be out of order. I would, for example, refer honourable colleagues to the decision of September 9, 1999, dealing with an amendment to expand an investigation about actions by the Canadian Forces in Somalia to include Croatia, as well as a decision of September 19, 2000, which

> would have tacked on to a proposal to establish two new committees elements relating to the size of all committees and the process by which members are chosen.

The intention underlying Motion 474 is for the Senate to strike a special committee on prosecutorial independence to study certain issues identified in the motion. Furthermore, the parameters that Motion 474 sets in reaching its goals and objectives, or the general mechanism it envisions to fulfill its intentions, squarely involves the creation of a special committee. By removing the creation of the special committee on prosecutorial independence from Motion 474 and transforming it into an order of reference to the Standing Senate Committee on Legal and Constitutional Affairs, Senator Plett's amendment undermines the principle of Motion 474 and falls well outside the parameters that are set to reach its goals and objective. It should therefore be ruled out of order.

Let me illustrate this with a few more recent examples. Earlier in this Parliament, the honourable former Senator Watt moved to strike a special committee on the Arctic. His motion stated:

> That a Special Committee on the Arctic be appointed to consider the significant and rapid changes to the Arctic, and impacts on original inhabitants;

Would it have been in order to remove the heart of Senator Watt's motion, delete the proposed creation of a special committee on the Arctic and instead transform the motion into an order of reference to the Standing Senate Committee on Aboriginal Peoples? I think not. It would have been out of scope and against the very principle of Senator Watt's motion.

Earlier in this Parliament, our esteemed colleague Senator Mercer moved to strike a special committee on the charitable sector. His motion stated:

> That a Special Committee on the Charitable Sector be appointed to examine the impact of federal and provincial laws and policies governing charities, nonprofit organizations, foundations, and other similar groups; and to examine the impact of the voluntary sector in Canada;

Would it have been in order to delete the proposed creation of a special committee on the charitable sector and instead transform that motion into an order of reference to the Standing Senate Committee on National Finance? Again, I believe that such a manœuvre would have been found to be out of order.

[*Translation*]

I firmly believe that Senator Plett's amendment to Motion No. 474 eliminates the original proposal regarding the creation of a special committee on prosecutorial independence, thereby transforming the motion into an order of reference to the Standing Senate Committee on Legal and Constitutional Affairs.

I am therefore convinced that Senator Plett's amendment is entirely out of order. Thank you.

[*English*]

**Hon. Donald Neil Plett:** I'm surprised anybody would clap for that. There you go.

The person who had his amendment declared out of order because he completely gutted, with the exception of one word — one word he left in my motion, otherwise he amended it — was declared out of order, and this one he supports. Unbelievable.

Colleagues, as I said the other day, and I know this amazes many of you, I am almost speechless. This amendment that I made does not amend the motion at all. It amends the committee that it is going to, something that we have asked for right from the start, something that we asked for in Senator Smith's motion, when Senator Harder decided to gut the motion because he was afraid of it being voted on here.

• (1530)

Then we bring in another motion, and the senator who is now saying that my amendment is out of order creates an amendment to a motion that is intended to discuss and investigate prosecutorial interference in a situation specific to SNC-Lavalin, specific to one case. She wants to bring into that Nigel Wright; Benjamin Perrin, Special Adviser; Ray Novak; the Honourable Senator David Tkachuk; the Honourable Marjory LeBreton; the Honourable Irving Gerstein; and the Right Honourable Stephen Harper. These are people who are so far removed from my motion. Apparently, this was orchestrated by the government leader, who hands over the amendment to Senator —

**Some Hon. Senators:** Oh, oh!

**Senator Plett:** Do you know where it came from? No, you don't; you don't know where it came from.

She brings that motion — that frivolous motion — that makes a mockery out of this chamber — a complete joke out of this chamber. Then I, in good faith, wanting to stay with the intent of the original motion — right from the get-go, the Legal and Constitutional Affairs, a duly constituted committee here, discussed the corruption that we have. This senator doesn't want that investigated, so she brings forward frivolous motions, like she did here. Then I bring one forward that is not frivolous — that, in fact, completely speaks to the entire intent of my motion, Senator Smith's motion and Senator Pratte's motion. The intent of my motion — my amendment does not at all remove the intent of Senator Pratte's motion; it is entirely in keeping with Senator Pratte's motion.

I haven't risen on a point of order to have this garbage taken out of that amendment, because that is out of order. That is out of order. That doesn't even speak to the motion.

But that's fine. It can stay in there. We know this is a filibuster, because you are afraid. All of you who are voting for this and who think this is relevant are afraid of having a vote on this, so you're doing whatever you can to not have a vote.

The Government Representative in the Senate is helping you along with that. I find that astounding. Let's just have a vote. Let the chips fall where they may. You don't want an investigation? You have the right to vote against that investigation, no problem.

I'm happy with my vote. When I vote, I stand and I'm willing to be counted. This is what we get.

Your Honour, I have the fullest confidence that this point of order is so frivolous and, again, so intended just to filibuster something, that I have the fullest confidence in your ability to see through what Senator Ringuette is doing here. Hopefully, Your Honour, you will, in the fastest way possible, rule this ridiculous point of order out of order. Let's get on and vote on the motions.

Thank you very much.

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

**The Hon. the Speaker:** Senator Housakos, before I call on you, I want to say this: Honourable senators, in debate, I've said many times that we give lots of latitude to debate topics, ideas, legislation and presentations. I caution senators not to assign motives to senators who speak. Let's stay on the topic and talk about whether this point of order is, in fact, valid.

**Hon. Leo Housakos:** I will try to do exactly that, Your Honour.

Procedures and rules of Parliament are designed in order to allow caucuses and senators to be able to conduct their business, and to try to set objectives in terms of the political discourse and arrive at certain results. Yes, at times, procedures are used to prevent attempts to get votes done, as Senator Plett referred to.

But we have to be very careful, because the reality of the matter here, Senator Ringuette, is that you're rising on a point of order and going after the amendment of Senator Plett as being out of order. But the reality is that you're the one who put forward an amendment to Senator Plett's motion that is completely out of the realm of what Senator Plett was proposing and out of the realm completely of what Senator Pratte was proposing.

Your Honour, in order to come to a fulsome review of this point of order, I suggest we review the speech from Senator Pratte when he tabled his original motion. I would caution anybody — if you can rise in this chamber and tell me that anything in Senator Pratte's motion resembles anything close to what the amendment of Senator Ringuette's motion is of Senator Plett's amendment. Senator Plett's amendment is simply strengthening Senator Pratte's motion.

Senator Pratte, in his speech, was clear that his attempt was to have — no. Senator Pratte. I'm going back to the original motion. It was to have an investigation on the SNC-Lavalin affair, and he wanted to be more wholesome. He wanted to be more detailed. He wanted to review the DPA and the Justice Department, and how the Justice Department reviews DPAs. He wanted to set up an independent committee. That was pretty much the theme of Senator Pratte's motion. He talked about it in this chamber. He talked about it in the media. He was pretty consistent.

