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Thursday, November 30, 2017

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Thursday, November 30, 2017

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

Prayers.

### SENATORS' STATEMENTS

#### ECUMENICAL PATRIARCHATE OF CONSTANTINOPLE

**Hon. Leo Housakos:** Honourable senators, it is an honour for me to stand in the Senate today to recognize and celebrate the Ecumenical Patriarchate of Constantinople as well as to pay tribute to a man whose humility and service to humanity is truly exceptional.

Spanning 17 centuries, the Ecumenical Patriarchate is the highest see of the Orthodox Christian Church. Today is the Patron Feast of the Patriarchate as the Orthodox Christian Church celebrates St. Andrew, the First-Called Apostle, who is the founder of the church in Constantinople.

The Patriarchate is led by His All-Holiness Bartholomew, the spiritual leader of the world's 300 million Orthodox Christians. His All-Holiness was born in 1940 on the Island of Imvros. In 1961, he graduated with highest honours from the Theological School of Halki, which unfortunately remains closed by Turkish authorities.

Since becoming Ecumenical Patriarch in 1991, and in spite of religious persecution, he has transformed the highest see of the Orthodox Church. He has spearheaded inter-Christian collaboration, he has led a dialogue of love with Jewish and Muslim leaders, and he has been a leader on the environmental issues, earning him the title of "green patriarch." His All-Holiness also convened and chaired the historic Holy and Great Council of the Orthodox Church in June 2016 on the Greek island of Crete.

On behalf of all Orthodox Christians in Canada, I extend my warmest wishes to the patriarch on the Patron Feast today and sincerely congratulate the Ecumenical Patriarch Bartholomew, wishing him many years of good health.

*Axios!* Thank you, colleagues.

#### GEORGE ELLIOTT CLARKE

##### POET LAUREATE—TRIBUTES

**Hon. Patricia Bovey:** Honourable senators, as George Elliott Clarke completes his term as Poet Laureate of the Parliament of Canada, I want to thank and congratulate George on his work and the voice he has given to the work of parliamentarians. He is one of those stellar Canadians who inspire us; he has inspired us with his insights eloquently articulated through his writing, poems, plays and prose.

To pay adequate tribute to his work on the Hill and for Canadians, I knew I had to look elsewhere for assistance, as I obviously do not have the talent to respond and thank him in kind. So I turned to St. Boniface poet Roger Léveillé for help. This is what he wrote for me to read in honour of his and our colleague George Elliott Clarke today. One is in French and one in English.

La poésie est sans espoir  
Elle n'a rien à perdre  
ou à gagner  
Sa façon est la sienne  
Sa voie est vraie  
Elle va où elle veut sans errer  
et arrive toujours  
à point

Poetry is without hope  
It has nothing to gain  
or lose  
Her ways are her own  
She goes at will  
without wandering  
The wonder of her manner is true  
and knows no end

Thank you, George. I look forward to what you undertake as an encore. I eagerly await your next volume. I know it will be *toujours à point*, and that your artistry with words, "the wonder of [your] manner" will always be true and "[know] no end." *Merci.*

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Margaret Eaton and Ms. Jennifer Hollis. They are the guests of the Honourable Senator Omidvar.

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

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

### IMMIGRANT EMPLOYMENT

**Hon. Ratna Omidvar:** Honourable senators, it is my pleasure to rise today to pay tribute to those who work on the ground with immigrants to ensure that their talents are fully deployed. We have all heard stories about engineers, doctors and lawyers driving taxis, and while they may now be driving an Uber, it is still a significant loss to our economy, estimated by the Conference Board of Canada to be roughly \$6 billion a year.

In response to this long-standing, wicked problem, very creative and innovative solutions are being tested on the ground in local communities where immigrant employment councils are working in places like London, Toronto, Ottawa and Calgary.

They are working locally with big and small employers, colleges and universities, all levels of government and civil society organizations to break down barriers. They focus on changing perceptions about global talent. They engage business to improve and change hiring practices, so it is not just the sound of one hand clapping but two, and so that employers can stay in step with changing demographics and evolving labour market needs.

I am particularly enthusiastic and attached to the work they do in providing mentoring opportunities for immigrant talent. These are based on the premise that while immigrants may bring many experiences and talents, they often lack an understanding of the unwritten rules of behaviour in corporate Canada. It's often not what you know but who you know that matters. These mentoring opportunities are finely calibrated to match an unemployed immigrant with their employed counterpart, journalist to journalist, engineer to engineer and maybe even chemical engineer to chemical engineer. They produce enormous results for our society and for the immigrants.

In my hometown of Toronto, I had the pleasure of founding the local immigrant employment council called TRIEC, whose mentoring program has been at the forefront of creating a national movement of mentoring opportunities. So far, 14,000 immigrants in the GTA have been provided with mentoring opportunities, and 75 per cent of them have found work. That is an amazing figure, and I hope to be speaking to you at some time about amplifying this further.

As with all things, there are unintended consequences. You may have a mentoring match that will lead to visits to the cottage, to invitations to Thanksgiving and Christmas dinners, and friendships.

In a very indirect way, these mentoring programs are like glue, contributing not only to the broadening of social networks but also to the creation of necessary but elusive social cohesion.

Honourable senators, I hope you will agree with me that this is important work. We need to ensure that immigrants come to this country and succeed, because when they succeed, so does Canada.

Thank you very much.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Rob Comeau, Jake Rudolph, Jory Smallerberg, Gina Vanderheide, Sir James Barlow and Vijay Manual. They are the guests of the Honourable Senator Martin.

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

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

### CHARACTER ABBOTSFORD AND CHARACTER CANADA

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise today to recognize and commend Character Abbotsford for its visionary work to create cities and communities of character across British Columbia, Canada and beyond. This afternoon, I was proud to co-host, along with Senator Richard Neufeld and the members of Parliament of Abbotsford, Ed Fast and Jati Sidhu, the Character Canada on the Hill reception. The representatives of Character Abbotsford — Sir James Barlow, Jake Rudolph, Rob Comeau, Vijay Manual, Gina Vanderheide and Jory Smallerberg — were there to showcase their work promoting character development through the BC Schools of Character network and their annual Character Canada Conferences.

• (1340)

According to their website, Character Abbotsford's vision is to create "A community that lives out its shared values daily and is committed to intentionally promoting character." The Character Canada movement began in 2006 when the then superintendent, school board chair and vice principal attended York Regional District's Character Conference in Toronto, Ontario: A Canadian Community of Character.

In 2011, leaders from across the City of Abbotsford, B.C., met and established six foundational values: respect, responsibility, integrity, empathy, courage, and service. Since then, Character Abbotsford has organized and hosted numerous events, including a youth forum, City of Heroes awards ceremony, speaker series hosted by the mayor, and a leadership summit. As a former educator of 21 years, I know first hand the importance of fostering character development in students through teaching about character, through good curriculum and through modelling in a very positive learning environment.

W.J. Mouat, Abbotsford Senior and MEI in Abbotsford are three such schools of character.

The city of Abbotsford is such a city of character. I deeply believe that organizations and initiatives like Character Abbotsford and BC Schools of Character Network have a noble vision, and the annual Character Canada conferences offer the tools and inspiration to participating municipalities to help them transform their communities into places of character. That is why I'm so proud to stand here in support of this character movement and the tenets they champion.

Honourable colleagues, please join me in recognizing the hard work and commitment of the people behind Character Abbotsford and the Character Canada movement for their dedication towards a better today and an even greater tomorrow.

[Translation]

## WORLD AIDS DAY

**Hon. René Cormier:** Honourable senators, tomorrow is World AIDS Day, and this year's theme is "My health, my right". Founded in 1988 following a world summit of health ministers in England, World AIDS Day provides an opportunity to commemorate victims, raise global awareness of the HIV/AIDS epidemic as a threat to public health, and emphasize the responsibility of every country to ensure universal access to treatment, care and support.

Since HIV was discovered and identified in 1983, it has killed nearly 35 million people throughout the world. According to the latest statistics from UNAIDS, in 2016 alone, an estimated one million people around the world died of AIDS-related illnesses and approximately 36.7 million are currently living with HIV. The region that has been hardest hit is the African continent, where 25.6 million people have HIV. In Canada, the Public Health Agency estimates that over 65,000 Canadians are HIV positive, and that about 20 per cent of those people have not yet been diagnosed.

While practising safe sex is still the best way to prevent the spread of HIV, some segments of the population continue to be more at risk than others, including injection drug users, sex trade workers and their clients, the LGBTQ2 community, inmates, and some cultural groups. These vulnerable populations often face social and legal barriers that limit their access to HIV testing. Despite all of the advances that have been made, HIV/AIDS remains an extremely taboo disease in our society, which often leads those who suffer from it to become isolated because of having to hide their condition.

There is no vaccine for HIV. However, there are antiretroviral drugs that help prevent transmission and allow HIV carriers to live a full and relatively normal life.

On the eve of World AIDS Day, I want to pay tribute to all those who have lost their lives to this disease, and to all the medical professionals and many organizations across Canada doing tremendous work to support Canadians living with this disease.

Furthermore, I want to pay a special tribute to Dr. Réjean Thomas, the Acadian doctor who co-founded Clinique Médicale l'Actuel in Quebec. Dr. Thomas is a pioneer on the front lines of the fight against sexually transmitted and blood-borne infections. In 1994, he was appointed Quebec's special advisor on international humanitarian action. He went on to found the Canadian chapter of Doctors of the World and organize some 40 humanitarian missions on three continents.

Thanks to him and his colleagues in the medical profession, great strides have been made toward treating HIV/AIDS, giving those affected a chance to enjoy a long, rich and healthy life. That being said, honourable senators, governments and communities must step up their efforts if we are to eradicate this terrible epidemic as quickly as possible.

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## ROUTINE PROCEEDINGS

### THE SENATE

#### CERTIFIED COPY OF ORDER-IN-COUNCIL TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, an order-in-council authorizing persons, pursuant to the section 128 of the Constitution Act, 1867, to administer the oath of allegiance contained in the fifth schedule of that act to every member of the Senate and to receive the declaration of qualification contained in that schedule.

#### COMMISSIONER OF OFFICIAL LANGUAGES

##### CERTIFICATE OF NOMINATION AND BIOGRAPHICAL NOTES TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the certificate of nomination and biographical notes of Raymond Thériault, the nominee for the position of Commissioner of Official Languages.

#### COMMISSIONER OF LOBBYING

##### CERTIFICATE OF NOMINATION AND BIOGRAPHICAL NOTES TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the certificate of nomination and biographical notes of Nancy Bélanger, the nominee for the position of Commissioner of Lobbying.

[English]

## QUESTION PERIOD

### THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE RAYMOND THÉBERGE, COMMISSIONER OF OFFICIAL LANGUAGES NOMINEE, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN NINETY MINUTES AFTER IT BEGINS

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, I will move:

That, at 7 p.m. on Monday, December 4, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Raymond Thérberge respecting his appointment as Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than 90 minutes after it begins.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Accordingly, it is ordered that this motion be placed on the Orders of the Day for later this day.

### COMMISSIONER OF OFFICIAL LANGUAGES

NOTICE OF MOTION TO APPROVE APPOINTMENT

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with section 49 of the *Official Languages Act*, R.S.C., 1985, c. 31 (4th Supp.), the Senate approve the appointment of Raymond Thérberge as Commissioner of Official Languages.

### INTER-PARLIAMENTARY UNION

MEETING OF THE STEERING COMMITTEE OF THE TWELVE PLUS GROUP, SEPTEMBER 10-11, 2017—REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Inter-Parliamentary Union respecting its participation at the Steering Committee meeting of the Twelve Plus Group, held in Porto, Portugal, on September 10 and 11, 2017.

### FINANCE

MINISTER OF FINANCE

**Hon. Richard Neufeld:** Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder may remember that the Finance Department waited until two days before Christmas last year to post their long-term projections online. Those projections showed that the federal budget will not be balanced again until 2055.

• (1350)

Minister Morneau's office confirmed to *The Globe and Mail* in October that this year's long-term fiscal forecast is once again planned for just a few days before Christmas, at a time when many Canadians are busy with their holiday preparations and travel and the government can avoid parliamentary scrutiny.

My question for the government leader is this: As your government has already had long-term fiscal projections, why won't the minister release them now if he is as open and transparent as he claims?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. It is not unusual for the government, as it prepares for its budget cycle, to provide this information to Canadians. It is usual to do that before the end of the calendar year, which is what the government is committed to.

In that context, I simply want to reference the fact that the government made available to Canadians its economic update in the fall, its fiscal plan, in anticipation of a budget in the spring.

**Senator Neufeld:** Minister Morneau has provided Canadians with a deficit double what he promised in the election. Minister Morneau introduced a 33 per cent marginal tax rate for high-income earners, and we are told that this would pay for tax cuts to the middle class. Instead, personal income tax revenue decreased by \$1.2 billion last year fiscal year, and 80 per cent of middle-class Canadian families with children are paying more in taxes under the current government.

Minister Morneau brought forward tax changes for small-business owners and farmers, accusing them of unfairly exploiting tax loopholes, all the while failing to be transparent about his own assets and how they are arranged.

Senator Harder, why does Minister Morneau still hold the position of Minister of Finance?

**Senator Harder:** I thank the honourable senator for his question. I, of course, don't accept the premise of his question, nor indeed the conclusion of the question that he is suggesting.

Let me remind senators and all Canadians that the Government of Canada is on track for its fiscal plan. In fact, it is outperforming the fiscal plan. We continue to have a reduction in debt to GDP. The budget deficits are coming in below those planned, both last March and in the economic update in the fall, which suggests economic performance that reflects the fact that Canada has the highest growth rate amongst the G7 and that it is the envy of our peer group. That, too, has to be acknowledged in the context of the excellent performance by the Minister of Finance.

**Hon. Larry W. Smith (Leader of the Opposition):** Thank you, Your Honour. I apologize, I was outside visiting some guests of my confrere.

We're focused on our finance minister. I understand the economic discussion, Senator Harder, that you put forward in terms of response. I have just a couple of notes. I will be very short.

The mandate letter from the Prime Minister to the ministers, in this case the Minister of Finance, says:

. . . you must uphold the highest standards of honesty and impartiality, and both the performance of your official duties and the arrangement of your private affairs should bear the closest public scrutiny. This is an obligation that is not fully discharged by simply acting within the law . . . .

When you look at the situation, the minister told Canadians through the media that he would put his assets in a blind trust. He didn't. The minister was fined by the Ethics Commissioner for failing to disclose an offshore corporation which owns his French villa. He is under investigation for introducing a bill that could benefit his family company, Morneau Shepell. Now he has refused to answer a simple question about the sale of shares.

What will be the outcome of this? Will the minister resign? Will he stand up and answer the questions?

**Senator Harder:** I thank the honourable senator for his supplementary question to that of Senator Neufeld.

Let me say, first of all, I don't even think the Leader of the Opposition suggests that I'm about to announce any action with respect to the Minister of Finance. I will repeat, as I have before, that the Minister of Finance has complied and is actively working with the Ethics Commissioner to ensure that he is *au courant* with all of the expectations in respect of his obligations.

The minister has answered immediate questions directly and personally in the other chamber, as he must and ought to. He has also spoken to the public about this.

I simply want to assure all senators that Minister Morneau is a person of high integrity. His commitment to public life is one that should go unchallenged. I believe he is performing his role in an exceptional way.

**Senator Smith:** I just go back to the Prime Minister's mandate letter:

. . . you must uphold the highest standards of honesty and impartiality, and both the performance of your official duties and the arrangement of your private affairs should bear the closest public scrutiny . . . .

Do you not think it's critical for each of us, whether we're senators, leaders, ministers, or the Prime Minister, to have a reflex in our head which says, "I have to have good judgment in making sure that not only do I comply with the laws, but also I have an obligation in the office that I hold and I'm going to do more than comply with the laws. I'm going to be above the standard to make sure that I will never put myself in any potential conflict situation"?

That's an easier question to answer because it applies to all of us, and it applies to all ministers.

