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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, March 20, 2018

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

Prayers.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, there have been consultations, and there is an agreement to allow photographers in the Senate chamber to photograph the introduction of the new senators we are welcoming today.

Is it agreed, honourable senators?

Hon. Senators: Yes.

[*English*]

The Hon. the Speaker: Honourable senators, we have two new senators being called today, so we're going to wait a moment until their families take their places in the gallery.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation from the Israeli Knesset, led by Mr. Albert Sakharovich, Director General.

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

Hon. Senators: Hear, hear!

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:

Martha Deacon
Yvonne Boyer

INTRODUCTION

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

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

Hon. Martha (Marty) Deacon, of Waterloo, Ontario, introduced between Hon. Peter Harder, P.C., and Hon. Chantal Petitclerc.

The following honourable senator was introduced; presented Her Majesty's writ of summons; took the solemn affirmation, which was administered by the Clerk; and was seated:

Hon. Yvonne Boyer, of Merrickville-Wolford, Ontario, introduced between Hon. Peter Harder, P.C., and Hon. Murray Sinclair.

• (1420)

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.

CONGRATULATIONS ON APPOINTMENTS

Hon. Peter Harder (Government Representative in the Senate): It is my pleasure, as the government's representative in the Senate, to welcome our two newest colleagues, the Honourable Martha Deacon and the Honourable Yvonne Boyer, both here to represent the province of Ontario.

[*Translation*]

I know Senator Deacon will serve Canada proudly in the Senate and is keen to work on issues she is passionate about: the environment, international affairs and Indigenous peoples.

[*English*]

In her career as an educator, Senator Deacon was a teacher, school principal, consultant, academic and superintendent.

As a badminton athlete, Senator Deacon has what it takes to succeed. She is quick on her feet, has stamina and, most of all, understands the importance of team work. She is well prepared for the back and forth of the Senate's work.

Between her career as an educator and her activities as an athlete and coach, Senator Deacon has also represented Canada on many national and international executive boards. Senator Deacon credits her success as an educator and coach to the love and support she receives from her husband, Bruce, and daughters, Kristine and Kailee.

Senator Boyer brings to us a wealth of experience as a lawyer, professor, health care professional and researcher. She has made her mark fighting inequities to improve the delivery of health care services to Canada's Indigenous peoples.

[Translation]

Senator Boyer has dedicated herself to equality and justice for Indigenous peoples. As a lawyer, she is known for her collaborative approach.

[English]

In her law practice, Senator Boyer worked to find solutions for clients by striving for a blend of approaches, both Western and Indigenous. I highly commend to you her recently published book, *Moving Aboriginal Health Forward: Discarding Canada's Legal Barriers*.

She also has the distinction of being Ontario's first Indigenous senator.

Senator Boyer, I think you will find yourself at home in this chamber and in committee, where we tackle some of the most difficult issues, including those on which you have expertise.

With these appointments of two extraordinary women, the Senate comes ever closer to achieving gender parity — something the Fathers of Confederation, I'm sure, never envisioned over 150 years ago — but a fact that ensures the Senate is a representative chamber providing appropriate oversight and sober second thought.

[Translation]

My dear colleagues, please welcome Senators Deacon and Boyer.

Hon. Senators: Hear, hear!

[English]

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I'm pleased to join in the words of welcome to our new colleagues from the province of Ontario, the Honourable Martha Deacon and the Honourable Yvonne Boyer.

I congratulate both honourable senators on their appointment to this chamber following the recommendation of the Prime Minister. All honourable senators are looking forward to getting to know more about each of you and, in turn, for you to get to know us.

[Translation]

Although this place is new to Senator Deacon and Senator Boyer, I hope they will soon feel right at home here in the Senate of Canada.

[English]

With a long history of helping to lead Canada through international athletics competitions, Senator Deacon now joins a body claiming two gold medallists as members; of course I am

referring to our colleagues Senator Nancy Greene Raine and Senator Chantal Petitclerc.

As a Canadian of Metis origin, Senator Boyer follows in the footsteps of former senators Gerry St. Germain and the late Thelma Chalifoux.

It is truly an honour to serve our fellow citizens in the Senate of Canada, and our new colleagues will no doubt find their work here both challenging and enlightening. On behalf of all Conservative senators and all senators in this house, I extend our best wishes to both of you, Senator Deacon and Senator Boyer.

Hon. Yuen Pau Woo: Honourable colleagues, it's an honour and privilege for me to rise on behalf of the Independent Senators Group to welcome the Honourable Senator Marty Deacon and the Honourable Senator Yvonne Boyer to the Senate.

Senator Deacon brings to the Senate more than 30 years of experience as an educator, sports administrator and health advocate. She is currently a director on the Canadian Olympic Committee and the Commonwealth Games Canada and has held other executive-level positions with other organizations such as Badminton Canada, the Ontario Physical and Health Education Association and the Ontario Education Leadership Centre.

Senator Deacon also served as Canada's chef de mission for the 2010 Commonwealth Games in Delhi, India.

Senator Deacon has received many accolades for her work, including the Women of Distinction and Lifetime Achievement Award from the YWCA in the Waterloo region, the International Olympic Committee Education and Youth Award and the Jules Nisse Playground to Podium award in 2006. She was inducted to the Cambridge Sports Hall of Fame for her involvement in volunteer work in athletics.

You have already heard that Senator Deacon's preferred athletic pursuit is badminton. Senator Harder has said she can certainly volley the shuttlecock back and forth. I imagine she can also deliver a wicked smash.

I would like to also extend my welcome to Senator Deacon's husband, Bruce, and daughters, Kailee and Kristine. I know how important you have been in supporting our new colleague throughout her illustrious career and how your continued support will be key as she embarks on this new adventure.

Colleagues, it has been a long time, but Senator Yvonne Boyer is the first Ontario senator to identify as Indigenous. As a member of the Métis Nation of Ontario, she has over 21 years of experience practising law and spent much of her distinguished career working on the delivery of health care services to Canada's Indigenous peoples. She has published numerous scholarly papers on First Nations, Metis and Inuit issues, especially in relation to health care and the law.

Senator Boyer was a former member of the Canadian Human Rights Commission. She served as in-house counsel for the Native Women's Association of Canada, as legal adviser to the Canadian Nurses Protective Society and as senior policy analyst

and legal adviser to the National Aboriginal Health Organization. She has also been a member of boards of the Champlain Local Health Integration Network and Save the Children Canada.

As someone who has lived and worked on Canadian Forces bases, Senator Boyer has a special affinity and understanding of national security and defence issues.

We very much look forward to working with our two new colleagues and drawing on the vast experience and knowledge that they bring to our ranks. Senator Boyer, Senator Deacon, welcome to Canada's Senate.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, I join with my other colleagues in welcoming our new senators to this august body. Martha (Marty) Deacon and Dr. Yvonne Boyer both represent the province of Ontario.

Senator Deacon, you are a long-time educator, a former teacher, a principal and a coach. You have represented our country on the world stage through your role in amateur sports, as we've heard about, including as chef de mission at the Commonwealth Games in 2010.

• (1430)

You said in a recent interview that you wanted to be a senator because of your interest in a number of areas, such as Canadians' health, mental health and safety. I can assure you that you'll have the opportunity to work on those issues here.

Senator Boyer, you too bring a wealth of skills and experience to the Senate. You are a lawyer with your own practice, a part-time university law professor, and Associate Director of the University of Ottawa Centre for Health Law, Policy and Ethics. You have been a champion for improving health care for Indigenous peoples in Canada. A member of the Métis Nation of Ontario, you are Ontario's first Indigenous senator, an occasion for which we have waited too long.

I can assure you both that you will find colleagues in this chamber who share your interest and passion for making a difference in the lives of Canadians. Dedicated, experienced and hard-working individuals abound on both sides of this chamber. Every one of us is proud to serve in the Senate, trying to make our provinces, our regions and the country a better place for everyone.

As you will know, we are in the midst of major reforms here in this institution. It is a very interesting time to serve, and I have no doubt that each of you will put your talents and experience to good use as we go forward together.

Again, on behalf of my Independent Liberal colleagues, welcome to the Senate of Canada. We look forward to working with you.

[*Translation*]

SENATORS' STATEMENTS

PARALYMPIC GAMES 2018

Hon. Chantal Petitclerc: Honourable senators, over the past few days our paralympic athletes have been returning home.

[*English*]

When he was 19, like his father before him, Brian McKeever was diagnosed with a rare genetic disease, the Stargardt disease, and learned that he too would become blind. A talented, accomplished athlete, he never let that challenge define him. What defines Brian is that by adding four Paralympic medals in PyeongChang, three of them gold, he is now the most decorated winter Paralympic athlete in Canadian history, with a total of 19 medals.

Natalie Wilkie was 15 and already on the way to becoming an elite skier when she had a horrific shop class accident. She lost four fingers on her left hand after they became caught in the jointer machine when she was making a wooden sign, but she did not let that get in the way of her dream. Two weeks later, she was back on her skis. Only days ago at PyeongChang, she crossed the finish line one tiny second faster than her opponent, and at the age of 17, became a gold medallist.

[*Translation*]

No one was surprised when Cindy Ouellet became the first Quebecer to qualify for both the winter and summer Paralympic games. Cindy is an exceptional athlete and has been a member of the national wheelchair basketball team since she was 16 years old.

Cindy has two master's degrees and is currently completing a doctorate in biomedical engineering in California. She is fearless. At the age of 12 she was diagnosed with bone cancer, but she has never been intimidated by challenges. Cindy placed 18th in cross-country skiing at the PyeongChang games, and has already announced that we would be hearing from her again and that she will be back in four years.

[*English*]

Our 55 women and men coming back from the Paralympic games are high-performance athletes in their due right. They train hard, they fight to the finish line and they perform. But they are also 55 stories of Canadians facing adversity, embracing excellence and proving that anything is possible.

Honourable senators and colleagues, in Vancouver in 2010, Canada won a record of 19 medals at the Paralympics. Well, that record was smashed. As our Canadian team is coming back home

with an amazing record of 28 medals, please join me in telling them: Welcome home. Congrats on a performance that rewrites history. You have made us very proud.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Senator Bovey's brother, Ted Glover and his granddaughter, Cassie Glover. They are the guests of the Honourable Senator Bovey.

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

Hon. Senators: Hear, hear!

THE LATE ASMA JAHANGIR

Hon. Salma Atallahjan: Honourable senators, I rise today to pay tribute to Asma Jahangir, as did Senator Harder. Asma passed away on February 11.

Asma Jahangir was a world-renowned Pakistani human rights lawyer, activist and author, whom I have often referred to as the conscience of Pakistan. Asma dedicated her life to promoting and defending human rights, in particular the rights of women, children and religious minorities in Pakistan. She was a pro-democracy activist and founding member of the Human Rights Commission of Pakistan, as well as the first woman to serve as President of the Supreme Court Bar Association.

Asma co-founded the Women's Action Forum, which was established to oppose laws that reduced a woman's testimony in court to half that of a man's. She served as the UN Special Rapporteur on freedom of religion or belief and as the UN Special Rapporteur on human rights in Iran.

Relentless in her pursuit of equality for all, Asma was the recipient of numerous prestigious awards and prizes for her work in Pakistan and globally. In 2011, she was the recipient of the first annual John Diefenbaker Defender of Human Rights and Freedom Award in recognition of her outstanding courage and leadership in defending human rights.

In recognition of her excellence in public service to Pakistan, she will be bestowed this week on Pakistan Day with the Nishan-e-Imtiaz top civilian award.

I first met Asma at an event in Toronto many years ago. I will never forget being instantly struck by her small physical stature. As a relentless and fearless human rights defender, Asma was indeed a tiny powerhouse. Jailed for pro-democracy activities and put under house arrest for opposing the military leader's removal of the Supreme Court's Chief Justice, Asma was a fierce advocate for democracy and the rule of law. As a lawyer, she often took on cases that nobody else would consider.

My daughter Shaanzeh was fortunate to participate in an internship at the law office found by Asma and her sister Hina Jilani in Lahore. Of her experience, Shaanzeh noted that

everyone associated with the office was passionate and driven, that Asma and her sister had managed to bring together a group of people who worked every day towards bettering the lives of Pakistan's disenfranchised people and have paved the way for others to do the same in the future.

Asma Jahangir's career of human rights activism is unparalleled in Pakistan. The impact of her momentous life's work is certain to endure well beyond her untimely passing.