Senator Plett's amendment to that motion takes it a step further and gives it more validity by having it go to a standing committee of the Senate. The justice committee gives it a lot more teeth and credence than setting up a special committee. That is only normal. It doesn't, by any means, take away from what Senator Pratte wants to achieve.

We also wanted to get into more of the details of the SNC-Lavalin scandal. According to Senator Pratte's speech, that was the objective of his amendment.

Your Honour, when senators are accusing other senators of tearing apart the original motion, I call upon Your Honour to look at the original motion of Senator Pratte, his speech and that of Senator Plett. I think you will find there are parallels where Senator Plett's amendment is trying to strengthen Senator Pratte's original motion, and get quicker with more legitimacy at the objective of what Senator Pratte himself set out in his original motion.

That's all I'd like to share with the chamber.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Your Honour, I agree with what Senator Housakos has said in that I do not feel that Senator Plett's amendment is in any way out of order in that the Legal and Constitutional Affairs Committee is a long-standing committee that has members with expertise in regards to matters that would be related to prosecutorial independence and other related matters. It seemed like a logical place that such topics could be looked at carefully by one of our standing committees, rather than creating a new special committee that would require staffing at a time when we're already trying to figure out where committees can meet, because we have additional meetings due to so much government legislation and other priorities. It seemed like a logical amendment.

The one thing I wanted to add is that when Senator Ringuette was referring to the other two special committees that we have created, one on the Arctic and one on the charitable sector, the difference I draw between those committees and the one Senator Pratte suggested in his motion, which really did surprise the chamber — it wasn't expected in that we had already been looking at the two motions related to the SNC-Lavalin. It was a topic that was very much foremost in our minds, and it became quite heated in this chamber.

The difference between the special committee that Senator Pratte is proposing in his motion and the two we have is that we actually took these proposals to each of the caucuses and groups, we discussed it at length and we discussed it at scroll. There was a process where we all decided — and many of us around our caucus table were concerned about creating any new or special committee. These committees take on a life of their own, and we already have such limited time. We carefully examined it separately before we had the debate in the chamber, and we went to the question.

Senator Pratte's motion that proposes a special committee was something that came outside of any of the discussions we may have had as groups and caucuses. It was in the moment. I do not think it's a reasonable parallel to compare this proposal to the Arctic Committee and the Charitable Sector Committee, the second one, on which I do sit, and I know really good work has

been done by those committees. So without mentioning them, I feel that this amendment to send the matter to an existing standing committee is perfectly in order.

• (1540)

**Hon. Ratna Omidvar:** Senator Ringuette has raised a point of order on Motion No. 474 and, in particular, Senator Plett's amendment to Senator Pratte's motion.

At the same time, Senators Plett, Housakos and Martin have argued and made comparisons to Motion No. 470. There is no point of order on Motion No. 470. I would submit, as a member of this chamber, we should deal with Motion No. 474, and if the side opposite chooses to call a point of order on Motion No. 470 on Senator Ringuette's amendment, that is their prerogative.

[*Translation*]

**Hon. Pierrette Ringuette:** Mr. Speaker, honourable senators, I have been in the Senate for almost 16 and a half years and, out of respect for the *Rules of the Senate*, whether to draw the attention of this chamber to a topic or to raise a point of order, at no time have I ever made disrespectful remarks about a member of this institution. I would hope to be shown the same respect.

I may be dreaming in technicolour, but I would point out that the *Rules of the Senate* and the precedents found in our various reference documents — I refer you to page 90 of the *Senate Procedure in Practice*, where it outlines the various practices relating to the receivability of amendments.

I must note that Senator Plett's amendment arrived yesterday evening and perhaps because the document was presented in English only, we didn't get a copy. It wasn't until this morning when I was in my office rereading yesterday's *Debates of the Senate* that I became aware of the amendment that was proposed.

Again, I am convinced, and you may disagree, Mr. Speaker, but I am convinced that this motion is absolutely procedurally out of order. It is out of order because it removes the intent of the motion, which is to strike a special committee.

On that, Mr. Speaker, I leave my point of order in your hands. Thank you.

[*English*]

**Senator Martin:** If I may add one more point since Senator Ringuette mentioned that the pith and substance of this motion is to strike a special committee. Is that the pith and substance, or is it to study prosecutorial independence? It could be done in a special committee or at the Legal Committee.

I would argue that the amendment that Senator Plett has moved does not change the pith and substance, which is to look at the very important topic and issues surrounding that.

If the amendment had said to strike a special committee to study some completely unrelated and random topic, that would change the pith and substance of the motion. I would argue that the amendment does not do that. We would still be studying the very topic, and issues surrounding it, in the Legal Committee.

**The Hon. the Speaker:** I thank all honourable senators for their input into this debate. I will take the matter under advisement.

## VACCINE HESITANCY

### INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Moodie, calling the attention of the Senate to the issue of vaccine hesitancy and corresponding threats to public health in Canada.

**Hon. Rosemary Moodie:** Honourable senators, vaccination is one of the most successful public health interventions ever. Through widespread vaccination, we have eliminated many diseases that were once common in Canada, and up until recently we would have said, with confidence, that Canadian children who once faced illness from infectious diseases now face minimal endemic threat. However, unfortunately, this assurance may be changing.

In 2003, federal, provincial and territorial deputy ministers of health introduced a national immunization strategy which set out five objectives: national vaccination goals, program planning, safety, procurement and an immunization registry network. Honourable senators, we are now more than 15 years out, and we have not come far enough.

We have not reached any of our national vaccination goals. We have failed to develop and implement a consistent national vaccine schedule. We have not been able to put interjurisdictional issues aside and create a national immunization registry network.

We have succeeded in making vaccines safe and accessible. However, many Canadians are not convinced. Parents today are hesitant, worried about the risks of vaccinating their children, even when safe vaccines are readily available.

Honourable senators, I would like to speak to you about the hesitancy toward vaccination. More than just a knowledge deficit, vaccine hesitancy has stemmed from a flood of misinformation, which is making it difficult for Canadians to reach evidence-based conclusions about immunization.

There is no simple fix for vaccine hesitancy. Many dismiss vaccine-hesitant parents as illogical, uninformed or uneducated, but the reality is far more complex. The damaging impact of misinformation arising from our own medical community should not be forgotten.

Andrew Wakefield's paper linking the measles-mumps-rubella vaccine to autism was published in *The Lancet* in 1998. Though that article has since been retracted, one cannot underestimate the lasting impact such widely publicized findings have had on public opinion.

Today, arguments against vaccinations are multifaceted. They are often designed to walk the line between truth and fiction, drawing on terminology that stokes fear in parents while creating logical roadblocks for clinicians.

Some arguments we hear all the time include things like, “Vaccinations contain dangerous or toxic chemicals that have been proven to cause chronic health conditions”; or, “Infectious diseases decline on their own due to improved hygiene and sanitation.”