**Senator Harder:** I want to assure the honourable senator and all senators that Minister Morneau has, since he first took office, worked diligently with the Ethics Commissioner to ensure appropriate compliance, and that he is meeting the highest standards of expectations.

## NATIONAL REVENUE

### DISABILITY TAX CREDIT

**Hon. Leo Housakos:** My question is for the Government Leader in the Senate. The chair of the board of directors of Autism Canada, Mr. Dermot Cleary, stated in an interview published this morning that his organization is aware of people with autism being denied access to the Disability Tax Credit by the Canada Revenue Agency, despite having previously received it. Mr. Cleary also stated, Senator Harder, that there are many examples of families with multiple children on the autism spectrum, with some receiving the credit while others have been refused.

As we know, Canadians with Type 1 diabetes have also recently been denied coverage under the Disability Tax Credit.

What is being done by the government to clear up this situation and ensure that these Canadians with autism and their families don't continue being denied the tax relief that they had previously been entitled to for many years?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I myself met with the Canadian association for autism this morning on this and a wide range of issues, including the community living program.

I want to assure senators that the Canada Revenue Agency is wholeheartedly committed to ensuring that all Canadians receive the credits and benefits to which they are entitled. Obviously this includes the Disability Tax Credit, the so-called DTC. That is why the Government of Canada has reinstated the Disability Advisory Committee, a forum with a proven track record for bringing CRA officials together with stakeholders to ensure that Canadians with disabilities are better incorporated into CRA decision making. That advisory committee had been dormant for some years.

Canadians, of course, expect and should expect, CRA to do its due diligence to ensure that individuals who receive benefits and credits, including the DTC, meet the eligibility requirements as set out in the Income Tax Act.

There has been no change in the eligibility criteria for the DTC relating to mental functions necessary for everyday life. Eligibility is not based on a diagnosis such as autism but, rather, on the effects of the impairment and the ability to do basic activities of daily living.

Senators will know that CRA receives an average of 250,000 applications for the Disability Tax Credit each year. Over 80 per cent of those applications are approved, and more than 700,000 Canadians claim the credit on their annual tax returns.

This is an important measure. I would be happy to work with the honourable senator to ensure that the community is well-advised as to how it should deal with any of the cases that are brought to its attention.

**Senator Housakos:** Leader, we need to know why this has been occurring in the last little while. When Canadians are denied access to the Disability Tax Credit, they are also denied access, of course, to the Registered Disability Savings Plan, which is a long-term savings plan created a decade ago by the former Minister of Finance at the time, Jim Flaherty.

Could the government leader please tell us how many people, and do we have any idea how many people with autism, are being refused access to both the Disability Tax Credit and the Registered Disability Savings Plan? It seems that the government doesn't have a clue right now why this is happening and how many people are being affected.

• (1400)

**Senator Harder:** What I can confirm is that the total approvals for the Disability Tax Credit are netted at an all-time high in this tax year, reflecting appropriately the needs that the community across Canada has.

I want to reassure the senator that the government is taking steps, including reconstituting of the advisory committee, to ensure that the appropriate stakeholders with respect to various areas of disability are able to provide their advice to the department to ensure that it is adequately responding to the changing and evolving technologies as they apply the rules under the Income Tax Act to award the disability payments.

## JUSTICE

### LEGALIZATION OF CANNABIS

**Hon. Judith G. Seidman:** My question is to Leader of the Government in the Senate.

Honourable senators, we have yet another sign from this government that they're content to throw caution to the wind when it comes to legalizing marijuana. Last week they admitted they have no choice but to skip the standard consultation process because they don't have enough time to get it done before July 1. Instead, Canadians are being presented with a back-of-the-napkin plan, leaving serious health and safety questions unanswered. All Canadians, especially parents and patients, deserve to know the facts about how legal marijuana will affect them in their daily lives.

Can the Leader of the Government in the Senate tell us why this critical health and safety process is being rushed at the expense of transparency?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. I dispute her premise which suggests that the bill is being rushed. The bill is just before us. I anticipate that later this afternoon we'll begin second reading debate. I hope that the honourable senator participates on an urgent basis in that debate so we can have all the facts before us as the Senate contemplates its views on this matter.

I welcome all honourable senators briefing themselves to be able to participate in the debate in the days ahead.

**Senator Seidman:** No matter how robust the consultation, the government has sacrificed transparency for the sake of a political deadline — a deadline, by the way, that nearly half of Canadians believe is too soon.

Without seeing the regulations, we have no way of knowing if they will protect the health of Canadians or keep our kids safe. The government is exploiting a loophole that, according to the Treasury Board, is intended for minor housekeeping amendments or regulations that respond to emergencies that pose major risks to health and safety. So, which one is it? Is the Liberal plan to legalize marijuana minor housekeeping, or is it a self-made emergency that threatens the health of Canadians?

**Senator Harder:** Again I thank the honourable senator for her question. Let me simply repeat that the issue of marijuana and Bill C-46, which as I said earlier will begin debate here in this chamber today, has been debated for some time in the other place. It has not been sprung on Canadians. There has been a long debate. Indeed, it was part of the platform of this government when it ran for office over two years ago. This house will have ample opportunity to participate in that debate and exercise, as it should, our judgment with respect to the bill before us. I welcome the senator's participation.

[Translation]

**Hon. Claude Carignan:** Honourable senators, I would like to continue on the topic of marijuana, specifically with regard to Bill C-45. Is the Leader of the Government in the Senate aware that the bill, in its current form, allows young people under the age of 18 to have up to five grams of cannabis in their possession at school?

[English]

**Senator Harder:** I thank the honourable senator for his question. I welcome his participation in the debate on the bill, when he is able to come forward with his critic's speech. That would be an appropriate opportunity for all of us to engage on all the details of the bill and to comment on how this bill of the government compares to the bill that he introduced in this chamber on the very same subject.

[Translation]

**Senator Carignan:** I am surprised by your response. However, the clause is quite clear. Apparently, the goal of legalizing marijuana is to discourage kids from using it. Norway has one of the lowest rates of marijuana use among young people. Did the government look at what Norway is doing to reduce marijuana use among youth, rather than what it is doing here, which is basically throwing in the towel?

[English]

**Senator Harder:** As the honourable senator will know, the Government of Canada — the ministers responsible — have examined international experience not only in Norway but also in other jurisdictions to ensure that the objective of the government, which is to control this substance and to ensure its appropriate management in society, is brought forward in the best public policy interest. That is what is reflected from the government's perspective in the bills before us. I look forward to having this debate.

## FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

### EMPLOYMENT INSURANCE—YOUTH

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a question for the Leader of the Government in the Senate. The Liberal Party's 2015 election platform states:

And to encourage companies to hire young Canadians for permanent positions, we will also offer a 12-month break on Employment Insurance premiums. We will waive employer premiums for all those between the ages of 18 to 24 who are hired into a permanent position in 2016, 2017, or 2018.

When the Prime Minister was directly asked about this particular broken election promise during an October press conference, he did not answer directly. There was also no mention of this in the Fall Economic Statement.

So, Senator Harder, my question for you is actually quite simple: Will your government honour its campaign commitment to waive EI premiums for hiring youth, yes or no?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for her question. Let me simply indicate that I will take that question up with the responsible minister to provide a specific answer to the question. However, in the context of doing so, I want to remind all honourable senators that this government has taken a number of initiatives to enhance youth opportunities in the workplace, which is the policy objective of this government.

[Translation]

## JUSTICE

### LEGALIZATION OF CANNABIS

**Hon. Claude Carignan:** Still on the topic of Norway, if the government looked at international experiences in this area, could the Leader of the Government in the Senate tell us what Norway is actually doing to prevent young people from using marijuana? Are there any appropriate solutions to prevent marijuana use among youth that could be applied here in Canada?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I'm sure officials will be anxious to deal with comments or questions like that in committee. I will brief myself for the specific question you raise, but I think it would be helpful for us all to agree that the appropriate forum for detailed questions and interaction with the officials and with ministers responsible is either in Committee of the Whole or in the committee considerations of the bill.

## ORDERS OF THE DAY

### YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT

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

**Hon. Larry W. Campbell** moved second reading of Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act.

He said: Honourable senators, it is an honour for me to rise in the Senate today to speak to Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act, or YESAA. In the spirit of realistic reconciliation, I would like to acknowledge that I do so on traditional Algonquin territory.

The YESAA, as honourable senators may know, was passed in 2003 and stems from the Umbrella Final Agreement between Canada, self-governing Yukon First Nations and the Government of Yukon.

As required under the Umbrella Final Agreement, a five-year review of the YESAA was launched in 2008 and concluded in 2012.

The review resulted in 76 recommendations, 72 of which were agreed to by all parties.

• (1410)

There was agreement to move forward with the 72 consensus recommendations and not proceed with the remaining four.

Despite spending years working with the Yukon First Nations on the comprehensive review, the Government of Canada added four additional changes outside the process and absent meaningful consultation with the Yukon First Nations.

These changes are not to be confused with the four non-consensus recommendations which were discussed as part of the five-year review; they were entirely new measures brought forward after the five-year review process was completed. These controversial changes included legislated time limits on the review process; exemptions from project reassessments when an authorization is renewed or amended unless there has been a significant change to the project; the power for the federal minister to provide binding policy direction to the Yukon environmental assessment board; and finally, the ability for the federal minister to delegate their powers, duties or functions under the act to the territorial government.

Bill S-6, the Yukon and Nunavut Regulatory Improvement Act, which implemented the consensus recommendations of the review process, also included the four controversial changes previously noted. Bill S-6 received Royal Assent in June 2015.

On October 14, 2015, in response to the passage of these four contentious provisions, three Yukon First Nations — the Champagne and Aishihik First Nations, Little Salmon Carmacks First Nation, and Teslin Tlingit Council — initiated legal action against the Government of Canada and the Government of Yukon in the Supreme Court of Yukon.

The court petition claims that the amendments are in violation of the Yukon Umbrella Final Agreement, that there was inadequate consultation regarding their development and that Canada and Yukon failed to act in accordance with the honour of the Crown.

The Government of Canada is committed to a renewed relationship with indigenous peoples based on the recognition of rights, respect, cooperation and partnership. This includes, wherever possible, pursuing negotiation rather than litigation to resolve disputes between the Crown and indigenous peoples.

After months of discussions, Canada, the Yukon government and Yukon First Nations signed an MOU in April of 2016 that outlined mutually agreed upon steps towards addressing the First Nations' concerns with changes to YESAA made in Bill S-6. This resulted in the creation of Bill C-17, which was introduced

in the other place on June 8, 2016. As a direct result of the bill's collaborative origin, the self-governing Yukon First Nations pursuing related legal action have adjourned their hearing dates while this bill proceeds.

Bill C-17 proposes to repeal the four controversial changes that were made to YESAA through Bill S-6. As I have already highlighted, these changes were developed outside the original review process of YESAA and caused universal condemnation by the Yukon self-governing nations as well as litigation between the Crown and three of those First Nations.

Bill C-17 repeals legislated time limits on the review process, exemption provisions regarding project reassessments, powers for the federal government to provide binding policy direction to the board and, finally, the ability of the federal minister to delegate duties or functions under the act to the territorial government.

Honourable senators, Bill C-17 is an example of what can be achieved when government works in partnership with indigenous communities at the very beginning of the proposed changes.

The Yukon First Nations were consulted from the very beginning, including on the draft legislative proposal. This bill will re-establish trust with Yukon First Nations and restore legal certainty for responsible resource management, paving the way for increased investment, development and jobs.

Last spring, the Yukon legislature unanimously passed a motion confirming all parties:

... supports the efforts of the Government of Canada to restore confidence in Yukon's environmental and socio-economic assessment process through amendments contained in Bill C-17. . . .

On March 13, the council of Yukon First Nations, the Yukon government and the Yukon Chamber of Mines sent a joint letter to the Government of Canada stating:

The Government of Yukon, self-governing Yukon First Nations, Council of Yukon First Nations and the Yukon Chamber of Mines look forward to seeing Bill C-17 passed, without change, as soon as possible. Your support for the passage of Bill C-17 assures us that the Government of Canada is genuinely committed to reset the relationship between Canada, Yukon and Yukon First Nations.

The letter also stated that they looked forward to passing the bill so that:

... the Yukon economy can benefit from the certainty established by the final and self-government agreements in Yukon.

Honourable senators, this bill represents a true consensus. The government also understands that the support of industry groups, including the Yukon Chamber of Mines, is not unconditional. Industry has made it clear that issues such as criteria for reassessments of projects and reasonable time limits for assessments require further discussion and clarity.

First Nations and the governments of Canada and Yukon agree that these issues require a strong policy framework.

Canada, Yukon, self-governing Yukon First Nations, industry and the board are all committed to working in collaboration through the regulatory process to establish practical timelines for the assessment processes and clear and sensible rules for when reassessments may be required.

The Government of Canada has been in ongoing discussions with the Yukon Chamber of Mines, and the chamber stands by their support for passing this bill on an expedited basis with the understanding that these issues will be dealt with through other policy mechanisms shortly thereafter.

The self-governing Yukon First Nations have made clear that passing Bill C-17 is an important show of good faith and a first step in moving forward with these important discussions. However, the minister's office has already had preliminary discussions with the Chamber of Mines and other partners as to how these future discussions could be structured, and those discussions are ongoing.

This underscores the time-sensitive nature of this legislation, as its passage is also a first step toward moving forward with further work on these critical issues. The government believes that a sustainably developed resource sector is essential to the success of the Canadian economy and, if we get this right, will serve as an important foundation for future economic and job growth.

Unlocking this economic potential must be contingent on environmental sustainability and on impacted indigenous communities being engaged as equal partners. This is not only an indigenous issue, but one with which all Yukoners are extremely concerned. Indigenous peoples must be full partners in designing regulatory frameworks when their constitutionally protected rights are impacted.

This is not just a moral obligation but a legal one, particularly in regions like the Yukon which are subject to comprehensive land claim agreements and self-government agreements.

We know that a sustainably developed resource sector is essential to the economic success of the Yukon. Once indigenous rights and title are recognized, land and water are protected and true partnerships are forged between local and indigenous communities, resource development projects will move forward more quickly and with greater legal certainty.

I urge all senators to support this bill. Thank you.

**Hon. Senators:** Hear hear.

(On motion of Senator Patterson, debate adjourned.)

## CANNABIS BILL

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

**Hon. Tony Dean** moved second reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

He said: Honourable senators, it is my pleasure to rise in this chamber as a sponsor of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, also known as the cannabis act.

• (1420)

This bill is both significant and historic in the context of health promotion in Canada. In that sense, to ensure there were no surprises, last night I offered to share this statement with critics — and with leaders where there are no critics assigned — and I'm happy to say that in most cases that offer was taken up.

The issue of legalization and regulation of cannabis is not new to this chamber. It is an issue that was studied 15 years ago, in 2002, by the Senate Special Committee on Illegal Drugs. The study was chaired by the highly respected late Senator Pierre Claude Nolin, a Conservative senator and former Speaker who was highly regarded in this place, and I know he is sadly missed.

Senator Nolin's study was prescient on cannabis reform, and in fact of the conclusions of the 2016 Task Force on Cannabis Legalization and Regulation. His striking conclusion then, in 2002, mirrored what policy, medical and community health specialists are saying today — that continuing to criminalize cannabis is more harmful to young Canadians than legalizing and regulating it. This was Senator Nolin's advice to us.

Bill C-45 is directly responsive to Pierre Claude Nolin's appeal to us in 2002.

Before I proceed, I want to acknowledge the efforts of the Minister of Justice, who introduced Bill C-45 in the other chamber, and her colleagues the Minister of Health and the Minister of Public Safety and Emergency Preparedness, all of whom have responsibility over important aspects of this bill. I would also like to thank the members of the House of Commons Standing Committee on Health, who reviewed 115 briefs and heard from over 100 witnesses, and who, through their work, adopted several amendments to strengthen the bill.

I also want to thank Canada's top-rate professional public servants for their hard work in this challenging area of public health.

