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(HANSARD)

Wednesday, December 13, 2017

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, December 13, 2017

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

• (1410)

Prayers.

### CONGRATULATIONS ON APPOINTMENTS

### BUSINESS OF THE SENATE

#### MOTION TO PHOTOGRAPH THE INTRODUCTION OF NEW SENATORS ADOPTED

**The Hon. the Speaker:** Honourable senators, there have been consultations and there is agreement to allow a photographer in the Senate Chamber to photograph the introduction of new senators.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

### NEW SENATORS

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Mary Jane McCallum  
Mary Coyle

### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

**Hon. Mary Jane McCallum**, of Winnipeg, Manitoba, introduced between Hon. Peter Harder, P.C., and Hon. Lillian Eva Dyck; and

**Hon. Mary Coyle**, of Antigonish, Nova Scotia, introduced between Hon. Peter Harder, P.C., and Hon. Wanda Elaine Thomas Bernard.

**The Hon. the Speaker** informed the Senate that each of the honourable senators named above had made and subscribed the Declaration of Qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, it is my pleasure, as the Government Representative in the Senate, to welcome our newest colleagues to this chamber, Mary Jane McCallum of Manitoba and Mary Coyle of Nova Scotia.

Senator McCallum has spent her career serving and healing in First Nations, northern and indigenous communities across Manitoba. From dental services, to prenatal health and diabetes programs, to housing and education, Senator McCallum has demonstrated a holistic approach to community well-being that is truly inspirational. Her attention to social determinants of health will add to our collective understanding of this important issue.

In committee and in this chamber, I have no doubt that Manitobans, those living in remote and rural areas across Canada, and those who need a brave voice to speak on their behalf will find a strong representative in Senator McCallum. Welcome.

[Translation]

Moving on to Nova Scotia, I would like to welcome Mary Coyle. From a young age, Senator Coyle displayed an interest in learning languages and the kind of curiosity that inspired her to live in communities around the world.

[English]

From Botswana, to Indonesia, to Bolivia, and to First Nations and Metis communities across Canada, Senator Coyle has devoted her career to helping people — especially women, youth and indigenous peoples — acquire tools and resources to lead and succeed. She brings together a perspective that incorporates a macro world view with an understanding of how support and engagement at the grassroots, even the micro level, can help build change for the better.

[Translation]

Thank you both for accepting the tremendous challenge of being senators. I know my colleagues will join me in offering you our friendship and help as you begin this new chapter of your lives and careers.

[English]

Welcome to the Senate of Canada.

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, I would also like to provide some words of welcome to our two new senators who are taking their seats for the first time in the chamber this afternoon: Senator Mary Jane McCallum, who represents Manitoba; and Senator Mary Coyle, who represents Nova Scotia.

[Translation]

I am sure that Senator Coyle's and Senator McCallum's personal and professional experience will inform their work here in the Senate, just as it has for everyone who has had the honour of being appointed to this place.

[English]

All honourable senators are provided with the opportunity to debate legislation that impacts Canadians of all walks of life right across this great country. This is a serious duty and one that I believe all senators, on all sides of the chamber, will treat seriously, whether we are proponents or opponents in any given debate.

On behalf of all senators — senators from this side of the table and hopefully all senators within our house — we wish you to begin this new chapter of your lives here in the Senate, and we look forward to meeting you and working with you in the future. Congratulations.

**Hon. Yuen Pau Woo:** Honourable colleagues, on behalf of the Independent Senators Group, allow me to add my words of welcome to our new colleagues, Senator Mary McCallum and Senator Mary Coyle. It is a proud day for Manitoba and Nova Scotia and Canada.

Both of you have dedicated your life's work to helping others, especially those who are marginalized because of who they are or where they live. You have contributed your knowledge unselfishly to your communities and served as an advocate for those who lack status, power or voice. You have joined us at a particularly important time in the evolution of the Senate to be a body of independent sober second thought in Canada's Parliament. We are so lucky to have you here as our colleagues, and we look forward to working with you to advance the interests of all Canadians, especially those who you represent in Manitoba and Nova Scotia. Welcome.

• (1420)

**Hon. Terry M. Mercer (Acting Leader of the Senate Liberals):** Honourable senators, on behalf of the independent Senate Liberals, I would like to welcome our two new colleagues: Mary Coyle, from my home province of Nova Scotia; and Mary Jane McCallum, from Manitoba.

Senator Mary Coyle has had an eminent career in the post-secondary education and non-profit sectors, notably serving as Vice-President and Director of St. Francis Xavier's Coady International Institute and as Executive Director of the Frank McKenna Centre for Leadership.

The Honourable Mary Jane McCallum, who is believed to be the first female indigenous dentist accredited in Canada, is a strong advocate for social justice who has, amongst many other things, provided dental care to First Nations communities across Manitoba.

This place is full of dedicated, experienced and hard-working senators on all sides of the chamber. We are proud to serve in the Senate, trying to make our provinces, our regions and the country a better place for everyone.

I hope that you both, Senator Coyle and Senator McCallum, will take in your new surroundings and learn all you can about the Senate and the people working in it.

I encourage you both to find your niche and use your experiences to add to what we do here. I, in fact, have no doubt that each of you will put your talents and expertise to good use as we go forward together.

Welcome to the Senate of Canada. Enjoy every minute of it.

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

[Translation]

## SENATORS' STATEMENTS

### ACADIAN REMEMBRANCE DAY

**Hon. René Cormier:** Honourable senators, a few days from now, we will all be returning home for the holidays. We will leave this chamber with the confidence of those who know their destination. We will have the pleasure of being able to say, "I am going home to be with the people I love."

[English]

*Just Home and Love!* as the British-Canadian poet and writer Robert William Service said in his poem:

Just Home and Love! (...).  
And if you've both, well then I'm sure.  
You ought to sing the whole day long;  
It doesn't matter if you're poor  
With these to make divine your song.  
And so I praisefully repeat,  
When angels talk in Heaven above,  
There are no words more simply sweet  
Than Home and Love.

[Translation]

The reason I am quoting these lines today is to commemorate one of the darkest days in the history of one of our peoples.

Since 2003, we have been marking December 13 as Acadian Remembrance Day, in commemoration of the countless lives lost in the Great Upheaval. December 13, 1758, was the deadliest day of the genocide. On that day, a staggering number of families, men, women and children disappeared, separated from one another and deported from Isle Saint-Jean, present-day Prince Edward Island.

In the days following that fateful day, of the 4,250 Acadians living on the island, 3,000 were deported, and more than half succumbed to illness or drowned.

[English]

Those who survived could not say "I am going home" because they had no home to return to.

[Translation]

Honourable senators, the reason I bring up this tragic event today is to shine a light on what is happening now. According to statistics from the United Nations High Commissioner for Refugees, 65 million people were forced from their homes in 2016 — the largest number the world has ever seen. Sixty-five million people lost everything they had.

There is still a lot of work to be done to make inequality and poverty a thing of the past and for ignorance to give way to knowledge and awareness.

As I board the plane that will take me home and look down from the sky at the long waterway that is the St. Lawrence River, I will think about those who are unable to say that they are going home. I will think about those who have been exiled, cast into the street after the fury of man robbed them of what was most precious to them: home and love.

Finally, I would like to greet our new colleagues Senator Mary Coyle and Senator Mary Jane McCallum by saying, “Welcome home, honourable senators.”

[English]

## NUNAVUT

### ADDITION TO CENTENNIAL FLAME

**Hon. Dennis Glen Patterson:** Honourable senators, I would like to begin with a few words in Inuktitut.

*[Editor's Note: Senator Patterson spoke in Inuktitut.]*

Today at noon, I was delighted to witness the addition, finally, of the crest of Nunavut to the Centennial Flame and the relighting of that flame. For me, this brought a sense of closure. As a young lawyer in Frobisher Bay — now Iqaluit — in 1979, I campaigned for a seat as a member of the legislature in the Northwest Territories on the platform of settling the Inuit land claim and establishing a separate territory in what is now Nunavut. It was quite the upset when I won, and I was privileged to continue to win four consecutive terms.

As a representative of the Government of the Northwest Territories, I was also privileged to sign the agreement in principle with now Premier Paul Quassa in 1993, which settled the Inuit land claim and provided for the establishment of the territory of Nunavut.

So to be here in 2017, 18 years after the creation of Nunavut, bearing witness to this historic moment, has been a very special and emotional experience. Now one of the most-visited landmarks in our nation's capital finally includes every province and territory of this great country. The event was made more special by the presence of many of Nunavut's leaders, including Premier Paul Quassa; members of his cabinet and members of the legislative assembly; Nellie Kusugak, Commissioner of Nunavut; Aluki Kotierk, President of Nunavut Tunngavik Inc.; P.J. Akeagok, President of the Qikiqtani Inuit Association; and Natan Obed, President of Inuit Tapiriit Kanatami. It was also

very moving to have traditional Inuit performances by throat-singers Tamara Takpannie — who, incidentally, is also my intern — and Janice Oolayou, as well as drum dancing and singing by Nunavut Sivuniksavut.

As Premier Quassa said today, Nunavut plays an important role in protecting the sovereignty and security of our country. So its inclusion is an important step to publicly recognizing the territory's importance to the country.

• (1430)

It continues to be a privilege and an honour to represent such a unique and culturally rich territory, and I know that Nunavummiut look on today with pride as Nunavut becomes part of this great landmark. *Qujannamiik.*

## HUMAN RIGHTS

**Hon. Marilou McPhedran:** Honourable senators, just days ago, we completed the 16 days of activism preventing violence against women, a worldwide campaign.

[Translation]

I rise today to briefly discuss the serious human rights situation in the Philippines. I would like to acknowledge the work being done by civil society groups that are resisting violence and discrimination in that country. If I may, I also want to draw attention to the Global Appeal on the Marawi Siege, Extra Judicial Killings and Human Rights Violations in the Philippines, an initiative coordinated by the Global Network of Women Peacebuilders. Over 180 people from 40 countries have signed the appeal.

[English]

This global appeal is to raise awareness and to condemn the continued violence in Marawi City, Philippines, as a result of terrorist attacks, the declaration of martial law, and continued extrajudicial killings and human rights violations in that country.

A brief description: From May to October of this year, the conflict in Marawi has left at least 1,130 people dead. More than 350,000 residents were forced to flee the area. Officials in the Philippines have estimated that it will cost more than \$1 billion to rebuild the city. As with all conflicts, women bear the brunt of war.

Women's human rights are being severely violated. For example, female hostages have been raped and forced to marry members of the terrorist Maute group. The rape culture in streets and in crowded emergency shelters amplifies risk and fear for women and children. Displaced women, especially those who are pregnant or have just given birth, also face increased reproductive health risks. These women require prenatal and postpartum health care, often unavailable in evacuation sites.

Days ago, we marked the seventieth anniversary of the Universal Declaration of Human Rights. Those decades ago, Eleanor Roosevelt, one of the principle drafters of the declaration, answered this question:

Where, after all, do universal human rights begin? In small places close to home — so close and so small that they cannot be seen on any maps of the world. . . . Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

And so I would like to close by bringing us closer to home.

On December 7, a Winnipeg student testified via teleconference to the CIBA Committee. To testify, Shania Pruden had to wake very early and travel by taxi to the studio. Hours later, she was on local television —

**The Hon. the Speaker:** I'm sorry, senator. But you have gone well over your time. I apologize.

## TRUTH AND RECONCILIATION COMMISSION

### SECOND ANNIVERSARY OF REPORT

**Hon. Murray Sinclair:** Honourable colleagues, today I rise to call to your attention that Friday, December 15, of this week marks the two-year anniversary of the final report of the Truth and Reconciliation Commission. I am especially pleased to make this statement on this day when we are welcoming two new senators, representing the dialogue on reconciliation and their various professional capacities to this point and time.

During the period in the era of the residential schools in Canada, about 150,000 children were forcibly removed from their families and placed in institutions for the sole purpose of indoctrinating them into Canadian society. From the time of Confederation until the end of the 20th century, a period of about 125 years, Canada did all that it could to eliminate Aboriginal cultures and languages through legislation and government policies. Undoubtedly, residential schools were the single most significant policy piece used to accomplish that.

Over the past six months, our nation has been celebrating Canada's 150 years as a country. Celebrations across Canada have created an opportunity to reflect about our history, our accomplishments and how we plan to make this a better nation. We must remember that reconciliation is a process. It is going to take time to come to terms with this history. We must remind ourselves and each other that we need to be patient with this process.