These arguments have slivers of truth to convince the audience of their legitimacy. Yes, vaccines do contain chemicals in small, safe amounts — chemicals such as aluminum — which boosts the immune response to produce more antibodies. Some propose that good hygiene is preventative. While we all know the important role sanitation and hygiene play in public health, even scrupulous efforts to maintain clean hands meet a formidable adversary in the measles vaccine, which can live in the air for up to two hours.

• (1550)

Senators, these arguments are not simple at all. They are not harmless. They certainly are not easy for Canadian parents to dismiss, especially when they come packaged in a flashy new website as so many so often occur.

Many solutions have been proposed. Patient advocates and physician associations are calling on the government to do more to support doctors and clinicians. Some experts have even called to move vaccination out of doctors’ offices and into the realm of the public health world. These arguments suggest that parents and clinicians need more face-to-face time to correct misinformation and to spend time changing minds.

We know that better training and tools beget better interventions and education outcomes. Increasing public support for health professionals is really integral here, but it will take time to overcome the misinformation that fuels vaccine hesitancy. In the interim, I would propose the federal government has the opportunity to take significant action in the fight against vaccine hesitancy and corresponding health concerns. One of these opportunities lies in reforming the patchwork of vaccine schedules which acclaimed health reporter André Picard has described as a “travesty of public policy.”

In contrast to other developed countries such as Australia, where single, harmonized countrywide immunization schedules are the norm, each province and territory here in Canada defines its own vaccine schedule, meaning that Canadians are vaccinated at different times in their life depending on where they live.

Take the example of the diphtheria-tetanus-acellular pertussis vaccine. In Nunavut, it’s provided at Grade 6; in New Brunswick, Nova Scotia and Northwest Territories, in Grade 7; in Saskatchewan, Grade 8; B.C., Alberta, Quebec, P.E.I., Newfoundland, Labrador, Yukon, all in their wisdom provide it in Grade 9. In Manitoba you’re likely to get it between the ages of 13 to 15; and in Ontario, 14 to 16.

This is an issue.

In 2015-16, 277,000 Canadians migrated from one province to another. When each province has a different approach to vaccination, moving at the wrong age may result in some children slipping through the cracks and others receiving duplicate vaccinations.

In 2011, the Canadian Paediatric Society called for a harmonized schedule to improve the health and safety of Canadian children and youth, stating that:

> Continuing our disharmonious pathways only compounds the costs, and leaves many of our children and youth at necessary risk.

If that wasn’t enough, some provinces even hold contrary positions on vaccinations.

Up until recently, in Ontario, the HPV human papillomavirus vaccine, was only provided to females, while in other provinces, both males and females were given this vaccine. Discrepancies like these led to questions about the science that informs vaccine policies. They are footholds for those who might argue that this stuff is developed arbitrarily.

I’m sure you can imagine the questions. Why is it different there? Is it unsafe for my child? Which province is doing this right? Maybe we should wait until the science has sorted this out. This is what we call vaccine hesitancy. In this case, it stems from a policy decision. We must strive to build trust through our vaccine policies, not hesitancy.

If we could take Mr. Picard’s advice and simply “lock all the health ministers in a room and not let them come out until there’s one vaccine schedule,” we would solve this problem, and public health in Canada would be better for it.

Although I don’t advocate this approach, I advocate for dialogue that might lead us to an outcome that we would prefer.

The other big challenge we face is that provinces and territories may all maintain their own system for tracking immunization coverage. As a result, the data, methods and even what is considered relevant reporting information differs according to and across jurisdictions.

While many provinces and territories have switched to electronic registries, some are still paper-based, while others use a combination. Electronic databases, in theory, should provide pan-national coverage. But due to lack of interjurisdictional cooperation, information collected in each province is really not accessible outside of the province of origin. This is an important challenge, colleagues, for health authorities who as a result are not able to construct a national picture.

Instead, the information we have on vaccination rates is drawn, believe it or not, from a national survey. Without current and trustworthy data, public health agencies — whom we all rely on to protect our health, the health of our families and our friends — are left largely in the dark.

**The Hon. the Speaker:** I'm sorry, Senator Moodie, but your time has expired. Are you asking for five more minutes?

**Senator Moodie:** Yes.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Senator Moodie:** We now know that more and more Canadians are vaccine hesitant. While it is more difficult to change the culture around vaccination, it is far easier to adjust our practices to better protect ourselves. Providing federal and provincial health agencies with access to data on vaccination rates would help them identify problem areas, target support and training, inform health workers and prepare them for the possibility of an outbreak.

Without a national registry, it is difficult to identify which town in Canada might be the next Rockland County, New York — undervaccinated and ripe for outbreak.

Further research is currently under way in areas such as Nunavik, where we already have good information on the gaps that exist. We know that infants in the Canadian Arctic have the highest rate of a potential deadly respiratory syncytial virus, an issue intensified by geographic, systemic and cultural barriers.

Once we have this data coming in, we can achieve better health outcomes, engagement, education and preemptive inoculation.

A national vaccine registry with support and engagement from all provinces would ensure that at-risk populations are identified and addressed. It takes time to build and change the minds of people who are comfortable in their beliefs. However, we must endeavour to stamp out sources of misinformation that confuse Canadians and cause parents to fear the vaccine more than the disease.

Canadians and our health agencies would benefit greatly from improvement in two key areas: a vaccination schedule that is consistent across all provinces and a national database that allows for vaccination rates to be collected, recorded and monitored.

We know that reducing hesitancy toward vaccination will take time as we attempt to address this complex issue. But preparing for the next outbreak should start today. Thank you for your attention.

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

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

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, it now being 4 p.m. and the Senate having come to the end of Government Business, pursuant to the orders adopted on February 4, 2016, and May 9, 2019, the sitting is now suspended. The bells will ring at 5:15 to call in the senators for a 5:30 vote.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

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

### THIRD READING—MOTION IN AMENDMENT NEGATIVED

On the Order:

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

And on the motion in amendment of the Honourable Senator Richards, seconded by the Honourable Senator Seidman:

That Bill C-71 be not now read a third time, but that it be amended in clause 4, on page 7, by adding the following after line 31:

"**(2.4)** An individual who holds a licence authorizing the individual to possess restricted firearms or handguns referred to in subsection 12(6.1) must, if the licence is renewed, be authorized to transport them within the individual's province of residence

**(a)** to and from any place a peace officer, firearms officer or chief firearms officer is located, for registration, verification or disposal in accordance with this Act or Part III of the *Criminal Code*;

**(b)** to and from a business that holds a licence authorizing it to repair or appraise prohibited firearms or restricted firearms;

**(c)** to and from a gun show; and

**(d)** to a port of exit in order to take them outside Canada, and from a port of entry.".

**The Hon. the Speaker:** Honourable senators, the question is as follows: It was moved by the Honourable Senator Richards, seconded by the Honourable Senator Seidman:

> That Bill C-71 be not now read a third time, but that it be amended in clause 4, on page 7, by adding the following after line 31 —

Shall I dispense, honourable senators?