Thanks also to my two staff — Amanda McLaren and Lauren Thomas, who work in my office — for working so hard to get as much advance information and research into the hands of every senator well in advance of today. We all thank them for that.

I suggest we approach Bill C-45 in three ways. I come from the world of policy, non-partisan public administration, and I'm guided by that as I do my work as sponsor in this place.

First, we must make an effort to understand the nature of the problem the government is trying to address and look closely at the evidence.

Second, we must understand the government's desired goals and outcomes, which are to reduce the harms of cannabis use in Canada and disrupt the country's massive \$7 billion illicit cannabis market, with all of this being considered through the lens of community health and harm reduction.

Third, and important, is our task of looking at the government's proposed means of addressing the harms of cannabis. Here we are talking about the demonstrated harms to health — and especially the health of young Canadians — as well as the potentially lifelong harms associated with criminalizing a drug which, at a population level, is less harmful than alcohol or tobacco.

I will start by reviewing the context in which Bill C-45 has been developed. Let's look at the consumption patterns and harms of cannabis, because I know this is something that we're all deeply interested in.

Canadians, and particularly young Canadians, continue to use cannabis at some of the highest rates in the world. According to the 2015 Canadian Tobacco, Alcohol and Drugs Survey, the prevalence of past-year cannabis use was 21 per cent among youth aged 15 to 19; just under 30 per cent among young adults aged 20 to 24; and 10 per cent among adults over the age of 25. And we know that the impacts of substance abuse on young people are greater in many indigenous communities.

The evidence is clear that young Canadians are currently consuming cannabis at alarming rates. We hear from young people that it is easier for kids to buy cannabis than cigarettes. It sure looks that way in my neighbourhood; I don't know about yours. I watch high school kids going to school in the morning smoking cannabis, and I see them smoking cannabis coming home at night. I go for a run in High Park and I smell cannabis. A car passes me with its windows open, and I smell cannabis. People are using cannabis and driving today. Large numbers of young people are using cannabis today.

The potential harms associated with cannabis are considerable. Health Canada, in its April 2017 publication *The Health Effects of Cannabis*, is uncompromising about the harms of cannabis to users. Some of the short-term effects on the brain from use of cannabis can include confusion, fatigue, impaired memory and concentration, anxiety, fear, panic, and even delusions and hallucinations. Long-term effects on the brain from use of cannabis can include an increased risk of addiction, impairment to memory, concentration, intelligence, as well as impairment of one's ability to think and make decisions.

These risks of harm have well-documented implications for school performance and decision making on important life decisions that have long-term consequences. These risks increase the younger a person is when they start using cannabis, the more

often they use it and the more intensely they use it. There is evidence that frequent and heavy use of cannabis can affect brain development in children and adolescents.

Like alcohol and cigarettes, cannabis can be addictive, and early consumption is a risk factor for this. The risk of dependence jumps from 9 per cent in the case of regular users of cannabis to 16 per cent of regular users who initiated use during adolescence.

The relationship between cannabis use and impaired driving is obviously also a concern and is magnified where cannabis is consumed together with alcohol. This, of course, is the focus of Bill C-46.

Finally, there are considerable safety concerns associated with the illicit cannabis market, which in Canada alone is estimated to contribute upwards of \$7 billion in income annually — reportedly, in large part, for organized crime.

The potency of illicit cannabis is often unknown and could result in heightened or prolonged harms such as confusion or anxiety. Furthermore, the quality, content and purity of illicit cannabis has no safeguards; it may contain pesticides, other drugs, heavy metals, moulds or fungi, or other contaminants — and I'm talking about today.

Beyond the health risks associated with cannabis, the criminalization of this drug results in tens of thousands of criminal records each year, which can have long-term consequences for Canadians, including stigmatization, marginalization and restricted employment opportunities.

Criminalization of cannabis has also contributed significantly to high costs and backlogs in the criminal justice system. More than half of all reported drug offences are cannabis related. In 2016, this amounted to nearly 55,000 offences reported to police. The majority of these offences — 81 per cent — were possession offences. This resulted in approximately 23,000 cannabis-related charges being laid, with 76 per cent of them being related to cannabis possession. The maximum penalty for simple possession on indictment is five years less a day.

We also know that criminalization can disproportionately affect indigenous and other racialized Canadians — groups already overrepresented in our prisons. In 2015-16, indigenous youth accounted for 7.5 per cent of the overall Canadian population but made up 39 per cent of admissions to youth custody.

Honourable senators, the status quo is not working to protect the health and wellness of Canadians, and especially young Canadians.

In 2002, Senator Nolin concluded that the long-term criminalization of cannabis has been a failure — just as the Le Dain commission had concluded thirty years before, in 1972. Senator Nolin observed that in the years between those two studies in 1972 and 2002, billions of dollars had been sunk into enforcement without any great effect. The consumption of cannabis just continued to grow.

• (1430)

Here we are, 15 years after Senator Nolin's report, still looking at the rate of young cannabis users in Canada being reflected among some of those that are highest in the world.

Honourable senators, we have all looked the other way too long, relying on tough-on-crime policies that actually discourage public education, community health initiatives and harm reduction programs. We need more programs that acknowledge the realities of substance abuse and that offer sensible information to inform risk-informed decision making. We simply have to do a better job in tackling the harms of cannabis.

Bill C-45 proposes a cautious, balanced approach to the legalization and regulation of cannabis through a public health-based lens and with a focus on prevention and harm reduction.

There is another side to cannabis that I want to touch on, because we'll inevitably hear about this in committee. This relates to its therapeutic uses.

Looking, again, at a January 2017 report, *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, from a U.S.-based ad hoc committee of the National Academies of Sciences, Engineering and Medicine, it concludes, among other things, that there is substantial evidence that cannabis or cannabinoids are effective for the treatment of chronic pain in adults, for the treatment of chemotherapy-induced nausea and vomiting and for improved patient-reported multiple sclerosis spasticity symptoms.

There is moderate evidence that cannabis or cannabinoids are effective for improving short-term sleep outcomes in individuals with sleep disturbance associated with obstructive sleep apnea, fibromyalgia, chronic pain and multiple sclerosis.

There is also some evidence to suggest that cannabis or cannabinoids may be effective in treating other issues, including increasing appetite and decreasing weight loss associated with HIV/AIDS and improving symptoms of Tourette's syndrome, anxiety and post-traumatic stress disorder.

I would imagine there are few of us in this place who don't know somebody who is using medicinal cannabis to treat one of these disorders today.

Honourable senators, on that note, Canada already has a well-established medicinal cannabis regime, which will significantly inform the way forward in implementing non-medical cannabis reform. This is not a cold start. It's not starting in July of 2018.

Canada already has a well-established medical cannabis regime. Countries around the globe, including Australia, Uruguay and European countries, as well as U.S. states, are looking closely at Canada's existing robust production and successful distribution system for medicinal cannabis.

We currently have 76 licensed medical cannabis producers in Canada. I have visited one of them. They are serving over 235,000 licensed medical patients. Some Canadian producers are entering into supply contracts with governments in Germany and

Australia. Canada is a recognized world leader in medical cannabis production, so developing a legal regime in Canada is not a cold start, although some might wish to think so.

But returning to our challenge, we know that illicit cannabis is widely available and frequently used by young people in Canada today. We know this is done in an entirely unregulated, \$7 billion market in which cannabis is not tested for contaminants or potency. This is the situation today in Canada.

This was the backdrop to the government's commitment in the 2015 Speech from the Throne to "legalize, regulate and restrict access" to cannabis.

This commitment recognized that Canada's existing prohibitionist approach towards cannabis is not working, and that it's time to stop looking the other way and start wrapping our arms around a serious public health challenge in this country.

Honourable senators, I believe that Bill C-45 proposes a cautious, balanced approach in legalizing and regulating cannabis. Many Canadians no longer believe that simple possession of small amounts of cannabis should be subject to harsh criminal sanctions, and the government has, in Bill C-45, proposed a better, balanced approach — one that is grounded in public health and public safety.

Honourable senators, it is important for us to understand how this issue has evolved over the years. The proposal of a new framework for legalizing and strictly regulating cannabis is not an out-of-the-blue initiative. Consideration of Canada's domestic cannabis policy has been ongoing for decades.

Cannabis was first prohibited in Canada in 1923 when it was added to the Opium and Narcotic Drug Act by the Minister of Health without much, if any, explanation. There hasn't been a good explanation provided since, if we are going to be honest about it.

There have been other parliamentary reviews over almost a half-century that have considered questions regarding cannabis law reform in Canada: notably, in the early 1970s, the Commission of Inquiry Into the Non-medical Use of Drugs — the LeDain commission — and in 2002, the Senate Special Committee on Illegal Drugs, which I have already mentioned.

From 1969 to 1972, the LeDain commission considered the very issues we are discussing today. Its majority recommendations included the repeal of the prohibition against the simple possession of cannabis and cultivation for personal use, while the minority view recommended a policy of legal distribution of cannabis, the removal of cannabis from the Narcotic Control Act, and implementation of provincial controls on possession and cultivation, similar to those governing the use of alcohol.

In 2002, the Special Senate Committee on Illegal Drugs determined that criminalizing cannabis possession is more harmful to young Canadians than legalizing and regulating it.

In 2014, the Centre for Addiction and Mental Health, the largest mental health and addiction treatment centre in Canada, recommended the legalization and regulation of cannabis. That was in 2014.

And most recently, the 2016 report of the Task Force on Cannabis Legalization and Regulation, chaired by the Honourable Anne McLellan, was informed by a broad consultation and study of cannabis.

In addition to hosting a series of round-table discussions in cities across the country to engage with experts from a wide spectrum of disciplines, the task force received nearly 30,000 submissions from Canadians and considered close to 300 comprehensive written submissions. The task force heard directly from professionals, employers, front-line workers, cannabis-using medical patients, employers, indigenous stakeholders, governments and organizations.

The task force also held an indigenous round table in October 2016 that included elders, the Assembly of First Nations, the Métis National Council and the Congress of Aboriginal Peoples. Indigenous groups also participated in regional round tables in British Columbia, Alberta, Ontario and Nova Scotia, and a bilateral meeting was held with the Inuit Tapiriit Kanatami. The views of these groups consulted were reflected in the report, including the need to engage indigenous communities and elders in the design and delivery of public education and awareness activities and to explore opportunities for participation in the legal cannabis industry.

The task force also conducted site visits to Colorado and Washington, two U.S. states that have recently legalized cannabis for non-medical purposes, where they were briefed by state officials. The task force also spoke with senior officials from the government of Uruguay about their unique experience as the only country to date to have enacted a regulatory system for legal access to cannabis. They visited the facilities of licensed producers on both sides of the border in order to familiarize themselves with the regulated cannabis production industry.

• (1440)

Honourable senators, the December 2016 final report of the task force has been very well received. It is evidence informed, comprehensive, and it provides readers with a solid grounding in the pertinent considerations related to the legalization and strict regulation of non-medical cannabis.

Now we turn to the cannabis act, which is largely aligned with the recommendations of the 2016 task force.

Bill C-45 would create a legal framework where adults can access legal cannabis through an appropriate retail framework sourced from a well-regulated industry or grown in limited amounts at home.

Adults, 18 years or older, would be permitted to legally possess 30 grams of legal dried cannabis or its equivalent for different classes of cannabis while in public. Adults could also legally share up to 30 grams of legal dried cannabis or its equivalent with other adults. Selling or possessing to sell would only be lawful if authorized under the act.

One thing is perfectly clear, there would be a strict prohibition on cannabis being sold or given to a young person. The act creates a new serious criminal offence to sell or for adults to give cannabis to a young person. The act also proposes a new serious criminal offence to use or involve a young person in the commission of a cannabis offence.

Possession, production, distribution, import, export and sale outside of the legal framework would remain illegal and be subject to criminal penalties proportionate to the seriousness of the offence.

Importantly, the penalties in Bill C-45 are significantly different from the current Controlled Drugs and Substances Act, the CDSA. First, the offences proposed in Bill C-45 would now be hybrid, as opposed to strictly indictable, without any mandatory minimum penalties. Second, Bill C-45 would provide a range of penalties, from ticketing for adults who commit minor possession or personal production offences, to a maximum of 14 years of imprisonment for more serious offences.

Bill C-45 would also exempt from criminal prosecution young people who possess or share very small amounts of cannabis, up to five grams, while young persons who possess or distribute more than five grams would be subject to an offence and dealt with under the provisions of the Youth Criminal Justice Act, which emphasizes community-based responses, rehabilitation and reintegration as opposed to criminalization.

For serious offences, alternatives to charging are encouraged, such as taking no further action, warning the young person or referring them to a community program or agency to help address the circumstances underlying their behaviour.

Honourable senators, significant discussion has occurred in relation to the treatment of young persons under Bill C-45, and I would like to take some time to set out how the government's proposed approach will focus on our young people.

Concerns have been raised in relation to the exemption of young persons from criminal prosecution for possession of up to five grams of cannabis, and suggestions that this decision is sending the wrong message to young people.

However, it should be noted that Bill C-45 aligns with the task force view that the ongoing criminalization of youth for possessing or sharing very small amounts of cannabis would do more harm than good.

It is also important to note that the federal government has been regularly engaging with the provinces and territories for the last couple of years as they develop their own implementation plans. Thus far, Canada's largest provinces, Ontario and Alberta, are opting to use the latitude provided by Bill C-45 to create provincial or territorial offences that would prohibit young people under 18 or 19 years of age from possessing any amount of cannabis. The provinces are using the latitude given to them in Bill C-45 to eliminate the five-gram allowance.

This approach would provide police with the authority to seize cannabis from young people, while at the same time not render them liable to criminal sanctions that could negatively impact their future.

This approach would be complemented by the other protections in Bill C-45 which would serve to protect our young people by restricting youth access to cannabis; protecting young people from promotional enticements to use cannabis; prohibiting products that are appealing to young people; prohibiting the packaging and labelling of cannabis in a way that makes it appealing to youth; prohibiting the sale of cannabis through self-service displays or vending machines; and creating these new offences with significant penalties for adults who either sell or distribute cannabis to young people or who would use a young person to commit a cannabis-related offence.

Outside of the legislation itself, the government is investing \$45.6 million over five years in a robust public education campaign to educate Canadians, particularly young Canadians, about the risks and harms of cannabis use. In addition, the government has also been working in partnership with organizations such as Drug Free Kids Canada that are doing a magnificent job targeting youth in campaigns that have evolved away from the “just say no” approach. It is something that we know hasn’t worked. Their Cannabis Talk Kit that gives parents the information to have informed conversations with their teens about cannabis was recently distributed to schools, communities and doctors’ offices across the country.

I would also like to note that the Canadian Students for Sensible Drug Policy are currently working to develop an education and research campaign that prioritizes youth input. They sought out collaborators on cannabis education with the objective to develop meaningful tools for young people to access the education they deserve. I look forward to their upcoming cannabis curriculum.

Under the proposed legislation, the federal, provincial and territorial governments would all share in the responsibility for overseeing the new system. Federal responsibilities would generally be to oversee the production and manufacturing components of the cannabis framework and set industry-wide rules and standards.

In keeping with the recommendations of the task force, provinces and territories would generally be responsible for the distribution and sale components of the framework and would, of course, be able to create further provincial restrictions as they see fit, including increasing the minimum age in their jurisdiction, which is happening; lowering the possession limit for cannabis, which is happening, which could be pursued to further protect youth; creating additional rules for growing cannabis at home, including the possibility of lowering the number of plants allowed per residence, which is happening; and restricting where cannabis can be consumed, such as in public or in vehicles, which is happening. We know that provinces and territories are adopting a precautionary approach in applying these sorts of additional restrictions.

In addition to their role in establishing a secure supply chain, provinces and territories will also be key partners in the federal government’s efforts to raise public awareness about the risks

associated with cannabis use. The government has indicated that it will monitor patterns and perceptions around cannabis use amongst Canadians, especially youth, through the Canadian Cannabis Survey. Such monitoring will serve to inform and refine further public education and awareness activities to mitigate the risks and harms of use.