Now that we know the truth, change is the only constant, and we must recognize and acknowledge that reconciliation efforts that are being undertaken by activists throughout Canadian society will take time.

Commissioner Chief Wilton Littlechild stated at the release of the final report:

At the highest levels, we need political will to move our country forward towards reconciliation. The Treaties and the United Nations Declaration on the Rights of Indigenous Peoples provide the solutions.

There are currently three pieces of legislation before Parliament that have taken up the calls to action. One is, of course, Bill S-212, introduced by our colleague Senator Joyal, recognizing indigenous languages. Another is Bill C-262 to call upon the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. And the last is Bill S-206 calling on the government to repeal section 43 of the Criminal Code in order to address violence against children.

Thanks as well to the efforts of Senator Tannas and Senator Dyck, the Standing Senate Committee on Aboriginal Peoples is currently studying how to renew the relationship between indigenous peoples and the Canadian government.

Reconciliation is going to take time and much effort. I encourage you all to ask how you can support reconciliation. You can start with reading the TRC report, if you haven't already, and consider what TRC calls to action you can support and perhaps turn into legislation. Share the work of the TRC with your family, with your neighbours and with your networks. Great conversations can happen around the kitchen table, and it is at that level where reconciliation will truly begin.

With the efforts of all Canadians, reconciliation can be accomplished.

## VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Judy MacDonald. She is the guest of the Honourable Senator Bernard.

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

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

## ROUTINE PROCEEDINGS

### STUDY ON THE MINISTER OF FINANCE'S PROPOSED CHANGES TO THE INCOME TAX ACT RESPECTING THE TAXATION OF PRIVATE CORPORATIONS AND THE TAX PLANNING STRATEGIES INVOLVED

TWENTY-FOURTH REPORT OF NATIONAL FINANCE COMMITTEE  
DEPOSITED WITH CLERK DURING ADJOURNMENT  
OF THE SENATE

**Hon. Percy Mockler:** Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on September 26, 2017, and December 5, 2017, the Standing Senate Committee on National Finance deposited with the Clerk of the Senate on December 13, 2017, its twenty-fourth report entitled *Fair, Simple and Competitive Taxation: The Way Forward for Canada*.

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

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

• (1440)

[Translation]

## ADJOURNMENT

NOTICE OF MOTION CONCERNING THIS FRIDAY'S SITTING

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

That, notwithstanding rule 3-1(1), when the Senate adjourns today, it do stand adjourned until Friday, December 15, 2017, at 9:30 a.m.

[English]

NOTICE OF MOTION CONCERNING JANUARY 30, 2018, SITTING

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, January 30, 2018, at 2 p.m.

## CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

U.S. CONGRESSIONAL MEETINGS, MARCH 14-16, 2016—  
REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the U.S. Congressional Meetings, held in Washington, D.C., United States of America, from March 14 to 16, 2016.

ANNUAL MEETING WITH MEMBERS OF THE U.S. SENATE AND  
HOUSE OF REPRESENTATIVES, JUNE 20-22, 2016—  
REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the 55th Annual Meeting with Members of the U.S. Senate and House of Representatives, held in Washington, D.C., United States of America, from June 20 to 22, 2016.

[The Hon. the Speaker]

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MISSION TO THE REPUBLIC OF BULGARIA AND THE FOURTH PART  
OF THE 2017 SESSION OF THE PARLIAMENTARY ASSEMBLY OF  
THE COUNCIL OF EUROPE, OCTOBER 4-13, 2017—  
REPORT TABLED

**Hon. Percy E. Downe:** Honourable senators, I have the honour to table, in both official languages, the Report of the Canadian Delegation of the Canada-Europe Parliamentary Association respecting its mission to the Republic of Bulgaria, the next country to hold the rotating Presidency of the Council of the European Union, and its participation at the fourth part of the 2017 session of the Parliamentary Assembly of the Council of Europe, held in Sofia, Republic of Bulgaria, and Strasbourg, France, from October 4 to 13, 2017.

MEETING OF THE STANDING COMMITTEE OF PARLIAMENTARIANS  
OF THE ARCTIC REGION, OCTOBER 11-13, 2017—REPORT TABLED

**Hon. Percy E. Downe:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association respecting its participation at the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Reykjavik, Iceland, from October 11 to 13, 2017.

Colleagues, no senator attended that meeting.

## TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT  
REPORT ON STUDY OF THE REGULATORY AND TECHNICAL  
ISSUES RELATED TO THE DEPLOYMENT OF CONNECTED  
AND AUTOMATED VEHICLES WITH CLERK DURING  
ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Transport and Communications be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the regulatory and technical issues related to the deployment of connected and automated vehicles between December 18, 2017, and January 29, 2018, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.



[Translation]

## THE SENATE

### NOTICE OF MOTION TO AUTHORIZE SENATORS WHO ARE CHAIRS OR DEPUTY CHAIRS OF MORE THAN ONE COMMITTEE TO WAIVE ALLOWANCES FOR ADDITIONAL POSITIONS AS CHAIR OR DEPUTY CHAIR

**Hon. Raymonde Saint-Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to chapter 4:01, section 2, of the *Senate Administrative Rules*, for the remainder of the current session, any senator who occupies more than one position of chair or deputy chair of a committee for which an additional allowance is payable be authorized to waive the portion of his or her allowance payable in respect of those additional positions of chair or deputy chair.

[English]

## ORDERS OF THE DAY

### ANISHINABEK NATION EDUCATION AGREEMENT BILL

#### BILL TO AMEND—THIRD READING

**Hon. Murray Sinclair** moved third reading of Bill C-61, An Act to give effect to the Anishinabek Nation Education Agreement and to make consequential amendments to other Acts.

He said: Honourable senators, I rise today on behalf of Senator Christmas, who is the sponsor of Bill C-61, to offer my support for Bill C-61, the Anishinabek Nation Education Agreement act.

As I do so, I acknowledge and affirm that we stand today on the traditional unceded lands of the Algonquin Nation. Today, as I offer my endorsement of this legislation, I ask you to think of its importance in the context of an implement of reconciliation and a progressive instrument of self-determination.

My remarks today will not be lengthy; I need not dwell so much on the history of the negotiations of the past 22 years. Senators Patterson and Dyck provided us with a full synopsis of those events in their remarks at second reading last week.

Honourable colleagues, as we heard then, the Anishinabek Nation Education Agreement act is only the second education self-government agreement in Canada and the first of its kind in Ontario.

However, once enacted, it will represent the largest self-government education agreement in Canada, with 23 participating Anishinabek Nation First Nations included under its provisions.

We have heard how this legislation is a decisive step forward in supporting progressive change, grounded in the principles of self-determination by and for First Nations, as they regain control of their young people's education.

Even though the evidence before the committee confirmed my own ongoing concerns about the ability of the federal government to think as broadly as it must about indigenous self-determination, the agreements that this bill implements represent a decisive step forward. The refusal of the government to acknowledge that this agreement creates a treaty right to education, a right which exists in all of the post-Confederation agreements, betrays such limited thinking, as does the absence in the agreement of a federal commitment to contribute financially to the construction of schools.

However, given the depth of the hole out of which the member First Nations of the Anishinabek Nation are beginning their climb, honourable senators, this legislation, and the path of First Nations self-determination that has brought it about, represents a very big deal indeed.

Woodrow Wilson once said:

"Self-determination" is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril.

He also asserted:

I do not want a government that will take care of me, I want a government that will make other men take their hands off me so I can take care of myself.

And this, colleagues, is the nexus of the issue at hand. It's important to recognize how this bill is representative of a new way forward with respect to indigenous peoples creating laws, once again, by and for themselves and casting off the mantle of prescription and the colonial aspects of governance, making sure, if you will, that the hands of government are starting to be removed from Anishinabek Nation education so that they may, hereafter, take care of themselves.

Lisa Michano-Courchene, of the Biigtigong Nishnaabeg First Nation, is a director on the board of the Anishinabek Nation Education Body. In her testimony before the committee yesterday, she said this:

... it all starts with identity. It's an education agreement, but in reality, it's giving us more opportunity to embed that identity within the system so that we can prepare our kids for tomorrow — our leadership for tomorrow.

[Translation]

Two years ago, the day that the Truth and Reconciliation Commission tabled its final report, I said that the work of commissioners was about more than just directing the government to intervene. It was about calling on all Canadians to take action. I said: "We have described for you a mountain. We have shown you a path to the top. We call upon you to do the climbing."

• (1450)

[English]

This bill demonstrates the indomitable spirit of the Anishinabek Nation and their member First Nations, who, by virtue of undertaking the 20-year journey to this place and time, have served as both sherpa and climber on their own climb up the mountain, undertaking the preparatory, administrative and political work on this education agreement prior to us all meeting today at its summit.

The Truth and Reconciliation Commission report, published in 2015, contained 94 *Calls to Action*, a list of concrete measures that would strengthen the relationship between Canada and indigenous peoples.

First Nations education is the focus of calls to action 6 through 10. Primarily, they call upon the Government of Canada to develop a joint strategy to eliminate the educational and employment gap between indigenous and non-indigenous Canadians; eliminate the discrepancy in federal education funding for First Nation children being educated on reserve; draft education legislation that will promote and protect an indigenous pedagogy; provide sufficient funding for the provision of education delivery; improve education attainment levels and success rates; and publish annual reports to this effect.

Bill C-61 reflects the spirit and intent of these calls to action and is a purposeful step in the right direction, wrestling control of the First Nations education for the 23 involved First Nations as far away from the department and the Indian Act as possible, at this time.

Once again, honourable colleagues, make no mistake: This is a very big deal and a very good thing.

As I am frequently wont to remind all of Canada: Education has gotten us into this mess, and education will get us out.

Bill C-61 is a prime example of reconciling this awkward reality. With its adoption, this proposed legislation indeed lets and gets the Anishinabek Nation “out”: “out” from the prescription and colonialism of the Indian Act; “out” from the painful, historic injustices of indigenous education programs of the past; and “out” into a bright future in which indigenous customs, language and heritage are not only shared but embraced as cornerstones of their nation’s history.

This self-government education agreement also resonates well with a number of the government’s 10 “Principles respecting the Government of Canada’s relationship with Indigenous peoples”.

The first of these is that the Government of Canada recognizes that all relations with indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

[Translation]

What better way to express that than through a bill to reform education programming for indigenous children?

[English]

Principle number 4, among other things, includes calls for:

. . . putting in place effective mechanisms to support the transition away from colonial systems of administration and governance, including, where it currently applies, governance and administration under the Indian Act . . .

This bill certainly renders exactly that.

Principle number 9 asserts that the Government of Canada recognizes that reconciliation is an ongoing process that occurs in the context of evolving indigenous-Crown relationships.

The open-ended nature of this proposed legislation, into which the remaining communities of the Anishinabek Nation can opt at their choosing and which permits the parties to amend it as the needs arise and circumstances change, certainly reflects the evolving nature of the relationship, the growth of capacity and the ability of First Nations to move forward around matters of self-governance when they are ready to do so.

For the Anishinabek Nation, this agreement allows the educational genie out of the bottle, and once out, it will never be allowed to be pushed back in.

Education builds not only better minds, but better leaders rooted in their own sense of identity, and are thus able to think about and answer the four key questions I have mentioned so many times. Where do I come from? Where am I going? Why am I here? And, most importantly, who am I?

[Translation]

Inspiring confidence, assurance, and pride in one’s identity is a fundamental obligation when educating our children, in addition to playing a fundamental role in reconciliation.

[English]

In the face of this, I again invite you to read the TRC’s *Calls to Action*. I encourage you once more to read the TRC’s summary report.

As I’ve said, it’s about increasing your level of awareness — and if there’s one thing of which I’m certainly aware, it is that this bill is worthy of our support and of swift passage.

One hundred and thirty-three years after the adoption of the Indian Act amendment that enabled the creation of residential schools, we have before us a liberating piece of legislation that is a ringing endorsement of self-governance and a gateway to a better future for the youth of the Anishinabek Nation.

Honourable colleagues, I’ll say it again: Education has gotten us into this mess, and education will get us out.

Embracing this, let us do the wise thing, the appropriate thing, and the right thing, by adopting this legislation without delay.

*Meegwetch*, thank you.