THE HONOURABLE JOYCE FAIRBAIRN, P.C., C.M.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, as we welcome new senators to this chamber, I would like to bring to your attention an honour paid to one of our former colleagues.

Last week it was announced that the newest school in Lethbridge, Alberta, would be named after our dear friend and former colleague the Honourable Joyce Fairbairn. Senator Joyce Fairbairn Middle School, which will serve students in Grades 6 to 8, will open its doors this fall. How incredibly fitting that is.

Anyone who knows Joyce will not be surprised by this honour. She has always been a remarkable woman, displaying unparalleled enthusiasm and commitment to her fellow Albertans and to all Canadians over nearly three decades of service in this chamber.

I am told that when she was first asked to join the Senate, she declined. Fortunately for everyone, she was later otherwise convinced. She came to this place in 1984, and while she was here she served on 18 different committees. She was Chair of the Standing Senate Committee on Agricultural and Forestry and championed its comprehensive report on rural poverty in Canada. She was Chair of the Special Senate Committee on Bill C-36, which was the first anti-terrorism legislation drafted after 9/11, and I was pleased to serve with her on that particular committee. She was a founding member of the Standing Senate Committee on Aboriginal Peoples, and the first woman ever to be named Leader of the Government in the Senate.

• (1440)

But it is literacy that we most associate with Joyce. While Leader of the Government here, she was also Minister with Special Responsibility for Literacy. In 1985 she and the Special Committee on Youth proposed a national campaign to improve the opportunity and results in literacy for young people. She started fighting on behalf of those who needed help with their literacy skills and never abated with her passion and desire to make sure that all Canadians have the necessary basic and fundamental skills to succeed and to prosper.

Though she has not been in this chamber for almost five years now, when senators in this place speak about literacy they still acknowledge the work that our Joyce did before. That is the legacy she has left us.

Joyce was always proud of her roots in Lethbridge. She is well known and well loved there, and the Senator Joyce Fairbairn Middle School will help ensure that her name lives on for decades to come.

[*Translation*]

INTERNATIONAL DAY OF LA FRANCOPHONIE

Hon. René Cormier: Honourable senators, every year on March 20, we celebrate the Journée Internationale de la Francophonie. Today is a day for the 274 million French speakers living on five continents to celebrate their language and the cultural diversity that makes up the Francophonie.

[*English*]

The Journée internationale de la Francophonie was created in 1988 by 70 states and government members of the Organisation internationale de la Francophonie to celebrate the French language in all its richness and colours. The date of March 20 was chosen because the Agence de coopération culturelle et technique, which later became the Organisation internationale de la Francophonie, was founded on that day in 1970.

[*Translation*]

Since then, Canada and many other member states have been using this day as an opportunity to highlight the major contribution made by francophones to the development of their country as well as the cultural richness of the French language.

Canada is home to nearly three million francophones outside Quebec and nearly eight million in Quebec. The French language, which is enshrined in our Constitution and in our legislation, has been part of our country and our collective identity ever since our French ancestors first made contact with First Nations communities.

Honourable colleagues, a few days ago, on a flight I was taking from Acadia, my homeland, to our nation's capital, I was thinking about this Journée Internationale de la Francophonie as I watched the mighty St. Lawrence far below. I was imagining the evolution of the French language in Canada, beginning nearly 415 years ago, when one of the most amazing human adventures began, first on St. Croix Island and later in Port Royal, in Acadia. This was the adventure of building a new country blessed with the French language as part of its natural richness alongside the Indigenous languages and the English language, building a country around the words, expressions and gestures articulated by men and women of courage whose dreams were just as big as the new continent they inhabited.

This language, whose seeds were first sown in North America on the banks of the Bay of Fundy, has since made its way up the river, like a salmon making its way upstream. It has taken root across the continent and flourished in the Atlantic provinces, Quebec, Ontario, Western Canada, and the North.

On this day, the Journée internationale de la Francophonie, I invite everyone to celebrate this language, which helped shape our country's identity and today contributes to its cultural, social, economic and political advancement both at home and abroad. Honourable colleagues, we live in a country whose contours and borders are still shaped and defined by the language of the Parliamentary Poet Laureate, Georgette LeBlanc, the language of

Antonine Maillet, Michel Tremblay, Jean-Marc Dalpé, Laurier Gareau, Gabrielle Roy, Gilles Poulin-Denis and so many others.

[*English*]

Let's celebrate the moving French language which gave us some of the most beautiful writings in humanity's cultural heritage. Let's love that language not merely like a vehicle of communication, but like a developer of our individual and collective souls, like one of the languages that belongs to all Canadians.

[*Translation*]

Let's offer humankind French words that ring clear and resonate, lift and inspire, words that let the world know who we are. Let's lift up our voices together for the whole world to hear, let's celebrate with the men and women of the world who share our French language, and let's work together to build a country that is proud of its official languages and proud to be a part of the Francophonie.

Thank you for your attention and happy Journée internationale de la Francophonie.

[*English*]

CROSSROADS INTERNATIONAL

Hon. Grant Mitchell: Honourable senators, on March 8 we celebrated International Women's Day. In honour of that day, I would like to tell you about Crossroads International, a Canadian organization that promotes women's rights around the world.

In 2018, Crossroads International is celebrating its sixtieth anniversary. It has been recognized as a model for successful international cooperation and as an important partner with Global Affairs Canada in achieving Canada's international development goals.

[*Translation*]

Crossroads International focuses on mutual learning and solidarity. It sends Canadian volunteers abroad and invites volunteers from developing countries to come to Canada to share their expertise and achieve common goals.

[*English*]

In 2016-17 alone, Crossroads helped over 30,000 people improve their lives, including 17,000 women and girls who were empowered to increase their access to justice, develop leadership skills and become more financially autonomous.

Girls' empowerment clubs in Swaziland, a country with high rates of HIV infection and sexual abuse, are offering girls a safe space to discuss their experiences, learn about their human rights and find support. Trained mentors teach girls about gender-based violence, reproductive health, prevention of human trafficking and the importance of education.

Another initiative in Ghana is training women and men, including religious and traditional leaders, to understand laws against domestic violence and to support survivors of abuse as they navigate the legal system.

[Translation]

What is more, in Bolivia, Senegal, and Togo, Crossroads International offers young farmers training on modern, environmentally friendly farming practices. This program encourages young people to pursue a career in agriculture, helps achieve sustainable incomes, and addresses food insecurity.

[English]

Crossroads International is a strong and valued ally in achieving the goals of Canada's feminist foreign policy and its volunteers are truly having an impact in the world. Its work is an inspiration to us all.

THE LATE CECE HODGSON-MCCAULEY

Hon. Lynn Beyak: Honourable colleagues, I rise in the chamber today to pay tribute to the founding and honorary grand chief of the Inuvik Dene Band, Cece Hodgson-McCauley, who passed away Monday, March 12, at the age of 95 at her home in Norman Wells, Northwest Territories, surrounded by her loving family.

Cece was born on the shores of Great Bear Lake in 1922 and lived her life as a proud northerner. Along with her sister Alice and brother John, she attended Sacred Heart Mission School in Fort Providence. She spent 10 years at the residential school, and Cece stated many times that those were the best years of her life.

Cece was an inspiration for all people. She was the first female chief in the Northwest Territories and a former President of the Norman Wells Land Corporation. Cece also worked until the very end writing her informative and outspoken column for *News/North*, always advocating for the much-needed Mackenzie Valley Highway project extension that she had worked on for 20 years.

• (1450)

Cece was never afraid to speak her mind. She reminded us that sometimes to see change you need to make your voice heard. When writing about her experience at the residential school she attended, she said:

We were well taken care of. We ate nutritious food. The girls were taught how to sew and knit. We had an education learning math, reading and writing.

When her column was met with criticism from some elders, she had the courage to stand by her writings and her own positive experiences. Cece recently wrote her final article for *News/North*, and in it she acknowledged how she had a wonderful life and felt blessed for her family and for the things she was able to do with her time on earth.

Cece and her courageous and loving personality will be missed by many and will have a special place in my heart forever. This past year she was my strength, my mentor and my dear friend. She was adamant that I continue to be strong and continue to speak the whole truth about the residential schools.

I was in Norman Wells to talk with Cece about her council of elders and their discussions of her positive message and stories of residential schools, and in her memory I will continue my work here.

I would like to end the tribute with the last sentence of Cece's final article in the *News/North* and how much of a caring person she really was: "Until next time, all my love to everyone, Cece."

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

CORRECTIONAL SERVICE—CASE REPORT OF FINDINGS IN THE MATTER OF AN INVESTIGATION INTO A DISCLOSURE OF WRONGDOING TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Public Sector Integrity Commissioner, entitled *Findings of the Public Sector Integrity Commissioner in the Matter of an Investigation into a Disclosure of Wrongdoing (Correctional Service of Canada)*, pursuant to the *Public Servants Disclosure Protection Act*, S.C. 2005, c. 46, sbs. 38(3.3).

[English]

PARLIAMENTARY BUDGET OFFICER

INCOME SPRINKLING USING PRIVATE CORPORATIONS—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Income Sprinkling Using Private Corporations*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

BUDGET 2018: KEY ISSUES FOR PARLIAMENTARIANS—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Budget 2018: Key Issues for Parliamentarians*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

FEDERAL FINANCIAL SUPPORT TO PROVINCES AND TERRITORIES: A LONG-TERM SCENARIO ANALYSIS—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Federal Financial Support to Provinces and Territories: A Long-term Scenario Analysis*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

FEDERAL PERSONNEL SPENDING: PAST AND FUTURE TRENDS—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Federal Personnel Spending: Past and future trends*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

SIXTEENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE—GOVERNMENT RESPONSE TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response, dated March 15, 2018, to the sixteenth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *The Deepening Crisis in Venezuela: Canadian and Regional Stakes*, deposited with the Clerk of the Senate on July 20, 2017.

The Hon. the Speaker: Honourable senators, pursuant to rule 12-24(4) this response to the original report is deemed referred to the Standing Senate Committee on Foreign Affairs and International Trade.

[Translation]

CANADA-CHINA LEGISLATIVE ASSOCIATION

CO-CHAIRS' ANNUAL VISIT TO CHINA, MAY 19-26, 2017—REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-China Legislative Association respecting the Co-Chairs' annual visit to Hohhot, Shenyang, Harbin and Beijing, People's Republic of China, from May 19 to 26, 2017.

BILATERAL MEETING, AUGUST 16-26, 2017—REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-China Legislative Association respecting its

participation at the 21st bilateral meeting in Beijing, the regions of Shaanxi, Sichuan and Qinghai, and Hong Kong, People's Republic of China, from August 16 to 26, 2017.

[English]

FISHERIES AND OCEANS

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

Hon. Fabian Manning: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, March 27, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the motion adopted Thursday, March 1, 2018, Question Period will take place at 3:30 p.m.

[Translation]

QUESTION PERIOD

ANSWER TO ORDER PAPER QUESTION TABLED

PUBLIC SERVICE AND PROCUREMENT—NATIONAL SHIPBUILDING SPENDING

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 64, dated November 1, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Griffin, regarding National Shipbuilding spending.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions:

Response to the oral question asked in the Senate on November 9, 2017 by the Honourable Senator Smith, concerning pensions for injured veterans.

Response to the oral question asked in the Senate on January 30, 2018 by the Honourable Senator Raine, concerning the Olympic Team.

Response to the oral question asked in the Senate on January 30, 2018 by the Honourable Senator Oh, concerning the detention of refugee children.

Response to the oral question asked in the Senate on January 31, 2018 by the Honourable Senator Smith, concerning Employment Insurance.

Response to the oral question asked in the Senate on January 31, 2018 by the Honourable Senator Carignan, P.C., concerning the Netflix Broadcasting Agreement.

Response to the oral question asked in the Senate on February 1, 2018 by the Honourable Senator Smith, concerning infrastructure initiatives.

Response to the oral question asked in the Senate on February 1, 2018 by the Honourable Senator Carignan, P.C., concerning the Port of Montréal.

Response to the oral question asked in the Senate on February 8, 2018 by the Honourable Senator Doyle, concerning the Canada Summer Jobs Program.

Response to the oral question asked in the Senate on February 14, 2018 by the Honourable Senator Housakos, concerning high-speed rail.

Response to the oral question asked in the Senate on February 14, 2018 by the Honourable Senator Frum, concerning Bombardier Inc. — Sale of Aircraft to Iran.

VETERANS AFFAIRS

PENSIONS FOR INJURED VETERANS

(Response to question raised by the Honourable Larry W. Smith on November 9, 2017)

Veterans Affairs Canada

When can veterans expect action on re-establishing a lifelong pension as an option for injured veterans?