**Hon. Senators:** Agreed.

Motion in amendment of the Honourable Senator Richards negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Black (*Alberta*)
Boisvenu
Carignan
Dagenais
Duffy
Eaton
Frum
Greene
Griffin
Housakos
MacDonald
Manning
Marshall
Martin
McInnis
McIntyre
Mockler
Ngo
Oh
Patterson
Plett
Poirier
Richards
Seidman
Smith
Stewart Olsen
Tannas
Tkachuk
Verner
Wallin
Wells
White—35

NAYS
THE HONOURABLE SENATORS

Bellemare
Bernard
Black (*Ontario*)
Boehm
Boniface
Bovey
Busson
Campbell
Christmas
Cordy
Cormier
Coyle
Dalphond
Dasko
Dawson
Day
Deacon (*Nova Scotia*)
Downe
Duncan
Dupuis
Dyck
Forest
Forest-Niesing
Francis
Gagné
Galvez
Gold
Harder
Joyal
Klyne
Kutcher
LaBoucane-Benson
Lovelace Nicholas
Marwah
Massicotte
McCallum
McPhedran
Mégie
Mitchell
Miville-Dechêne
Moncion
Moodie
Munson
Omidvar
Pate
Petitclerc
Pratte
Ravalia
Ringuette
Saint-Germain
Simons
Sinclair
Wetston
Woo—54

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

THIRD READING—DEBATE CONTINUED

On the Order:

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

**Hon. Bev Busson:** Honourable senators, it’s a privilege for me to stand before you today in favour of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms. I believe it is a very important and timely bill, in a world where safety and security are so precious and, in many places, so precarious.

This bill is not, pardon the pun, the magic bullet against gun violence or organized crime, or even the proliferation of gang guns, but in my humble opinion, it is a definite step in the right direction in the quest for a respectful and commonsense balance between the requests and requirements of legal gun owners and the need to regulate gun ownership with minimally intrusive measures.

In many ways, Canadian culture is irrevocably entwined with that of our neighbours to the south, from the movies we watch to the music we listen to. However, one of the glaring differences is our attitude toward gun ownership, derived from our unique, historical and constitutional underpinnings. The Supreme Court of Canada has ruled that gun ownership is a privilege and not a right, and that the United States Constitution’s second amendment, or the “right to bear arms,” does not have a place in our Canadian constitutional landscape.

With this, I'm hopeful that we, as Canadians, can forge a better legacy for future generations, especially when it comes to the unintended consequences of a permissive gun culture.

I grew up around guns, and both of my parents hunted together, although it was always a bone of contention as to who was the better shot. I also enjoy target shooting and the thrill of a perfect score — okay, maybe one time — and I respect the people who enjoy that activity.

From this ex-peace officer's perspective, as the mother of a police officer, as a grandmother and as a concerned citizen, I support this bill because I believe it makes sense. Any legislation that has the effect of increasing the efficiency of police officers and, by association, the safety of the citizens of this country, deserves consideration. This bill does that. It more strictly regulates the transport of restricted weapons from one place to another and adds a level of accountability to those who possess guns, and to do so with a measure of care and responsibility. Of course, when it comes to the vast majority of legal gun owners, this is already the case.

• (1740)

All licences, including driver's licences, come with regulations and responsibilities.

Let's add a bit of context. Prior to 2015, you were required to have an authorization to transport in order to move your firearm to any place other than a gun range. It was not automatic. Firearms must be treated with care and respect, and those who possess them must be accountable for their use, transport and safe storage.

Among other issues, more permissive transport legislation would further enable straw purchasers — people with a legal possession and acquisition licence — to purchase a firearm, transport it and then sell it legally to someone who would use it for a nefarious purpose. In one case cited in British Columbia, a single trafficker was estimated to have made approximately $100,000 using his legal PAL to purchase guns and then sell them to gang members. These were trigger-locked, not loaded and were even boxed for delivery, as required by law, but nonetheless they were dangerous to the public.

Make no mistake. The bill is not targeting bona fide gun owners. It probably comes as no surprise to you that many checks made by the police are neither random nor accidental. They are directed by evidence and intelligence gathered through serious crime investigations and informants and other sources. The police need legislated tools to seize weapons found during these investigations.

At a committee hearing, the Canadian Association of Chiefs of Police further stated that the current law is open to grey areas where people can lawfully transport a restricted or prohibited weapon in their vehicle for long periods of time. Personally and professionally, I find this unacceptable.

Another topic that was addressed by various witnesses from very different perspectives was clauses 16 and 18 in the bill that reinstate the responsibility to classify or reclassify firearms from restricted to prohibited in the hands of experts in the RCMP. With its mandate to keep Canadians safe, the force is collectively charged with safeguarding the security of Canadians, and I rightly believe that they are the best adjudicator to maintain this responsibility under Bill C-71. To retain this reclassification function in the hands of the Governor-in-Council would place the decision, I believe, in the hands of political reach rather than with professionally trained experts.

I stated my opinion from a policing point of view, but my perspective does not end there. I have grave concerns about the physical and psychological effects of gun violence on both the victims and the first responders and caregivers who attend to the aftermath. More extensive background checks would assist in the prevention of many tragedies. I'll not shock you with some of the horrendous homicide and suicide scenes I have attended in my career where firearms were used, as I trust you can imagine the carnage yourselves.

Mental illness has become a growing issue in this country, and statistics show that access to firearms for someone who is struggling with mental illness increases the possibility of their use in a violent event that could not just harm the individual but those around them.

Critics say that a firearm is just a chosen weapon, and that a knife, a bat or some other object would be the weapon of choice if guns were not available. That may be so, but one of the witnesses who spoke during the Senate committee hearings for this bill explained that when faced with that scenario, no child was ever killed from across a schoolyard with a bat or knife. It's the simple fact that guns by their mere power and reach are far more formidable and lethal than any other weapon readily available.

Another section designed to increase our safety is the extension of background checks from the present five-year barrier to the ability to refer to a longer period. The world has changed. What more staggering evidence do we need than to be told there is an "active shooter action and escape plan" program for most schools in Canada? The mere thought of this possible terror is simply unspeakable. It dictates that we need to reboot our thinking when it comes to firearms legislation.

More extensive background checks would provide an extra level of inquiry and thus further the opportunity to intervene, and, in doing so, reduce the active shooter tragedies and the terrible spectrum of suicide and domestic violence where guns are involved.

According to Statistics Canada, suicide was the ninth leading cause of death in Canada in 2016, with a total of 3,978 suicides that year.

There were 723 deaths in Canada from firearms injuries in 2016. Among these, 75 per cent were suicides, 19 per cent were homicides and 2 per cent were classified as accidental.

According to one source, the presence of a firearm in a home increases the suicide risk by a factor of five and increases the risk of domestic homicide and accidents. In addition, that brief mentions that a large share of firearm suicides are committed with a firearm that does not belong to the victim. Firearm access control measures, therefore, protect not only the firearm owners but also the people around them.