**Hon. Dennis Glen Patterson:** Honourable senators, as critic, I rise today to speak briefly to third reading of Bill C-61, An Act to give effect to the Anishinabek Nation Education Agreement and to make consequential amendments to other Acts.

Yesterday, in committee, we had the privilege of hearing from Deputy Grand Chief Bill Hare of the Anishinabek Nation, as well as Education Body board directors Evelyn Ball from Chippewas of Rama First Nation and Lisa Michano-Courchene of Biigtigong Nishnaabeg First Nation. They told us how the road to this point has been long and hard-fought by the Anishinabek people. We heard how, like all communities, their hope is to provide quality education to their youth and, most important, revitalize their language and culture.

We have learned from the experience of the Mi'kmaq and others that educational outcomes are greatly improved when teaching methods and the curriculum reflect the culture. That is why I'm delighted to rise today in support of this legislation.

However, I do feel I would be remiss in my duty as a member of Her Majesty's Loyal Opposition by not discussing an outstanding point that I still find of concern. During second reading, I spoke in this chamber and stated that I was concerned with the lack of capital infrastructure money included in the funding agreement that accompanies this bill.

Of the schools in this district that will be covered by this act, one of them is 50 years old and many of them are 20 and 30 years old. We were told that maintenance and repairs have been neglected and that the schools should be equipped for Internet and modern educational technology.

On this issue, Anishinabek's lead negotiator told the committee that "[an] integral part of decision making should include capital infrastructure."

She went on to tell us that this is still a point of contention for Anishinabek Nation and that they have been advised by INAC to submit an aggregate proposal for capital funding to their regional office.

So in light of that, I would like to, on the record, urge the Government of Canada to support this application. The progress that this bill will afford Anishinabek students can only be maximized if they also have proper facilities. Deputy Grand Chief Hare actually told us about a school with a wall of exposed plumbing that collapsed during a meeting. We were told that not only were schools in disrepair, but they did not have enough schools to house the children they're hoping to educate in the communities.

• (1500)

I would actually have liked to have included an observation to this effect yesterday in the committee report, but I was advised at the time that, as we worked to pass this bill before we rise, there would be no time to properly draft, format and translate an observation to append. So I would like to put into the record today that major capital would have made a significant difference. In fact, we heard it was likely that up to eight of the

First Nations that did not hold ratification votes to become part of this historic agreement would have taken a different position if the critical issue of capital funding had been addressed in the negotiations, agreements and in the bill.

Despite this issue, I believe that by supporting this bill and allowing the nation to take full control of their school curriculum, we will be giving the students of Anishinabek Nation the tools and opportunities they need to succeed. Thank you.

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today to speak briefly at third reading of Bill C-61, An Act to give effect to the Anishinabek Nation Education Agreement and to make consequential amendments to other Acts. As I stated in my second reading speech, this bill gives effect to an agreement already negotiated and concluded between Canada and the 23 Anishinabek First Nations in Ontario. It is important to note that this bill is part of the self-government process and works in partnership with the Master Education Agreement with the Province of Ontario. The education agreement with Ontario is dependent upon the Anishinabek Nation Education Agreement taking effect on April 1, 2018.

The bill was referred to the Standing Senate Committee on Aboriginal Peoples on Wednesday, December 7, and we met yesterday, Tuesday, December 12, 2017, to study the bill. We heard from Government of Canada officials from Indigenous and Northern Affairs Canada and Department of Justice, and representatives from the participating Anishinabek First Nations. I would personally like to thank Deputy Grand Chief Glen Hare, Kelly Crawford, Evelyn Ball, Lisa Michano-Courchene and Tracey O'Donnell for travelling to Ottawa and offering their insightful testimony.

Colleagues, in my second reading speech, I mentioned that the funding agreement should be a critical point of study for the committee to focus on. Our committee asked questions about this funding agreement, what is included and what has been left out. According to this agreement, the Anishinabek Nation Fiscal Transfer Arrangement is a separate contract between the Anishinabek Nation and Canada that details the fiscal relationship in the implementation and ongoing operation of the education agreement. As Mr. Perry Billingsley, Associate Assistant Deputy Minister of Treaties and Aboriginal Government of Indigenous and Northern Affairs Canada, told our committee:

The new fiscal transfer agreement will provide stable, predictable and flexible funding for participating First Nations. The fiscal arrangement consolidates a fragmented and short-term bundle of core and non-core education programming into a single self-government grant transfer, which is typically renewed at five-year intervals. Funding is indexed annually for inflation and volume, as reflected by changes to student enrolment, to ensure that provincial comparability is maintained over time.

This is particularly important, because that is exactly the type of recommendation our committee put into its education report that I referred to at second reading: You have to have stable, predictable funding, and you have to make sure the same level of funding is given to schools off reserve that are funded by the province.

This agreement includes one-time implementation funding to get the process rolling as well as funding for instructional services, special education, student support services, and culture and language programming. We know one of the main objectives of this agreement is so that students can maintain their culture and language. This is a critical component of the funding, and it's good that it's there.

This agreement combines existing and new core funding to meet the educational needs of the Anishinabek education system. As Evelyn Ball from the Chippewas of Rama First Nation said:

The funding arrangements we negotiated are a positive step toward closing the gap in education funding between what Canada funds for First Nations and what the Province of Ontario provides on a per-student amount in our system.

Honourable senators, closing that funding gap is crucial for the ability of First Nations students to achieve outcomes comparable to non-First Nations students. I am hopeful this can be achieved for Anishinabek students through the Fiscal Transfer Arrangement.

We have heard in the Senate over the last decade and longer of the funding gaps between First Nations students on reserve and non-First Nations students who are funded by the province. This will close that funding gap.

However, as my colleague and friend Senator Patterson said, the agreement is silent in the areas of capital funding for the construction and maintenance of schools. According to Tracey O'Donnell, the chief negotiator for the Anishinabek First Nation, this issue was brought up throughout the negotiations by the Anishinabek First Nation. She stated:

The position of Canada throughout the negotiations is that they didn't put major capital into sectoral self-government arrangements.

That means participating First Nations will continue to be funded via the capital infrastructure investments in schools from the INAC budget. Ms. O'Donnell went further and told the committee:

In our view, in order to run an education system, an integral part of decision making is the decision to build new schools or to replace schools. At this time, we have an opportunity again. Canada has suggested that we contact the regional office and put together an aggregate proposal on major capital to have that reviewed and considered by Canada.

I hope that Canada is able to work with the Anishinabek to achieve an ancillary funding commitment on school infrastructure for the participating First Nations. This will also be critical to the success of the Anishinabek education system.

I thank Senator Patterson for bringing up the issue of capital funding for schools on reserves, and I join my colleague in being concerned that the issue of capital funding has been left out of an otherwise comprehensive agreement. I nevertheless support the passage of Bill C-61, as it is a big step in the right direction and truly has the potential to change the face of education for the participating Anishinabek First Nations.

As Evelyn Ball stated:

Now it is the time for the Anishinabek to use education to restore our culture, our languages, our traditional knowledge, our spirituality and our traditional family structures. With the Anishinabek control of Anishinabek education, we can ensure the very survival of our nation and the well-being of all of our students.

I would like to end with the quote that I used at second reading: On the Prairies, of course, we say that education is our buffalo.

*[Editor's Note: Senator Dyck spoke in Cree.]*

We have to have education in both worlds. We have to have the White eurocentric education to navigate in the modern world, but we also have to have education in our own indigenous languages, indigenous knowledge and in our own indigenous culture, so we have a sort of dual education system.

Colleagues, to reiterate, I support the passage of Bill C-61. Thank you. *Meegwetch.*

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read third time and passed.)

## DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Wilfred P. Moore.

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

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

• (1510)

## BUDGET IMPLEMENTATION BILL, 2017, NO. 2

### THIRD READING

**Hon. Sabi Marwah** moved third reading of Bill C-63, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

He said: Honourable senators, I am pleased to rise today to once again address you in consideration of Bill C-63, the second budget implementation act for 2017.

I want to take this opportunity to thank all honourable senators who participated in the consideration of this bill at the Standing Senate Committee on National Finance and the chair, Senator Mockler, for managing the process so well.

Their critical examination and questioning of the bill certainly made me think about it a second time on many occasions.

I wish to touch upon a few matters that have been the subject of critical examination during the review of BIA2 in this chamber and at committee. I do this in an effort to provide further clarity on these issues.

The first of these issues was bill-based accounting, which was raised at second reading as well as at committee, and we heard from expert witnesses on this subject.

For the benefit of all senators, the measures proposed in Bill C-63 eliminate the ability of designated professionals to elect to use billed-basis accounting. In other words, they can no longer defer revenue for taxation purposes while still deducting the costs. This measure also includes a five-year transitional period to phase in this new requirement.

The concerns over this portion of the bill that I heard at committee were twofold.

First was the issue of fairness and why make this change now. As background, the creation and operation of section 34 of the Income Tax Act goes back to the report of the Carter commission, the Royal Commission on Taxation, as far back as 1966.

The goal of the Carter commission was to improve the entire Canadian tax system, including the recognition of revenue. The Carter commission advocated that accrual accounting should become the law of the land for all taxpayers, with very limited exceptions.

In 1982 the federal government enacted section 10(5) to require all professional's year-end work-in-progress to be included in income. But some professions — accountants, dentists, lawyers, doctors — were exempted from this requirement.

At that time, the Minister of State for Finance, Paul Cosgrove, indicated that the rationale for excluding these professions was an inability by them to fully benefit from other tax deductions such as the small business tax rate. In addition, it was indicated that in some provinces these professions were likely prohibited from incorporating at that time. But it is now 2017, and, colleagues, that is simply no longer the case. Incorporation, for instance, is now an option for many employed in the specified professions. Hence, the disadvantage that these professions had no longer exists. As a result, in the spirit of fairness, the deferral of revenues should also no longer be permitted.

The second issue, as some witnesses have argued, is that the requirement to accrue revenues for these professionals is too subjective and that costs cannot be reliably estimated. This could create problems in compliance and tax filings. I must admit I find that very hard to believe. Most of these professionals are people-based businesses and have a very deep understanding of their cost structures. Furthermore, since this practice has been in use for over 30 years by many other professions, there is plenty of empirical evidence and best practices on this issue, not to mention experience at the CRA to provide appropriate interpretations.

Let me now turn to another element of BIA2 that attracted attention, and that is the proposal to give Canada the authority to become a member of the Asian Infrastructure Investment Bank, the AIIB.

Again, as background, the AIIB was formally established in December 2015, with 57 founding members. Currently the AIIB's executive board consists of 12 directors. Nine members of the board are elected by regional members, and three are elected by non-regional members.

Based on the number of shares that are currently available, Canada's initial membership would cost US\$199 million, with the potential for a maximum of US\$375 million if and when additional shares become available.

Three questions have been raised. First, will the governance of this bank, which has China as the largest shareholder, be adequate? On this issue, I am advised that the AIIB reflects the operating and governance structures of existing international financial institutions, and it has adopted best practices from other multilateral development banks such as the World Bank, the International Finance Corporation, EBRD, et cetera.

Furthermore, the AIIB's social and environmental safeguards also parallel existing multilateral development bank safeguards and were formalized in spring 2016 following a round of public consultations in the prior year.

These safeguards include, for instance, restrictions on child labour, which requires project conformity with the International Labour Organization's Minimum Age Convention.

Requirements are around consideration for environmental damage. These include pollution abatement practices, biodiversity consideration and sustainability of land and water use.

There are also considerations around instances where involuntary resettlement may occur. Like the World Bank, the AIIB requires resettlement activities to be conceived and executed as sustainable development programs.

Related to the issue of governance, questions were raised as to what reporting the AIIB would make to its members and, in turn, what visibility Canadians would have into the AIIB. Honourable senators, it is my understanding that the AIIB requires annual reports and quarterly financial statements for all stakeholders. In addition, Canada's payments to the AIIB and their purpose will be reported in the *Statistical Report on International Assistance*. I can also inform you that any payments to the AIIB will be reported both through the estimates process and in the public accounts. Furthermore, the AIIB will be noted alongside Canada's other capital subscription to multilateral development banks such as the Caribbean Development Bank and the Inter-American Development Bank.

I would also note that the other major investors in the AIIB are, for instance, the U.K., France, Germany, Italy, Sweden, Switzerland, South Korea and Israel, to name a few, and they have invested multiples of what Canada has. I don't think they would put up with bad governance or lack of reporting. In fact, collectively, we should be able to have an impact on making improvements over time.