- In November 2015, the Minister of Veterans Affairs was mandated by the Prime Minister to re-establish a lifelong pension as an option for injured Canadian Armed Forces Members and Veterans.
- The Government has been actively consulting with the Veterans' community to better understand the problems

and challenges facing Canadian Veterans and their families throughout their lives.

- These consultations, which have included such stakeholder groups as the Office of the Veterans' Ombudsman and the Minister's Policy Advisory Group, have helped to inform how the Government can deliver its programs and services to members, Veterans, and their families in order to ensure a seamless and successful transition from military to civilian life.
- In December 2017, the Minister of Veterans Affairs announced the new Pension for Life.
- The Pension for Life contains three new benefits that will recognize and compensate Veterans for disability resulting from service-related injury and/or illness. It restores the lifelong monthly payments for pain and suffering; introduces a new recognition benefit; and combines six existing benefits into one.

When will we see enabling legislation tabled in Parliament?

- The enabling legislation for the Pension for Life will be tabled in Parliament as soon as possible to ensure that all authorities are in place prior to the implementation date of April 1, 2019.

CANADIAN HERITAGE

OLYMPIC TEAM

(Response to question raised by the Honourable Nancy Greene Raine on January 30, 2018)

Olympic qualifying standards are established by Speed skating Canada (SSC) in accordance with the International Skating Union (ISU) regulations. SSC's selection standards required that, in order to qualify for the 2018 Olympic Games, and fill its quota of 3 spots, athletes must skate a top 16 time in the world, as well as finish top 3 at the Canadian Olympic Trials. Unfortunately Mr. William Dutton's time did not place him in the top 16 and he finished 4th at the Olympic Trials, therefore resulting in his non selection to the Olympic team.

After learning that the top 16 times included those set by two Russian skaters banned from the Olympics for anti-doping violation, Mr. Dutton appealed SSC's decision to the Sport Dispute Resolution Centre of Canada (SDRCC). After reviewing the selection process, the final decision was rendered by SDRCC in favour of SSC. The ISU has not removed the times of the two Russian skaters from the top 16 and therefore the SDRCC ultimately determined that due process was followed by SSC.

The Government of Canada recognizes the efforts of Canadian athletes to compete at the highest level and understands how disappointing this final outcome was for Mr. Dutton.

IMMIGRATION, REFUGEES AND CITIZENSHIP

CANADA BORDER SERVICES AGENCY—DETENTION OF REFUGEE CHILDREN

(Response to question raised by the Honourable Victor Oh on January 30, 2018)

Canada Border Services Agency (CBSA)

The Government is working to improve the immigration detention system and minimize its use, by investing \$138 million in the new National Immigration Detention Framework. This will enhance alternatives to detention (ATDs), provide better medical and mental health services at CBSA Immigration Holding Centers (IHC), expand partnerships and include key investments to improve immigration detention infrastructure. In addition, the Minister of Public Safety and Emergency Preparedness has issued new Ministerial Direction (MD) that provides guidelines for the CBSA when making a detention decision that involves a minor. Among its key objectives, the MD directs the CBSA to seek ATDs, stop detaining or housing minors (except in extremely limited circumstances) and preserve the family unit.

The current ATDs available in all regions include imposition of conditions and release on a performance bond and/or cash deposit to a bondsperson. Release to the Toronto Bail Program is available in the Greater Toronto Area (GTA) only. An expanded ATD Framework will launch in all regions beginning in April 2018 and will eventually include national Community Case Management and Supervision, Voice Reporting and, in the GTA, Electronic Monitoring on a two-year pilot basis.

On February 13, 2018, a snapshot report indicated two minors (one Canadian and one foreign national) were housed at an IHC with their detained parent as it was deemed to be in the children's best interests. In general, a housed minor is not subject to a detention order and is free to remain and re-enter the IHC with the consent of the parent/legal guardian who is subject to a detention order.

Since November 2016, CBSA has been posting statistics related to immigration detention at: <http://cbsa.gc.ca/security-securite/detent-stat-eng.html>. Quarterly statistics for the first and second quarters of 2017-2018 are slated to be posted within the next few weeks. This will include details on minors on their status, age, gender, length of housing/detention and facility type, as well as the average and median length of time in a facility.

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

EMPLOYMENT INSURANCE

(Response to question raised by the Honourable Larry W. Smith on January 31, 2018)

In Budget 2016, the Government introduced a measure that would provide additional weeks of EI support to workers in certain affected regions impacted by the downturn in global commodity prices. At the time, it was anticipated that 235,000 laid-off workers would take advantage of the extra benefits.

As presented in the 2018 Actuarial Report on the Employment Insurance Premium Rate, just under 400,000 laid off-workers have utilized the benefit, at a cost estimate of \$1.92 billion. Higher take-up of the benefit is due to a variety of factors, including some communities experiencing a lengthier and deeper downturn, an extended claim period that has allowed workers who are still unemployed and searching for work to use the benefit, and longer-tenured workers required extra supports as they explore employment opportunities outside the field in which they have spent years working.

This measure has brought needed support to workers, their families and their communities when they needed it the most. Our government is proud to support EI programs that are flexible enough to meet the needs of Canadians in a variety of situations.

CANADIAN HERITAGE

NETFLIX BROADCASTING AGREEMENT

(Response to question raised by the Honourable Claude Carignan on January 31, 2018)

With respect to the disclosure of confidential information, the *Investment Canada Act* has strict confidentiality provisions considering the commercially sensitive nature of the information obtained under the Act. In fact, all of the information provided to the Government by an investor, which was obtained in the context of consultations or negotiations leading to a decision in an investment case, is privileged under the Act and, as in all types of investment cases, is not released publicly. These strict confidentiality provisions apply to Netflix's investment as well.

All businesses, including film and television production companies, that set up and operate in Canada are expected to respect and comply with Canada's tax system. As Netflix will be operating a production company in Canada, it will be required to comply with any rules under Canada's fiscal regimes that would apply to its production operations in Canada.

It is important not to confuse the cultural activities of Netflix Canada, a film and television production company that committed to investing a minimum of \$500 million Canadian dollars in the production of films and television series in Canada, with those of Netflix, the streaming service offered from the United States. These are in fact two different types of cultural activities. It must be noted that nothing in the agreement on the establishment of a new Canadian film and television production company by Netflix relates to taxation issues or the collection of tax.

Our Government recognizes that a comprehensive solution to the taxation of digital platforms is needed in the long term. However, we have made it clear that we will take a well thought-out approach to this question, not a piecemeal one.

INFRASTRUCTURE AND COMMUNITIES

INFRASTRUCTURE INITIATIVES

(Response to question raised by the Honourable Larry W. Smith on February 1, 2018)

The *Investing in Canada* infrastructure plan is providing more than \$180 billion over 12 years for infrastructure projects across the country.

The plan is investing in five key priority areas: public transit, green, social, trade and transportation, and rural and northern communities' infrastructure. We will be investing \$33 billion in funding through bilateral agreements with the provinces and territories, which we expect to have signed in spring 2018.

To date, under all of its funding programs, Infrastructure Canada has supported more than 4,100 projects with a combined investment of more than \$35 billion. In addition, the Gas Tax Fund provides more than \$2 billion per year for municipalities across the country. This funding supports approximately 2500 projects each year.

The Government of Canada is using innovative approaches to deliver infrastructure funding, such as the Smart Cities Challenge. It encourages eligible communities of all sizes to adopt "smart city" approaches to solving community related issues.

The Government of Canada also launched the first ever national survey on core public infrastructure which will provide the first national picture of the country's infrastructure. The survey results will help to provide a measure of the impact of public infrastructure investments.

The Canada Infrastructure Bank (CIB) is a new tool designed to work collaboratively with public and private sector partners. The CIB will advise on potential projects that could generate revenue and are in the public interest. The CIB is now open to receiving proposals engaging with stakeholders on infrastructure projects across Canada.

TRANSPORT

PORT OF MONTREAL

(Response to question raised by the Honourable Claude Carignan on February 1, 2018)

Canada's ports, including Canada Port Authorities, are an essential element of the country's transportation system, and are key to the critical supply chains that link Canadian firms to global markets. The Montreal Port Authority is an essential component of Canada's marine system.

The government is committed to protecting the environment and implementing the Species at Risk Act. The Port of Montreal Expansion Project is currently undergoing a rigorous environmental assessment, a process based on scientific evidence and extensive consultations with Indigenous peoples and the public. Construction and operation of the project's new terminal could affect the critical habitat of Copper Redhorse and the western Chorus Frog, two species respectively listed as endangered and threatened under the Species at Risk Act. Activities may be permitted under the Species at Risk Act as long as they meet certain conditions, most particularly, that mitigation measures are implemented and activities do not jeopardize the survival or recovery of the species. Should the environmental assessment determine that the project can proceed to the regulatory phase, Fisheries and Oceans Canada and Environment and Climate Change Canada will consider applications for authorizations under respective legislation, including the Species at Risk Act.

No decisions have been made at this time.

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

CANADA SUMMER JOBS PROGRAM

(Response to question raised by the Honourable Norman E. Doyle on February 8, 2018)

Employment and Social Development Canada (ESDC)

The Canada Summer Jobs program provides valuable work experience for tens of thousands of young Canadians across the country.

As in previous years, churches, religious and faith-based organizations were encouraged, welcome and eligible to apply.

Applicants are not asked to provide their views, beliefs or values as these are not taken into consideration during application for the program.

Faith-based groups are required to meet the same eligibility criteria as any applicant to CSJ 2018. CSJ applicants will be required to attest that both the job and the

organization's core mandate respect individual human rights in Canada, including the values underlying the *Canadian Charter of Rights and Freedoms*, as well as other rights.

It is not a new requirement for applicants to outline their organization's mandate and the key activities of the proposed job. As outlined in the Supplementary Information available on the ESDC's website, the core mandate is the main activities undertaken by the organization. Applicants have always been required to provide a description of the roles and the responsibilities of the job to be funded by the Canada Summer Jobs Program. As stated in the Applicant Guide, the job must be approved by Service Canada. This, too, is not a new requirement. Through the attestation, we are ensuring that applicants are both aware of and comply with the new eligibility requirement.

This change helps to ensure that youth job opportunities funded by the Government take place in an environment that respects the rights of all Canadians.

TRANSPORT

HIGH-SPEED RAIL

(Response to question raised by the Honourable Leo Housakos on February 14, 2018)

The Government understands that intercity passenger rail has an important role to play in meeting the mobility needs of Canadians and is developing the best approach to deliver a safe, secure and reliable passenger rail service in Canada. Budget 2018, in addition to previous funding in Budget 2016, provided to Transport Canada \$8 million over three years for an in-depth assessment of VIA Rail's high frequency rail proposal for the Quebec City – Windsor corridor.

These funds will allow for necessary technical and economic analysis to ensure a decision is taken on the basis of clear evidence.

The Government will take the time necessary to determine the best approach to delivering a safe, efficient and reliable intercity passenger rail service in Canada while also delivering on Transport 2030's key principles, including providing travellers with better choice and improved service.

INTERNATIONAL TRADE

BOMBARDIER INC.—SALE OF AIRCRAFT TO IRAN

(Response to question raised by the Honourable Linda Frum on February 14, 2018)

International Trade

Following internal consultations and an extensive preliminary search, Global Affairs Canada determined that it has not to date had any communication with Bombardier

regarding a sale of at least ten CRJ-900 regional jets to the Islamic Republic of Iran. As such, Global Affairs Canada does not have any of the requested details to provide.

ORDERS OF THE DAY

CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT CANADA NOT-FOR-PROFIT CORPORATIONS ACT COMPETITION ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Cormier, for the third reading of Bill C-25, An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act, and the Competition Act, as amended.

Hon. Claude Carignan: Honourable senators, allow me to say a few words at the third reading stage of Bill C-25.

First, I want to thank Senator Wetston for his work on this file. He did a fine job explaining the nuts and bolts of the bill, so I will dispense with rehashing the content of Bill C-25. However, I think it is important to come back to some of the comments that were made during the debate, including those on the amendment proposed by Senator Massicotte, more specifically the comments made by Senators Pratte and Harder.

In his speech on the proposed amendment, Senator Pratte said, and I quote:

Bill C-25 involves the fundamental rights of thousands of Canadian women, indigenous groups, visible minorities and persons with disabilities who pursue careers in business.

I respectfully disagree.