Pertaining to domestic violence, a joint letter to the House of Commons Standing Committee on Public Safety and National Security stated:

> In determining risk for domestic violence in the home, guns remain the single most determinant factor for lethality.

The threat environment continues to evolve, especially with the number of mass shootings that have occurred around the world. Like the recent tragedy in New Zealand, we used to think our Canadian culture made us immune from these events. Unfortunately, École Polytechnique, Mayerthorpe, Moncton and the Danforth, to mention a few of the catastrophes we have experienced, remind us that we must strengthen our resolve to avoid further tragedies and provide the earliest identification of any emerging or imminent threat of violence involving firearms.

The bill also addresses the requirement of a vendor to record the name and address of anyone purchasing a weapon. Most retailers already do this. I would remind you that the police would need a warrant to obtain this information for an investigation. I give my name, address and a great deal more information when I purchase a car or even a refrigerator, so I feel it's not overly intrusive to have this part in the bill.

Clause 7 mandates the collection and retention of certain personal information which would enable police, with the aid of a judicial authorization, to trace firearms involved in crimes. Before the House of Commons Standing Committee on Public Safety and National Security, a representative from the Canadian Association of Chiefs of Police stated:

> Regarding record-keeping by vendors, I would say that most reputable businesses are already doing this for their own purposes. Since the long gun registry was abolished, the police have been effectively blind to the number of transactions by any licenced individual relating to non-restricted firearms. The absence of such records effectively stymies the ability to trace a non-restricted firearm that has been used in crime.

This is not a gun registry but a normal business practice only accessible to police with judicially authorized search warrants, like any other business records kept by professionals.

In closing, the Supreme Court of Canada has confirmed that the possession and use of firearms does not constitute a right or guarantee under the Canadian Charter of Rights and Freedoms but is a privilege.

Honourable senators, I urge you to support this bill and hope that you will consider my comments and those of my colleagues who have spoken before me in favour of Bill C-71. This bill will ensure that we are responding to the concerns felt across Canada and that we do not follow a different, more permissive path — a path that is fraught with tragic complications and I believe is not supportive of the public interest.

We must strive to find a balance between our indisputable right to security of the person and the privilege of gun ownership. I humbly submit that Bill C-71 moves toward that balance. Therefore, honourable colleagues, with reflection on both my police background and my concern for future generations, I urge you to support Bill C-71.

**Hon. Stan Kutcher:** Honourable senators, I rise today to speak to Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

I will speak in support of Bill C-71, not because I think it is the best legislative response to effectively address public health concerns regarding firearm deaths, but because it is a small and, in my opinion, a rather hesitant step toward improving the safety of Canadians.

My speech will be guided by both my professional and personal experience. I will focus on the relationship between guns and suicide, a very important concern that, in my opinion, could have been more fully explored during the committee's study of this bill. It is a relationship that is not well understood by many Canadians.

• (1750)

I would guess that every member of this chamber has been affected by suicide in some way. I recognize that my remarks may bring back painful memories. I wish this was not the case.

I have spent my professional life dedicated to the improvement of mental health and the treatment of mental illness. In that vocation, I became only too aware of the tragic consequences of suicide. It is tragic for parents, family members, friends and communities.

That professional exposure, however, paled in comparison to my personal experience with suicide. My beloved uncle, an accomplished and very successful banker and a father to two amazing children enjoying a loving marriage — who had survived the chaos of World War II as a teenager — took his own life.

Nobody who knew him would ever have predicted he would die the way he did. I am certain that if a fortune teller had told him that his fate would be suicide, he and everyone he knew would have thought that the soothsayer was off-course. Like other families, we were left with the question of why, and no clear or satisfactory answer.

As a psychiatrist, I've made the study and application of suicide prevention an essential part of my research and clinical work. I would like to share with you my understanding of the potential impact of Bill C-71 on death from gun-related suicide through my professional lens, informed by my personal experience.

Suicides account for 75 per cent of all gun deaths in this country. From 2000 to 2016, suicide accounted for almost 10,000 out of the 12,692 gun deaths in Canada. Our biggest challenge in gun-related death in Canada is not gun homicide. Our biggest challenge is gun suicide.

A suicide attempt is a behaviour chosen to result in death. However, many Canadians may not know that most suicide attempts do not result in death. Indeed, about 90 per cent of people who attempt suicide do not actually die by suicide. This is both startling and extremely important. It raises a vital question: What differentiates those who attempt suicide and do not die from those who attempt suicide and die?

The difference is primarily due to the lethality of the method used. The more lethal the method, the more likely death will be the result.

Guns are very effective killing instruments. Less than 5 per cent of suicide attempts involve guns; however, about 30 per cent of all suicide deaths result from guns. If a person uses a gun in their attempt, they will likely die.

It is also important to understand that suicide attempts are often impulsive. The human brain's control of behaviour is complex but generally involves two decision-making systems. One reacts rapidly to a thought or event, and one reacts more slowly. The first leads to impulsive behaviour, and the second, to reflective behaviour.

Usually, the reflective component is able to override the impulsive component. Sometimes, usually in the context of extreme emotional strain such as depression, diminished cognitive capacity such as psychotic thinking or use of substances such as alcohol and drugs, this modulation does not occur.

Impulsive behaviour such as a suicide attempt is the result. This is called a suicide crisis. Evidence shows us that, on average, about half of all suicide attempts are impulsive. About 25 per cent occur within five minutes of the initial thought. About 70 per cent occur within one hour of the initial thought. The onset of a suicide crisis is often immediately followed by a suicide attempt.

This is why lethality matters.

If a gun is available during the suicide crisis, the impulsive action that occurs leaves no time for reflection. The gun is used and death is the likely outcome. If a gun is not available and another method is chosen — for example, taking pills — death is not the likely outcome.

About 5 per cent of deaths from gun suicide occur in homes where no gun is present. In contrast, almost 80 per cent of deaths from gun suicide occur in homes where a gun is present. It is living in a home that has a gun, and not owning a gun, that is the issue. Indeed, it is a family member, including a child of a gun owner, who can take their own life. And, as I have shared with you in my uncle's story, it is extremely difficult, if not impossible, to predict who in your family will take their life, and if so, when.

In my professional life, whenever I was conducting a suicide risk assessment, I always asked about the presence of guns in the home. Often, this question raised a concern that parents had not considered. Loving, caring parents — people who wanted their child to live and flourish — had not made the connection between having a gun in the house and the increased risk of death for their child. This possibility had never crossed their minds. They were not aware of the relationship between guns and death by suicide.

Globally, the weight of the best available scientific evidence demonstrates a common conclusion: interventions such as improvement of oversight and regulation of guns save lives.

These findings have been reported over and over again in studies from many different jurisdictions using a number of different research designs. Interventions that control access to guns, including background checks such as those that appear in Bill C-71 and more substantial regulations related to the use of guns, are associated with lower suicide rates.

It is also clear that substitution of method leading to similar death rates does not occur. If access to the most lethal means of suicide is made more difficult, lives are saved.