The second area of concern is the cost of investment and what could be the advantages to Canada.

There is no argument, honourable senators, that US\$199 million is a lot of money. But without it, we would not have a seat at the table, and, in my view, it is important to have that when projects are being proposed and delivered through the AIIB. A surefire way to ensure that Canada receives no economic benefit from the over \$90 billion being invested in the AIIB projects throughout Asia is not to be at the table. Why would any of those projects involve a Canadian company when so many other nations have contributed to the program? Hence, it is important that Canada bring its expertise to the AIIB table in the form of a formal membership if the Canadian economy is to receive any benefit from its operation.

I would go further to suggest that through membership in the AIIB the government is investing, albeit indirectly, in Canada. As a small, open trading economy, Canada will have greater access to some of the fastest-growing markets in the world. More than 500 Canadian firms are active in China, operating in very diverse sectors, including life sciences, automotive, aerospace, transportation, financial services, information technologies and clean technology. Membership in the AIIB will open the doors wider for Canadian businesses already working in the region and help more businesses benefit either directly or through spillover effects.

The third area of concern is whether these funds would be better spent on infrastructure at home in Canada.

There is no doubt that infrastructure plays a critical role in building stronger communities and growing the economy. While I contend investing at home is always the first preference, I do not believe it should be mutually exclusive to other investments. It is not as if investments are not being made here in Canada.

For instance, Budget 2016 committed almost \$12 billion over the next five years to support public transport, green and social infrastructure. On top of that, the Fall Economic Statement 2016 committed an additional \$81 billion over 11 years in support of renovating and rebuilding our infrastructure at home.

• (1520)

Taken together, the total of these investments matches the total paid in capital that had been contributed to the AIIB. This means that this government is investing as much to build Canadian infrastructure as 58 nations of the world have committed to developing infrastructure throughout Asia.

I think the intention is clear, honourable senators. This government is willing to invest a lot at home and to a much lesser extent abroad. In my view, that is a smart way to build the economy for the future.

I want to close my remarks by noting the discussions surrounding Part 4 of BIA2, the cannabis taxation agreements. As I noted during second reading debate, there is currently no provision in the Federal-Provincial Fiscal Arrangements Act that enables a Minister of Finance to enter into coordinated cannabis taxation agreements with provinces and territories. This bill simply provides the minister with that capability.

The issues that arose during the committee meetings were twofold.

First, given that the impact of cannabis legislation has not been fully determined, why are the taxation agreements being negotiated first? Is the process being done backwards? I respectfully disagree with this notion. I believe it is merely a question of efficiency. This measure will allow the federal government to pursue a coordinated system of cannabis taxation with the provinces and the territories. Introducing the measure now is necessary to ensure that the taxation framework can be put in place well before cannabis is legalized. This follows a well-trying and proven process, such as during the HST legislation.

Second, will municipalities receive revenues to cover the costs that they will undoubtedly incur? On this issue, the government announced yesterday that they reached an agreement with the provinces and territories on sharing cannabis tax revenue. As the burden of enforcement, health care, education programs, et cetera, will fall to municipalities, provinces and territories, the federal government will receive only 25 per cent of tax revenues. This will give the provincial and territorial governments most of the tax revenue, which they can in turn distribute to the municipalities as needed.

In summary, honourable senators raised a number of issues during the consideration of BIA2. I want to thank them for their careful scrutiny and due diligence of this bill. Over the course of these remarks, I have attempted to address a number of concerns relating to the provisions of BIA2. I contend that this bill allows the government of the day to implement a series of reasoned measures to facilitate continued economic development.

Moreover, I note that numerous provisions in this bill, such as technical income tax changes, excise tax changes, the internal trade agreement and the Labour Code changes, even billed-basis accounting, were brought forward after considerable public consultation exercises by the government. I hope this government continues to provide Canadians with opportunities to take part in open, meaningful and balanced consultations in the development of policy objectives going forward.

In closing, in the spirit of holidays, I would like to thank the clerks of the Senate, our table officers, pages and all staff of the Senate of Canada for their support and dedication to all of us during the fall session. I also want to thank honourable senators for their consideration of Bill C-63. I look forward to working with you during the remainder of this session and into 2018.

**Hon. Nicole Eaton:** Honourable senators, I rise today to speak at third reading of Bill C-63, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures. The bill returns to this chamber following study by the National Finance Committee, but I do not think any members of that committee can honestly say they understand fully the consequences of passing Bill C-63.

There are a number of technical changes that we do not know enough about, and there are other measures where the outcome is too uncertain and where the government's plan lacks detail. I will talk about just three of the measures laid out in this 317-page bill.

First, the Asian Infrastructure Investment Bank. I went into those committee hearings knowing a bit about this China-led institution and feeling a certain degree of unease about Canada's eagerness to participate. I finished the committee hearings knowing a lot more about it, but my unease remains.

First, it is not even clear how much money Canadian taxpayers will be handing over. In his testimony before the committee, the Minister of Finance said Canada's commitment would be US\$199 million or C\$256 million. He was quick to correct anyone who said otherwise, underscoring that \$199 million is the only share available since Canada was not a founding member of the bank.

However, Bill C-63 uses a different number. On page 239, the bill authorizes the Minister of Finance to make a payment up to US\$375 million or "any greater amount that is specified in an appropriation Act." That's a vastly different number, almost C\$500 million and maybe more. Why the discrepancy? To give the minister flexibility if more shares become available for purchases, we were told.

In essence, this bill gives the minister a blank cheque when it comes to the Asian Infrastructure Investment Bank, and what are we getting for our money? Again, it's not entirely clear. Neither the minister nor his officials could provide an answer beyond the most superficial of talking points — a seat at the table, an investment in a regional relationship, an opportunity to diversify our trade, a way to ensure our values are reflected in the projects funded. These were the things we were told, but those so-called benefits are hypothetical at best.

We were told that becoming a member will allow Canadian companies to bid on contracts. But we were also told that the bank has an open bidding process, which means any company can bid, whether or not it is based in a member country. For instance, the U.S. and Japan did not choose to join the Asian Infrastructure Investment Bank, and they could well bid against us. Which is it? Both cannot be true.

Here is what we know: China will have by far the greatest influence over the bank with nearly 30 per cent of the shares. Canada is buying a share of less than 1 per cent. Nine of the 12 seats on the board of directors must be held by Asian countries. So will we have a seat at the table? Maybe the kids' table.

What else do we know? We know that China is a repressive state run by a leader who has just consolidated his power. We know that China does not believe in transparency. It conducts industrial espionage and steals intellectual property. And we know that once the money is sent to Beijing, it is not coming back. There is no return on investments for investors. Any profits go back to the bank.

Meanwhile, the Trans-Pacific Partnership, an opportunity to truly diversify our trading relationship and reach into Asian markets, is sitting there and waiting for Canada to sign on.

I would like to move on to another part of Bill C-63 that raises serious concerns: the amendments to the Federal-Provincial Fiscal Arrangements Act to allow the Minister of Finance to enter into taxation agreements for cannabis. We are being asked to give after-the-fact permission, since the federal government and the provinces reached an agreement this week on the division of revenue, but that is just one step into this journey. Nowhere were municipalities talked about or even given a share of the tax pie, but that is all to come.

If there was ever a policy that required sober second thought, it is the government's approach to the legalization of cannabis. The compressed time frame for the committee's study did not allow for adequate consideration of this section of the bill.

But we did hear from representatives of francophone municipalities in New Brunswick, and they were very clear about three things. First, they have not been consulted as legalization has been rolled out, despite the fact that much of the burden will fall on their shoulders.

Second, any conversation about the sharing of tax revenue needs to reflect the needs of municipalities.

Third, this process is being unduly rushed and there is no chance that provinces or municipalities will be ready for the July 1 legalization deadline.

• (1530)

Police need to be trained. Equipment for screening impaired drivers needs to be purchased. Zoning laws need to be examined and revised. All of this is taking place in a vacuum because the legislation is only now before Parliament, and there are no associated regulations.

The committee was also reminded by Derrick Hynes, Executive Director of FETCO, which represents federally regulated employers in the transportation and communications industry, that there has been little discussion over the impact of cannabis legalization on the workplace, particularly in the transportation industry. We are talking about pilots, railway engineers, truckers and heavy equipment operators.

Cameron Friesen, the Minister of Finance for the Province of Manitoba, pleaded for more time. He said:

This process has been rushed.

The federal government has not taken the time:

... to make sure everyone understands their obligations.

The testimony of Finance Department officials on cannabis taxation did little to reassure members of the committee that the government has the foggiest notion of what it is getting into. The committee was told the government didn't have a revenue projection of the proposed tax, an answer I find questionable at best.

The federal government seemed focused on keeping the self-imposed political deadline, rather than concentrating on what should be the primary consideration, which is public safety.

I would like to close with a few words about the changes to the Canada Labour Code contained in Bill C-63. There are three significant changes proposed. Federally regulated employees are being given the right to request flexible work arrangements. New unpaid leave provisions are being created — three days for family responsibility, up to 10 days for the victims of family violence, and up to five days for traditional Aboriginal practices, such as hunting and fishing. The bill also expands bereavement leave from three paid days to five, though the latter two are unpaid.

Finally, there are various changes regarding overtime, work schedules and shift changes. Traditionally, changes to the Canada Labour Code and government bills are proposed following tripartite discussions between the government, organized labour and representative of employers. Anthony Giles, Assistant Deputy Minister at Employment and Social Development Canada, said that process was followed in the case. To quote Mr. Giles:

... all of these proposals came out of an extensive consultation process with employers, employees, groups who are specialists in the area of work-life balance, with

NGOs that represent people in the caregiving industry and so on, and fundamentally the policy object is to balance the needs of employees with the needs of employers.

Mr. Giles also told the committee that there will be no significant cost to employers. But FETCO, the employers' group that is normally part of this process, told the committee they were not consulted on the new leave days or on the changes to overtime and shift schedules. In fact, they were surprised to see them in the bill, and Mr. Hynes, of FETCO, noted that there will be a cost to bring in other staff on overtime to accommodate someone who has decided to take the day off to go fishing, for example. These costs will no doubt be higher than they need to be since the employee is not required to provide any notice.

Like so much of what this government does, the changes to the Canada Labour Code have been proposed with little consideration of the economic consequences to the economic sector. So there are big problems with this bill.

I don't believe we have uncovered them all either since the officials, who were the primary witnesses in the committee's study of Bill C-63, repeatedly responded to substantive questions with talking points. On very few occasions were we provided with details on the costs or revenues associated with these measures.

The government, in proposing many of these initiatives in Bill C-63, is asking Parliament to sign a blank cheque. I, for one, am not prepared to do that and will be voting against this bill.

**Hon. Howard Wetston:** Honourable senators, I am pleased to rise today to speak to the portion of Bill C-63 that pertains to an amendment to the Business Development Bank of Canada Act. The Business Development Bank of Canada, or BDC, was founded in 1944 as the Industrial Development Bank. BDC's current mandate is to support and develop Canadian business enterprises through financing, advisory services, transition capital and venture capital. The BDC must give particular consideration to the needs of small-and medium-sized enterprises. BDC has served over 49,000 SMEs, either directly or through its network of partners. Even though 93 per cent of BDC's loan portfolio is sub-investment grade, it continues to generate a profit annually. Since 2014, the bank has earned over \$400 million in net income each year and paid a dividend of at least 50 million to the Government of Canada annually, over that period.

Honourable senators, the BDC is subject to a paid-in-capital limit, under the BDC Act, of \$3 billion. Part 5, Division 12 of the Budget Implementation Act proposes to increase the paid-in-capital limit, by the Government of Canada to the BDC, to \$4.5 billion.

The last time the act was amended to increase the paid-in-capital limit was in 2009, when it was raised from \$1.5 billion to \$3 billion.



A rationale for the amendment is that, in Budget 2017, the government announced that it is making available nearly \$1.4 billion in new financing, through the BDC and Export Development Canada, to help Canada's clean-technology firms grow and expand. Specifically, Budget 2017 proposes equity investments to increase capital in a firm. Budget 2017 proposes to provide additional capital to BDC for clean-technology activities. This new capital will enable the organizations to offer a combined \$380 million.

The second part is working capital to support investments in assets, inventory, talent and market expansion.