We have covered how the government proposes to legalize and strictly regulate cannabis. However, this doesn’t mean that in advancing this approach the government is promoting the use of cannabis by any Canadian. It is recognizing that illegal cannabis is widely available and frequently used by young Canadians, and we must do a better job of providing relevant information about risks and disrupting the massive \$7 billion illicit market.

Tobacco and alcohol are both legal substances for which the government has implemented significant public education measures to address the harms and risks of their use. Similarly, the government has clearly committed to the implementation and ongoing investment into public education measures to inform all Canadians, young and old, of the risks of cannabis use.

I would now like to speak briefly about the timing for the implementation of the proposed cannabis act. Some have suggested that provinces and territories will not be ready, that law enforcement will not be ready and that more time is needed. I would simply point out, honourable senators, that many experts take the opposite view — that there is a need to implement this legislation as soon as possible.

• (1450)

The Canadian Public Health Association, in its testimony before the Standing Committee on Health, stated:

Unfortunately, we don’t have the luxury of time, as Canadians are already consuming cannabis at record levels. The individual and societal harms associated with cannabis use are already being felt every day. The proposed legislation and eventual regulation is our best attempt to minimize those harms and protect the well-being of all Canadians.

Honourable senators, as we begin our study of Bill C-45, I am greatly encouraged by the tremendous amount of work that has already been carried out in our provinces and territories. Many jurisdictions have committed to and completed consultations on how cannabis legalization and regulations should be implemented in their jurisdictions. Ontario, Quebec, New Brunswick, Alberta, Newfoundland and Labrador and Yukon have already released proposed legislation and/or frameworks describing how they will approach recreational cannabis, and Manitoba has enacted the Cannabis Harm Prevention Act. Late-breaking news, just today, is that the Northwest Territories released their framework. That’s eight provinces and territories.

Clearly, many provinces are moving forward in anticipation of the July 2018 timeline. My home province, Canada’s largest, will certainly be ready, and New Brunswick has identified cannabis production as a means of employment creation and economic diversification. The province has identified the cannabis industry as part of its economic growth plan. We are all interested in economic growth, aren’t we?

In conclusion, it's important to note that the legalization and strict regulation of cannabis has been on everyone's radar since December 4, 2015, when this commitment was highlighted in the Speech from the Throne that opened the First Session of the Forty-second Parliament of Canada, and as I have indicated today, for decades before that.

I would point out to all honourable senators that public attitudes have shifted insofar as the legalization and regulation of cannabis is concerned. While Canadians may not have been ready for such changes following the Le Dain Commission in the 1970s, most Canadians currently view the use of imprisonment and the imposition of criminal records for minor cannabis offences as heavy-handed. Canadians are supportive of the direction proposed in Bill C-45.

Cannabis is harmful, cannabis is easily available, and cannabis is frequently used by young Canadians today. It's time for us to stop looking the other way.

I thank you in advance for the contributions that this chamber is about to make towards the study of Bill C-45.

**The Hon. the Speaker:** Senator Dean, there are a number of senators who wish to ask questions. Are you prepared to take some questions?

**Senator Dean:** I would be happy to accept questions, Your Honour; thank you.

[Translation]

**Hon. Claude Carignan:** Obviously, we have a lot of questions. I want to talk about young people 18 and under, specifically those between 12 and 18. Almost every piece of legislation that is amended by Bill C-45 has to do with the Criminal Code. Among other prohibitions in the bill, it is prohibited:

for a young person to possess cannabis of one or more classes of cannabis the total amount of which, as determined in accordance with Schedule 3, is equivalent to more than 5 g of dried cannabis;

In law school, I was taught to also interpret law a contrario. As such, a young person between 12 and 18 can have five grams or less in their possession, regardless where they may be, whether in private or in public. Schools are public places.

Do you realize that through this bill you are allowing young people under 18 to have cannabis in their possession at school? Don't tell me that the Youth Criminal Justice Act applies here because that is not so. We are talking about the Criminal Code and an offence is being removed.

[English]

**Senator Dean:** Thank you for the question, Senator Carignan.

We're here talking about Bill C-45 today because we're all concerned about the widespread consumption of cannabis by our children and young people. The starting point, of course, is that

young people in Canada between 12 and 18 are consuming cannabis today in significant quantities, and they are being harmed as a result of that.

One of the harms, aside from the medical harms, relates to criminalization and criminal records. One of the stated goals of Bill C-45 is to reduce the impact of criminalization and to recognize that young people are already consuming in significant quantities. The five-gram allowance was designed to provide for an allowance for those young people who today, and who may continue after today, to be in possession of small amounts of cannabis, to be subject to enforcement, advice, public education, much more so than they are getting today about the harms associated with that, but not to criminalize them.

I mentioned in my statement that one of the stated goals of the government is to reduce or eliminate the use of cannabis by young people. The latitude to reduce the five-gram allowance was given to provinces, with the encouragement that the overall policy position of the government was to bring down and, if possible, eliminate the use of cannabis by young people.

Provinces, certainly our large provinces, have responded to that, and they are eliminating the five-gram allowance so that the use of cannabis by those people under 18 would not include a free pass, if I could call it that, with five grams.

Now, the penalty structure of the law is such — Senator Carignan, I'm responding to your question here.

**Senator Carignan:** Yes, I'm listening.

**Senator Dean:** The penalty structure of Bill C-45 is a sliding scale, from a warning or taking away small amounts of cannabis from young people all the way through ticketing and including the implementation of the Youth Criminal Justice Act, but there will be discretion at the provincial level, in keeping with the severity of the offence.

[Translation]

**The Hon. the Speaker:** Senator Carignan, a number of senators would like to ask questions. We will come back to you, time permitting.

[English]

**Hon. Anne C. Cools:** I thank the honourable senator for what I thought to be a very thorough and almost convincing speech. This is a matter that has preoccupied houses of Parliament and members for quite some time. I also note for those of us who sit on the Standing Senate Committee on National Finance that the current set of estimates that will be coming before the Senate as a supply bill very shortly listed a sum of money in the amount of \$39 million, almost \$40 million, for the federal Department of Health to provide a regulatory framework for cannabis. That I questioned, but that's for another day, not today.

My question to Senator Dean today is about the consumption of cannabis, and the fact that this Bill C-45 will provide for the medicinal use of cannabis. I hear this a lot, “the medicinal use of cannabis.”

• (1500)

Senator Dean, have you given any thought to the use of medicine in this way? Historically and traditionally — and the pharmaceutical companies are there to prove this — most medicines are delivered as pills, capsules, injections and other ways. I know of absolutely no medicine that is ever delivered by smoking, and smoking, as you know, is a process whereby human beings breathe into their bodies actual burning materials, which are deadly to the human body. Could you amplify this notion of medicinal use by smoking?

**Senator Dean:** Senator Cools, you’ve identified a further harm of cannabis, which is a rather obvious one. First of all, thanks for the question. “Almost convincing,” I’ll take that, at first pass, on this bill.

So, first, the current medical regime, which, as I said, has been tremendously successful — and, to be fair, we should give due credit to the former government and its leader for successfully implementing that — will not be changed by this legislation. The medical regime will operate in parallel, although there are similarities.

Any ingestion that involves burning carbons is, by its nature, unhealthy and is known to cause serious injury. We know that from tobacco, and tobacco, of course, has the additional highly addictive problems of nicotine.

So, absolutely, smoking is a harm, and the more that people smoke, the greater the harm. The more that tobacco is added to cannabis product, the more the harm increases because of tobacco use and because of the introduction of nicotine. For this reason, I know that many medical producers produce edible products and that they produce oil that can be used to make edible products. Edible products aren’t, of course, within the ambit of the discussion we’re having now. That is moved off for a year, so there are some things that can be moved downstream for later consideration, obviously. The government has been clearly open to that.

So that raises a question of the edible products world and then leads us very quickly to packaging and regulation and labelling and the benefits of clearly labelled doses. So what we have in the medical regime is something that we don’t have in the illicit regime. Today, we have, in the medical regime, clearly identified THC levels, CBD levels, clearly identified potency. All the things that are not available in that \$7 billion illicit market, and remember that Canada’s recreational market is fed by a 100 per cent illicit supply. So, as we think about shifting to a legal regime free from the constraints of criminalization, we can start talking about harm reduction. We can start putting a community health and public lens on this, which has been actively discouraged under the criminalization regime, and we can start to talk about the harms of cannabis, the harms of smoking and the harms of cannabis in general. There is no doubt that there are therapeutic effects. We could also learn from the packaging, labelling, quality control and potency control that

have been well tested, well developed in Canada, as we shift over, if we shift over, to a legal regime. It’s not a cold start. Our producers know how to do it. They are sophisticated, and people are coming from around the world to see how it’s done here. Thank you, Senator Cools.

**The Hon. the Speaker:** Senator Dean, your time has expired, but I know there are a number of senators who want to ask questions still. Are you asking for five more minutes to entertain a few more questions?

**An Hon. Senator:** One hour.

**Senator Dean:** Your Honour, as you will know, I have promoted the notion of the more discussion and debate in this chamber, the better. So, of course, I remain open to questions.

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

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** To those senators who are going to ask questions, if you want to enter the debate, take your 15 minutes when the questions are over and enter the debate, but, if you want to ask a question, please keep it short so that we can get as many senators in as possible.

**Hon. Nancy Greene Raine:** My question will be short.

Does Senator Dean expect that there will be more or fewer Canadians using marijuana after it is legalized?

**Senator Dean:** Thank you for the question. The policy proposals in front of us recognize that there are likely in the millions of Canadians using cannabis today. Step one is reducing the harms associated with that. It’s about reducing the degree of consumption, particularly among young people. It’s about reducing the intensity of their use. It’s about advising them and educating them on the reasons why they shouldn’t. I believe that, in its mature sense, some years down the road, as a result of better enforcement — and there’s lots of money for enforcement in this policy initiative — better education, we are going to see — and we should see — fewer Canadians than today using cannabis and using it more safely and with a far better, risk-informed sense of the problems they may be taking on.

I can tell you this: What we know is that, by doing nothing and looking the other way, I can guarantee that those rates will increase. I can guarantee it, and I don’t want to do that.

**Hon. Paul E. McIntyre:** My question has to do with international treaty obligations relating to marijuana, an issue you have unfortunately not covered in your presentation.

As you know, Canada is a signatory to three United Nations drug control conventions. The conventions date back to 1961, 1971 and 1988. They generally prohibit the use of marijuana other than for medical or scientific purposes.

Assuming Bill C-45 becomes law, how will Canada deal with its international treaty obligations? Will it seek or make reservations to remove the marijuana provisions of those treaties, propose amendments to the terms of the conventions or simply withdraw from the conventions if its requests are refused, in other words, avoid legalizing marijuana in a way that violates Canada's international obligations. My understanding is that, so far, Canada has done none of those, and this is rather unfortunate. I would like to have your thoughts on that, please.

**Senator Dean:** Thank you. It's a terrific question, and I am very pleased to be able to respond to it. First of all, senator, I leave the question of the management of international treaty obligations to those responsible within government. There are a number of ways — and you have identified some of them — that the government could choose to address this.

• (1510)

I will simply say this today: I've looked at those treaty obligations, and I am convinced that the current approach to cannabis criminalization in Canada is clearly in violation of its treaty obligations to reduce the use of cannabis and to tackle illicit drug markets.

We can't do any worse, senators, than we're doing with cannabis today in being responsive to our international treaty obligations. We can only do better. This is an approach that I think would do better.

But that is a terrific question. I wasn't avoiding it in my statement. I was hoping somebody would ask me.

**The Hon. the Speaker:** Your time has expired again, Senator Dean, but I see there is at least one other questioner.

**Senator Dean:** The more time, the better, Your Honour.

**Hon. Dennis Glen Patterson:** Thank you, Your Honour and honourable colleagues. I'll try to keep this question short.

**The Hon. the Speaker:** I'm sorry, senator. I asked if leave was granted. I didn't hear a "no," but I see there is a "no" now. Unfortunately, your time has expired and leave is not granted to continue with questions.

(On motion of Senator Martin, debate adjourned.)

## TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Gagné, for the second reading of Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

**Hon. Frances Lankin:** Honourable senators, the subject of debate now is Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

It is an act that at second reading, I will indicate, I support in principle. There are three areas in particular that I would like to raise questions about. I have had these items brought to my attention by interested stakeholders, and I imagine a number of senators will have heard from similar voices on this.

I raise these questions not because I know the answers and I've taken a position with respect to them but because I feel they are important issues that should be addressed while the bill is in committee. I would ask those who are members of that committee to please take note and to possibly ensure that witnesses who come forward are asked and hopefully we gain a deeper understanding of the concerns that have been raised.

The three areas that I wish to address today are the locomotive voice and video recording issue, the long-haul interchange issue and the airline joint venture issue.

With respect to locomotive voice and video recording, as I understand it, the bill does provide for railway companies to place in the engineering cab area of locomotives a voice and video recorder that will be positioned such to record a video of and the voices of the running crew, being primarily, I would assume, the engineer and conductor.

Cameras are currently locomotives. They are forward-facing. I think there is, at the rear of the locomotive, a rear-facing one as well but for sure forward-facing on the track. The information gathered there is used in safety investigations where there has been an accident or a safety incident of some sort.

The addition of the — this may not be the correct language, but I will call it the "cab" area and rear-facing video and voice recorder. This is a new development, at least with respect to Class 1 and short-haul railways.

With respect to Class 1 railways, the issue is being positioned in the bill as one that will be advantageous to all of us in terms of increasing passenger safety, crew safety and civilian safety, and I think we will all want to embrace that. I believe this is something that the Transportation Safety Board feels will be a major addition to the information they will be able to gather in

investigations in order to determine cause and to set forth recommendations or orders to ensure that we eliminate future incidents of that sort or that we reduce the incidence of them.

The concern being raised is the ancillary potential use of the video recording that will be produced in this situation.

The running crew have, through their union representatives, brought forth the issue of, one, personal privacy and, two, the issue of evidentiary material being used for disciplinary processes. I think the first gut response to that is if there is a safety incident, and if the cause is human error, one would want to know. And if that human error was a result of negligence, disciplinary action would well be warranted.

The concern is the gathering and collection of material in a surveillance way for the monitoring of output or performance, which under privacy legislation has been restricted for years. That use has been restricted. So as the legislation currently sets out, it not only allows for but it compels; railways must have this kind of equipment. It does not only ignore the provisions of the privacy legislation, PIPEDA; in fact, it exempts this material and these kinds of recordings from those provisions. And it not only allows for employers to review that information; it actually sets up a regime where it becomes compulsory because the railways are charged with the responsibility of monitoring and of sampling all the data that they can to understand safety trends and incidents.

So we have a situation that's a bit of a perfect storm because alongside the information I just provided you, we have employers who have actually — as noted by many others, not just the unions in these situations — a workplace relationship record, which is one of a punitive and disciplinary approach. So one has to wonder what restrictions on the use of this information would be appropriate in these circumstances.

In the case of a safety incident, you most certainly want this information to be investigated by the Transportation Safety Board. I think it's easy to argue that you would want employers to be aware of this information and understand what needs to be done to correct the situation, to educate and to provide appropriate training.

More and more we see less training going on and fewer interventions in situations from that perspective and, in fact, less supervision. With the kinds of layoffs and cuts that have happened, there is less direct supervision and more of it has come to a digital means of supervision.

It raises a lot of questions. I don't have the answers to these questions. I know that the minister, when these concerns were first raised, provided a statement that the legislation prohibits such use. As we've looked into it, we do not see that. We do see a provision in the legislation that prohibits the use of the information contained on the video and voice recording from being used in the prosecution of offences under this act. That's not the issue being raised; it's with respect to the workplace.

If people think that might be a bit paranoid on the part of people raising this concern, I would point to information I have been provided that in particular railway maintenance shops across the country there have already been cameras placed,

objections have been raised by the unions, and those cameras have been covered temporarily — and the answer has been provided — until the resolution of the issues in this legislation.