It is clear that the extensive weight of best-available evidence shows there is a relationship between guns and suicides and that better oversight of firearms results in significantly lower firearm suicide rates, as well as the proportion of suicides resulting from firearms.

It is, therefore, reasonable for us to see Bill C-71 as a step forward to improving the safety of Canadians seen through the lens of the relationship between guns and suicide — even though this bill is only a small step in that direction.

There are many ways we can improve our oversight of firearms to help lower the rates of gun-caused suicide and, by so doing, lower overall rates of suicide. One of these is through thoughtful regulations.

In particular, at this time I would like to propose two suggestions that I think might make a difference moving forward. They are based on my professional experience as well as my study of guns and suicide.

In addition to better oversight of guns, better information about how to decrease suicide risk provided to gun owners may help prevent gun suicide. In my opinion, it is imperative that information about suicide risk and guns be made available to all gun owners.

My first suggestion focuses on the Possession and Acquisition Licence, or the PAL process. To acquire a licence, a potential gun owner is currently required to learn about a number of topics that include operating a firearm, the physical parts of a firearm, how to use a firearm and responsibilities of a firearm owner, among other things.

Nowhere on this list is found understanding of suicide prevention as it relates to guns. I believe this is a missed opportunity to put into place a simple intervention that may save lives.

Therefore, I would suggest that the PAL education and training course be modified to include information on the relationship between guns and suicide and information on how to identify and assist a person who is suicidal.

Second, I would suggest that whenever ownership of a weapon is transferred, the transferee be obligated to provide specific information about the increased risk of death from suicide associated with gun ownership.

• (1800)

**The Hon. the Speaker:** I apologize for interrupting you. It's now 6 p.m. Pursuant to rule 3-3(1), I'm required to leave the chair unless it's agreed we not see the clock.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Kutcher:** These are both suggestions that could potentially reduce gun-related suicide.

To my surprise, after I had come up with this idea, my staff discovered it was not novel. It exists already and has achieved some traction through grassroots movements in the United States of America. In Colorado, the CO Gun Shop Project works with retailers, range owners and safety course instructors to add suicide prevention information. New Hampshire also has a similar project that shares materials developed by and for firearm retailers and range owners on the ways they can help prevent gun-related suicide.

Reducing risk of harm through education and legislation is a proven method for increasing the safety of our citizens.

Honourable senators, whatever our own personal relationship with guns is, we need to use our knowledge about the relationship between guns and suicide to help guide us in our current deliberations. We need to think proportionally and compassionately when considering how to best discharge this duty.

We also need to reflect on our own experience with the tragedy of suicide and use that experience to help guide our decision making.

Suicide is a significant public health concern. It is known in every community and has touched the lives of many people. We need to help reduce rates of suicide, and this includes better oversight of guns. In my opinion, Bill C-71 can be part of that larger dialogue that needs to happen in this country. It is not all that needs to be done, but it needs done.

It is an attempt to move towards a safer Canada. And honourable senators, that is what we as legislators must consider as part of the duty of a government to ensure the safety of its citizens.

Please join me in this work by voting to support Bill C-71. Thank you.

[*Translation*]

**Hon. Jean-Guy Dagenais:** Honourable senators, I rise today to speak to Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms in Canada. I want to say from the outset that the Standing Senate Committee on National Security and Defence thoroughly reviewed every aspect of this bill and did serious work that deserves to be acknowledged. The senators who sit on the committee heard from many witnesses who addressed every element of the text and delivered passionate testimony that allowed us to confirm that the government has to be involved in reducing gun violence. However, most of the witnesses also talked about the effectiveness of the government's firearms measures. I believe that most of the witnesses — and most Canadians — feel that the government has to be accountable for its actions. It is that aspect of the bill, on government accountability, that I want to talk to you about today.

Honourable senators, we live in a country where the politicians we elect are, and must be, responsible to voters for their decisions, especially when bills are introduced that follow through on an election promise. Of course we don't want to live in a country where the police are the final authority and have the power to arbitrarily prohibit goods without being accountable to Canadians for their decision. When it comes to firearms, however, the current government and some senators across the aisle are saying that we should in fact authorize our police forces to do just that. Specifically, they are pushing for the police and civilians working at the Canadian Firearms Centre to be empowered to make classification decisions. This could lead to increased restrictions being suddenly and arbitrarily imposed on firearms owners. Those same individuals, and the senators who support them, believe that un-elected officials must be able to prohibit certain firearms, without proper oversight and without providing any remuneration to individuals who have acquired those firearms legally and in good faith under the existing laws of this country.

Under the current law, the Canadian Firearms Centre has that authority, but important safeguards are in place. The Governor-in-Council also has the authority to make regulations under the Firearms Act. In fact, the Governor-in-Council can examine decisions made by public servants and make alternative regulations where he sees fit. It is important to understand that the Governor-in-Council does this only in exceptional circumstances. One such rare occasion happened in 2015, when he overturned a decision by the Firearms Centre to prohibit two specific firearms, Swiss Arms SAM rifles and CZ rifles, without any prior notice.

The Swiss Arms weapon was an non-restricted weapon in Canada for 12 years. Gun owners purchased it knowing it was non-restricted. However, in 2014, the Canadian Firearms Centre decided these firearms had been inappropriately classified for over 10 years, so they were suddenly and without warning reclassified as prohibited weapons. As a result, nearly all CZ858 rifles imported after 2007 were also reclassified as prohibited firearms. That decision affected over 10,000 Canadian gun owners who had purchased their weapons in good faith rightfully believing them to be non-restricted firearms. The decision to reclassify meant that these firearms were suddenly banned, which had a significant negative impact on their value. Owners were never compensated.

Gerry Gamble of the Sporting Clubs of Niagara told the committee that the decision cost gun owners between $1,500 and $4,000 per firearm. That is a significant financial impact.

When the decision was made, the government still had the authority to overturn it by order in council. That's why these two guns were reclassified as non-restricted in 2015, the way they had been for over a decade.

By introducing Bill C-71, the current government is using the legislative process to override that decision. The senators believe that is unfair, but at least the government is being transparent by bringing legislation before Parliament. However, Bill C-71 also proposes to give the firearms centre the power to reclassify other guns and even other types of devices in the future, without the Governor-in-Council being able to review or possibly overturn the decision.

While the government insists that it trusts the firearms centre to make this kind of decision without oversight, there are limits to its trust, because it only authorizes the centre to classify a gun as more restricted, not the other way around. It wouldn't be able to extend the non-restricted status of certain guns, for example. In reality, the government trusts the police and its representatives to impose restrictions, but not to remove them. There is a pretty glaring inconsistency here.

The government indicated that reclassified firearms would be covered under a grandfather provision. However, grandfathering won't protect the value of these firearms. When a firearm becomes classified as prohibited, it loses all of its monetary value, but the government doesn't intend to compensate owners for that. I'd like to remind senators that in other countries, like Australia, owners are compensated when a firearm is reclassified as prohibited. In Canada, the current government is proposing to give public servants unlimited power to prohibit firearms without providing for any kind of compensation for owners when such decisions are made. I think that this way of doing things behind closed doors makes this provision unfair and uncalled for. It could even lead to abuse with serious financial consequences. This measure is disrespectful toward many law-abiding gun owners in Canada.