[Translation]

Established companies may need working capital to fulfill a domestic or international contract. Budget 2017 proposes to provide additional capital to the BDC for clean technology activities. This new capital will enable the organizations to offer a combined additional \$570 million, to support clean technology firms.

[English]

The third element is project finance to enable the commercial-scale technology deployment in the amount of \$450 million. Colleagues, clean technology initiatives are extremely worthwhile. Budget 2017 notes that the global market for clean technologies is surpassing \$1 trillion per year and continues to grow. Decarbonization will be greatly facilitated by advances in clean technology. However, there are challenges. A challenge facing the Canadian clean-tech sector is a continuing loss of global market share, combined with a comparative weakness in bringing innovative concepts to market. The Centre for Digital Entrepreneurship and Economic Performance, otherwise known as the DEEP Centre, stated in 2016 that Canada has lost market share in the clean-tech sector since 2008 and faces increasingly intense competition from the U.S., China, Germany and others.

Canada is widely considered to be strong in science and R&D, aspects of the innovation cycle, but weak in commercializing this work.

The DEEP Centre attributes this weakness in part to insufficient access to risk capital and inadequate opportunities for developers of innovative new technologies to market their products and services. In my opinion, it is these challenges that the measures announced in Budget 2017 involving BDC are attempting to address.

• (1540)

Additionally, honourable senators, Budget 2017 has committed to making \$400 million available for a new Venture Capital Catalyst Initiative that will increase late-stage venture capital availability to Canadian entrepreneurs.

[Translation]

This new capital will enable the BDC to quickly implement the new Venture Capital Catalyst Initiative and to provide funding for clean technology firms, as announced in Budget 2017, all the while keeping its commitments to Canadian SMEs.

[English]

Venture capital is a type of private equity financing that takes educated risks on creative ideas and innovative people. In addition to capital, venture capital fund managers bring operational experience, technical knowledge, networks and mentorship to the firms in which they invest.

A strong and steady stream of venture capital is essential to the success of many Canadian start-ups. BDC backs approximately 600 companies through direct and indirect venture capital investments who employ about 30,000 people.

I am pleased to stand in support of this amendment that will implement these Budget 2017 commitments.

**Hon. Elizabeth Marshall:** Honourable senators, I rise to speak to Bill C-63. I am going to begin my remarks on the Asian infrastructure bank.

In its last budget, the government proposed to invest \$256 million to join the Asian Infrastructure Investment Bank. Bill C-63 will give the government the authority to do three things: It will become a member of the bank; the government will enact the "Asian Infrastructure Investment Bank Agreement Act"; and the government will invest a minimum of \$500 million in the bank.

While the 2017 Budget referenced \$256 million, this bill stipulates a higher contribution of US\$375 million or any amount that is specified in an appropriation act. The US\$375 million, when converted, is equivalent to approximately C\$500 million.

Department officials informed us that these payments will initially be recorded as investments but will be expensed immediately by the government in its provisions, thus increasing the government's deficit by the amount of the contribution.

This government, since 2015, has consistently promised open and transparent government. In its 2015 election platform, the government promised to "invest only in programs proven to offer good value." In its 2016 Budget, it committed to "focus on outcomes" and "make evidence-based decisions" based on "meaningful data and indicators." It also committed to provide "meaningful information to Canadians and parliamentarians."

With the promise of a new results and delivery approach, government established the Cabinet Committee on Agenda, Results and Communications, chaired by the Prime Minister. It established a Results and Delivery Unit housed in the Privy Council Office.

Why, then, after making all these commitments, has government not told us, in measurable terms, what our contribution of half a billion dollars in the Asian Infrastructure Investment Bank will achieve for Canadians?

And remember, the budget allows the government to contribute more than the \$500 million; in fact, it will be “any amount specified in an appropriation Act.”

Why then is there no commitment by government to provide meaningful information to Canadians and parliamentarians on the activities of the bank?

If you look at the Articles of Agreement with the bank, the only agreement is to provide an audited statement of accounts and quarterly summary statements, and that’s it.

For a government committed to openness, transparency and accountability, and a government committed to “results,” “outcomes” and “evidence-based decisions,” exactly what does the government expect to achieve with our contribution of half a billion dollars? And why is the government not requiring information to show exactly what they have achieved with the half a billion dollars of taxpayers’ money?

Bill C-63 also amends the Federal-Provincial Fiscal Arrangements Act to give the minister the authority to enter into an agreement or an arrangement with the provinces respecting cannabis taxation. This part of Bill C-63 is very general and provides no details on what we would expect to see in the federal-provincial agreements.

Along with this proposed legislation, Bill C-45 and Bill C-46 are also in the Senate. Bill C-45, the proposed cannabis act, will provide legal access to cannabis, and will provide for the control and regulation of its production, distribution and sale. Bill C-46, which is a companion to Bill C-45, amends the existing provisions of the Criminal Code that deal with offences and procedures relating to drug-impaired driving.

During our hearings, we heard from several witnesses regarding the proposed cannabis taxation agreements. Representatives of a municipal government testified that they are already incurring costs, but until further details are released by the federal government, they are unable to estimate future costs.

The Minister of Finance of the Government of Manitoba also testified. While provinces are aware that the legalization of marijuana will impose the bulk of the costs on the provincial government and their municipalities, they are unable to provide an estimate of these costs until further details are released by the federal government.

However, witnesses recognized the risks associated with the legalization and taxation of marijuana. It is possible that the costs associated with the legalization of cannabis may exceed the revenues to be generated, or the cost-sharing arrangement with the federal government may not be enough for the provinces to cover their additional costs. Department officials were unable to provide any estimate of taxes to be collected with the legalization of marijuana.

I would have expected to have heard the federal government’s plan on marijuana legalization indicating estimated revenues, including the tax on marijuana, future income taxes and licensing fees; and the estimated costs, such as program expenses, educational expenses, inspection expenses, systems expenses; as well as an assessment of any role the CRA will play.

Member of Parliament Bill Blair did indicate earlier this year a possible tax revenue figure of almost \$1 billion, while CIBC Capital Markets estimated that tax revenues could approach \$6 billion annually. However, earlier this week, the Minister of Finance disclosed an estimated revenue figure of \$400 million.

In summary, the proposed amendments in Bill C-63 on cannabis taxation agreements with the provinces are very broad, very general and will have to be followed up in light of the federal-provincial decision of December 11 and the implementation date of July 1 next year.

My final comments relate to the amendment to section 32 of the Financial Administration Act. For the past number of years, the government has tabled its estimates before it has tabled its budget. As a result, the estimates do not include budget initiatives. These budget initiatives are usually included in Supplementary Estimates (A), (B) or (C). In some cases, we may see a budget initiative included in estimates or supplementary estimates in a subsequent year. This is not unusual. Quite often, we will see an item included in the estimates or supplementary estimates of the year we are studying and will have to search through previous budgets to obtain the information.

For the 2018 Budget, the government has made a major commitment to table the estimates after the budget in order to streamline the process and better align the budget with the estimates. The proposed amendment to the Financial Administration Act will permit the government to enter into contracts or arrangements in certain cases.

The Main Estimates used to be tabled on or before March 1, which is before the beginning of the fiscal year. Now they will be tabled on or before April 16, which is after the beginning of the fiscal year.

Interim estimates will now be voted by Parliament before April 1 for the first three months of the fiscal year so that departments have money to operate, but the interim estimates may not be sufficient for a full year’s financial commitment.

So the current Financial Administration Act permits commitments for which there is an actual appropriation or is included in estimates before the house. Because the interim estimates next year will only have three months of supply for the government, it may not be sufficient for the government to make its financial commitments.

• (1550)

So the amended FAA permits commitments in two additional areas, a limit that is going to be specified in the appropriation act or the interim estimates, or revenues received by the department, which would be actual revenues received or estimated revenues in the estimates before the house.

This is a significant commitment by the government, and I look forward to the implementation of the proposed changes, which will take place next year.

Honourable senators, these conclude my remarks on Bill C-63.

**Hon. Tony Dean:** Honourable senators, I rise today to speak to Bill C-63, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures, or the “Budget Implementation Act,” as it appears in its short title. I would like to speak particularly to Part 4, not surprisingly perhaps, which refers to the Federal-Provincial Fiscal Arrangements Act.

Presently, the Federal-Provincial Fiscal Arrangements Act does not provide the necessary authorities for the Minister of Finance to enter into coordinated cannabis taxation agreements with the provinces and territories, which is, of course, the essence of the act and reflects similar federal-provincial fiscal approaches. Currently, the Minister of Finance has this authority with respect to tax collection agreements and sales tax harmonization agreements.

On the question of undue haste, I feel compelled to remind honourable senators that the government’s intention to introduce legislation to legalize and strictly regulate cannabis was made known on December 4, 2015. An expert task force was struck on July 30, 2016. Legislation was introduced in April 2017. All of that is against the backdrop of a country — our country, Canada — which has had a robust medical cannabis framework in place for several years.

The amendments to the Federal-Provincial Fiscal Arrangements Act would ensure that a coordinated cannabis taxation framework is established well in advance of non-medical cannabis potentially being legalized, in a planned way. The proposed amendments to the Federal-Provincial Fiscal Arrangements Act will allow for the Minister of Finance, on behalf of the Government of Canada, to enter into agreements with interested provinces and territories concerning a coordinated taxation framework for cannabis — something provinces and territories have clearly been interested in doing.

It is necessary that the Minister of Finance be designated this authority in order to ensure a streamlined, coordinated and planned approach for the potential implementation of the legalization and regulation of cannabis, which is the objective, as we just heard a few moments ago, of Bill C-45, presently before this chamber.

The government must be able to strike appropriate agreements between the provinces and territories regarding the price and taxation of cannabis and have sufficient time to do so.

The risks of harms associated with cannabis use is a necessary factor to be considered when trying to strike a balance in price and taxation for cannabis products. Appropriate pricing controls can discourage use of cannabis and provide the government with revenues to offset related costs. However, pricing cannabis too high may drive users to the illicit market.

In its 2016 report, the Task Force on Cannabis Legalization and Regulation recommended taxes should be high enough to limit the growth of consumption, but low enough to compete effectively with the illicit market. In order to do achieve this, the task force recommended that the federal government work with provinces and territories to determine a tax regime that includes equitable distribution of revenues, and that this work result in a flexible system that can adapt price and tax with a changing marketplace.

Honourable senators, if the amendments to the Federal-Provincial Fiscal Arrangements Act are not adopted now in advance of the potential legalization of cannabis, the government will be unable to conclude fiscal negotiations between the provinces and territories. It is essential for the federal government to have the flexibility and the authorities necessary to ensure that such a framework is in place in both a timely and a predictable fashion in order to be responsive to governments and its partners.

The government began engaging with the provinces and territories on the issue of pricing and taxation shortly after the legislation was introduced in the House of Commons in the spring. It was an item on the agenda at the first ministers’ meeting June 18 and 19, six months ago, and a revenue split proposal was presented to the premiers at the premiers’ meeting on October 3. In addition, on November 10, 2017, the government announced the publication of a public consultation paper on the proposed price and taxation of cannabis products, and engaged with governments and stakeholders on these proposals through until December 7.

Because I, as you do, honourable colleagues, work hard to fulfill my constitutional responsibility to engage with my region, I can say with certainty that officials of the Province of Ontario have been deeply engaged and have continually consulted on cannabis reform over the past 18 months. Nothing has been rushed about it.

For your information, Ontario will be ready on July 1.

It was proposed that the combined rate of tax for cannabis flowering material contained in a final packaged product should not exceed \$1 per gram, or 10 per cent of the producer’s sale price of that product, whichever is higher, with this tax room divided equally between the province or territory and the federal government. After further consultations on the initial proposal and after the finance minister’s meeting in Ottawa on Monday, you will know that the government reached a deal that would increase the proposed share to the provinces and territories from 50 per cent to 75 per cent of tax revenues from the sale of legal cannabis over the next two years. This agreement would also see any tax revenue in excess of \$100 million go to the provinces and territories.

Finance Minister Morneau announced that the federal government, provinces and territories would meet again in December 2018 to assess how this deal is working, should Bill C-45 be enacted.

However, in the absence of the amendments proposed in Bill C-63 under Part 4, the government will not have the necessary authorities to solidify these important agreements that are responsive to regional impacts and costs for the legalization and regulation of cannabis.