Sitting on the board of directors of a private company listed on the stock exchange is not a fundamental right in Canada, and the absence of a standard creating positive discrimination does not mean that a neutral provision becomes necessarily discriminatory. Neither Bill C-25 nor Senator Massicotte's amendment add anything to the established principle that a private company cannot discriminate in its business relations against an individual without violating, for example, the Canadian Charter of Rights and Freedoms.

• (1500)

I would not want to enter into a major debate about what is subject to federal law or what is protected by the Canadian Charter of Rights and Freedoms as opposed to what falls under provincial law and is therefore subject to the provisions of the various pieces of legislation on human rights.

However, as a jurist, I must warn you, dear colleagues, about certain arguments that are a little too quick to claim infringement of charter rights in the context of individuals' private matters, without government action.

It is entirely appropriate for Senator Massicotte to present his amendment. It is understandable that some want to force the hand of private companies to achieve these levels of participation on corporate boards. However, that is a public policy decision for those who believe that the state can force private stakeholders to adopt certain practices or take affirmative action. It is perfectly legitimate for people to oppose such a measure, either because they oppose state intervention, do not subscribe to the desired objectives, or simply do not believe that the measure will be effective and results will be achieved.

I do not believe that we can say that we support a measure such as Senator Massicotte's amendment because fundamental rights are at issue, just as it would not be appropriate to accuse those who reject the senator's amendment of not respecting Canadians' fundamental rights and the provisions of the Canadian Charter of Rights and Freedoms.

I would also like to revisit the speech Senator Harder gave when the amendment was introduced. My friend, the Leader of the Government in the Senate, quoted me at length in his speech. Apparently he is starting to realize on which side of this chamber wisdom resides. However, I do want to clarify a few things Senator Harder said.

First of all, he brought up the subject of whether the Senate should leave it to the government to develop public policy. Esteemed colleagues, let me quote Senator Harder, who said this:

Should we exercise, as a Senate, our constitutional right to amend government legislation in the case under study today? Or would it be preferable to leave intact the government's public policy choice as enacted in this government initiative and brought forward to this chamber from the other place? I submit to you that the measured and sober course of action would be to defer to the policy choice the government has made. . . .

I do not share Senator Harder's opinion. The Senate's role is not to rubber-stamp everything the government sends us on the grounds that the Senate should not question the government's choices. The reason the Senate was created, the reason it exists to this day, is to play an active role in the legislative process.

I've said it before and I'll say it again: the Senate is not a debate society, nor is it a federal department that proofreads bills to catch technical errors. This country's Constitution says that, to become law, all legislation must be adopted by both houses in identical form; from that, we can infer that the Senate can amend both the form and the substance of a bill. These constant bids to

emasculate the Senate and reduce it to a body that rubber-stamps government policy without batting an eyelash are rather annoying.

I've also noticed that some people have a tendency to say outside this chamber that the government is pleased to have an independent Senate, but when the going gets tough, those same people say in this place that we must not go so far as to question the government's plans. To me, the fact that a bill is introduced by the government is no reason for the Senate to stand down.

What is more, Senator Harder invited us to reject Senator Massicotte's amendment because it is divisive and would exacerbate disagreements.

It seems obvious to me that some legislative measures may be contentious. Are we then supposed to debate only things that please everyone? Is it not the role of Parliament to debate the issues in a civilized manner? I don't understand that argument. To me, the fact that a motion, an amendment, or a bill is contentious is no reason for the Senate to keep quiet.

The Leader of the Government in the Senate told us that since Minister Bains had already expressed his disagreement with Senator Massicotte's amendment, we should reject it. Excuse me, Leader of the Government in the Senate, but again I disagree with how you view this role. The Constitution provides for a very simple mechanism to allow the government and all other members of Parliament to express their opinion on a measure adopted by the Senate, namely a vote.

Accordingly, although I respect a minister's right to tell us what he thinks about an amendment, I cannot accept that his decision can be final and binding and that we must follow his orders. To me, the fact that the government says that it is rejecting a measure is no reason for the Senate to stand down.

On that, for the reasons I explained during debate at second reading stage, I invite you to vote in favour of the bill as amended.

Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Dupuis, debate adjourned.)

CANNABIS BILL

BILL TO AMEND—SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Forest, for the second reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

Hon. Nancy Hartling: Honourable senators, I am pleased to rise today to speak to Bill C-45.

[English]

I also want to say happy spring to everybody today. It is the first day of spring.

I rise today to contribute to the debate on Bill C-45, the cannabis act. Thank you, Senator Dean, for your outstanding contribution and commitment to Bill C-45.

These past few weeks, I have reread many of your passionate speeches, colleagues, and it brought to the forefront of my mind the many complex and sensitive issues that are reflected in this piece of legislation.

Thank you, Senator Lankin, for your robust discussion on this piece of legislation, on the history of the war on drugs.

I have learned a lot through our debates, and I continue to learn so that I make an informed decision on this legislation.

Each of us uses our values, our knowledge, our personal and professional experiences, our beliefs and even our biases to examine legislation. Although we agree on some aspects of the legislation, there are still some contentious areas which will require more in-depth debate, research and study in our committees.

Senator Neufeld spoke about the effects on his grandchildren, and I agree with him wholeheartedly. As a grandmother, I, too, realize our decision will affect future generations. We are the elders who are making decisions for Canadians, and we make these decisions based upon all the knowledge we can glean on the subject at hand.

Today I would like to speak about two issues: first, my interest and awareness of the preparation, readiness and continued engagement with the legislation in my home province of New Brunswick as it relates to the regulation of cannabis; and, second, the merits of implementing good public policy, such as Bill C-45.

As a senator from New Brunswick, I have been actively engaged in many conversations with New Brunswickers and government officials as it relates to the legalization of cannabis. Here is some of what I have learned to date.

New Brunswick is ready for implementation. Just last week, on March 16, 2018, Royal Assent was given to four bills dealing with education, control, management, and distribution. In addition, through a request for proposals by the provincial government, it was confirmed in October 2017 that NB Liquor was chosen to be the official retailer of cannabis in New Brunswick.

The province's goal is to open 20 stores in 15 communities. But every store will need to meet specific regulations, such as the necessity to be at least 300 metres away from schools, products must be displayed under glass, customers will need to show identification to prove they are of legal age before they can enter the premises, and there will be no window displays or product advertising.

• (1510)

On October 25, 2017, the Honourable Cathy Rogers, New Brunswick's Minister of Finance, stated that the province has consulted with jurisdictions that have already legalized the sale of cannabis and that the province is following their advice to start with tight government oversight, for example, strictly controlled sales. This will be done to ensure that cannabis stays out of the hands of youth and criminals.

New Brunswick has chosen 19 as the legal age for the purchase, possession and consumption of cannabis. This corresponds with the legal age to purchase alcohol and tobacco. Nineteen was also the age recommended by the New Brunswick Working Group on the Legalization of Cannabis. New Brunswick Minister of Health, Benoit Bourque, stated:

We recognize there are concerns by some for setting the legal age at 19. This is why we are committed to targeting our education to those most at risk, such as youth. As we move forward with this legalization, we will continue to work with all partners on ensuring children, youth and at-risk adults have the necessary information to make informed decisions around cannabis consumption.

From my perspective, increasing revenues in our province, like other provinces and territories, is a desired goal. However, I do not believe we should be legalizing simply for increased revenues.

Already we can foresee some positive economic outcomes for New Brunswick. The union representing the current 500 liquor store employees anticipates that legalization and having NB Liquor as the retailer will lead to more stable, unionized jobs. Three producers have already been approved and have started investing in our province through job creation. One of these producers is collaborating with the New Brunswick Community College to offer a 12-week cannabis cultivation technician program, designed to develop an understanding of all aspects of the cultivation of this plant.

The most recent provincial budget has estimated \$7.2 million in revenue from the sale of cannabis, 2 per cent of which will be reinvested in an education and awareness fund. This fund will be known as the cannabis and education fund and it will be directed by a provincial cannabis advisory committee. The committee, which is currently seeking nominations for appointments, will advise the Minister of Finance on how best to spend these funds in the development and implementation of education and awareness programs, policies and research projects related to cannabis, including such things as its responsible use, prevention of abuse and strategies for the reduction of the adverse health effects.

As a professional social worker and mental health advocate, I am listening carefully to the citizens of New Brunswick, including many who work at the grassroots, as to how legalization will impact this sector. Good public health policy is imperative, along with collaboration from all levels of society and government, to ensure this legislation is adhered to and has the opportunity to grow and be adapted as needed for many years to come.

Through my literature review, I discovered a body of work by Dr. Rebecca Haines-Saah, Assistant Professor, Department of Community Health Science, Cumming School of Medicine, of the University of Calgary. Dr. Haines-Saah is a trained health sociologist, focusing her research on adolescent mental health and substance use through a critical public health policy lens. Her research is important to this legislation as it prioritizes harm reduction, social justice and the lived experience of persons that use drugs and/or live with mental illness.

Her current research focuses on the use of cannabis by youth and the public health policy implications of cannabis legalization in Canada. Dr. Haines-Saah has also stated that she supports matching the legal age for cannabis with provincial standards for alcohol consumption as setting different ages may send a message to youth that alcohol is safer, which it isn't. She could be an ideal witness at a committee as she has a wealth of information on this subject.

In closing, let me reiterate that we must ensure there is a continued commitment to ongoing research, which will enable us to more fully understand the impacts of early usage. Likewise, providing awareness and education to the general public, and specifically Canadian youth, should be a priority on the potential risks of consuming.

I also would add that I take this issue very seriously and want to continue learning as much as possible as we move towards approving this piece of legislation. Legalizing cannabis is a significant policy change, and I am pleased that we have decided to take the needed time to thoroughly examine all aspects of the bill.

Hon. Denise Batters: I rise today to speak to Bill C-45, the Trudeau government's plan to legalize marijuana. If the aim of this bill, as the government repeatedly states, is to keep marijuana out of the hands of children and to protect the health and safety of Canadians, this legislation will fail spectacularly on both fronts. By rushing to pass this legislation by the summer, the Trudeau government is neglecting to provide adequate infrastructure and planning prior to legalization. At best, this will result in a bungled and disastrous implementation, but at worst, and I believe most likely, this will risk the health and safety of Canadians, and particularly our youth.

As we consider the Trudeau government's marijuana legislation, the foremost question senators should ask themselves is why? Why are we doing this? Why legalization? Why now? The answer to that is fairly straightforward. The Trudeau government is doing this now to try to curry favour with voters, especially young voters, in the next election. And they have chosen legalization rather than decriminalization because under a legalization regime, the government will profit monetarily from the tax revenue the industry will generate. It took the Trudeau government seven months to strike a task force whose aim was not to consider the best approach to drug regulation but, rather, to only determine how to implement the rather extreme campaign promise of marijuana legalization.

Make no mistake, honourable senators. Legalizing marijuana will make Canada a total outlier internationally. The only other country that has implemented a full legalization regime is Uruguay. Is this really how we want to demonstrate leadership on the world stage?

It's curious that among the litany of broken Liberal election promises, the Trudeau government has chosen the legalization of marijuana as the sole election promise it is committed to keeping. Driven by a self-imposed, artificial political deadline of implementation by this summer, the Trudeau government has hastily assembled Bill C-45 and its companion impaired driving legislation, Bill C-46. Both bills are shoddily constructed and raise a myriad of unanswered questions that will lead to unintended and devastating consequences.

Why is this government hurtling headlong into uncharted territory? For the Trudeau government, what is politically expedient will always trump common sense.

Canada is just not ready to implement the Liberals' marijuana legalization scheme. Our provinces, our municipalities, our law enforcement, our health care system, our legal system — all have told this government that Canada is just not ready. They need more time, more training, more education, more research, more infrastructure and more funding to ramp up to handle a societal change of this magnitude. Yet the Trudeau government is wilfully blind to all of this.

We should have learned from jurisdictions like Colorado and Washington, who have already implemented marijuana legalization. They are very clear — making such a significant policy change requires defining a clear purpose, taking the time to properly implement a well-thought-out regulatory framework, and building public health capacity and executing effective, widespread education and awareness campaigns prior to legalization. Colorado had about one year to implement its regulatory structure, and they suggested that even that timeline was too aggressive. We don't have even nearly that long.

This government wants this legislation to pass by the summer, giving retail businesses only eight to twelve weeks after that to get ready to sell marijuana to Canadians. How can we possibly expect that this will all unroll smoothly? And when it doesn't, the consequences will be disastrous. We can't put this genie back in the bottle, honourable senators.