• (1520)

This legislation presumably has nothing to do with cameras in maintenance shops; however, that's the direction the railway employers are going and they're using this act as cover for it. In the long run, that could be disputed, dealt with and addressed. It does raise the concern of the attitude and the culture of the workplace that these provisions will be interpreted in, and I think we need clarity on that.

Recently the minister sent out a letter to the railways indicating that these concerns have been raised and making it very clear, from his perspective, that any information that is gathered, collected and retained from the voice and video recorders is not to be used in workplace disciplinary processes, outside of the investigations of serious incidents of safety breaches and/or accidents.

That's comforting, but it isn't assurance. I would ask the committee to look carefully at the overarching architecture of this with respect to exemptions from privacy legislation and provisions, how this will or will not preserve the principle of employers not having the right to survey their employees for output and performance monitoring in that way, and the potential spinoff effects of the structure of this legislation with respect to other parts of the railway operations outside of the cab.

I do want to assure people that there is no argument or objection to wanting to increase safety and be able to respond to incidents with appropriate investigation and have the best information available.

I will point out that, like on planes, there is a data recorder that keeps a range of information that is gathered as the train is operating. There is already a system — I'm not sure of the name, but it's something like WayTraX. Like the monitoring in our cars that you can get with insurance companies, if you slam on the brakes suddenly, the system will send an email to the monitoring supervisor, who will call the conductor or engineer on the radio and ask what the incident was. There are mechanisms in place. It's not that we are without information.

The last point I will make on this issue is that we have a situation akin to this with airlines where everyone knows there is voice and data recording. No video recording is done in that situation, and I'm not sure, but I don't believe there is a general exemption from privacy legislation. I would ask that the committee look at that architecture and come to some determination and report back to us on that.

The second issue is long-haul interchanging. I have to tell you this has been a most difficult one for me to try to get information on. I did approach the sponsor — and I appreciate, Senator Mitchell, that you and your staff were terrific in getting information back to us. We were not very clear in the questions we were asking. It has been hard to get a hold of this.

Part of it is my problem. Not coming from the West, I don't understand the grain industry, where a lot of this arises. It seems that the bill provides for shippers to be able to make use of competitive forces to get lower prices in the hauling of their goods.

The problem that has been raised is that it means that a U.S. railway like the Burlington Northern and Santa Fe would be able to be commissioned by shippers, let's say, in Peace River, and that railway would send its shipping cars up there. I'm seeing a "no" from Senator Wells; so I will appreciate learning more on this as we go.

The concern that's being raised is that if there is a situation where CN has to be the one that fills the BNSF cars and then brings them to Edmonton and CP takes over and takes them to the border, and BNSF takes over and takes the cars to Chicago, the heaviest cost element of input there is in the loading of the cars, and CN is bearing that. The least cost would be the shipping, particularly after the interchange at the border, and so the U.S. carrier has the ability to put forward a lower rate. That's going to change the rate structures and have an impact on shipping in Canada, potentially, and the rates there.

I don't understand that issue thoroughly, and I hope that is something we can be assured that the committee has looked at. I won't say any more because it will show how little I know about it, but it has been a concern that has been raised.

The last issue is airline joint ventures. Many of you may have had a conversation with the officials from Air Transat. They have been the most active in raising this issue. The concern is the matter of competition.

The new provisions would allow for joint ventures that could be seen to be akin to mergers. As you know, airline mergers are reviewed by the Commissioner of Competition. There are provisions under the Competition Act that govern what the commissioner's recommendation would be with respect to a request for a merger.

In these joint ventures, I believe what the airlines are attempting to do is to make use of connections with other airlines that actually enhance Canadians' opportunities to travel, at a similar rate, from Canada to international hubs and abroad. It is seen by the airlines as a way to also enhance their ongoing sustainability and their entrance into markets, and particularly to U.S. hubs. So there's probably a lot of good that could come from this. The question is what review of competition will be looked at and how influential will the competition concerns be.

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

**Senator Lankin:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Lankin:** The concern is that it would be a benefit that would accrue to larger airlines and not smaller airlines, and that could have a potential competitive disadvantage for them and,

therefore, for the lines they provide to us as Canadians in our commuter flights. We need to look at what the downstream ramifications would be.

The bill's provisions would allow for any position of the Commissioner of Competition to be overruled by the minister on the basis of public interest.

Two issues there: In the original legislation, it asserted that the commissioner's report may be made public, but it wasn't compulsory. An amendment was passed in the House of Commons which changes that language to "it shall." That's a good step forward. However, the airlines have raised concerns about that because there may be times — and I think the Canadian Bar Association argued this — that there is confidential proprietary information in that report that should not be made public. There are balances and ways to address that.

On the other side, we would want a government to have the ability to make a decision based on broader public interest. Currently that's not a large part of what the Commissioner of Competition looks at. The question is what is that public interest, and people have been asking for a stronger definition.

Currently, there are guidelines and considerations used with respect to public interest when looking at the issue of mergers. Joint ventures are of a different order and might require a different and/or broader definition of public interest in order to override competition.

I would ask that the committee delve into this issue and be able to assure the chamber as a whole as to whether these concerns are valid or not valid, and what the impact would be on Canadians' flights in commuting cities. With the consolidation of large airlines in terms of their international flights, we have seen, over a period of time, less of a focus on domestic travel. We want to ensure this doesn't have a negative impact on domestic travel.

• (1530)

I will leave it at that. I thank you for the opportunity to raise these issues. I look forward to the work at committee and to the report back.

**Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals):** Would the honourable senator take a question?

**Senator Lankin:** Yes.

**Senator Mercer:** In your speech, you talked about a train crossing the border, going to Chicago, for example. That train has now crossed the border. It has a video recorder in the train, and it has a voice recorder. Who has access to and owns that data?

**Senator Lankin:** That's a very valid point. I didn't raise that. I talked about the use by the employer, but there is also a very significant concern that the information remains on that locomotive. Locomotives are often left in the U.S. for a period of time and, presumably, anyone in the U.S. operation of that company would have access to that. That's a very significant privacy concern.

There is a range of potential bits of personal information being retained and retained where there is no protection in terms of Canadian laws of protection, privacy or Charter rights.

**Senator Mercer:** As a Canadian train goes into the United States, after a certain distance, they have to have an American crew, so now we have Americans in a Canadian train, and they are being recorded by video and voice.

Whose privacy rules are we going to follow in such a case, the Americans' or the Canadians'?

**Senator Lankin:** This has been raised, and I don't know what the answer is.

You raise another area of concern, which is with respect to the provision allowing shippers to source their mode of transport with different means, including U.S. railways. There is an issue of whether there is appropriate reciprocity for Canadian rail lines. CP, in the hearings in the other place, raised the concern that there was no reciprocity; therefore, it would have a major job impact in Canada.

(On motion of Senator MacDonald, debate adjourned.)

[Translation]

## THE SENATE

### MOTION TO AFFECT QUESTION PERIOD ON DECEMBER 5, 2017, ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of November 29, 2017, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, December 5, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

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

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

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## ADJOURNMENT

### MOTION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of November 29, 2017, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 4, 2017, at 6:30 p.m.; and

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[English]

## THE SENATE

### MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE RAYMOND THÉBERGE, COMMISSIONER OF OFFICIAL LANGUAGES NOMINEE, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN NINETY MINUTES AFTER IT BEGINS ADOPTED

**Hon. Peter Harder (Government Representative in the Senate)** pursuant to notice of earlier this day, moved:

That, at 7 p.m. on Monday, December 4, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Raymond Thériège respecting his appointment as Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than 90 minutes after it begins.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

**IMMIGRATION AND REFUGEE PROTECTION ACT  
CIVIL MARRIAGE ACT  
CRIMINAL CODE**

BILL TO AMEND—THIRD READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator McPhedran, for the third reading of Bill S-210, An Act to amend An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

**Hon. Nicole Eaton:** Honourable senators, I rise today to speak in support of Bill S-210, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts. Introduced by Senator Jaffer, this is a bill to amend the short title of Bill S-7 from the last Parliament. That short title was the “zero tolerance for barbaric cultural practices act.”

That bill provided the legal requirements to dissolve a forced marriage and made clear the need for free and enlightened consent to marriage. It provided for a minimum age of 16 years for marriage. It made polygamy a ground for refusing entry to Canada. It restricted the use of provocation as a criminal defence, of particular importance in so-called honour killings.

Let me be clear, I supported Bill S-7 at the time and I support it today. I believe strongly that Parliament should, through legislation, protect the vulnerable from violence and promote Canadian values such as equality.

In my view, Bill S-7 was aimed at furthering those goals. But even if we accept that the acts targeted by Bill S-7 were of particular concern in some communities — and I acknowledge that proposition is a matter of some debate — I do not believe the short title of the bill was helpful; in fact, it was divisive. It set up an us-versus-them split that was harmful when discussing this important social problem. It worked against the very goals we were trying to achieve because it prevented, or at least impeded, the dialogue we need to build with all Canadians.

Further, as Senator Jaffer has argued, by implying that these acts are inherent to a particular culture, the short title unintentionally removed responsibility from the individual and placed it on a cultural group. Violence against women and children is abhorrent and, yes, barbaric. It is pervasive, but it is certainly not confined to a particular cultural group.

My thinking evolved on this issue during the Human Rights Committee's study of Bill S-7 during the last Parliament, when I think it is fair to say that the overwhelming view of witnesses was that the short title was stigmatizing to minority communities. These weren't opponents of the legislation; they were witnesses who strongly supported the bill. But they did not like the short title. In fact, they were sometimes passionate in their condemnation of it.

I came to the realization that solving the very serious problems identified in Bill S-7 requires buy-in from all Canadians, and that perhaps an overly provocative short title was not the best way to start going about that.

Bill S-210 is strictly symbolic, but symbols matter, too. I commend Senator Jaffer for introducing this bill, and I encourage all senators to support it. Thank you.

(On motion of Senator Plett, debate adjourned.)

**NON-NUCLEAR SANCTIONS AGAINST IRAN BILL**

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Carignan, P.C., for the third reading of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

**Hon. Ratna Omidvar:** Honourable senators, I rise today to address Bill S-219, a bill to deter Iran-sponsored terrorism, incitement to hatred and human rights violations. This bill is currently adjourned in the name of Senator Cools. With her permission, at the end of my remarks, I ask that the item remain in her name.

We have heard from Senator Tkachuk, who is the sponsor of the bill, and others about the intent of this bill, which in short form, seeks to influence and limit the egregious human rights abuses by the government of Iran by further regulating Canada's engagement with it. The bill provides that sanctions will be maintained unless it can be shown in two consecutive annual reports that there is a demonstrable improvement in the behaviour of Iran in the sanctioned areas.

• (1540)

As someone who lived for more than six years in Iran, who is married to an Iranian-Canadian, who was once an Iranian by acquired citizenship, I think I have some credentials here to weigh into the debate.

I lived in Iran, both during the time of the shah, through the revolution, and into the time of the Islamic government. Let me tell you, there was oppression of the people and gross violations of their human rights throughout this time. Evin Prison, often mentioned in witness testimony, was as much a place of dread during the imperialist regime as it is today a place of dread during the Islamist regime.

The Iranian people have, in fact, enjoyed democracy for two very short years, 1951-53, when Prime Minister Mossadegh was the first democratically elected Prime Minister of Iran, only to be ousted in a coup because of foreign interests in Iranian oil.

I appreciate the sentiments expressed by many of the senators and the witnesses during committee that our quarrel is not with the people of Iran but with their government. I want to say a word or two about the people.

I learned the language when I lived there, and I believe when you learn a language, you can look into the soul of a culture. The Iranian people are like people anywhere in the world, but I observed that they have a sense of poetry, of grace, of elegance, of a turn of phrase and of hospitality which, in my travels in the world — I have lived in four countries — lived in them, not visited them — nowhere else is that expression of grace and elegance and hospitality more formally articulated than in Iran.

I remember in the last few years when I lived in Iran there was a war with Iraq going on. There was no heat. For those of you who have not been to Iran, it gets very cold. We would sit around tables with blankets thrown over them and with a coal fire underneath. Fire hazard or no fire hazard, that's the way we kept warm.

When I left Iran under duress and I cast a last fleeting glance across the border, I thought that this whole thing was temporary. I thought that certainly Iran would go through a period of turmoil and adjustment, and in 10, 20 years, Iran would be a flourishing democracy. I was so wrong. The fundamentalist regime is so deeply and politically embedded that the dream of democracy, particularly for the youth, seems too far into the horizon to be tangible.

I want to join my colleagues in condemning the human rights violations in Iran perpetrated by the Government of Iran. The testimony of witnesses, including Marina Nemat, is hard to read. The torture and murder of Iranian-Canadian Zahra Kazemi and the wrongful imprisonment of Homa Hoodfar are horrific, unimaginable, but very real acts of violence, not just against two women who happen to be Canadian, but against humanity itself.

There are other very troublesome signs that Senator Tkachuk pointed out. Executions in Iran can have continued to grow. In 2015, Tehran executed over 1,000 people, topping the world in the number of executions for that year. Journalists perform their duties under the most difficult and dangerous conditions. Religious minorities, in particular the Bahá'í community, are regularly targeted.

The question before us that this bill addresses is: What can Canada do to stop this behaviour? How can we use our power here to address human rights abuses there? How can we disincentivize Iran to moderating, if not ceasing, its actions? How can we best do this, not with others, but acting on our own? Acting unilaterally.

Here, honourable senators, as much as I agree with the foundational motivations of the bill, I come to my problem with it. The bill, in essence, asks us to stop talking to the Iranian government, to disengage with them until certain improvements in their behaviour can be documented and observed by us.

I ask myself, what will be the result of this disengagement? Will Iran stop torturing people, free up the media, behave like a government that governs for the people and not for a small oligarchy? I don't think so. Everything in Iran's behaviour has

led me to believe that we may well exacerbate the situation. Even Marina Nemat, who advocates for the release of prisoners in Iran and who herself was a prisoner and was horrendously tortured, says that engagement would provide us with better results. She asks for a Canadian mission in Iran because engagement at this level would allow to us speak, advocate and influence directly the Government of Iran.

There are also some very practical reasons for restoring diplomatic relations with Iran. These have not been talked about, but they are serious for the people who are impacted by them. Consider cross-border child abductions, which the Senate Human Rights Committee studied a couple of years ago. Iran is not part of the Hague convention that helped prevent and resolve cases involving the abduction of children across international borders. For example, Alison Azer's four children were taken to Iran by their father two years ago, and there is no agreement, mechanism or mission in place for us to talk directly to the Government of Iran. So I worry about the unintended impact of a largely symbolic bill.

I then ask myself, what levers does Canada have? We are a middle power. Let's not fool ourselves here. We do not have a big market here for Iranian products, nor do we export a great deal to Iran. Some impressive figures on potential trade benefits for Canada were noted by the Iranian Canadian Congress. It was noted that even as we speak about putting conditions on our engagement with Iran, European countries are moving to establish new trading relations. Canada, they said, could well be left on the margins.

I don't think this straight argument speaks to me. I don't think it's a good enough argument. I do not believe we should trade away human rights abuses for trade. We should never wish to do that. However, I do believe we have a lever. That lever is persuasion, advocacy and engagement, loudly when we need to, softly and with diplomacy when called upon, because diplomacy and engagement go hand in hand. Engagement leads to conversation, even when you disagree. Engagement may lead to university or cultural exchanges, which are often a soft entry using soft power as a tool for change.

Our colleague Senator Patricia Bovey, who is championing cultural engagement and cultural diplomacy, reminded me today that culture may open doors that are closed to diplomats. She reminded me that before we entered China to start trading relationships, it was the Toronto Symphony Orchestra that opened the door with its visit. She reminded me again that it was the Royal Winnipeg Ballet that preceded our NAFTA negotiators in Mexico and established a relationship there. So engagement and trade, engagement and culture, and, I will say, engagement and human rights.