It was also proposed that revenues raised from the taxation regime would help support investments in public education, enforcement, research and other activities integral to an effective system of legalization and regulation of cannabis. This is the sort of certainty that provinces and territories have been seeking. And given all of our concerns about appropriate cannabis-related resources for provinces and territories, I know that you will all want to be supportive of this.

The proposed amendments in the Federal-Provincial Fiscal Arrangements Act would permit the federal government to formalize cannabis taxation agreements. It's important that the provinces and territories have the ability to negotiate on pricing regimes that consider their regional interests and individual cannabis frameworks for the protection of all governments, stakeholders and Canadians.

A streamlined approach to pricing and taxation will ensure that the public health and safety of Canadians are protected in the way that all of us here would want to see. I encourage all honourable senators to vote in favour of Bill C-63. The amendments in Part 4 are necessary to coordinate the effective implementation of legalization and regulation of cannabis should this be approved by Parliament. Thank you very much.

**Hon. A. Raynell Andreychuk:** Honourable senators, I sit on the Finance Committee, and I am the first to admit that finances are not my great expertise and capability.

But I looked at the number of policy issues that troubled me within Bill C-63. The issues in Bill C-63 with respect to certifying authorities who would apply to the medical expense tax credit, the child care expenses deduction, the Registered Disability Savings Plan and registered pension plan regulations were part of what I was concerned about.

• (1600)

The committee heard testimony from the Canadian Nurses Association, which represents nearly 139,000 registered nurses and nurse practitioners across Canada. Carolyn Pullen, Director of Policy, Advocacy and Strategy, noted to our committee that the CNA welcomed these new responsibilities.

In the committee, I questioned the training afforded to nurse practitioners related to these new responsibilities. Ms. Pullen responded:

Certainly, the national association and the provincial regulatory bodies stay abreast of these changes and work collaboratively to advance these changes where appropriate.

And in follow-up, it falls to us to be among the leaders if providing information and education to the nurses who are affected by these changes.

She went on to explain the training and that there will be resources to have the nurse practitioners brought up to specialized standards to be able to deliver this responsibility of certification.

However, what troubled me, and what I think the CNA is also concerned about, is the fact that they will be trained on how to handle these increased medical responsibilities — how to identify mental illness, physical illness and the like.

But these nurse practitioners will now be certifying for the CRA whether people are entitled to these exemptions and credits. If they deny someone a credit, they will be the face of the CRA to that patient or to that individual.

Very special training needs to be given to the nurse practitioners so that they can understand the rulings of CRA, and the government needs to provide some more thinking about how one goes about questioning a nurse practitioner. You have them standing there. They have the medical training. They will either say you're entitled or not entitled, and they will be acting, really, on behalf of CRA.

CRA may be the last appeal, but in between, nurse practitioners, who, as they said, are on the side of the patients to give them the absolute best care, will also have to determine the pluses and minuses of providing the certificate, which is a highly technical issue and, in fact, something that perhaps an accountant or auditor would be best placed to do.

I'm flagging this. I believe the government needs to reconsider which resources and training need to be given to these nurse practitioners to make this effective. I understand that in northern areas and rural areas nurse practitioners are the only fallback position and they're embedded in the communities, but it would be unhelpful if the nurse practitioner in a small community has to deny someone a certificate and then continue to provide care in that community.

So I think this issue is not as simple as certifying nurse practitioners in the area. We need to monitor and see that we support our nurses in this role.

I, along with many others, also have great concerns about the legalization of cannabis. Again, in my very short time on the Finance Committee, we were hit by tax reform amendments — and now with the cannabis — where the questions were not answered.

The implementation strategy is not in place. The announcement of legalizing cannabis was done. We moved from an illegal substance to a discussion about decriminalization and have moved now to legalization without a full cost analysis, without a full implementation strategy and without consultations with the provinces and, therefore, the municipalities, who will bear the brunt of these changes.

**An Hon. Senator:** Hear, hear.

**Senator Andreychuk:** Minister Friesen from Manitoba appeared before us and in his opening statement said:

... let us be clear, when it comes to cannabis legislation, the lion's share of the responsibilities and the risk falls to the provinces, whether we are talking about public education, public awareness campaigns, the costs that will undisputedly be there for health, mental health, in the courts or roadside policing and other policing matters that arise, not to mention the regulatory responsibilities that fall to all provinces.

The fast tracking of this legislation has been exacerbated, and stated, by the provincial governments who will bear the load.

It would seem to me that the government may have some fair legislation policies that they wish to implement. My concern is that these are such overarching issues that they cannot be cobbled together and implemented very quickly. They are years in the making, and therefore it seems to me that it is unfair to the provinces and to the municipalities but more particularly to the people of Canada that there is not a road map that has been agreed to as to how we proceed.

It was disconcerting to hear Ministers of Finance from provinces say, "Well, we've got a deal. It's in place for two years, and we will manage the crises as they arise." My concern is that this will be on the backs of citizens and particularly on the backs of youth.

In his statement, Minister Friesen also said — and I will not quote it for brevity's sake — that he was an educator, and he said to turn around attitudes, particularly in young people, is a long-term venture. It is not a formula — it's education upon education upon education.

Young people are the most at risk in this cannabis discussion, and we will face that in the two bills coming ahead, but surely the government has a responsibility to do the due diligence on the costs that are implied in this issue. This will be one of the most major shifts we have made that will affect young people, and only now are concerns coming out about the safety of young people and about the medical damage that can be done to young people.

**Senator Patterson:** Hear, hear.

**Senator Andreychuk:** There is the medical evidence about the brain, that it is not like other medical issues or other drugs. In fact, some other hyper drugs will not have the effect on the brain as the research is showing.

We know that the Premier of Manitoba, again, as stated by Minister Friesen, had a long discussion with the Governor of Colorado. He said that the most important thing that should have been done in Colorado — because they've run into so many pitfalls along the way — was time: time to implement. That was the advice of a jurisdiction that has put it in place.

So I would suggest that Bill C-63 is not good management. It is not good implementation. Good governance is not only about good policies but about the implementation of good policies.

Bill C-63 and cannabis will touch a lot of criminal law. We know the administration of justice is in provincial hands, but we also know that justice and perceived justice are not only about the laws we have in place but how we administer them. So I have great concerns about the future of how we put this into place.

My final comment is on the Asian Infrastructure Investment Bank. I think we've had some good speeches on the bank, but interestingly enough, it was said at first that the Asian Infrastructure Investment Bank would create opportunities for trade for Canadians, that we should be at the table, that it is our entree into South Asia and perhaps all of Asia, and perhaps we're a little late to the table. That is all, perhaps, correct.

• (1610)

But my concern is that when we probed the officials, the officials actually said we're there because it's an aid investment, not a trade investment. It is very similar to the Bretton Woods system we entered into. It was to bring countries up to standards where they could function within the rule of law and be competitive in development for the rest of the world. But we sat at the Bretton Woods table at the start with our like-minded counterparts. I hardly think the countries we are sitting with are in the same position as at the starting point of Bretton Woods.

In any event, if it is an aid to help these countries come up to standards where they can be competitive and be broad, middle-class markets, why don't we just say that and not suggest it will be of some benefit to businesses now?

The only way the Asian Infrastructure Investment Bank will be helpful to Canadian business is in the future. I remain to be convinced that the tender process today will be like we're used to. It is a long-term project, and we should make that statement and not indicate that it is a trade lever when, in fact, it is an aid lever at this time.

I will stop there. I wanted to put those notes and comments on the record for the future following of the issues that concern me. I thank senators for listening.

**Hon. Rosa Galvez:** Honourable colleagues, I rise today to speak to Bill C-63, the second budget implement act of 2017.

I will be brief. I will speak to Part 1 of the act, which concerns income tax provisions related to the Ecological Gifts Program.

Canada's Ecological Gifts Program, administered by Environment and Climate Change Canada, allows landowners to donate their ecologically valuable land, or a partial interest in that land, to a recipient organization, such as a nature conservation group, in exchange for tax incentives. These organizations are then responsible for the long-term management of the land according to the principles of conservation.

In 2010, Canada made a commitment to protect at least 17 per cent of land by 2020. At present, only 100 million hectares, about 7 per cent, are protected. I know that Senator Griffin, a conservationist and Chair of the Standing Senate Committee on Agriculture and Forestry, shares my concern that the goal of protecting a further 10 per cent of land by 2020 will be a challenging target, but it is one that we must attain.

A number of Canadian conservation groups circulated a letter last week asking senators and MPs to sign. The letter urges the government to support historic investment to protect Canada's land, fresh water and oceans. I will be signing this petition, as it will be a real and concrete gift to Canada on its one hundred and fiftieth anniversary.

Ecological gifts, or eco gifts, played an important role in habitat conservation and protection for species at risk by conserving land in its natural state. Each piece of land is unique, and it is a privilege that Canadians are able to make these generous donations. Since 1995, more than 180,000 hectares of grasslands, forests, wetlands and shorelines have been protected across Canada through this program. This land has an estimated value of \$107 million, although we truly cannot put a price on nature.

Some of the benefits of eco gifts are in the preserved areas themselves. For example, bogs or forests act as carbon sinks, helping to reduce atmospheric carbon dioxide, a key concern in a warming world. Donations of critical tracts of land could also help to conserve wildlife corridors, areas which are not separated by fences, roads and urban areas that cause habitat fragmentation. Corridors protect at-risk species of migratory birds and mammals, which are increasingly prone to the negative impacts of human development.

Incentivizing landowners to donate their land as eco gifts could positively contribute to protecting Canada's ecosystems, habitats for species at risk and natural areas, protecting and preserving the land in perpetuity for generations to come.

The proposed changes to the Ecological Gifts Program in this act are generally supported by conservation groups, as they add strength and clarity to the program. However, an observation to be made is the treatment of eco-gifted land in the event of a bankruptcy. Because of the beneficial good of the eco gift in terms of land conservation and species preservation, the land itself should be protected from creditors.

Dear senators, who among us does not wish to ensure our children enjoy the views and sound of birds in quiet and calm lakes and forests? Despite our busy city lives, we all require moments of peace where we can appreciate and delight in the stunning natural beauty of Canada. Eco gifts are important, as they bring nature closer to us.

[ Senator Galvez ]

**Hon. Yonah Martin (Deputy Leader of the Opposition):**  
Honourable senators, I rise on this occasion to add my voice to the debate on Bill C-63 ahead of our crucial third reading vote.

This bill implements provisions from the government's budget, which was introduced last March, as well as a few new provisions that were not included in the original budget. Just on that basis, the 328-page omnibus budget bill raises concerns, never mind the concerns and shortsightedness of this budget bill already articulated by my colleagues.

Canadians from coast to coast to coast are currently preparing to celebrate the holidays over the next few weeks, and while this time of year is filled with joy and laughter, it is also a costly and economically stressful time for many families. As all Canadians know, when spending borrowed money today, eventually the bills come due. It might not be today, tomorrow or even the next week, but they will eventually come due.

Unfortunately, this government is continuing its fiscally irresponsible spending and is burdening our future generations with debt beyond measure. The most recent analysis by the Parliamentary Budget Officer estimated that this year the government will add \$20.2 billion to the national debt, with another estimated \$15.5 billion next year. This is in stark contrast to the campaign promise of \$10 billion deficits and a balanced budget by 2019.

Honourable senators, other than the concerns raised by my colleagues already, I have one very specific concern. It is quite important to remind all senators again why this is something that should concern all of us, and it is why I am voting against this bill: the Liberal government's complete oversight and absence of provisions for small businesses.

According to the statistics published in June 2016 by Innovation, Science and Economic Development Canada, there are more than 1.14 million small businesses and medium enterprises in Canada. In 2015, small businesses employed over 8.2 million individuals in Canada, or 70.5 per cent of the total private labour force. Inside and outside of this chamber, we talk about small businesses as the backbone of our economy, but when I asked Senator Marwah, the sponsor of this bill, on Tuesday, December 5, about support for small businesses in Bill C-63, he said:

In this budget bill, to the best of my knowledge, there is no other provision that addresses small business in particular.

In my opinion, honourable senators, this is a serious omission in the budget. No support for millions of taxpaying Canadians who work tirelessly to keep the engine of Canada's economy going is simply unacceptable. I find it shocking that this government believes it can justify giving away nearly half a billion taxpayer dollars to China for its infrastructure bank while neglecting to include any provisions to directly support our own Canadian businesses, business owners and their families.