And what is the government's justification for unleashing such chaos? They claim legalizing marijuana will decrease the drug's use by young people. The fact is Canadian teens' use of marijuana has declined significantly in the last number of years, while marijuana has remained illegal in Canada. If this is already a trend, is the legalization of marijuana necessary? Public health education has played a key role in reducing cigarette smoking among teens. Is the answer therefore increased education about marijuana rather than legalization?

The Trudeau government claims one of the most important purposes of Bill C-45 is to get drugs out of the hands of kids, yet this legislation will leave a federal legal vacuum that will allow kids from 12 to 17 years old to possess and distribute up to five grams of marijuana. Clearly, those kids won't be accessing that

marijuana legally. It may even provide an opportunity for criminals to use kids to distribute black market marijuana for them without penalty.

Further, at the same time the Trudeau government claims legalization will keep drugs out of the hands of Canadian kids, it is going to allow their parents to grow as many as four marijuana plants right in those kids' homes. I'm not sure how much more accessible marijuana could get for kids.

• (1520)

While the government may be able to control the quality and toxicity of marijuana sold via retail stores in a legalized system, homegrown marijuana, and edibles created from it, will remain unregulated. Because edibles can be of a higher potency than a smoked product and often have a delayed effect, there is an increased risk of overdose, especially for children, whether by intentional or accidental ingestion.

With no mandatory testing of environmental safety, homegrown operations present additional dangers to children within their homes. These can include the presence of mould and a 24 times greater incidence of fires in residences growing marijuana. Why, as legislators, would we knowingly put Canadians, especially Canadian kids, at that risk?

The Trudeau government's claim that this legislation is about protecting the health and safety of Canadians, and particularly children, is simply wrong. In addition to the significant risks I have already outlined, I am particularly concerned about the neurological and mental health implications of marijuana use, especially for children. Because of the effects of marijuana on the developing adolescent brain, both the Canadian Psychiatric Association and the Canadian Medical Association recommended placing the age of access to marijuana at 21, with restrictions on the quantity and THC potency for those under the age of 25.

Medical professionals have testified that increased marijuana use before the age of 25 increases one's risk of developing mental illnesses by up to 30 per cent. Studies suggest that there is a strong association between daily marijuana use and depression in young people. The Canadian Paediatric Society has noted that the risk of developing schizophrenia is doubled in heavy cannabis users. The Canadian Medical Association reports that the 9 per cent lifetime risk of dependence on marijuana almost doubles to 17 per cent when the marijuana use starts in adolescence.

When I asked the health minister why she ignored the advice of medical experts to set a higher access age in order to protect the mental health of young people, she gave me a two-minute answer without once even using the words mental health. It is a joke that this government claims they are prioritizing mental health, and yet they are legalizing this drug that has proven to have such a major impact on mental health, particularly for youth.

The health minister acknowledged that there are health risks associated with marijuana. But I asked her here, if the government knows those risks, then why are they dead set on

legalizing it? Of course the minister could not provide an adequate answer. The real answer, the one that the Trudeau government will not admit, is that they are pushing this issue for their political advantage and legalizing it for the money grab. That this government knows the risks of marijuana and is willing to jeopardize the health and safety of Canadians for its own political gain is reprehensible.

Of course, the justice minister points to Bill C-46, Bill C-45's companion impaired driving legislation, as proof of the government's commitment to managing some of the significant risks of legalization. This is pure farce. For a whole host of reasons, roadside drug testing equipment cannot adequately determine the level of an individual's impairment. Even the justice minister has had to admit that the science for roadside detection of drug-impaired driving is continuing to, as she puts it, "evolve." Do you know what that means? It means the science is just not ready.

And because the science isn't ready, that means our police forces can't be ready. How can they be when they don't even know what the regulations are and when the federal government has not even chosen which roadside device they're planning to use? We have 600 drug recognition experts in this country. To implement the legalization of marijuana, we will require an estimated 3,000, and those DREs currently need to be trained in the U.S. Yet Prime Minister Trudeau tells Canadians that marijuana will be legalized by the summer, within five months. It's preposterous.

In testimony before the house committee, the Deputy Commissioner of the Ontario Provincial Police said, "policing will not be ready to go August 1. It's impossible."

Just last week, the Saskatoon police chief said he would welcome a one-year extension to allow more time for training. But this Trudeau government forges on ahead, without listening even when our country's law enforcement and safety experts indicate that Prime Minister Trudeau's drug legalization plan is too much, too soon.

I won't focus on Bill C-46 while we're here today to discuss Bill C-45, but I do want to underscore the significant problems witnesses are telling our Senate Legal Committee are inherent in the Trudeau government's drug-impaired driving legislation.

In my five years as a senator serving on that committee, I have never heard a bill so roundly condemned as unconstitutional by so many legal experts. Canadian Council of Criminal Defence Lawyers witness Adam Steven Boni said Bill C-46 set all his Charter nerves tingling. He said:

This legislation contains so many constitutional defects that on the ground level, when it hits, in provincial courts across this country, there are going to be constitutional challenges, Charter challenges to multiple sections. Whether it's on a basis of over breadth, violations of proposed section 8 and section 9, or the minimum mandatory sentencing provisions, we are going to have a very large amount of Charter litigation.

This affects our discussion today on Bill C-45, because this Trudeau government has flashed Bill C-46 around as its public safety justification for legalizing marijuana. And that legislation has more holes than a block of Swiss cheese. The constitutional issues alone illustrate the extent to which this government's marijuana legalization scheme has been slapped together. The Trudeau government plans to push it through anyway, regardless of the implications for not only Canadians' health and safety but also their constitutional rights. This government has no business trying to ram through marijuana legalization in Bill C-45 before the safety precautions of Bill C-46 are properly fixed and implemented.

Based on Colorado's experience, we can expect drug-impaired driving to increase significantly once marijuana is legalized. The safety provisions of Bill C-46 should already be in place and working well before that eventuality.

Jurisdictions that have legalized marijuana all suggest that a cohesive, coherent and widespread public education campaign is crucial before legalization, especially for kids. Public education campaigns need adequate time to spread widely and require a lot of repetition before the public absorbs an advertisement's message, particularly on a topic as complex as marijuana legalization.

While Public Safety apparently ran a small social media campaign last November, the national Health Canada education campaign is not due for release until later this month. March is much too late, honourable colleagues. The government is promising implementation of legalization within weeks. To rush all of this for an artificial political deadline and risk the health and safety of Canadians is not only unnecessary, it is negligent.

Minister Ralph Goodale told me that the objective of legalizing marijuana is to "get rid of" the criminal black market in marijuana. RCMP Assistant Commissioner of Federal Policing Operations, Joanne Crampton, testified before the House of Commons Justice Committee that it would be "naive" to think that the legislation will eliminate it.

While the government has set the price for legalized marijuana at \$10 a gram, a recent study released by Statistics Canada indicates that the current price of marijuana averages \$7 a gram. This will likely mean that adults will purchase the more regulated, controlled-potency marijuana, while kids will opt for the cheaper, likely more potent, unregulated variety.

The Hon. the Speaker: Senator Batters, it's 3:30. The minister is available.

Senator Batters: Two minutes until I finish. Would that be okay?

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

Hon. Senators: Agreed.

Senator Batters: Kids will opt for the cheaper, likely more potent, unregulated variety still obtained through the illegal black market. Once again the government will fail in its aims to keep kids away from criminal influence and illegal marijuana.

The Trudeau government often over-promises and under-delivers. Its promises don't reflect reality. The government is trying to sell this legislation to Canadians as decriminalization and harm reduction, but they are in fact implementing legalization, which will drive up marijuana usage and its attendant social problems and risks. The normalization of marijuana and its increased availability will lead to increased consumption, especially among Canada's youth. We can expect to see increased strain on our already overburdened health care and legal systems as they struggle to handle the fallout of marijuana legalization through increased hospital visits and additional courtroom delays caused by a glut of drug-impaired driving charges and constitutional challenges.

This bill will not fulfill the aims it heralds; it will not protect the health and safety of Canadians. It will definitely not keep marijuana out of the hands of kids, and it will not eliminate the black market. Legalization of marijuana is unnecessary, given an already declining youth usage rate.

If this government intends to forge ahead with legalization, as it seems wont to do against warnings to the contrary, it is proceeding too quickly. Canada is just not ready for such massive social change, and the consequences will be disastrous. Our provinces, our communities, our police forces have all indicated that they are not ready to implement this legislation and that they need more time. The science is not ready. Sufficient research has not been done. The funding rollouts are unclear. Law enforcement is not ready, and the major nationwide public education campaign, the very thing that other jurisdictions have warned us is crucial to successful implementation, has still not been released to Canadians. A lack of foresight in planning this legislation and legalization scheme, and the Liberal government's rush to implement it, jeopardizes the health and safety of Canadians, especially our young people.

• (1530)

Honourable senators, this is too high a price for Canadians to pay simply to satisfy Prime Minister Trudeau's political ambitions. For all of these reasons, I will vote against Bill C-45 at second reading.

QUESTION PERIOD

BUSINESS OF THE SENATE

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Scott Brison, P.C., M.P., President of the Treasury Board, appeared before honourable senators during Question Period.

The Hon. the Speaker: Honourable senators, today we have with us for Question Period the Honourable Scott Brison, P.C., M.P., President of the Treasury Board and Acting Minister of Democratic Institutions.

On behalf of all honourable senators, welcome, minister.

TREASURY BOARD SECRETARIAT

CANNABIS BILL—REGULATIONS

Hon. Larry W. Smith (Leader of the Opposition): Welcome, minister.

Minister, as you know, Health Canada's public consultation document regarding Bill C-45, the cannabis act, indicated that the final regulations would not be prepublished in the *Canada Gazette*, Part I — I have the gazette here with the rules — in order to meet the government's commitment to bring this legislation into force no later than July 2018. Treasury Board's *Guide to the Federal Regulatory Development Process* lists the criteria by which proposed regulations can be exempted from prepublication by the Treasury Board minister. For example, they can be exempted if the regulations respond to emergencies that pose major risks to security or the environment or if regulations deal with sensitive matters, such as interest rate changes.

Minister, could you please explain why you granted an exemption to Health Canada to avoid prepublication of the draft regulations on this very important piece of legislation?

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and Acting Minister of Democratic Institutions: Thank you, Mr. Speaker. I am delighted to be here with you today in the Senate. It's an honour for me. I'd also like to extend my congratulations to Senator Deacon and Senator Boyer on their swearing in to the Senate today. I am confident that Parliament will benefit from their input.

I want to say on a personal note, I've spent a lot of time working with senators individually and collectively on a number of issues over the years. I value the input of senators, and I enjoy my appearances and engagement with Senate committees, where I experience firsthand the depth of experience that you bring to important public policy issues. I just wanted to thank you for your contribution.

In terms of the cannabis legislation and the role of Treasury Board from a regulatory perspective, we are working very closely with Health Canada in a rigorous way, to ensure that we put in

place a credible regulatory framework that is in fact in place by the time the law takes effect. That is very important, and we are working closely with Health Canada in that process.

I can assure the senator and in fact the entire Senate that there will be no corners cut in terms of the rigour with which we pursue this, from Treasury Board's perspective, and from the integrity of the regulatory framework, which will apply to cannabis and the implementation of the cannabis legislation.

It's important to remind ourselves from time to time that currently Canada has a very high rate of cannabis use among young people, one of the highest rates compared to other countries. The objective here is to legalize but regulate. The objective would be to reduce usage among young people in the same way that we regulate other substances, including alcohol, with a very rigorous approach. The intention is to focus on health promotion, on campaigns to warn young people — in fact, all people — of the hazards and risks of any type of consumption of marijuana or other drugs, but to focus on this in a more logical way to achieve better results and to protect young people through a rigorous regulatory framework, working with our provinces and territories.

Senator Smith: Listening to your answer, I'm trying to determine whether you've really answered the question.

It would be helpful in our study of Bill C-45 to understand the government's rationale and why it deviated from the normal standard of practice. If the normal standard of practice is to put in the preconditions, then you would think that putting in the preconditions would help in the execution because people will have a chance to think things through.

You seem to be saying, "We're not going to do it, but we're going to make sure we do it at the appropriate time." You would think the appropriate time would be well before legislation passes so that everything can be set up and try to effect what you're talking about with reduced usage. In Canada right now, you said there's a high usage of marijuana with young people. We know that, but in certain provinces the usage has gone down.