In addition, the sanctions proposed are linked to a catch-all annual report, thereby restricting the government's ability to manage the sanctions regime and engage with Iran. As Richard Nephew, former security adviser to President Obama, said in his witness testimony:

Simply put, . . . this bill requires Iran to make progress on such a great variety of bad acts that it removes the Canadian government's ability to respond to and reward improvement of any one particular element. "All for one and one for all" is a good rallying cry but, in sanctions practice, it often leads to the absence of any material progress along multiple fronts.

Honourable colleagues, please do not misunderstand me. I in no way sanction the human rights abuses in Iran. I do not. I am just not convinced that these proposed extensions or enhancements of the sanctions regime imposed unilaterally by Canada would have much, if any, impact at all.

• (1550)

To have results, I believe, sanctions need to be coordinated and use a multilateral approach. The Joint Comprehensive Plan of Action treaty between the permanent five of the Security Council, plus Germany and one other, has resulted in the Iran nuclear deal. Whether our neighbours to the south are going to be party to this deal or not, other stakeholders, especially the International Atomic Energy Agency, have stated that Iran is following through on its agreements.

I would also like to remind the chamber of a very proud moment in Canada's history, when Prime Minister Brian Mulroney persuaded a reluctant Margaret Thatcher to go along, with President Ronald Reagan, to impose sanctions on South Africa to end the apartheid regime. That is the way sanctions can work. We are already part of the arrangements.

I will also ask this: If you are going to level sanctions against Iran because of human rights, what about other countries? Why one particular country? The Magnitsky Act that recently passed, with Senator Andreychuk's wonderful leadership, doesn't single out one nation. It singles out individuals from all nations who could fall into that category. So, why Iran? Why not Saudi Arabia? Why not China? What about our own history of human rights abuses against Canada's native and indigenous peoples?

I think also about the 300,000-plus Iranian-Canadians who are proud now to call Canada their home. What do they want? Of course, there is no easy answer because no two Iranians, who are now Canadians, think alike — just as other Canadians. However, there is some evidence to show that they would like more engagement rather than less.

In conclusion, I want to quote Senator Cools, who said in committee:

Diplomacy is a strange animal. . . . Diplomacy is supposed to be there like a steady hand ready to reach out to the moment when there is an opportunity to dialogue because dialogue, at the end of the day, will avoid disaster and even wars.

For these reasons, and much as I respect and agree with the motivation behind the bill, I will not be supporting this bill.

**The Hon. the Speaker *pro tempore*:** Senator Omidvar, would you take a question?

**Senator Omidvar:** Gladly.

**Hon. Jane Cordy:** Thank you very much, Senator Omidvar, for that excellent speech. Certainly none of us — I shouldn't say "none," but very few, if any other than you, have lived in Iran. Thank you for the personal experiences that you added to your speech.

I was a member of this committee when we dealt with this bill. Certainly the people around the committee and the witnesses that we heard have no quarrel with the people of Iran. It is the violence and the human rights violations that are taking place.

A number of people from the Canadian Iranian Congress appeared before us and shared their experience. I still remember one woman who appeared before us. She was working to free a prisoner in Iran. She said that suddenly the embassy closed and there was nothing — any hope to get the prisoner released was gone. I think your comments were spot on in terms of what can happen if we totally disengage with Iran.

If Bill S-219 were to pass, what would be the result of disengagement for Iranian-Canadians particularly and for those who are living in Iran?

**Senator Omidvar:** Thank you, senator for that question and the memory of that witness testimony. I remember it very well.

The witnesses at committee and our own government has said that it would create a serious blockage to our ongoing efforts to re-establish a mission in Iran. This is a very prescriptive bill. It handcuffs the government from being able to deal with the matter as it sees fit and in the circumstances that existed. There are these two consecutive years.

**The Hon. the Speaker *pro tempore*:** Senator, would you like five more minutes? Your time is up.

**Senator Omidvar:** Yes; thank you.

**The Hon. the Speaker *pro tempore*:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Omidvar:** As I was reading the bill, and looking at these two consecutive annual reports that are required before we consider reopening negotiations, it felt a bit like we were putting a child in a corner and telling them not to come out of the corner, like I try to do with my grandchildren — to no effect, because they will not listen to me regardless. I think about it in that way. It really does put a structural and institutional barrier in our relationships at a time when we need nimbleness, flexibility and an open mind.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Given there are a few more minutes, I have a question with a comment or preamble.

I hesitate to rise and even talk about this because when you talk about other countries and ask why are we singling out Iran, sometimes it's hard to compare our relationship with these other countries. Right now, looking at this bill which is looking at the relationship with Iran, I couldn't help but think about North Korea, about certain parallels and about the direction that we are going in terms of the sanctions on the regime — not the people,

but my heart goes out to the people. Like you, senator, I have connections to North Korea in terms of my father who was born there before the war, before there was a North Korea.

There have been various efforts by the Korean government and the world to reduce sanctions — the soft sunshine approach versus what we are doing today. When you use the analysis of a child in a corner, I'm sorry, but Iran is not a child. I think of terror-sponsored activities, of the human rights infractions which you have talked about and of how people outside of Iran despise the regime as well. We're talking about the regime.

I understand that it's important to have whatever engagement would be appropriate. But when it comes to Iran, I cannot help but think about North Korea because I know there are arms interactions between those two regimes. So it's very alarming to me. Talking about Iran, in some ways for myself, I categorize it as a nation that causes concern for the world.

Looking at engagement, if we were not to enact this bill, how would we approach Iran to ensure there is the kind of transparency we need, the kind of accurate reporting we need and the analysis that will allow us to relax and not think about tough sanctions and tougher sanctions? Because it is a regime that has been given other opportunities and has failed in that regard. I'm wondering if we don't enact this bill, what do we do?

**Senator Omidvar:** Thank you, senator. I certainly appreciate how the conversation about Iran triggers your responses and thoughts on North Korea.

I believe that at this stage it is engagement that will open the doors for addressing a whole range of issues, including human rights abuses. At this point, when we have had to engage with Iran, we have had to look out for friendly governments who have a mission year-round. That is, the Government of Italy or the Embassy of Denmark, et cetera. We use those routes. If we have our own mission, we have our own eyes and ears on the ground. We can look at the information in a far more intimate and real way. That's one answer.

My other answer on North Korea is that as far as I know — and I'm not an expert in North Korea; others could be — I do think that whatever action we're taking on North Korea is being done in cooperation with our partners in the world and not alone.

**The Hon. the Speaker *pro tempore*:** The honourable senator's time is up, Senator Martin.

**Senator Martin:** Yes. I move the adjournment in the name of Senator Ataullahjan — Senator Wells.

**The Hon. the Speaker *pro tempore*:** Excuse me. Order!

(On motion of Senator Cools, debate adjourned.)

• (1600)

[Translation]

## GENDER EQUALITY WEEK BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill C-309, An Act to establish Gender Equality Week.

**Hon. Nancy J. Hartling:** Honourable senators, I am pleased to rise today to talk about Bill C-309.

[English]

I rise today to speak in support of Bill C-309, An Act to establish Gender Equality Week.

It is most appropriate that my first significant speech is on gender equality as it is a subject in which I am well versed and which is very close to my heart.

Recently, several of us celebrated our first anniversary as senators, and I want to express my gratitude for the welcome and the warmth of our Senate family and for the outstanding assistance I have received in my new role with the processes and procedures. It has been a year to remember.

As I reflect back on those early days, I felt as if I were visiting a new country, with culture, language, processes and procedures that were all new. Even though it all seemed very foreign to me, on the day I was sworn in, the Peace Tower was lit in purple to remember the women who died in violence, and I felt that was something I knew about, and I felt good about that.

A year later, I am finding my place and my voice. As this is my maiden speech, I would like to share a bit about myself and my personal history, some things that aren't necessarily in my bio. It's not risqué, just little tidbits.

I grew up mostly in rural Nova Scotia. Our community was close-knit and concerned about others. Interestingly, my hometown of Wallace, Nova Scotia, had a stone quarry, and some of the sandstone from that quarry is actually part of these buildings.

People in our community eked out their living through lobster fishing, working at the quarry or in the salt mine. My grandmother was widowed, and she taught me a lot about being independent and about patching income. She made money in many ways; she took in boarders, operated a tourist home and ran a general store. She instilled in me the importance of acquiring an education, especially as a woman.

My father was in the Royal Canadian Navy, so when he wasn't out at sea we left our rural community to live on a naval base. It was there I learned about structure, organization and how to make new friends. That helped me here to meet all of you.

Navy schools provided their students with everything from school supplies to free swimming lessons and also our daily cod liver oil capsules. This experience proved a very stark contrast to living in a rural community.

I like to think I started my social work career when I was four years old, and I'm not kidding. I had an aunt who was a social worker, and I travelled with her and sat in the car while she went to do the home visits. I remember going to Africville, and I was sharing that with Wanda, Senator Bernard, that I went to Africville when I was four and I was looking out the window at the children and wondering who they were and what they liked to do.

I believe these early experiences contributed to my interest and awareness of diversity and social justice. Though as a young adult I contemplated being a writer or a journalist, I became a social worker and adult educator, working in the non-profit sector for many years.

My grandmother's wise counsel about acquiring an education stayed with me, so while raising my two children and working full-time I acquired two degrees. I deeply loved my work and the people that I met. I carry their stories with me here, the thousands of women that I met struggling for equality.

When I was 18, I moved to Moncton, New Brunswick, to live with my aunt, the social worker, and her family. I continue to live in the same community where I developed my career and raised my children, except now that I'm here in Ottawa I go back and forth.

My journey as a feminist began when I was 22 and I was invited to a consciousness-raising group organized by Rosella Melanson, who later became the director of the New Brunswick Advisory Council on the Status of Women. She provided us with information about our values and beliefs, and after a few weeks of participating in these discussions I knew that I was committed to women's equality. But of course I wanted the change now. She reminded us that we may not see it in our lifetime, which was a bit disappointing, but I thought, well, I will be a seed planter. I will work my lifetime on raising women's equality, planting seeds, speaking up, mentoring girls and women and encouraging others to join this quest. I have even convinced men to join the quest as well. I have done this for over 40 years alongside many fabulous women and men.

During my 34-year career as founder and director of a non-profit agency, Support to Single Parents, I worked toward achieving women's equality and social justice. Issues very similar to those described in the preamble to Bill C-309 were obstacles that the women I worked with faced on a daily basis: ending violence against women, reducing poverty, accessing affordable housing and child care, gaining pay equity and encouraging women to run for leadership roles. All these issues are still very important to me and unfortunately still very much a reality for women and individuals of minority gender identity and expression to this day.

[Translation]

I also had the honour of co-chairing the New Brunswick group for the World March of Women in 2000, which brought the province's women to travel to Fredericton, Edmonston, Montreal, Ottawa and New York to demand action.

[English]

The World March of Women 2000 was an international feminist action movement to rally to eliminate the causes of poverty and violence against women. During our stop in Fredericton, New Brunswick, then Premier Lord greeted us, and we presented him with our petitions with thousands of signatures. Premier Lord appointed a minister to work on the issue of violence against women, and I had the privilege to co-chair with the minister.

Due to the action of this premier, many positive changes happened in New Brunswick to address domestic violence, such as setting up domestic violence courts, implementing changes to protocols and establishing the government's women's equality branch.

These were all real and significant changes. However, now 17 years later, poverty and violence have not ended. My friends, I think it is time to turn the heat up and again focus our attention on gender equality. Perhaps having a week for gender equality could be a real beginning and encourage us to do that.

Since my appointment to the Senate, I have seen many positive steps forward on our journey to advance gender equality.

Some of these have taken place right here in the lower and upper chambers of government. There are a few that stick out in my mind. In March 2017, the Daughters of the Vote, an event organized by Equal Voice, brought 338 young women aged 18 to 23 to their seats in Parliament. One young woman from every riding across Canada was present. Seeing these future leaders take their seats in Parliament filled me with such emotion — all of these young women with so much potential, poised for the future and hopefully inspired to participate in the political sphere in the near future.

• (1610)

In April 2017, I attended the honorary Canadian citizenship ceremony for Malala Yousafzai, and many of us were there that day. In 2012, Malala, a young woman from Pakistan, was shot because she wanted equal access to education. She survived her attack and became an internationally renowned activist. She is now the youngest-ever Nobel laureate, having won the Nobel Peace Prize in December 2014. During her time in Ottawa, she shared her belief that the world needs leadership based on serving humanity, and she challenged the Prime Minister and the Canadian government to be leaders in making the education of young women around the world a priority.

Lastly, I witnessed and participated in the work that went into Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code, and was present when it received Royal Assent this past June. Among other things, this legislation adds “gender identity or expression” to the list of prohibited grounds of discrimination in the Canadian Human Rights Act. Recognizing that these individuals face particular challenges when it comes to equality, Bill C-309’s preamble also specifically mentions this section of our population.

While these events are significant, there also exist opportunities for Canada to move forward in its work to advance gender equality on the international front, especially since we have been elected to hold a seat on the UN Commission on the Status of Women from 2017 to 2021. This is an excellent opportunity to demonstrate leadership on this issue.

In fact, Bill C-309 is directly in line with the United Nations 2030 Agenda for Sustainable Development, which includes 17 specific Sustainable Development Goals, adopted by world leaders in September 2015. The UN’s website details the agenda — encouraging all citizens to consider how we can build momentum and move forward with these goals, which ultimately aim to end poverty, protect the planet and ensure prosperity for all.

Bill C-309 will contribute to several of these sustainable goals, such as Goal 10, which deals with reducing inequalities; Goal 8, which focuses on decent work and economic growth; Goal 4, which concentrates on quality education; and the most obvious link is through Goal 5, which aims to achieve gender equality and empower all women and girls.

The UN’s website provides much more detail than I am sharing with you today and lists many objectives under Goal 5, such as ending all harmful practices, forms of discrimination, and violence against women and girls everywhere; recognizing and valuing unpaid care and domestic work; and ensuring women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.

This last one, which addresses women’s full participation at all levels of decision making, links us back to the preamble of Bill C-309, which covers many aspects of inequality between genders, including women in politics — or, rather, the lack thereof.

Women account for approximately half of the population in Canada, yet they are vastly under-represented in politics. In 2015, 88 women were elected to hold political office during the federal election — accounting for only 26 per cent of the seats. Yet, it is known that by having more women in politics, we ensure that the decisions that are taken better reflect the needs of our diverse society.

In New Brunswick the numbers are even poorer; women hold only 16 per cent of the seats in the province, and this has been declining since the 1990s. There are currently eight provinces and territories ahead of New Brunswick in terms of female representation and more gender-balanced politics.

Thankfully, some women in our province have recently come together with the campaign “Women for 50% 2018.” This is a non-partisan group with one focus: achieving gender parity in New Brunswick’s legislative assembly. The website states succinctly:

This is not about men vs women — this is about gender-balanced politics. It is about ensuring our political representatives better reflect the actual people they represent. It is about the female voice being heard and respected. Repeated intense longitudinal research by many sources prove better outcomes result from gender-balanced decision-making — faster decisions, more effective actions taken, better financial outcomes, the conversations change and are of higher quality.

I encourage all of us, through our own actions, to ensure that the establishment of a gender equality week in Canada be more than mere symbolism. It is true that declaring a week for gender equality will not make it magically happen. However, there is a particular part of the Bill C-309 preamble that speaks to encouraging:

. . . all levels of government, non-governmental organizations, the private sector, academia, educators and all Canadians to recognize the fourth week in September as Gender Equality Week and to mark the week with events and initiatives to address the challenges Canadian women. . .

All women, regardless of race and age — all women.

. . . and individuals of minority gender identity and expression continue to face.

Awareness, events, initiatives, action — this is what will make change happen.

In conclusion, I congratulate Senator Dawson on sponsoring MP Sven Spengemann’s Bill C-309. I truly believe that a large part of solving the gender equality challenges is to ensure that men and boys are engaged in the process — and I know some of you here are, for sure — notably when it comes to violence prevention but it is as important to have men create a space for women to truly be their equals.