The National Security and Defence Committee heard from many witnesses who spoke about how the firearms centre often makes arbitrary decisions regarding classifications that have been in place for years, if not decades. Today, the current government is telling us that in future, under Bill C-71, it won't even be possible to appeal such decisions. In my view, this provision is neither justified nor fair. I would go so far as to say that it is contrary to Canadian values.

• (1810)

In almost every other area of public policy, those we elect have the right to question decisions made by their representatives. For example, with respect to natural resource development under Bill C-69, the government supports its argument in large part by stating that, ultimately, final decisions rest with the ministers. In Bill C-69, the government gave itself dozens of opportunities to intervene in the process and impose solutions or political results. Business organizations told us that, in this case, these actions would be detrimental to Canadian businesses.

However, in Bill C-71, this same government is recommending the opposite. Representatives who are not subject to any oversight will be delegated this authority to the detriment of businesses that have large inventories. This means that there could be arbitrary prohibitions that are detrimental to individuals.

The problem with Bill C-71 is the lack of oversight of government officials. We must address this inconsistency before returning this bill to the other place. No bureaucratic process is perfect, which is why we need to establish an appeal mechanism. There must be enough flexibility to fix mistakes and to ensure that representatives know that someone is monitoring them.

Thank you.

MOTION IN AMENDMENT

**Hon. Jean-Guy Dagenais:** Therefore, honourable senators, in amendment, I move:

> That Bill C-71 be not now read a third time, but that it be amended
>
> (*a*) on page 1, in clause 1, by replacing lines 4 to 9 with the following:
>
> "**1 Section 2 of the *Firearms Act* is amended by adding the**";
>
> (*b*) on page 11, by deleting clause 16; and
>
> (*c*) on page 12,
>
> (i) by deleting clauses 18 to 21, and
>
> (ii) in clause 22, by replacing lines 21 and 22 with the following:
>
> "**22 (1) Subsections 3(2) and 4(2) come into force on a day**".

[*English*]

**The Hon. the Speaker:** On debate on the amendment, Senator Plett.

**Hon. Donald Neil Plett:** Honourable senators, I will speak very briefly to this amendment and I would like to thank Senator Dagenais for bringing it forward. It is a good amendment, for all the reasons that Senator Dagenais mentioned and I would like to add a few thoughts.

At committee, we heard from quite a few witnesses about problems and concerns with the current system of firearms classification. If you sift down through the frustration and exasperation, you find that the problems primarily come down to this: The current system of firearms classification is a blunt instrument, which often results in arbitrary decisions.

I will read a quote from a publication of one of the groups that appeared before our committee:

> The main problem with the current system is that the criteria do not reflect the risks to public safety in a systematic or coherent way. In fact . . . classification based on physical characteristics such as the length of the weapon or the barrel often appears arbitrary.

Senators, this quote is from a 2017 publication of *Poly Remembers*, a group of students and graduates from Polytechnique who advocate for greater gun control.

The arbitrary nature of the classification system creates frustration for everyone — gun owners and gun control advocates alike — and needs to be overhauled.

In their 2015 election platform, the Liberals stated that they wanted to, "put decision making about weapons restrictions back in the hands of police and not politicians." This sounds good and it gets repeated quite often in this Liberal government echo chamber, but it's basically nonsense. And you don't have to believe me on this. I will quote from *Poly Remembers* once again:

> . . . the RCMP doesn't actually "decide" what classification to give a gun; they are bound by the definitions contained in the Criminal Code. In other words, their role is limited to interpreting the law.

Colleagues, it is very poor public policy to give the RCMP the responsibility to interpret the law while removing the accountability of parliamentary oversight.

It is a fundamental management principle that if you extend responsibility you must accompany it with accountability. You should never separate the two. And yet, in the case of firearms classifications, this is exactly what is being proposed by this Liberal government.

The RCMP have given the responsibility of classifying firearms by interpreting the law, but the government wants to remove oversight of that process from the parliamentarians who created the law, by eliminating the ability of the Governor-in-Council to intervene in reclassification decisions.

The government is advocating that the RCMP have responsibility without corresponding accountability. This is never a good idea, but especially under a system which is known to be arbitrary.

Colleagues, the arbitrary nature of reclassification impacts not only firearms owners but also firearms businesses. Alison de Groot, Director, Canadian Sporting Arms and Ammunition Association, told the committee the following:

> We're suggesting . . .that there be a structured framework to that classification process . . . I'll use the 10/22 magazine as an example: Without discussing the merits of the change to the classification, no notice to industry was given on that change. The first we found out about it as business owners was to have a shipment seized by CBSA at the border. When product is seized by CBSA, you pay exorbitant secure storage fees, so our importer had to pay those fees. We were left stranded with unsold inventory in Canada . . . tens of thousands of dollars of inventory in small retailers that is now unsellable inventory. These are not products we are allowed to send back to the manufacturer . . .we're asking that the government require the RCMP to develop a structured framework for that process, both for new products and changes to current products in the market, and that industry be allowed the opportunity to address our supply chain with respect to products that are being reclassified or facing changes to classification.

Robert Henderson, owner of Access Heritage, also spoke to the committee about the dysfunctional nature of RCMP reclassification. This is what he said:

> In the last 18 years, I have been importing non-firing flintlocks from India. By removing a small connecting flash hole in the design, the technology was deemed deactivated and the flintlocks were allowed by customs . . . . last December, at the very height of the retail season, a key shipment was stopped by the CBSA. At that time, they arbitrarily decided to revisit allowing deactivated flintlocks without any forewarning to me and without any relevant change in legislation. The Canadian Firearms Program was asked to investigate. The new decision was that the products were not non-firing enough and that the short flintlocks were restricted devices.

• (1820)

Firearms owners and business people such as Robert Henderson and Alison de Groot are not asking for something unreasonable. Neither is Senator Dagenais in his amendment. Agreeing with this amendment will ensure that proper parliamentary oversight of firearm classifications is retained, ensuring both accountability and transparency. Thank you.

[*Translation*]

**Hon. André Pratte:** Honourable senators, when Bill C-71 comes to a vote, we will be deciding who will make the technical decision to classify a firearm as prohibited, with all of the restrictions that entails, because these are the most dangerous firearms. Who will make that decision? Will it be experts at the RCMP or politicians, who know very little about firearms, who are not experts and who are open to the powerful gun lobby?

[*English*]

Let me go through a bit of history. Since gun classification is provided for in the Criminal Code, the decision as to whether a firearm was non-restricted, restricted or prohibited has always been in the hands of the RCMP, until 2015 when this was changed. Let me remind you what that change was about. In 2015 Bill C-42 gave the Governor-in-Council authority not to classify certain guns in a certain way but to ignore the Criminal Code definitions of different classes of firearms, which I think is pretty serious. You have the Criminal Code which defines what is a prohibited, restricted and non-restricted firearm. It is stated in the Criminal Code as adopted by Parliament. Then you have the RCMP experts in their laboratory here in Ottawa because sometimes these decisions can be quite technical. They look at

the Criminal Code. They have a firearm in front of them. They decide based on their expertise that this gun in particular will be prohibited, restricted or non-restricted.