Again, the answer you seem to give is a little confusing. Would you commit to making the rationale public? If so, when will you make the rationale public in terms of the reasons why it was not done in terms of the prepublication by the Treasury Board minister? Why did you skip this step? I didn't get your answer at all. What has it done to improve the deliverable?

Mr. Brison: I thank Senator Smith for his question.

Again, Treasury Board is working closely with Health Canada. There is a consultation process to which we're adhering, and a rigorous regulatory approach will be taken. It's important that these regulations are in place prior to the law taking effect.

I think the honourable senator would agree, and I think senators would agree, that it is very important we have in place a strong regulatory framework prior to this law taking effect and would agree with the importance of working in an expedient and efficient manner, at the same time being rigorous to ensure that there is a strong regulatory framework. That's what both Treasury Board and Health Canada are absolutely committed to.

Hon. Carolyn Stewart Olsen: On a personal note, it's good to see you, minister.

I want to follow up on Senator Smith's questions because I didn't quite understand. Your own guidelines, Treasury Board Secretariat's *Guidelines for Effective Regulatory Consultations*, states:

In some (limited) circumstances, an exemption from pre-publication may be granted.

I'm sure that you know — or if you don't know or didn't know, you probably know now — that many of the questions we have in this chamber probably could have been alleviated had we seen a good comprehensive overview or draft of the proposed regulations.

So, minister, was the government's July 2018 deadline for the legalization of marijuana considered reason enough to evade the proper regulatory process? Was the arbitrary deadline the basis for the exemption that you granted Health Canada for the suspension of the publication?

Mr. Brison: Again, I thank the honourable senator for her question. I would also assure her that in terms of a rigorous regulatory framework, including public engagement, both Treasury Board and Health Canada will ensure that we take the necessary steps to put in place strong regulations prior to the act actually taking effect and prior to any distribution of cannabis. This is important.

• (1540)

Again, the objective of this legislation is to legalize and strictly regulate the distribution of cannabis. Right now, I am told that it is easier in a school to obtain cannabis than it is alcohol, that in fact the regulatory framework around alcohol is actually more rigorous in terms of its ability to prevent access for young people.

If you look at other jurisdictions, if you actually treat this as a health issue, an addiction issue, and if you deal with issues of mental health and addiction, and if you actively promote the risks of any type of substance abuse or use and the risk of addiction, you can actually reduce consumption and have a greater impact than if you treat this purely as an issue of criminal justice.

We believe that this is an evidence-based approach that will work and achieve better results in Canada. Again, we have a very high level of marijuana usage among young Canadians today. We believe we can do better, and we are guided by examples from other countries and we are partnered now with provincial and territorial governments to move forward with this. Treasury

Board is working very closely with Health Canada to ensure that the regulatory framework will be strong and will be one in which Canadians can have confidence.

ACCESS TO INFORMATION

Hon. Joseph A. Day (Leader of the Senate Liberals): Minister Brison, thank you for being here. I have a question that relates to your responsibilities under the Access to Information Act.

One of your top priorities is as follows, and appears in your mandate letter:

Work with the Minister of Justice to enhance the openness of government, including leading a review of the *Access to Information Act* to ensure that Canadians have easier access to their own personal information, that the Information Commissioner is empowered to order government information to be released and that the Act applies appropriately to the Prime Minister's and Ministers' Offices, as well as administrative institutions that support Parliament and the courts.

That's in your mandate. This echoes a promise in the government's election platform, which read: "We will ensure that access to information applies to the Prime Minister and ministers' offices. . ."

Now Bill C-58 has been introduced, which is your government's overhaul of the Access to Information Act. There have been some concerns, including from Beatrice Britneff at *iPolitics*, where she wrote on November 4 of last year:

A major sticking point is the fact that the bill does not open up the prime minister's office and cabinet ministers' offices to Access to Information requests — which was a promise the Liberals made on the campaign trail two years ago. Instead, the bill requires that these offices regularly publish documents such as briefing notes, government contracts and travel and hospitality expenses.

As the minister responsible, Minister Brison, could you explain the government's rationale for not following through with this particular election promise so that the public can better know why?

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and acting Minister of Democratic Institutions: Thank you very much for that question.

First, in terms of order making power, we are providing the Information Commissioner with order making power when the Information Commissioner demands that information be provided by a department or agency. The department or agency will have 30 days within which to provide that information or to challenge the Information Commissioner's ruling in court and ultimately the decision will be made by a judge. That is the first time in the 34-year history of the Access to Information Act that the Information Commissioner will actually have genuine order making powers. That is a significant step forward.

In terms of the application of the Access to Information Act appropriately to ministers' offices and the Prime Minister's Office, we are actually expanding the act through proactive disclosure not only to ministers' offices and the Prime Minister's Office but from the ports to the courts across government, in fact to about 240 agencies of government.

In terms of the commitment that we've made to be open by default, proactive disclosure is actually very consistent with open by default. Simply putting the information out there on an ongoing basis, some of which has been provided to the public by proactive disclosure in recent years, has simply been provided based on practice but hasn't been codified into law. I'll give you some examples.

The proactive disclosure of ministers' expenses, which was actually started under Paul Martin's government in which I served, has been a practice but has never been part of a law. So a government could actually stop doing that without having to change the law. It hasn't been codified yet.

In our government the Prime Minister made mandate letters public, which actually was a profound change, making ministers not only accountable to the Prime Minister but more accountable to Parliament broadly and also to Canadians for our mandate commitments. That was a significant step forward. Again, it's a practice and it has not yet been codified in law.

Bill C-58 takes some of these practices of proactive disclosure, puts them into law and makes them very difficult for any future government to withdraw from or rescind. I think that is extremely important.

In terms of further uses of proactive disclosure as we move forward, I believe that any area of the demand-based system wherein we see a significant growth in the demands, that acts as a trigger to our government and future governments to actually move those areas into the area of proactive disclosure.

If the access to information system is bogged down by a very high volume of requests in a particular area, that acts as a signal to us that we should consider moving that from the demand-based system into proactive disclosure.

Further, in terms of the application to ministers' offices, it is not just on ministerial expenses. You also referenced briefing materials. Briefing materials to new ministers, to ministers before they appear before parliamentary committees, will all be proactively disclosed. This is a significant step forward but we view it as an evergreening process that the Access to Information Act should be improved on an ongoing basis. That's why we're putting in a mandatory review of the Access to Information Act every five years, with the first review commencing within a year of Bill C-58 receiving Royal Assent. What we don't want is the act to become as dated as it has become. We're the first government in 34 years, since the introduction of the Access to Information Act, to actually be taking action to modernize it.

I would also say that the genesis of access to information in Canada, and the regime of access to information, is something in which both Progressive Conservatives and Liberals should take significant pride because the first movement on access to information was made by the government of Joe Clark in 1979. It

was the Liberal government of Pierre Trudeau that moved forward with the Access to Information Act in 1983, but this is the first government that is actually taking that important work to actually move forward with a significant updating.

I think the order making power for the commissioner is actually a game changer. I met with the new commissioner this morning. I had a very constructive meeting with her. Access to information is part of open government broadly and part of our digital government agenda. It's something with which we're very much seized and in which we have great interest. I know that in the Senate there's a great deal of understanding of this. We look forward to engaging further on the act.

• (1550)

I believe that Bill C-58 is a significant step forward.

The Hon. the Speaker: Excuse me, minister, but I'm going to interrupt you. We have a long list of senators who wish to ask questions.

BLIND HIRING PILOT PROJECT

Hon. Ratna Omidvar: I'll move on to a different question, minister. Thank you for being here.

Your department, along with the Public Service Commission, implemented a pilot project for understanding the depth of bias in terms of names and resumés. You implemented a blind hiring pilot project to understand the depth, scope and scale of discrimination and bias in the federal public service and found that there was no bias.

However, your department itself has acknowledged that there were issues with the methodology. First, the hiring managers who were recruited for this project volunteered. I would suggest that creates a certain lack of purity, if I can use that word. The second is that the hiring managers made their decisions knowing that their decisions and the comparative results would be subject to review.

Minister, your office has acknowledged these issues. I am wondering what your next step will be. Will more work be done on this issue? The pilot project, I would submit, was not adequate.

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and acting Minister of Democratic Institutions: I very much appreciate that question. It plays to a core value of Canada and our government and our public service, and that is diversity and inclusion. We are stronger and we make better decisions as governments when we have more diversity in decision-making rooms. That goes for cabinets and committees. It goes for the public service.

I hear the argument made for more diversity in terms of the presence of individual groups and ethnocultural minorities. In fact I have heard it made for women. For instance, the argument made for more women in decision-making roles is that it's good for women. Well, that's actually the wrong argument. The right

argument is that you get better decisions when you have a greater diversity of perspectives in decision-making rooms. I witness that in a very diverse cabinet on an ongoing basis.

The objective of the Treasury Board, as the employer of the public service working with the Public Service Commission, with the name-blind hiring pilot was to actually try within the government to apply name-blind recruitment approaches to discern whether or not we can see bias within hiring practices in the Government of Canada.

I appreciate very much you pointing out that there are methodological challenges in the pilot. The good news is that the pilot came back and said that they did not find, necessarily, a bias or discriminatory hiring practices within the Government of Canada. On a positive note, what that speaks to is that there is an effort, I believe, within the Government of Canada on an ongoing basis in our recruitment and hiring practices to actually ensure that we have a strong representation in terms of employment equity categories. So I think there is a proactive effort made within the Government of Canada on an ongoing basis. But I do believe that there are methodological issues within that pilot.

I have said to my department, Treasury Board, as a central agency and the employer of the public service, that I want to actually continue to apply the name-blind hiring pilot and to potentially apply it in departments or agencies wherein there is less diversity, to apply it in certain departments and agencies and in regions, to actually continue to work to this.

Because if you look at name-blind studies that have been done in other countries and jurisdictions, including one by the University of Toronto, they did find that when you hide somebody's name, it does have an impact on whether or not they get a job interview or whether or not they end up being considered fully within the recruitment process. In Canada, a person's name should not prevent them from having an equal shot at employment with their government.

So again, the pilot came back. It was one pilot. It came back with saying that they did not discern a bias. That is fine, but you're right to recognize some methodological issues. We intend on continuing to work to further test this and to take a look at the application of name-blind assessments in other areas because we need to be rigorous on this.

The other thing in terms of this name-blind recruitment pilot is I believe very strongly that governments ought to experiment with new approaches. When you do that, you'll find sometimes that you get the result you expected and other times you will get a totally different result, which is inherent in experimentation.

I want to see, as government and as ministers, that we encourage public servants and that we are open to trying new things, learning from those experiences on an ongoing basis and replacing a culture of risk aversion in government in terms of trying to do things with a culture of experimentation.

Pilots and trying something new as opposed to a monolithic approach across government actually help inform a better public policy. This kind of pilot approach is something that I think we should encourage. We should learn from each of these pilots and then move forward with better public policy.

The Hon. the Speaker: Senator Boniface, I'm going to call on you next, but I would ask senators to keep their questions a little more terse so I can ask the minister to keep his answers a little more terse.

ACCESS TO INFORMATION

Hon. Gwen Boniface: Minister, I know that Bill C-58 is an important piece of legislation that promises to bring about major reforms.

Minister, the Assembly of First Nations in its special chiefs assembly held here in October in December 2017 passed a resolution calling for the government to withdraw Bill C-58 due to its unilateral creation without consultation with First Nations.

What's more, in October 2017, 21 claims research groups from across Canada made a formal submission to the committee studying the bill in the other place. Their submission, endorsed by over 20 First Nations and tribal councils, several Indigenous and like-minded organizations, was ignored as were the recommendations they outlined in their testimony before a committee last June.

Will the government commit to undertaking meaningful consultation with First Nations and give the recommendation received from the national claims directors every consideration in order to ensure that Bill C-58 delivers First Nations the core informed right of access to information?

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and acting Minister of Democratic Institutions: Thank you very much for the question. It is a critically important question because there is no relationship more important to our government than that with Indigenous peoples in Canada.

In fact, in the original legislation there was concern expressed by Indigenous leaders and First Nations that the legislation had the potential to prevent departments or agencies from responding to certain questions based on the notion that the questions or the demand for information were too general.

We responded to that and accepted amendments in the other place to in fact ensure that there is absolutely no ambiguity, that just because a request is general is not a reason for a department or agency to refuse a response to it.

That was addressed in the other place through the amendment process. I have spoken to Chief Bellegarde about this and provided assurances that we listened to the concerns expressed by Indigenous leaders and that we took that into account. Again, the amendment process in the other place addressed this specific issue.