• (1620)

This government is increasing taxes on Canadians at every turn and financing its current spending on the backs of our children and grandchildren and future generations. We need legislation to support our small businesses, veterans, hardworking Canadians, and, unfortunately, Bill C-63 does not do that.

I believe this bill has a number of significant gaps, the most egregious of those being the absence of specific provisions for small businesses. Therefore, I will be voting against Bill C-63.

**Hon. Nancy J. Hartling:** Honourable senators, first of all, I would like to welcome our new senators, Senators McCallum and Coyle. Thank you for being here, and I am looking forward to getting to know you better.

It is my pleasure to rise at third reading of Bill C-63, to implement certain provisions of the budget tabled in Parliament on March 22, 2017, and other measures.

Specifically, I will speak today about the portion of the bill in Part 5, Division 8 that proposes amendments to the Canada Labour Code. As Senator Marwah mentioned during his remarks at second reading, Bill C-63 proposes to amend the Labour Code to give employees the right to request changes to the terms and conditions of their employment, including the number of hours they work, their schedule and where they work.

In addition, Division 8 introduces three new unpaid leaves. First, leave of three days for family responsibilities; second, leave of up to 10 days for victims of family violence; and third, leave for five days for traditional Aboriginal practices. There is also an amendment addressing bereavement.

Generally speaking, the Canada Labour Code only applies to those industries in which the federal government has jurisdiction. These would include broadcasting, air travel, shipping and postal service, among others.

Colleagues, I would like to take a moment to outline the consultation process that resulted in the amendments before you regarding flexible work arrangements or “flex work.” In a document entitled “Flexible work arrangements: What was heard,” the Government of Canada recognized that Canadians need help to balance their professional and personal responsibilities, and that flexible work arrangements can benefit both workers and businesses. In fact, many companies around the world have had great success in implementing such arrangements in their workplaces.

In May 2016, the Minister of Employment, Workforce Development and Labour launched a consultation process on flexible work arrangements. The consultation offered Canadians multiple channels for providing their views and experiences related to flex work, the right to request flexible work arrangements, and issues associated with implementing the right.

The key channels for participating in the consultations included an online survey, social media, a discussion paper that invited feedback on a series of questions. There were six regional round tables with key stakeholders and a national round table in Ottawa.

More than 1,260 Canadians participated in the online survey that contained 34 multiple choice and open-ended questions. The responses provided unique insight into how Canadians view flex work and the experiences they have had with it.

Sixty-two stakeholders, representing over 50 different organizations, participated in the regional and national round tables. Stakeholders included employers and employer associations, unions and labour organizations, advocacy and community groups, think tanks and academics.

The report that followed indicated that flexible work arrangements are available in many workplaces across Canada through employer human resource policies, informal workplace practices and collective agreements. Over 70 per cent of respondents said they had asked for flexible work arrangements in the past five years. Flexible scheduling and flexible work locations were said to be the top two types of flex work requested.

Those who indicated that they made a request said that they wanted to renegotiate their working hours in order to accommodate drop-off and pick-up of children from school, schedule appointments with physicians and other professionals at the most convenient times, to manage chronic and unexpected health issues and spend more and higher-quality time with their families.

Northern stakeholders and indigenous organizations said the ability to spend more time with their families was especially important in the North. These stakeholders noted that family responsibilities are often tied to cultural responsibilities and practices, such as hunting, fishing and harvesting. It is also worth noting that the leave for traditional Aboriginal practices proposed in Bill C-63 will contribute to Canada’s efforts to act on the United Nations Declaration on the Rights of Indigenous Peoples, specifically Articles 31 and 38 of the declaration.

In simple terms, Article 31 addresses their right to maintain, control and protect their cultural heritage and traditional knowledge. Article 38 highlights the responsibility of governments, in consultation with indigenous peoples, to take the appropriate measures to recognize and protect the exercise of these rights.

Colleagues, part of the Labour Code changes proposed in Bill C-63 allow employees to be granted a leave of absence of up to three days in every calendar year to carry out the employee’s responsibilities related to health or care of any other family members or the education of their family members who are less than 18 years of age.

This change is in line with similar leaves found in other jurisdictions. In my home province of New Brunswick, for example, employers are required to give employees, upon request, leaves of absence without pay for up to three days per year to deal with the health, care or educational needs of a person in a close family relationship. British Columbia also provides the same standard, allowing up to five days of unpaid leave.

Many countries provide leaves to employees to carry out responsibilities related to health or care of dependent children and other family members under the labour legislation. Such leaves vary widely in length and are sometimes paid and sometimes unpaid and vary greatly in terms of conditions under which they can be taken.

For example, under the European Union Council Directive, EU member countries must take the necessary measures to ensure employees can obtain “. . . on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable.”

As you can see, colleagues, the measure proposed here is not unusual and reflects the working environment found in a number of other jurisdictions.

Lastly, I want to draw attention to the leave for victims of family violence, which is crucial. As a former Executive Director of Support to Single Parents and a board member of the Muriel McQueen Fergusson Centre for Family Violence Research, I am intimately familiar with the need for and the policy implications at the introduction of this measure.

This change permits an employee who is a victim of domestic violence or who is the parent of a child who is a victim of family violence a leave of absence from employment of up to 10 days annually. The purposes include the following: To seek medical attention for themselves or their child, to obtain services from an organization which provides services to victims of family violence, to obtain professional counselling, to relocate temporarily or permanently, or to seek legal or law enforcement assistance. These are very important. I've seen this in so many cases in my career.

Honourable senators, I understand that there have been concerns regarding privacy safeguards associated with this provision. However, if I read the clause correctly, it states that an employer may, in writing, and no later than 15 days after an employee's return to work, request that the employee provide documentation to support the reason for the leave. The proposal does not compel an employer to ask for the documentation and appears only to allow an employer to ask in writing for documentation. And more workplaces are now more aware of the issues of domestic violence and will be more understanding of these issues.

In addition, I note the clause further explains that an employee shall provide the documentation only if it is reasonably practicable for them to obtain and provide it. Overall, I believe this is a balanced approach between an employee's need for leave and an employer's obligation to be accountable while being responsive to the well-being of their employees.

Several American states such as Florida and Hawaii have enacted laws that provide victims of family violence with similar leaves of absence. Among the states that provide unpaid leaves for victims of family violence, leaves vary between 3 and to 20 days.

Honourable senators, under the Canada Labour Code, every qualified employee is entitled to and shall be granted, in the event of the death of their immediate family, bereavement leave

on any of their normal work days that occur during the three days immediately following the day of the death. What is being proposed in Bill C-63 is a leave of absence from employment of up to five days. In addition, this leave may be taken during the period that begins on the day in which the death occurs and ends six weeks after the latest of the days on which the funeral, burial or memorial service of that immediate family member occurs. Colleagues, I contend this represents a modest expansion of the bereavement leave already available to federally regulated employees, and this measure provides a greater degree of flexibility to both employers and employees.

In summary, honourable senators, the proposal in Bill C-63 regarding a series of unpaid leaves for federally regulated employees is the result of careful consideration as well as a broad consultation process.

• (1630)

The right to request flexible work arrangements is a reflection of the modern workplace in Canada. While these provisions will only be applicable to employees in federally regulated sectors, they would serve to set the bar for other Canadian workplaces regarding the administration of various leaves. The proposals also appear to be in line with similar leaves available to employees in other jurisdictions.

I was pleased to see these reforms appear in the series of proposals in Budget 2017 under the heading entitled “Taking Action on Gender-Based Challenges.” I hope the Department of Finance Canada will continue to work with Status of Women Canada, and the Department of Employment, Workforce Development and Labour, as well as partners outside of the government, to better understand the challenges employees face, to develop policies that promote greater gender equity and to monitor progress towards these goals.

**Hon. Yuen Pau Woo:** Honourable colleagues, I would like to add my voice to the debate on Bill C-63, focusing my comments on Division 2, Part 5, concerning Canada's membership in the Asian Infrastructure Investment Bank.

This measure, one of many in the bill, is much more than a line item in the budget. It is about deepening Canada's engagement with the fastest-growing and most dynamic region in the world. I support this section of the bill because it is good for infrastructure investment in less developed parts of Asia, which is a way of unlocking economic growth in these areas, in turn reducing poverty and improving the quality of life for many.

For a decade now, the world economy has been sluggish at best, with the traditional engines of growth in industrialized countries not performing as they did in previous decades, which is why there is an urgent need for new sources of wealth creation in the world. Investment in infrastructure, especially in lower-income areas, can unlock economic growth in these areas, with important spillover benefits to surrounding regions and for the world economy more generally.

Canada has always played an important role in international development, including infrastructure investment in less developed countries, and has used both bilateral and multilateral channels for the delivery of its international assistance programs.



Canadian involvement in multilateral development banks goes back to 1945, with the creation of the Bretton Woods Institutions, namely the International Bank for Reconstruction and Development, also known as the World Bank, and the International Monetary Fund. As a mid-sized country dependent on trade with the world and friendly relations with other nations, Canada depends on multilateralism to achieve many of its international objectives.

Today, Canada is a member of all the major multilateral development banks, and our contribution to so-called international financial institutions constitutes more than a third of our development assistance worldwide. These include the African Development Bank, the European Bank for Reconstruction and Development, the Caribbean Development Bank, the Asian Development Bank and the Inter-American Development Bank. Membership in the AIIB would be consistent with Canada's long-standing commitment to international development, which is good for the recipients of international assistance and good for Canada.

According to the Asian Development Bank, there is an infrastructure gap in Asia amounting to some \$20 trillion. Investments are needed in road, air, rail and maritime transportation; power generation and distribution; basic sanitation; telecommunications and much more. Some of the projects that are already underway or that are being contemplated will allow large numbers of previously marginalized populations to have access to information, ideas, services and markets that we take for granted in the industrialized world.

As a country that has overcome many infrastructure challenges over a vast territory and many geographies, Canada has internationally recognized expertise in the various aspects of infrastructure development, from engineering and design to environmental- and social-impact assessment. Canadian companies will benefit from the massive investment in infrastructure that is underway in Asia, in part fostered by the creation of the AIIB. Our membership in the bank will provide companies with access to information and networks that can better position them to be successful in bidding on projects across the region.

I would note that the AIIB is only part of a much larger push on infrastructure investment across Asia, Africa and Europe that is led by the People's Republic of China, under its so-called "One Belt One Road" initiative. One Belt One Road is the equivalent of the post-war Marshall Plan for Europe, except it is bigger, much bigger. It envisages the building of trade-enabling infrastructure to link Asia, Europe and Africa, drawing inspiration from the historic Silk Road of trade and cultural exchange from about 200 BC to the 1400s, as well as from maritime routes between East Asia and Europe that were for centuries the principal avenues for trade between the two regions.

On January 3 this year, a train left the eastern seaboard of China, and 12,000 kilometres and 15 days later, it arrived in London, England, with 34 containers filled with consumer products. London is the fifteenth European city to have freight rail linkages with China. By 2020, it is expected that there will be as many as 5,000 freight rail trips a year between China and Europe, and that will be because of the massive infrastructure investment in the region that is already underway.

Let me now address the concern that the AIIB, under China's leadership, may violate international standards on governance and ride roughshod over social and environmental concerns on projects that it funds. This is an area that bears careful monitoring, and as a member, Canada, along with like-minded countries, should pay special attention to it. But this is precisely the value of a multilateral institution that is involved in international infrastructure investment projects, as opposed to projects undertaken on a bilateral basis. By creating the AIIB, China is in effect saying that it wants to be a multilateral player when it comes to international investment in infrastructure.

Now, Beijing may not yet know how to be a multilateral player in terms of adjusting to international norms and practices, but we should surely be pleased that the next global superpower is taking the multilateral route rather than pursuing its objectives on a strictly bilateral basis.

In any case, the early reports on AIIB's approach to environmental assessment of projects are encouraging. Referring to the bank's Environmental and Social Framework, the World Resources Institute had this to say:

... the Framework's vision recognizes many of the issues such as climate change, gender, biodiversity and ecosystems, resettlement, labor practices and Indigenous Peoples that AIIB will encounter as it begins to make investments. It also makes very important commitments around transparency, information disclosure and public participation that exceed those of a number of national development banks . . . .

One of the reasons Canada has joined the AIIB is to have a role in influencing the social and environmental standards for bank-financed projects.