In 2015, what the previous government decided to do was not only ignore the RCMP expert opinion on a certain number of guns but they would ignore the definitions in the Criminal Code. It is currently stated in the Firearms Act after the amendments brought in 2015.

There were many mentions of arbitrary decisions. The decisions are arbitrary. Well, it is not because some people are unhappy about a decision that it's arbitrary. I visited the RCMP lab here in Ottawa. The work they do is very impressive. I choose to trust the RCMP. They are the experts. They know what they are talking about.

[*Translation*]

Several people have mentioned that gun owners affected by a sudden ban on a particular firearm aren't compensated. I have two things to say about that. First, no owner of a prohibited weapon in Canada, whether as a result of Bill C-71 or any previous bill under a Liberal or Conservative government, has ever been compensated. However, they are grandfathered, which means they can continue to own their firearms and use them at authorized gun ranges. There was no compensation, but individuals were protected because they didn't lose the right to own their newly prohibited weapons and use them at authorized gun ranges.

[*English*]

Governments of all political stripes have used exactly the same means of grandfathering current owners of the firearms that became prohibited.

There were discussions in the speeches of the honourable senators in favour of the amendment of an appeal mechanism, of more transparency of how the RCMP classifies firearms. As I have said in my third reading speech, I believe there is something in favour of these arguments. It is true that, in the past, the RCMP's decisions were not always widely announced. If you wanted to know if a specific firearm was prohibited, restricted or non-restricted it was not easy to find that information. The RCMP has announced that starting in a couple of months, all of their decisions on firearms will be on the web on what is called the reference table. The firearms reference table will be on the web and updated regularly so you can know what category your firearm belongs to, the firearm that you want to buy, and the reasons why they are restricted, non-restricted or prohibited. The matter of transparency, in my view, has been solved.

What remains is the issue of an appeal mechanism. It is a good question. I believe this is something the government can look into to see whether there is a way of providing an appeal mechanism to the RCMP experts' determinations.

For the moment, that is not what is in this amendment. All this amendment does is bring us back to the 2015 act which gives the Governor-in-Council the authority to ignore the Criminal Code classifications of firearms so they can respond to whatever firearms lobby is unhappy with an RCMP expert decision.

Honourable senators, I don't know about you, but I choose to trust the RCMP experts on firearms classification. If Parliament wants to change the criteria for gun classifications, then Parliament must change the Criminal Code, not give the authority to the Governor-in-Council to ignore the Criminal Code.

I choose to trust the RCMP experts. I choose to trust the people who know firearms best over giving that authority to elected politicians who, with all their merit, are not experts on firearms. As we all know, as senators, as we have seen with Bill C-71, the politicians who are always submitted to a barrage of lobbying from the gun owners' associations, the ones who purport to speak for all gun owners in Canada. Thank you.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a question for Senator Pratte.

Senator Pratte, I am not an expert in these matters. I had wanted to speak during debate but I hesitated. I have one question. I had an opportunity to meet with small business owners who mentioned that, with reclassification of certain products, they were given the directive to safely store, put away and not sell these products. They mentioned that these products that they have purchased are part of their assets and assets they cannot in any way use for their families or pass on to family. When they did what was asked of them in this sort of, I say, arbitrary reclassification, they said two years later there has been no further communication and they are just waiting. Even keeping it safely stored is a risk. I wonder if you have had a chance to speak to these business owners about the challenges they are facing in this regard.

**Senator Pratte:** Thank you for the question. Yes, I have met many times with owners of small businesses who sell guns. I appreciate the difficulty that they find themselves in. I think we also have to appreciate why these specific guns were prohibited by the RCMP experts. These firearms were imported into Canada under false pretenses. These firearms were derived from fully automatic firearms. Converted fully automatic firearms are prohibited by the Criminal Code. It's not an arbitrary decision. It's a decision based on the definition of what is a prohibited firearm. Fully automatic firearms and converted fully automatic firearms are prohibited by the Criminal Code.

Now, the issue is whether owners of guns or businesses that have these guns in their stock should be compensated. The decision taken by this government, exactly like the decisions taken by previous governments of all political stripes, is that there would be no compensation. Individual owners would be grandfathered and able to not only own guns but they could also buy the same guns from other grandfathered owners. That's the decision that has been taken by this government, as other governments in the past have decided not to compensate firearm owners or small businesses.

• (1830)

[*Translation*]

**The Hon. the Speaker:** Senator Dagenais, do you have a question for Senator Pratte?

**Senator Dagenais:** Yes. Would Senator Pratte take a question?

**Senator Pratte:** Yes.

**Senator Dagenais:** First of all, Senator Pratte, I would say that I'm somewhat surprised to hear from you. We both sit on the same committee and discussed no-fly lists yesterday. People on these lists are told that they have the right to appeal the government's decision, and we're even willing to argue that the government should have to cover people's legal fees in such matters.

Bill C-71 states that people won't be able to appeal the decision because law enforcement gets all the power. Don't you agree that this might lead to the creation of a police state, a totalitarian state where people have no right of appeal?

I'd like to hear your thoughts on that.

**Senator Pratte:** First off, I want to point out that, by your reasoning, we've been living in a totalitarian state for a very long time since the experts at the RCMP are the ones who classify firearms. The Governor-in-Council has only had the power to disregard the Criminal Code since 2015.

Second, I remind senators that what worries me much more than having RCMP firearms experts making the decision is the notion that the Governor-in-Council would have the statutory authority to disregard the Criminal Code. Honestly, I find that much more dangerous.

As I was saying earlier, to my mind, the appeal mechanism you speak of is something we might want to consider so that Canadians are able to appeal the RCMP's decisions. We should think about how this mechanism could work.

However, that's not what I see in your amendment. Your amendment simply seeks to allow the Governor-in-Council to disregard the classifications set out in the Criminal Code, and I think that's a very bad idea.

[*English*]

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** In amendment, it was moved by the Honourable Senator Dagenais, seconded by the Honourable Senator Plett:

> That Bill C-71 be not now read the third time but that it be amended —

May I dispense?

**Hon. Senators:** Dispense.

**The Hon. the Speaker:** All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say "nay."

**The Hon. the Speaker:** In my opinion, the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Do we have agreement on the bell?

**Senator Plett:** We will defer the vote until tomorrow.

**The Hon. the Speaker:** Pursuant to rule 9-10, the vote will be deferred until 5:30 on the next sitting day of the Senate, and the bells will ring at 5:15 to call in the senators.

(*At 6:32 p.m., pursuant to the orders adopted by the Senate on February 4, 2016, and May 9, 2019, the Senate adjourned until 1:30 p.m., tomorrow.*)

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