POLITICAL FINANCING

Hon. Linda Frum: Minister Brison, last week the Public Policy Forum published a report titled *Transparent and Level: Modernizing Political Financing in Canada*. This is a thoughtful, non-partisan report on the challenges facing Canada's electoral financing system in 2018.

• (1600)

The concerns expressed in the Public Policy Forum report echo those found in the Senate's Legal and Constitutional Affairs Committee study on these issues in 2017. The very first recommendation the report makes is to allow only eligible voters to make political contributions to political parties, candidates or third parties, thus eliminating foreign money in the process.

Minister, does your government intend to implement this recommendation to eliminate all foreign contributions for electoral purposes from Canada's electoral process? A short and direct answer would suffice.

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and acting Minister of Democratic Institutions: Thank you very much, senator. I appreciate your question. I know your legislation as well.

Clearly, in the current context particularly, we think it's extremely important to protect the integrity of our electoral system against foreign interference. We already have very robust election financing laws in Canada. Only citizens and permanent residents can actually contribute to political parties or candidates, and penalties for breaking these rules are substantial.

We intend to review the limits on the amounts that political parties and third parties can spend during elections, and to propose measures to ensure that spending between elections is subject to reasonable limits as well.

I've reviewed some of the recommendations from the Public Policy Forum as well. These are welcome contributions, and I appreciate your contribution as well, senator. These are being considered on an ongoing basis.

Political financing is part of this, but there are other ways that international organizations can participate in or potentially thwart electoral outcomes in Canada. The issue of cyber-threats is another area that is really important and that we're taking seriously. In fact, we're working with CSIC, and CSIC has done a thorough analysis of our cyber-threat environment in terms of the Canadian electoral process. But this is a whole-of-government approach and of course a whole-of-Parliament approach in terms of engagement, which is why we appreciate your contribution.

The Hon. the Speaker: Sorry, Senator Frum. We have an agreement, with the exception of leaders who can ask one supplementary question. Because we have a long list of senators who wish to ask questions, I'll put you down for second round if we have time.

[*Translation*]

PUBLIC SERVICE COST SAVING MEASURES

Hon. Claude Carignan: Minister Brison, last year's federal budget promised, and I quote:

[Senator Frum]

In 2017-18, the Government will begin a comprehensive review of at least three federal departments . . . with the aim to eliminate poorly targeted and inefficient programs, wasteful spending, and ineffective and obsolete government initiatives.

The government also promised to report on the progress of those reviews in Budget 2018; however, this year's budget includes nothing on that.

Minister Brison, some media outlets recently asked your office for a progress report on this, and the answer was surprising: there are no cuts to be made. Quite the opposite, as you identified new expenditures for the Canada Border Services Agency and Health Canada.

This situation is a clear example of your government's lack of will, which would explain the \$18-billion deficit. How could a review meant to eliminate wasteful spending result in the approval of new expenditures worth millions of dollars? Do you truly believe that nowhere in the entire public service could some money be saved? Not even a buck or two?

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and Acting Minister of Democratic Institutions: Thank you for the question. Our government continues to work to ensure that taxpayers' money is used wisely to deliver results for Canadians. I am working with my colleagues to ensure that all departments advance the priorities of Canadians while also maintaining sound financial management.

The reviews announced in Budget 2017 target departmental activities and will help us make sure that these programs are addressing Canadians' priorities in order to guarantee them maximum value for their taxpayers' dollars.

[*English*]

We are working across government on an ongoing basis to ensure the best value for taxpayers and, at the same time, the best results for Canadians. Working across government, Treasury Board helped lead a major review of innovation, and we found that there are ways to create a more responsive system in terms of supporting innovation across Canada. We reduced the number of programs of innovation from, I believe, around 80 to 30, making it simpler for everyone from universities to businesses to participate and receive funding for innovation.

This work will result in better results in terms of a more innovative Canadian economy and also more efficient government.

But on an ongoing basis, the review process that the senator has referred to is one that we take very seriously at Treasury Board. Our government does. We're working closely with Finance as well.

But one thing we will not do is make irresponsible cuts, as the previous government did. On the eve of an election, they cut \$70 million from the pay system, which resulted in the reduction of 700 pay advisers, effectively gutting the legacy pay system before the new pay system was even implemented. Now, that has

resulted in the need to invest hundreds of millions of dollars to try to fix that pay system; and beyond that, the abysmal situation where good public servants—hard-working public servants—are not being paid on time or accurately. There are responsible reviews that we are conducting, but we will not cut irresponsibly and hurt Canadian public servants in the process.

EMPLOYMENT IN ATLANTIC CANADA

Hon. Percy E. Downe: After the 2015 election, I wrote the members of Parliament from Atlantic Canada, highlighting the deterioration of federal employment in the region. For colleagues' information, between 2008 and 2017, 1,513 federal public service jobs were eliminated in Atlantic Canada. During the very same time frame, federal public service jobs in the Ottawa area increased by 4,942.

Minister, as you're aware, historically, one third of the federal public jobs were in Ottawa and the rest, two thirds, were spread across Canada. Since 2000, that percentage changed from 36.4 to 42.2 in 2016.

After I wrote that letter originally, the Atlantic MPs invited me to talk about options and what the government could do, and I believe, minister, you were at that meeting.

I followed up two years later, in the fall of 2017, where I indicated that the pace had slowed considerably, but still 100 jobs were lost in the region. Again at the same time, 2015-17, federal employment in the greater Ottawa area increased by over 3,100 jobs.

As you know, this chamber is responsible for regional concerns, and this is a concern not only for the region of Atlantic Canada but the regions across Canada. The concern about the \$900 million in lost wages over the last 10 years is significant, with those federal government jobs no longer in the region. As you know, the economy of Atlantic Canada doesn't depend on federal government jobs, but meaningful economic development can only come from a healthy, balanced economy that respects and welcomes the role of a very robust private sector.

Considering the Government of Canada is the largest employer in Canada and the concentration of jobs continues in the National Capital Region, what steps are you and the government taking to address this problem?

• (1610)

Hon. Scott Brison, P.C., M.P., President of the Treasury Board and acting Minister of Democratic Institutions: Thank you very much, senator. I appreciate your question. As you know, this is an area in which I have a tremendous interest. I've been given the honour of serving the people of Kings—Hants, but broadly, Atlantic Canada, since June 2, 1997.

I believe very strongly that there are opportunities not just to create more jobs in regions in terms of government departments and agencies. That as an end in itself is meritorious, but I think, for the same reason we discussed earlier, the idea of diversity in decision-making bodies and government agencies leads to better

results. I think putting decision makers closer to the people and resources affected by their decisions can also create better outcomes and better decisions.

I think information technology today, and digital technology, gives us more ability to decentralize than we've ever had before, and I think we can do it responsibly. I think when we see new agencies and new departments and new growth within the public sector in particular areas, and particularly new organizations, come to Treasury Board, it's a great opportunity for Treasury Board to actually push departments and agencies each time in terms of why those jobs have to necessarily be here in the National Capital Region. Is there an opportunity potentially to consider other regions?

Treasury Board ministers and Treasury Board Secretariat are working together now, along with other ministers, to develop a policy framework whereby we can, on an ongoing basis, as departments and agencies, look to regions as opportunities to increase our investments and public service representation.

I can also say that when I was part of Paul Martin's government, we made a significant investment in modernizing the superannuate Pension Centre in Shediac, New Brunswick, and that is one of the finest pension centres or call centres that the Government of Canada operates anywhere. I'm proud we made that investment, and I'm proud of the work they do every single day.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm sure honourable senators would like to join me in thanking Minister Brison for being with us today.

ORDERS OF THE DAY

CANNABIS BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Forest, for the second reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

Hon. Ratna Omidvar: Honourable senators, I rise today to speak on Bill C-45, but like Senator Hartling, I will choose to start on a lighter, more celebratory note. Today is March 21, Nowruz Mobarak, in many parts of the world. Today is a very big holiday, and I wish it was here, but that's a matter for another day.

I want to thank Senator Dean, who has done such an outstanding job in bringing us so far, and all the senators who have weighed in on this debate with such fervour and such

excellent research. I hope all of these questions that have been raised today and will be raised today and tomorrow will be addressed at committee.

Like Senator Lankin, I would like to start with history, because, like many other things, Canada's relationship with cannabis has not been static; it has evolved over time, as recently as in 2011. The previous government amended the Controlled Drugs and Substances Act to bring in sweeping penalties in the form of mandatory minimum sentences.

But I'd actually like to go further back in history to the early years of cannabis legalization and the groundwork of prohibition that was laid in the 1920s. To a large extent, it was based on misinformation, mythology and simply wrong facts. For instance, the Los Angeles police chief said, and he was not challenged:

Addicts to this drug, while under its influence, . . . become raving maniacs and are liable to kill or indulge in any form of violence to other persons, using the most savage methods of cruelty without . . . any sense of moral responsibility.

We know that this is not true, but I also found very significant and disturbing expressions of racism in the debate. A Canadian book called *The Black Candle* talks about the "negro" drug peddlers and Chinese opium dealers of "fishy blood" that are out of control.

A year after this book, *The Black Candle*, was released, Canada outlawed cannabis. I raise this because we should know some of the origins of this debate and about the sentiments that have permeated this debate for close to 100 years with its overriding stereotypes about the users and consumers of cannabis.

These stereotypes continue to dominate much of the perception and the discussion even though government commission after government commission, here in Canada and around the world, has debunked these myths. In fact, our former colleague Senator Pierre Claude Nolin in his 2002 report pointed out that:

Early drug legislation was largely based on a moral panic, racist sentiment and a notorious absence of debate

In the 95 years since cannabis has been outlawed, what has been the impact? Ken MacQueen says this is:

. . . a Canadian law that has succeeded in criminalizing successive generations, clogging the courts, wasting taxpayer resources and enriching gangsters, while failing to dampen demand for a plant that, by objective measures, is far more benign than alcohol or tobacco.

Honourable senators, today, in 2018, we are on the brink of legalizing cannabis consumption. It is fair, then, I think, to examine and compare the impact of two different approaches: one that criminalizes cannabis possession and another that takes a health prevention approach.

I've thought about this as a transaction. The first part, in my mind, at least, is the most basic part, which is the buying of cannabis. According to stakeholders, excluding medical users because they have their own regime, most recreational consumers

of cannabis will approach a dealer. Most likely, that dealer is in some way or another connected to organized crime, since organized crime controls all of the recreational market in Canada, estimated at about \$8 billion.

So you call your dealer, you meet with them and they present you with the product. They may give you one or two options. I really don't know, but I have talked to people who do know this. There is no label on it. It doesn't have information about the THC levels; it doesn't have information about the CBD levels; it doesn't have information about what its outcome could be. Will it help you sleep? Will it give you energy? Will it help you relax? Is it laced with something else? None of this information is present in the current transaction.

Under a legal and regulated system, that transaction stands to be transformed. Under the proposed regime, the adult buying the cannabis would go to a store or an online system and have access to a bunch of information that was absent before. They have information on THC levels. They have information on potency. They can trust that it's not laced with anything. They know what the combination will do. Does it help them sleep, relax or give them energy?

I think this is an important point that may have been overlooked. Peoples under this proposed regime would have a lot more information on what they are buying and consuming. They are now informed consumers — informed consumers who can make rational and healthier choices for themselves. That is the true essence of a public health approach, which is completely different from the current system of prohibition.

I was in California last week, where it is legalized, and I took some time to go to a retail outlet in Monterey. It was located at a very busy intersection, in a mainstream kind of neighbourhood. As I entered, I wasn't alone. I was a little nervous, so I took someone with me. There were three stages of security. I was first checked at the gate and frisked by security guards for weapons or something like that. I was then asked to produce my ID. I gave my Canadian driver's licence. It was photocopied. And then they gave me a voucher that enabled me to enter the store.

• (1620)

At the store entrance, I was checked again. The voucher was checked again for validation.

The facility inside the store was actually quite unremarkable, but as I looked at the products, I noted that they were marked with 18 per cent THC and CBD, et cetera. If I had a question, as I did have, there were consumer service representatives who were able to answer that question. There were cameras all around. What I found very interesting were the customers. They were not young adults. They were mostly middle-aged men and women. By the way, this was not a crowd of people. There was a single line that operated quite efficiently.