In fact, we are in good company with a number of the 80-plus members of the bank, including the U.K., France, Germany, Norway, Australia and New Zealand. We should be humble enough to recognize that we may, in fact, learn a thing or two from the AIIB about how to plan, finance and implement major investment projects. Our recent track record, from dams to bridges to pipelines, has not exactly been stellar.

Since the creation of the AIIB, 24 projects have been approved. Let me give you a flavour of the types of projects supported by the bank to date.

The Dushanbe-Uzbekistan Border Road Improvement Project, costing US\$106 million, was financed by both the AIIB and the European Bank for Reconstruction and Development. The Indonesian National Slum Upgrading Project, at a cost of US\$1.7 million, was co-financed between the AIIB and the World Bank. The Gujarat Rural Roads Project in India, a project that cost US\$658 million, is financed jointly by the AIIB and the government of Gujarat.

• (1640)

Honourable colleagues, in addition to adding Canada's voice to the governance of the bank and contributing to the success of projects, our membership in the AIIB will bolster Canada's credentials as a serious player in Asia, not just to sell our stuff across the Pacific, but to be a participant in the long-term economic development of the region.

It also signals our recognition of China's growing weight in the international economy, and Beijing's desire to be a bigger player in international economic governance. We can pretend that China is not playing a larger and sometimes disruptive role in the region, and leave them to continue on their merry way, or we can work with them, through multilateral vehicles such as the AIIB, that de facto reduce Beijing's ability to do as it pleases.

Colleagues, the creation of the AIIB is the Bretton Woods moment of our generation. We were proud to be at what economic historians call "the creation" in 1944, and we played a role in the shaping of the post-war order that provided the rules of the game for the next 70 years. As we contemplate the evolution of these rules and norms over the next 70 years, Canada should not stay on the sidelines. Joining the AIIB is a necessary but not sufficient step in this direction.

As it is, we are late in joining the AIIB, but not too late. We can make it happen today by voting in favour of Bill C-63.

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

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Marwah, seconded by the Honourable Senator Cormier, that the bill be read a third time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed, please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "yeas" have it. I see two senators rising.

*And two honourable senators having risen:*

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

**Hon. Senators:** One hour.

**The Hon. the Speaker:** The vote will take place at 5:43.

Call in the senators.

• (1740)

Motion agreed to and bill read third time and passed on the following division:

#### YEAS THE HONOURABLE SENATORS

Bellemare  
Bernard  
Boniface  
Bovey  
Brazeau  
Campbell  
Cormier  
Coyle  
Dawson  
Dean  
Downe  
Duffy  
Dupuis  
Dyck  
Eggleton  
Forest  
Fraser  
Furey  
Gagné  
Galvez  
Gold  
Greene  
Harder  
Hartling  
Joyal

Lankin  
Lovelace Nicholas  
Marwah  
Massicotte  
McCallum  
McPhedran  
Mégie  
Mercer  
Mitchell  
Moncion  
Munson  
Omidvar  
Pate  
Petitclerc  
Pratte  
Ringuette  
Saint-Germain  
Sinclair  
Tardif  
Verner  
Wallin  
Watt  
Wetston  
Woo—49

#### NAYS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Beyak  
Carignan  
Dagenais  
Doyle

Mockler  
Neufeld  
Ngo  
Oh  
Patterson  
Plett  
Poirier

Eaton	Raine
Frum	Richards
Housakos	Seidman
MacDonald	Smith
Maltais	Stewart Olsen
Manning	Tannas
Marshall	Tkachuk
Martin	Unger
McInnis	Wells
McIntyre	White—34

ABSTENTION  
THE HONOURABLE SENATOR

Cools—1

• (1750)

SENATE ETHICS OFFICER

MOTION TO APPROVE APPOINTMENT ADOPTED

**Hon. Peter Harder (Government Representative in the Senate)**, pursuant to notice of December 8, 2017, moved:

That, in accordance with section 20.1 of the *Parliament of Canada Act*, R.S.C., 1985, c. P-1, the Senate approve the appointment of Pierre Legault as Senate Ethics Officer.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO  
CONSIDER SUBJECT MATTER OF BILL C-45—  
DEBATE ADJOURNED

**Hon. Peter Harder (Government Representative in the Senate)**, pursuant to notice of December 12, 2017, moved:

That, without affecting the progress of any proceedings relating to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, at 3:30 p.m. on Tuesday, February 6, 2018, the Senate resolve itself into a Committee of the Whole to consider the subject matter of the bill;

That the committee receive:

(a) the Honourable Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada;

(b) the Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Health;

(c) the Honourable Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness; and

(d) Mr. Bill Blair, M.P., Parliamentary Secretary to the Minister of Justice and the Attorney General of Canada and the Minister of Health;

That the witnesses be accompanied by officials;

That the Committee of the Whole report to the Senate no later than two hours after it begins;

That television cameras and photographers be authorized in the Senate Chamber to broadcast and photograph the proceedings with the least possible disruption of the proceedings; and

That the provisions of rule 3-3(1) be suspended on Tuesday, February 6, 2018.

He said: If I could say a few words about this motion. It comes as a result of conversations we have had amongst leaders to bring to the debate on this bill some of the practices that allowed all senators to hear from ministers at the start of second reading, which is the objective of this motion.

As a courtesy to ministers so that we could schedule this as well as to ensure the other logistics accordingly, I would like to move this before we rise so that there is predictability in how we will proceed. I want to assure all honourable senators that this is part of starting the second reading debate, although Senator Dean did so in an outstanding fashion on November 30, I believe, when second reading began. This is an attempt to ensure that on an issue of such importance to the Senate, we hear from ministers early. It is also an opportunity for Canadians to see the Senate in action on such an important bill.

**Hon. Serge Joyal:** Would the honourable senator take a question?

**Senator Harder:** Of course.

**Senator Joyal:** I have no objection to the list of ministers. My only question is why would we not afford the opportunity to the minister responsible for Aboriginal people, Minister Philpott, to also be there. Because, as you know, the cannabis issue is a very important matter for the Aboriginal people, and we should have an opportunity to question and get from that minister additional information.

**Senator Harder:** It's a very good point, honourable senator. What I was trying to do is have the principal ministers involved. This is the start of the discussion. I'm sure there may be opportunities for other ministers who are involved such as you suggest.

This is by no means attempting to limit, but from conversations that have been held it was thought that having the principal ministers involved for a two-hour period would be a good start. But by no means does it mean to be exclusive.

[Translation]

**Hon. Claude Carignan:** I realize how unusual it is for ministers to speak to a bill's underlying principle at second reading stage. Do you intend to invite the ministers to appear before us once again in Committee of the Whole at third reading, or, since they have already made their presentations, would it be possible to invite other individuals? Obviously, this would only apply in the event that we decide to sit in Committee of the Whole at that stage.

[English]

**Senator Harder:** Honourable senator, that is entirely up to Senate. The model we are looking to is Bill C-14, when ministers also came to committee. We did not have ministers for third reading. Obviously, I'm open to innovation and to ensuring that all senators have all of the information they need in a timely fashion so that we can come to a view collectively on how to proceed with this bill.

**Hon. Donald Neil Plett:** As Senator Harder says, this is as a result of discussions with the leaders and not necessarily full agreement of the leaders. Also, further to what Senators Joyal and Carignan have already said, there are a number of issues that need to be discussed before we vote on this. In light of that, I would like to adjourn the debate.

**The Hon. the Speaker:** Just before the adjournment, Senator Plett, Senator White had a question.

**Hon. Vernon White:** Senator Harder, would you take a question?

**Senator Harder:** Yes.

**Senator White:** Just going through the list of cabinet ministers, I can almost not find more than five that shouldn't be here to have a discussion with us about this bill. We have had the Minister of Health, the Minister of Justice, the Minister of Public Safety, and I could go on.

If I were going to ask, I would like to see a routine of a minister every few days until we get through this. This might be one of the most important pieces of legislation we have ever seen.

I'm looking for a commitment from you that you will make an expression of interest to all of cabinet to be available, including the Prime Minister, since it was his legislation that he brought forward previous to the election. I don't think that we should necessarily rush through this. We should hear from people who understand the impact and those who believe the impact is less than it has been.

**Senator Harder:** Senator, this is by no means meant to be exclusive. It is meant to be a start. If there are other ministers that senators wish to hear from, I undertake to make best efforts to ensure that happens.

This is obviously an important piece of legislation, and I hope the Senate, in its wisdom, seeks to ensure at second reading, when we're talking about the principles of the bill, that we hear from the ministers responsible.

This is the start. I know that this is an unusual list because it is three ministers and the parliamentary secretary who have been involved. I felt it was important to have the principal ministers involved as we start and launch this debate.

• (1800)

**Hon. A. Raynell Andreychuk:** I think the point has been made by Senator White that this is a far-reaching piece of legislation that concerns all of us.

How do you imagine the working here with the ministers coming and curtailing their opening statements? And how do we all get a chance to really dig into the issues that Canadians are asking us to ask?

I don't foresee this being a one-off like we've had with other issues. We've generally brought ministers in on a particular small issue, or we've had Committee of the Whole when we're approving officers of Parliament.

This would be very unusual, and I've been here long enough to know that ministers have come and then said, "I've done my bit." I'm not sure you can guarantee that they will be available to us. Do you get it in writing or some other form?

**Senator Harder:** Senator, on Bill C-14 we had ministers here at Committee of the Whole, and we had ministers in committee, and they made themselves available.

I totally share your view that ministers ought to be available, and I will work and am working to ensure that happens.

You speak about making sure that we can maximize the two hours that the motion suggests. I've talked with the ministers and suggested that they have a single statement of 15 minutes and no longer so that the maximum amount of time can be an interaction with senators.

As I said earlier, this is neither the first nor the last time we will engage ministers on this subject.

**Senator Andreychuk:** We have two hours, so you've already taken 15 minutes off. My difficulty is that our role is to keep the government to account, and there are a lot of independent senators and a lot of independent Liberals, and our role is diminishing, yet I think it is very fundamental to democracy.

I see myself as being fourteenth or fifteenth on the list in the never-never. I think it's a collective because we don't know how the time slots are going to be apportioned. There is a lot to discuss in one hour and three quarters.

**Senator Harder:** Again, senators, let's remember that on Bill C-14 we had two hours. I think the reviews amongst senators at the time suggested that that was a very useful and innovative approach, and I commend the leaders who agreed to it at the time.

This is an attempt to use that model here. There is nothing nefarious and nothing to suggest that this is the only opportunity. It is, however, an early opportunity as we are in second reading.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I want to add to that question. My question is regarding the practicality of this Committee of the Whole as proposed, with four people on the panel, considering how limited the time is when we have a Committee of the Whole with even just one minister. I just wanted to understand the practicality of such a Committee of the Whole.

**Senator Harder:** Again, senators, this is up to us. What I was wanting to do was ensure that ministers were dedicating their time early. As a result of a conversation with the Leader of the Opposition, I moved the date that I had first chosen to a later date to accommodate his suggestion, which made sense to me.

Ministers have adjusted so that this date is reserved in their schedules, and I'm sure the ministers will respond to all of the questions. It does depend on where the questions come from.

**Senator Plett:** We all need to change our schedules occasionally.

**Senator Harder:** Yes, I'm sure, and this is a respectful opportunity for the Senate to hear from the principal ministers.

**Hon. Lillian Eva Dyck:** Senator Harder, since this bill will have a tremendous impact on our youth, I'm wondering whether you have considered asking the youth special representatives to the Minister of Crown-Indigenous Relations and Northern Affairs Canada to appear.

I recognize that ministers are important, but I think the youth that have been appointed probably have a view that's equally important, though they may not be ministers. And have you considered asking — I don't know if we even have a minister of youth.

**Some Hon. Senators:** The Prime Minister.

**Senator Dyck:** The Prime Minister. It seems to me we can ask the ministers responsible, but those who are affected have a perspective that, in my view, is much more important.

**Senator Harder:** Senator, I think that's a very good point. This is, as I said, a starting point. I am open to suggestions and will take all suggestions to the leadership to ensure that we come as close as we can to a consensus on the way forward. This is about ensuring that this place handles this matter in a sensitive, deliberative and effective way.

**The Hon. the Speaker:** It was moved by the Honourable Senator Plett, seconded by the Honourable Senator Poirier, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(On motion of Senator Plett, debate adjourned, on division.)

*(At 6:06 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)*

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