Indeed, let us support Bill C-309 and continue to stand up for gender equality.

[Translation]

Together, let us support Bill C-309 and gender equality. Thank you.

[English]

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

(On motion of Senator Martin, debate adjourned.)

**STUDY ON THE DEVELOPMENT OF A STRATEGY TO  
FACILITATE THE TRANSPORT OF CRUDE OIL TO  
EASTERN CANADIAN REFINERIES AND TO PORTS ON  
THE EAST AND WEST COASTS OF CANADA**

SIXTH REPORT OF TRANSPORT AND COMMUNICATIONS  
COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Patterson:

That the sixth report of the Standing Senate Committee on Transport and Communications, entitled *Pipelines for Oil: Protecting our Economy, Respecting our Environment*, deposited with the Clerk of the Senate on December 7, 2016 be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Natural Resources being identified as minister responsible for responding to the report, in consultation with the Ministers of Transport and Fisheries, Oceans and the Canadian Coast Guard.

**Hon. André Pratte:** Honourable senators, this report stands adjourned in the name of the Honourable Senator Day. I ask for leave that it remain adjourned in his name after my intervention today.

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

**Hon. Senators:** Agreed.

**Senator Pratte:** Thank you, Your Honour.

Honourable senators, I am speaking today on the interim report of the Standing Senate Committee on Transport and Communications entitled *Pipelines For Oil: Protecting our economy, respecting our environment*. I am doing so in a context you are all familiar with.

TransCanada's decision to abandon its Energy East project shocked everyone who believes that the oil and gas industry is an important part of the Canadian economy. I am one of those people. As early as 2012, when Energy East was just an idea being explored by TransCanada, I wrote an editorial in *La Presse* supporting that initiative.

I believed there was an obvious need for the project, provided that it met the strictest environmental criteria. It would be good for the country as a whole and good for Quebec, particularly since it would lead to the province's use of Canadian oil rather than oil imported from the U.S., Algeria, Nigeria, Kazakhstan

and elsewhere — oil that is presently transported by tanker along the St. Lawrence. Transportation by pipeline was not without risk, but it certainly posed less of a threat to the environment than shipping along the St. Lawrence River, which no one seemed to be too concerned about at that time, or now.

The project would have had economic spinoffs. Pipeline construction would have created hundreds of jobs; Quebec and the rest of the country would have benefited from the prosperity of oil-producing provinces; and finally, to my mind, we had a duty to stand in solidarity with Alberta and Saskatchewan.

• (1620)

[Translation]

At that time, polls showed that the vast majority of Quebecers supported the Energy East project. However, that changed fairly quickly. I think that by trying to understand what happened with Energy East, we will better understand the obstacles facing pipeline projects and many other infrastructure and natural resource development projects in Canada these days. In a big country like ours, it is fundamental to understand these issues so that the “paralysis” decried by the Transport and Communications Committee in its report does not spread to other sectors.

In its report, the committee expresses the desire for “a more inclusive, fact-based and apolitical regulatory regime”. The committee quoted a witness, David Core, President of the Canadian Association of Energy and Pipeline Landowner Associations, who said that we need to “depoliticize pipelines”.

Of course, I agree that the National Energy Board should not be a political entity. It is not, and it should stay that way. However, I disagree with the idea that cabinet ought not to have final say over such projects. The government's June 2017 discussion paper seems to have excluded that option, and I agree with that.

Pipelines, particularly interprovincial projects of national scope, such as Energy East, Northern Gateway, and Trans Mountain, are too important economically, environmentally, and politically speaking for the final decision to be left up to an administrative tribunal, as competent as it may be.

What is more, as the committee itself pointed out, what major pipeline projects in Canada have been lacking to date is political leadership, not blind support for every project under any conditions, but strong support for an industry that would fulfill all of its environmental and community engagement obligations, particularly when it comes to indigenous communities and nations.

Energy East did not get much support, at least not in my province. To understand what happened — and I do mean understand, not lay blame for — it is important to understand the energy situation in Quebec. For the past 50 years, hydropower has been Quebec's dominant source of energy by far, including for residential heating. It has become a point of pride that we Quebecers generate and use clean energy. Of course, like all other North Americans, we guzzle a lot of gas with the cars we drive around in, but that is an unpleasant reality we prefer to

ignore. At any rate, Quebecers consider themselves to be the greenest people in North America, and they are not wrong, although it is by happenstance rather than by design that things turned out that way.

In any case, this means that we know nothing about producing and transporting oil and gas. The pipelines that criss-cross our province were buried underground so long ago that people do not even realize they are there. This was where things stood when TransCanada charged onto the scene. Seemingly overnight, engineers from the West started showing up on farms all over Quebec to do surveys. Residents were left in the dark. Their questions went unanswered.

Well-organized environmental groups fronted by highly credible spokespeople immediately mobilized against the project. The oil company never stood a chance. For months, it struggled to find even one convincing French-speaking spokesperson.

TransCanada's only real political ally was the Harper government, who had very little environmental credibility in Quebec. The change of government in 2015 represented something of a reversal. Indeed, the Trudeau government seemed more or less indifferent to the fate of Energy East.

Meanwhile, the project's opponents gained an important ally in the then mayor of Montreal, Mr. Coderre. Mr. Coderre's position on this file will always be a mystery to me, although there are many things in politics that remain cloaked in mystery. However, I think I know him well enough to suspect that he simply made a political calculation. He thought that the people in his city opposed the project, so he sided with them. I do believe, however, that if there had been any credible political representatives to defend the other side of the argument, Mr. Coderre's voice might not have had so much reach.

[English]

Following last month's decision to put an end to the project, some people blamed Quebec, as if Quebecers were responsible for TransCanada's decision. For sure, Mr. Coderre's delight in response to the announcement was enough to anger the project's supporters. In any event, the Quebec-bashing was very unfortunately, especially since it is clear that TransCanada's decision had little to do with Quebec's opposition. It had everything to do with the changing business environment and the National Energy Board's new greenhouse gas requirements.

Also, it's important to remember that Mr. Coderre is not Quebec. While the majority of Quebecers were probably against Energy East, there were also many who supported it, particularly the business community and the Coalition Avenir Québec, a provincial political party that is currently leading in the polls in Quebec.

Furthermore, opposition to pipelines is not exclusive to Quebec, as we can see from the difficulties now facing the Trans Mountain project. The problem for pipelines runs much deeper than that. It starts with the fact that, for decades, this industry has not had to worry much about public opinion. All it had to do was convince the National Energy Board. The situation, as we know, is very different now, and convincing the public is proving to be

as difficult as it is essential. Strangely enough, the private sector often does not seem to do this very well, despite being so effective at so many other things.

TransCanada's Quebec advertising campaign was particularly clumsy as far as Energy East went. As I recall, one advertisement showed a family in a field of flowers. It was very nice to look at, but it didn't fool anyone. The project was about transporting a million barrels of oil per day by pipeline — oil from the oil sands, which Quebecers already didn't like very much. It had little to do with flowers; people wanted to be reassured, not hypnotized or distracted.

[Translation]

What quickly became apparent in the debate on Energy East in Quebec is that there actually was no debate. Only the project's opponents were being heard. Its proponents were limited to TransCanada and representatives of the private sector, who are not known for their communications skills. The Government of Canada said nothing. The Government of Quebec sat on the fence. As a result, the bulk of the information that most Quebecers received about the project came from its opponents.

That is why I agree with the recommendation in the Transport Committee report that the Government of Canada should do more to educate Canadians on the importance of the oil and gas sector to the Canadian economy. There is a huge void to fill in Quebec in that regard.

As we know, the modernization of the National Energy Board recommended by the committee is already under way. The discussion paper the government published last summer suggests various measures related to this issue. However, I am under no illusions regarding the impact these kinds of changes will have on the future of major projects, especially energy transportation projects.

Every community affected by such projects is usually quite apprehensive, which is understandable and always hard to overcome. Environmentalists are opposed to the vast majority of these projects, especially projects that have anything to do with oil and gas. Groan though we may, the fact remains that if it weren't for environmentalists our world today would be in much worse state than it is. Environmental activists have made us aware of the damage we are causing to our planet and thanks to them we have abandoned many practices that are harmful to the air we breathe and the water we drink. They remain at the forefront of the fight against climate change today. At times we might find, and rightly so, that they go too far, but at the end of the day, we have to admit that although environmental activists can be infuriating, often they are right, and above all, they are terribly effective. It is up to the developers to make their arguments — and more importantly, their actions — more convincing.

• (1630)

[English]

Personally, I am convinced that oil and gas will continue to have a major role in the global economy for decades to come and that no country in the world would ignore reserves like Canada's

if it were fortunate enough to have them. I firmly believe that these resources need to be developed, that is to say in a context of strict environmental regulation and in collaboration with the affected indigenous communities. The entire country, including Quebec, has an interest in doing so.

For that to happen, industry needs more support from government and the public. On that front, the Standing Committee on Transport and Communications put forward some interesting proposals, the most important of which concerns leadership. The committee calls on the federal government to play a leadership role in setting the context and building consensus on why pipeline development is important. This cannot be said too often. Only the federal government can play this role.

But the industry has to show leadership as well. It can and must do more to protect the environment and ensure safety. It must introduce tangible measures and drop flowery campaigns if it intends to convince Canadians that it can produce and transport oil and gas cleanly and safely. Incidents like the recent leak in South Dakota simply should not happen.

In my view, reconciling natural resource development and transportation with environmental protection and public acceptance is one of the biggest political challenges facing our country in the first half of the 21st century. Yes, Canada must continue to develop a modern economy based on innovation and high technology, but we're kidding ourselves if we think natural resources like oil and gas will not continue to contribute heavily to our collective wealth for the foreseeable future. However, these resources cannot be developed as they have in the past. Now more than ever we must consider environmental issues and the legitimate demands of people concerned, in particular, the indigenous communities.

Earlier this year, the government launched Generation Energy, an extensive public consultation that culminated last month in a conference in Winnipeg. This consultation process should lead to a national strategy. Unfortunately, there is some confusion about what form the strategy will take. When he addressed the Senate on October 17, the Honourable Jim Carr, Minister of Natural Resources, spoke of:

... a series of conversations and policies that will lead to a strategy that I hope will be embraced by many Canadians.

The document that launched Generation Energy touched on the final consultation report stating:

This will not be the end of the conversation — our ultimate goal is to create an ongoing and open dialogue with Canadians about energy as we move together into the future.

[Translation]

**The Hon. the Speaker:** I'm sorry Senator Pratte, but your time is up. Do you want five more minutes?

**Senator Pratte:** Yes, please.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

[English]

**Senator Pratte:** It is all well and good to have an ongoing dialogue with Canadians on these critical issues, but a decision must be made. The government needs to develop a clear vision on the way forward, communicate that vision and try to secure the most support possible.

I must say that I find the current government's vision to be somewhat blurry. What does it consider to be the right balance between natural resource development, environmental protection and indigenous rights? I'm not sure. The opposition parties can answer this question more fully. I understand this is easier said than done. But one thing is clear: To achieve this balance, Canadians from every region, every community and every industry must invoke the spirit of solidarity that we say is part of our national character. If each region, community and industry thinks only of its own short-term interests, the whole country will suffer. If the people whose ultimate responsibility is to unite the country instead fuel regional tensions to serve their own interests, we'll never achieve our goal.

The Standing Senate Committee on Transport and Communications had the good idea to investigate the barriers to pipeline construction in Canada, but the challenge of finding the balance between development, the environment and public acceptance goes far beyond pipelines. These days, running an electrical power line or even building a wind farm is also likely to trigger strong opposition.

In every debate on infrastructure or natural resources development, we hear many voices representing a range of opinions and a wide array of legitimate concerns. At some point, we have to realize that beyond our local and regional interests there is such a thing as the national interest which benefits all of us in the long term. But who will appeal to our better nature? If there are major projects that are in the overall interest of the country, who will stand up for them? In the end, there is only one institution in the country that can and must consistently play this role, and that is the Government of Canada.

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

**Senator Pratte:** In regard to natural resources development in general and oil and gas pipelines in particular, that is where the most urgent demand for leadership lies. Of course, this leadership must be exercised with care and reflection, but it must be exercised. The country's prosperity depends on it. Thank you.

[Translation]

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

**Senator Pratte:** Yes, of course.

**Hon. Ghislain Maltais:** Senator Pratte, in your speech, you talked a lot about what environmentalists are doing. You have probably met a lot of them. I am curious to know whether, at this time, they reject transporting oil by train, by ship, and by truck.

Have they suggested some way to transport oil in the future without those modes of transportation? Quebec is out in front on transportation electrification, but cars still run on gas.

**Senator Pratte:** Senator Maltais, I think it would be too easy to blame environmental activists for the problems we encounter when facing opposition to oil and gas transportation projects. I choose to see things differently. Environmental activists champion their vision of the future of energy development and environmental protection in Canada, and it is up to the people who believe in developing our precious natural energy resources, including oil and gas, to prove to Canadians that they can do so without harming the environment. Only the industry can make their case and change Canadians' mind. It hasn't had much success, as evidenced by the recent leak in South Dakota. Unfortunately, the industry has not proven that it can transport energy as safely and cleanly as it claims. This failure does much more harm to the industry than any environmental campaign.

**The Hon. the Speaker:** Senator Pratte, your time has expired. Are you asking for five more minutes to answer questions?

**Senator Pratte:** Yes, please.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** No.

**The Hon. the Speaker:** I heard a "no".

(On motion of Senator Day, debate adjourned.)

• (1640)

[English]

## THE SENATE

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

On the Order:

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

That the Senate call upon the government of Canada:

- (a) to recognize the genocide of the Pontic Greeks of 1916 to 1923 and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity; and
- (b) to designate May 19th of every year hereafter throughout Canada as a day of remembrance of the over 353,000 Pontic Greeks who were killed or expelled from their homes.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I move the adjournment of this matter.

(On motion of Senator Day, debate adjourned.)

[Translation]

## LEGISLATIVE WORK OF THE SENATE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the Senate's legislative work from the 24th to the 41st Parliament and on elements of evaluation.

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, given that I initiated this inquiry, I have graciously agreed to ask for leave to once again adjourn the debate in the name of Senator Andreychuk, who wishes to speak to this matter.

(On motion of Senator Andreychuk, debate adjourned.)

[English]

## RELEVANCE OF FULL EMPLOYMENT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the relevance of full employment in the 21st century in a Globalized economy.

**Hon. Patricia Bovey:** Honourable senators, I rise to add my voice to those who have spoken on employment in Canada.

I thank Senator Bellemare for highlighting this critical societal issue through this inquiry. She challenged us "to engage in the pursuit of full employment . . . individual economic independence, freedom and opportunity." The situation for many in Canada is unstable at best, and for others a life of underemployment, or employment outside the field for which they are qualified, is an ongoing reality.

Senator Cormier defined 100 per cent employment as "ensuring that there is work for all who are willing to work and look for work" — an admirable and inspiring goal, but one which is likely unattainable. We must face current realities and be ready for the challenging impacts of quickening technological and robotic developments. You know from my previous comments in this chamber that I believe a guaranteed minimum income will positively affect employment situations of Canadians. Until then, we have to deal with many related issues.

[Translation]

I would like to address some of the insights that were shared by the Honourable Senator Cormier, particularly those of artists from all disciplines, including the visual arts.

Senator Cormier described the situation of artists as being very precarious, one of feast or famine, both in terms of employment and income. I completely agree with him.

Therefore, I wish to speak about the working conditions of artists and also the situation of indigenous peoples.

[English]

We think of the artists in the studio, materials around them, dealers on their doorsteps waiting to sell their work, collectors hankering after the almost-finished piece, and public galleries lining up to be the first to show the new work or to present the career retrospective exhibition. We wish. The artists wish.

In reality, Canada's artists are the largest segment of working poor who earn less than the poverty line. While many artists have studios, the majority are not the well-appointed studios we see in our mind's eye, or those shown in magazines of international art stars.

We know from the preliminary results of the 2016 Household Survey that the overall number of Canadians living with a low income has increased to 14.2 per cent. Breakdowns by employment sector are not available, so let me highlight statistics from the 2011 National Household Survey and Labour Force Survey.

Artists represent 0.78 per cent of the labour force, 136,600 people, slightly more than the 133,000 in automotive manufacturing.

Artists are more likely than others to have multiple jobs to make ends meet.

Canadian artists earn 39 per cent less than the overall labour force average.

Sadly, 15 per cent of artists either have no earnings or lose money on their self-employment activities; 27 per cent earn less than \$10,000; and 18 per cent earn between \$10,000 and \$19,999. Thus 60 per cent of artists earn less than \$20,000, compared to 35 per cent in the rest of the workforce.

Yet the number of artists with a BA or higher is nearly double that of the whole workforce —44 per cent versus 25 per cent — and on average they earn 55 per cent less than other workers with the same education level.

Women artists earn 31 per cent less than their male counterparts.

In 2010, the 15,945 visual artists earned on average \$24,672, the median earnings being \$10,358, including their art-making income and that from other employment.

In 2010, the 8,140 dancers earned on average \$17,893.

The 2010 poverty line was measured at \$22,133.

For indigenous workers, the median after-tax income in 2010 was just over \$20,000, compared to non-Aboriginals at \$27,600. For First Nations it was \$17,620; Inuit \$20,400; and Metis \$24,550.

This is not a pretty picture of fairness and equality.

The Status of the Artist Act aimed to deal with a number of issues relating to an artist's work and employment. The 2010 update, presented by the Canadian Conference of the Arts, discussed a number of prescient issues, including artists' employment, working and living conditions; their social status, including health and insurance measures to ensure equivalent status to other workers in other areas; and measures related to income, support during periods of unemployment and retirement issues.

The update defined creative artists as authors, visual artists, composers and designers, and interpretive artists as actors, dancers and musicians, noting, "Creative artists are more likely to work on their own to create their art and will often do so without a pre-existing contract. Their works will be sold after they have been created."

Many artists I know work in virtually uninhabitable garrets or basements, lacking heat in winter or air-conditioning in summer. Some have broken or cracked windows and many have poor light. I have frequently visited those where the aroma of mould abounds. The update highlighted that:

A few artists may receive coverage under provincial workers' compensation programs when they are working under a contract with an engager or producer. But others may have no protection for a work-related injury, such as a visual artist . . .

Further:

Because of their status as independent contractors, artists are often disadvantaged if an engager, publisher or gallery goes into bankruptcy.

Believe me, that happens. Artists are often left without sales income or the art itself. Many don't know their rights — especially indigenous artists who may not have gone through formal art training where they might have learned about copyright rights.

Situations differ across Canada, with Quebec leading in best practices. Good international precedents include contractual or employment relations, collective bargaining, social security measures, taxation, grants, social benefits, income maintenance and intellectual property and copyright.

Some European countries have adapted social programs to deal with the reality of the work of artists. In France and Belgium some categories of artists are deemed to be employees, and this enables them to obtain relevant benefits.

In 2008, the Conference Board of Canada concluded:

The value of the sector to the Canadian economy was far greater than anyone had previously thought, 7.4 per cent of Canada's total real GDP . . . .

And they cautioned:

The health of that culture economy, and therefore the future economic health of Canada, depends on having a large and diverse pool of professional artists at the very heart of the economy.

Women are, or should be, a key part of that economy. I find it unsettling that recent research revealed that in 2017 only 12 of Canada's 66 major performing arts companies, with budgets over \$1 million, have women artistic directors: one woman in our 16 orchestras; one in our seven opera companies; and only seven in Canada's 34 theatre companies. In dance they fare somewhat better, with three women directing our nine dance companies. Why so low given the demonstrated talent among women professionals?

• (1650)

I also wonder why, in recent years, a number of directors of major arts organizations, including museums and galleries, come from outside Canada. I don't doubt their ability, but I do contend that the required talent resides among Canadians. Are we giving our up-and-coming arts leaders sufficient experience in deputy roles? Do we lack the confidence in our training programs? Are we not willing to take risks with our own? To have that large and diverse pool of professional artists at the very heart of the economy, as the Conference Board cited, we must develop and steward our talent.

Regarding working conditions, given the lack of a secure income, I fear even well-known artists are forced to live in the studios where they work. With the threat of contravening permits and building codes, they continually watch out for the authorities who might turf them out. I wonder to where. I have been in studios with non-functioning or no elevators, with stairs as the only means of entrance and egress, sometimes eight or nine flights. Often, the most affordable spaces are in buildings awaiting demolition. A number of eminent artists have told me that, despite that, rents are increased without improved services. Being forced to move studios is one of the most stressful situations an artist can face, compounded by the very real difficulty of finding affordable spaces. Expensive, physically draining and time consuming, moving interrupts work in progress. Wet paintings or sculptures in their wet-clay phase may well be damaged during a move, and moving often means missing a commission deadline.

We need to find a way for artists' work to be counted as regular employment with relevant benefits.

[Translation]

Often, artists barter their works of art for a certain number of meals in a restaurant. They are happy to have a forum in which to display their artistic vision, but they still have no job or income security. The most worrisome conditions are those where visual artists work and cook in the same space and on the same stove. I have written about these dangerous situations many times. Shining a light on artists' living conditions tells us a great deal about their health and security. The report states, and I quote:

[English]

Particular concerns affect some artists. For example, visual artists may be exposed to hazardous chemicals or toxic materials. A simple sore throat may be a . . . serious impediment for a voice performer. Dancers have special physical challenges, as may some musicians . . . .

Imagine an artist working in encaustic or wax, melting their wax over a burner or stove or in a crock pot, and mixing it with a pigment or colour. They then cook over that same burner or stove. Or a print maker who uses toxic acids and inks in their kitchen, lacking the required ventilation. Imagine a painter working with sprays. Work and supplies are pushed to the side, and food mingles with the gasses and particulates in the air. Need I say more about what is in the air they breathe?

Could they work somewhere else with such a mercurial source of income? I have received many calls over the years, seeking help to find affordable studio space. Safe even shared spaces are rare.

The story of highly acclaimed Canadian sculptor Elza Mayhew has haunted me for decades. She was from Victoria and, as a young mother of two, was widowed in World War II. Throughout her personal tribulations, she persevered with her art and proudly represented Canada at the prestigious Venice Biennale exhibition in 1964. She received many international awards, commissions and tributes, and her large bronze sculptures are in public places across Canada.

After sketching her ideas, she cut her forms from blocks of styrofoam, fashioning her signature curvilinear edges with a curling iron to melt and smooth the surfaces. With no foundry in Canada, she had her works bronzed in the U.S. Photographs and a film show her leaning over the kiln during the cooling to check the work. Then, to achieve her desired patina, she rubbed its surface, never wearing a mask.

The cumulative negative health effects from her materials, the accumulation of styrofoam bits in the air and the noxious fumes from the heating of the styrofoam with her curling iron, or those from the kiln, were devastating. She was eventually diagnosed with styrene poisoning, with effects akin to dementia and Alzheimer's.

Thus, the uncertainty of employment and income is often compounded by dubious working conditions and serious residual health issues.

Today, there are safety checklists and warnings about materials. Yet many artists remain unaware of the inherent dangers of their materials or workplaces. If they are aware, they do not have the means to address them.

Increasing numbers of indigenous artists are producing strong and compelling work too. They also work in less than ideal conditions, many in their kitchens. Indigenous and cultural workers represent 3.3 per cent of the total workforce, including 3,655 visual artists. Recent studies show average earnings of Aboriginal artists are 28 per cent lower than the average for all artists. The 2011 National Household Survey showed an indigenous employment rate of 62.5 per cent, as compared to 75.8 per cent for non-Aboriginal peoples. First Nations stood at 57.1 per cent, Inuit at 58.6 per cent and Metis at 71.2 per cent.

The 2012 Aboriginal Peoples Survey confirmed that those who completed high school were more likely to be employed. By 2014-15, the Metis employment rate had risen 2 per cent to 73.1 per cent, and First Nations rose 5 per cent to 62.4 per cent. The non-Aboriginal rate increased by 10 per cent to 81.8 per cent.

Honourable colleagues, society has challenges. All of this is troubling. As has been proven many times in Canada and internationally, the arts are the best tools we have for social change. I have said in this chamber before that engagement in the arts improves well-being and health outcomes, contributes to reduction and prevention of crime and has considerable positive outcomes in educational results. We know the significant economic and employment impact of the arts, so let's make sure artists' employment is constant, in safe working conditions, properly remunerated and with appropriate training in all disciplines. As Senator Bellemare said, "Full employment . . . is about enabling people to better their qualifications" and "goes hand in hand in pursuing trade and commerce in a globalized world."

You see my concerns. The irregularity or lack of work for those with solid credentials; training; working conditions and resulting health problems affecting many Canadian artists, acclaimed and —

**The Hon. the Speaker:** Sorry for interrupting, senator; your time has expired. Are you asking for five more minutes?

**Senator Bovey:** If I may have one minute?

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

**Hon. Senators:** Agreed.

**Senator Bovey:** I'm going to conclude by saying that I do not think sufficient research has been done to quantify the extent of these issues, though we all can cite anecdotal evidence proving inequities. I hope this inquiry will stimulate serious research to quantify the extent of these realities. Then, perhaps, we will be able to seek ways to resolve these serious societal conundrums.

(On motion of Senator Petitclerc, debate adjourned.)

## "SOBER SECOND THINKING" PROPOSAL

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Wallin, calling the attention of the Senate to the proposal put forward by Senator Harder, titled "Sober Second Thinking", which reviews the Senate's performance since the appointment of independent senators, and recommends the creation of a Senate business committee.

(On motion of Senator Omidvar, debate adjourned.)

## AUTISM FAMILIES IN CRISIS

### TENTH ANNIVERSARY OF SENATE REPORT—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Munson, calling the attention of the Senate to the 10th anniversary of its groundbreaking report *Pay Now or Pay Later: Autism Families in Crisis*.

**Hon. Marc Gold:** Honourable senators, I rise today to add my support for the establishment of a National Autism Strategy and my admiration for the work of the Senate and, notably, our colleague Senator Munson, who has done much to raise awareness about autism in Canada.

Let me begin by saying a brief word about the idea of a national strategy. In a word, it's a good idea because it helps to focus attention on a problem of national dimension, and it can serve as an organizing framework within which a broad variety of concrete initiatives can be undertaken.

But many of these initiatives fall within the jurisdiction of the provinces, whether in the area of health, education or employment, or, indeed, are undertaken by the not-for-profit sector. That's not to minimize the important role the federal government can and should play in support of these initiatives through a judicious and appropriate use of its constitutional powers over taxation and spending. The fact remains, however, it is the concrete initiatives and not the strategy as such that will make a difference on the ground to the individuals and the families who are affected by ASD.

• (1700)

Let me speak briefly to a few areas where we as senators and as citizens acting locally can do our part to move things forward *sur le terrain*.

[Translation]

First, our networks of contacts and our influence could be leveraged to improve the resources and services offered to people with autism spectrum disorder in the provinces and territories we represent. For example, my research shows that Quebec needs to

do more about offering early screening. Furthermore, families are not getting anywhere near the support they need from the public sector. This is mainly due to the way resources are divvied up by provincial departments. In Quebec, children with ASD receive services through the department of health and social services until the age of five. After that, the needs of the children and their families are supposed to be met by the school system, which falls under the department of education. In all honesty, the support offered after the age of five is grossly inadequate.

What Quebec needs, and I would be surprised if this is not the case elsewhere in Canada as well, is a more integrated support system. As senators, we can put our networks and influence to good use in order to improve the services provided at the provincial, territorial and local levels. We can also support non-profit community initiatives that have a positive impact on people with ASD.

[English]

Let me tell you about one such initiative that's rather close to my heart.

While doing volunteer work in Israel, a woman from Montreal participated in a project where children with ASD spent time working at a kennel that raised and trained service dogs. When she returned to Montreal, she discovered there was no such program in Quebec. So working with National Service Dogs, based in Cambridge, Ontario, which had been providing dogs to families since the late 1990s, she created a not-for-profit organization called PACCK, Positive Assistance and Companion Canines for Kids, to bring the benefits of this program to Quebec.

The benefits that specially trained dogs can bring to children and their families affected by ASD are enormous and well documented in the scientific literature. These benefits include providing increased safety for the child and helping control problematic behaviour by commanding the dog, teaching the child responsibility, lowering aggression and frustration levels, providing comfort to the child when he or she is upset, and overall, reducing stress levels that allow for greater participation, whether in education or social and leisure activities.

Launched in 2008, PACCK obtained its first four puppies, trained them over an 18-month period and then placed them free of charge within families.

I forgot to mention that the woman who founded PACCK is my wife, Nancy Cummings Gold.

However — there's always a "however" — the cost of raising and training a service dog was and still is considerable. It's in excess of \$24,000 per dog. Raising enough money to continue to provide such dogs free of charge to families in need proved far beyond the fundraising capacities of this small start-up, especially given the economic crisis that hit soon after its launch in 2008.

Fortunately, however, the project was picked up by the MIRA Foundation, building upon the research it had begun as early as 2003. Supported by several large foundations and private corporations, the MIRA Foundation began providing specially trained dogs to families in 2010 and today provides dogs to

100 families affected by ASD. But MIRA can only meet half of the demand for its dogs, and even families who qualify have to wait up to two years to receive a dog. Still, it is meeting an important need, and many families are benefiting.

So honourable colleagues, if you like puppies and kids, perhaps this is a project that resonates with you. And if so, why not look into the possibility of introducing it in your community? Maybe you know of a philanthropic foundation or a group of companies that would be interested in supporting this project.

As important as it is to address the needs of kids and their families, it's not enough, because kids grow up to be adults, and we need to figure out ways to provide meaningful work and other opportunities for adults so they may participate more fully in society, as is their right as citizens. Governments can play a role here, to be sure, but it's ultimately the private sector that can make a real difference in this regard. The example of Spectrum Productions, which was mentioned by Senator Munson in his earlier remarks and representatives of whom were with us in the Senate a few weeks ago, is a wonderful example of what can be done.

Honourable senators, whether our focus is on kids or adults, we can all find a project that fills a need and speaks to our particular interests. And we can lend a hand, whether financially if we are able to, as a spokesperson or as a champion behind the scenes. Every bit helps.

Finally, allow me to say a word about what we can learn about ourselves from people with ASD. As I read our debates, much of our focus has been on ASD as a disability, and understandably so. But I think there is more to be said and learned. People with ASD relate to the world differently, and in so doing, their manner of being does not always fit in with what we expect, of what we think of as the norm. So it is understandable that many of us find it hard and challenging to see beyond their differences and the differences that they present.

As a result, it is easy to ignore — literally to be ignorant of — the contribution that people with ASD can and do make to our society. But we can and must challenge ourselves to look beyond the assumptions and mental structures that we have inherited, our unreflective understanding of what is and is not normal, to see that the different ways in which people relate to their world can be a strength to us all; that we have something to learn, not only about how people with ASD see the world, but how we too might learn to see the world somewhat differently.

Honourable senators, we rightly celebrate the diversity of Canada, so may our work in the Senate and the establishment of a national strategy on autism be the occasion to expand our conception of diversity, to include, to legitimate and indeed to celebrate the contributions and perspectives that our fellow citizens with ASD can offer to us. Thank you very much.

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

**AGRICULTURE AND FORESTRY**NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET  
DURING SITTING OF THE SENATE WITHDRAWN

On Motions, Order No. 270, by the Honourable Diane F. Griffin:

That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, December 5, 2017, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

**Hon. Diane F. Griffin:** Honourable senators, pursuant to rule 5-10(2), I ask that Motion No. 270 be withdrawn.

**The Hon. the Speaker:** So ordered.

(Notice of motion withdrawn.)

*(At 5:09 p.m., the Senate was continued until Monday, December 4, 2017, at 6:30 p.m.)*

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