The second comparison I would like to make is on the current suppliers of recreational cannabis, which is organized crime. The use of violence, intimidation and exploitation ultimately jeopardize our communities and our country. They don't care

what they are selling. They don't care about the health of their customer. They don't care about their age. They only care about profit.

So let's compare. In one system, organized crime has total control. In the other, legitimate producers, such as Canopy Growth, which I visited, supply regulated cannabis and provide, by the way, real jobs to communities. Under a legal system, organized crime is undercut. We are already seeing that in the U.S., in those states that have legalized cannabis. Colorado's government has said that licensed sales now meet 70 per cent of the total estimated demand, with the balance of 30 per cent being in the "grey" market of homegrown cannabis and sales.

The third aspect I wanted to compare was the criminalization of simple possession of cannabis.

Honourable senators, since cannabis has been illegal for close to 100 years, we know that thousands of Canadians have been impacted by this law. However, despite prohibition and an increase in criminal penalties under the previous government, use by all segments of the population has been steady. As a result, the numbers of people who are being criminalized has increased.

A look at the people who have been criminalized leads to a well-grounded conclusion that racialized and Indigenous communities are overrepresented in the system.

I want to bring your attention now in particular to the Black community. In my home city of Toronto, between 2003 and 2013, Toronto police arrested Black people at three times the rate of White people for minor cannabis possession. This is despite data showing similar rates of cannabis use among different racial groups. Professor Akwasi Owusu-Bempah from the University of Toronto has concluded that the enforcement of prohibition has therefore disproportionately affected racialized communities and has so led to a disproportionately high rate of African Canadians being incarcerated.

In a general way, colleagues, I think we can all understand the impact of incarceration on our lives and the lives of our families and our communities. But in a particular way, we need to appreciate and understand the intersections of race, socio-economic factors and incarceration. After being charged or convicted of an offence, African Canadians are left more or less exiled from full participation in society as gainful employment becomes even harder for them to get because of the other systemic barriers. This is because of the disruption arrest and incarceration create in a person's educational trajectory, because in many cases scholarships are not able to be accessed, jobs are not able to be accessed because employers and prospective employers often ask for criminal records, even when the job does not involve engaging with vulnerable populations. And depending on your socio-economic status and your capacity to lawyer up, there are lasting impacts.

Lawyer Anthony Morgan describes it I think best when he concludes:

The war on drugs has traumatized and destroyed African-Canadian lives and families, and by extension, whole African-Canadian communities.

Although I highlight the African Canadian community in particular, I would also say that anyone charged with possessing cannabis over the years has faced significant hurdles throughout their lives. Of particular note, of course, is the high rate of criminalization versus the high rate of criminalization on Indigenous youth, who account for 37 per cent of provincial-territorial custody admissions, which is five times higher than their share of youth demographics.

Fourth, I would like to touch on an issue that has been touched on many times, so I will keep it somewhat brief. It is the issue of youth and young adults' use of cannabis and the impacts on the developing brain.

We have heard that the brain continues to develop until a young person is 25 and that cannabis can have an impact on that developing brain. We also know that Canadian youth, in particular, are using cannabis at high rates compared to other developed nations.

I think it is hard for us to project and to read the tea leaves of what will happen, but I think we have to take a look at what the evidence tells us. The evidence from south of the border shows that liberalized laws to cannabis do not lead to dramatic increases in use of cannabis by young people. I will cite the National Survey on Drug Use and Health, where use of cannabis in Colorado dropped for young people aged 12 to 17 from 11 per cent to 9 per cent. There is a slight uptick for use from the ages of 18 to 25. In Washington State, in a survey completed by 230,000 students, it was found that for youths in Grades 8, 10 and 12, their cannabis use remained unchanged for the past 10 years.

I agree with those who say that if you take marijuana out of the hands of drug dealers and put the sales behind the counters, as I say in Monterey, where it is sold under regulation and enforcement, then you are much more likely to get asked for ID.

When it comes to the effects of cannabis on the developing brain, I will simply say that I share a lot of concerns that have been expressed and I look forward to having these concerns addressed at committee. I will cite, as Senator Hartling did, Professor Jenna Valleriani at the BC Centre of Substance Use, and Professor Rebecca Haines-Saah at the University of Calgary, who stated that:

Firm conclusions that cannabis by itself is explicitly damaging to the developing brain are difficult to assess.

Finally, I think all of this is linked to education. Education is of the most importance when dealing with cannabis. Young people, adults, older people, need to understand the impact if they consider using it.

I will remind all of us that at some point we've all been young and we've all been attracted — some of you will argue that you are still young. The allure of the forbidden has an attraction all its own. I remember my first visit to Canada as a tourist in 1974 when, at a gathering in Yorkville —

The Hon. the Speaker *pro tempore*: Senator, your time is up.

Is it agreed, honourable senators, five more minutes?

Hon. Senators: Agreed.

Senator Omidvar: I don't need five minutes, just a couple more.

I was offered a toke in Yorkville. I was frankly surprised by the numbers of people who were openly partaking of a forbidden substance. I was too bound by my upbringing to be anything other than totally horrified at the thought of partaking.

Fast-forward some 40 years later. I give my mother her prescription for medical cannabis to help her with pain from scoliosis of the spine. It is education that has helped patients like my mother consider and benefit from its use. It is education that helps me, as a caregiver, administer it to her and monitor it. It is education I believe in the same way that will help recreational consumers to be responsible for their actions and be aware of the dangers.

Honourable senators, I support this bill in principle. I support it because the current approach is not working. Many lives have been destroyed by prohibition that has permeated this issue for close to 100 years. It is time for a new approach.

The Hon. the Speaker pro tempore: Do you have a question, Senator Dean?

• (1630)

Hon. Tony Dean: If the senator will take a question, yes.

Senator Omidvar: Of course, yes.

Senator Dean: Senator Omidvar, thank you for those remarks. I'm sure they have been heard by all of us here. I know we will all be concerned about the impacts of prohibition and criminalization on racialized and Indigenous young people, as well as those ills you have described emerging from Canada's illicit market.

I have seen reference in correspondence over the last few months and in this place to the option of decriminalizing cannabis as opposed to legalizing and strictly regulating it. I wonder if you've thought about this option, particularly in light of your examination of the nature of cannabis's illicit market.

Senator Omidvar: Thank you for that question, Senator Dean.

If we decriminalize cannabis, I think we're only addressing the criminalization of consumption, and we're leaving the entire supply and production still in organized hands. That is something we have to think about.

If we want to bring cannabis out of the alley, out of the shadows, then legalization is the way to go. I was on the brink of it until I visited this retail outlet in Monterey. As I said, I was checked three times. There were cameras around. There was pretty strict regulation. I think about the pros and cons, and in the end, if we want to contain it, we must go this route because the other system has not worked.

[The Hon. the Speaker pro tempore]

Hon. Yonah Martin (Deputy Leader of the Opposition): Before we handle that, I have one question for Senator Omidvar in the time remaining.

Senator Omidvar, regarding your reference to coming out of the shadows and taking the source out of the illegal market, I'm wondering about the parallels to the industry we have already legalized, which is cigarettes. The contraband market has been increasing steadily. Today, I met with an expert who has studied this. For example, in Quebec, it has increased to 60 to 80 per cent of the market.

The illegal market exists with cigarettes. I don't understand how we expect that it will not exist with the marijuana market when we already know that this infrastructure of the illegal market exists with contraband cigarettes. That has been a big fight.

The Hon. the Speaker pro tempore: There are 39 seconds left.

Senator Martin: I would like to ask you: How can we not worry about the illegal marijuana market?

Senator Omidvar: In 39 seconds or less, I will say that I think a legal market can only be addressed through legal measures, such as regulation and enforcement.

I also know human nature. Just as Senator Downe keeps our feet to the fire on tax evasion, whenever there is a law, there is some abuse.

The Hon. the Speaker pro tempore: Senator Omidvar, I'm sorry, your time is up.

[Translation]

Hon. Renée Dupuis: Honourable senators, I rise today to speak to Bill C-45.

I would like to recognize Senator Dean for his important work collecting this information and circulating it to us, and for organizing briefings to help us understand everything behind this bill.

The idea of legalizing cannabis did not appear for the first time in the 2015 Speech from the Throne, in which the government committed to introducing legislation to legalize, regulate and restrict access to cannabis. This substance has long been consumed in a number of countries, without restrictions, for medical, ceremonial, recreational and other purposes. For over a century, countries have been debating the topics of cultivating, possessing, importing and exporting drugs.

Egypt was the first to outlaw the use, cultivation and importation of this substance in 1868, shortly after Canada became a country — 150 years ago, as we all know. Other Mediterranean countries followed, such as Turkey and Greece, which had high consumption rates for both medical and recreational purposes, as did South Africa in 1922 and Canada in 1923.

A number of these countries were active on the international stage as part of the League of Nations, the predecessor to the United Nations. As countries were drafting the Hague Convention in 1912 and the Hague opium, morphine and cocaine convention in 1924, some of these nations proposed adding cannabis to the list with the three other drugs. Cannabis was eventually added to the International Opium Convention in 1925, and exports of cannabis were prohibited only to countries where the drug was illegal. Following this, European countries passed legislation to ban cannabis.

In the 1930s, pressure from Egypt, but also from the United States and Canada, continued to push the prohibition of cannabis even further. This pressure led the UN to adopt the Single Convention on Narcotic Drugs in 1961, so named because it consolidated a number of multilateral treaties on drug control, which were adopted between 1912 and 1953. The convention states, and I quote:

[English]

“production, manufacture, export, import, distribution of, trade in, use and possession” of cannabis

[Translation]

are authorized exclusively for medical and scientific purposes.

The 2014 report by the Transnational Institute entitled *The Rise and Decline of Cannabis Prohibition: The History of Cannabis in the UN Drug Control System and Options for Reform* indicates that, since the convention was signed in 1961, more and more initiatives have been taken to authorize cannabis for purposes other than those that are strictly medical or scientific. The authors of that report spoke of “successive waves of soft defections” and “lenient policies” since the convention was signed in 1961.

In the 2006 report of the United Nations Office on Drugs and Crime, we see that a number of governments stopped treating cannabis-related activities as crimes and that the use of cannabis for medical purposes was being defended by respected professionals. The *2006 World Drug Report* claims to be the first comprehensive report on drugs at the international level. This study was carried out by the United Nations Office on Drugs and Crime because of the lack of data on drug use and trafficking. It contains a special chapter on cannabis, which is considered the most widely used, widely produced, and widely sold drug in the world. It is used in almost every country. The report states, and I quote:

[English]

The world has failed to come to terms with cannabis as a drug. In some countries, cannabis use and trafficking are taken very seriously, while in others, they are virtually ignored. This incongruity undermines the credibility of the international system, and the time for resolving global ambivalence on the issue is long overdue.

[Translation]

That is a 2006 report.

Here at home, Parliament adopted the Controlled Drugs and Substance Act in 1996. The act prohibited certain substances, including cannabis and its derivatives, whether natural or synthetic, and enshrined in federal law Canada’s obligations under international conventions prohibiting activities related to the use of drugs including cannabis.

The act gave the Minister of Health the power to exempt any person or class of persons from the application of the act if, in the opinion of the minister, the exemption was in the public interest, such as for medical or scientific purposes. Individual exemptions for dried cannabis consumption were first granted in 1999.

Beginning in the early 2000s, the use of medical cannabis was directly influenced by Canadian court rulings such as the Ontario Court of Appeal’s decision in *Parker*, which struck down sections of the bill that prohibited Mr. Parker from growing and consuming marijuana to reduce the number of major epileptic seizures he experienced, seizures that responded to neither surgery nor conventional medication. The court gave Parliament one year to amend the act. In response to the ruling, the Marihuana Medical Access Regulations came into force in 2001.

• (1640)

The Marihuana Medical Access Regulations enacted in 2013 established a regime that authorized the use and cultivation of cannabis for medical purposes by the patient or their designate and the personal production of derivatives, as well as commercial production and distribution.

In February 2016, the Supreme Court of Canada declared that sections 4 and 5 of the act were not enforceable in that they prohibited the possession of cannabis derivatives for medical purposes in the Supreme Court of Canada ruling in *Smith* and the Federal Court of Canada ruling in *Allard*.

The 2013 regulations were subsequently repealed with the passage of the Access to Cannabis for Medical Purposes Regulations in 2016 by the federal cabinet under the authority conferred by section 55 of the act. These regulations kept the personal exemptions, licences and security clearances, the dealer licences, and licences issued for growing cannabis that had been established by the previous regulations.

Several senators who spoke to Bill C-45 referred to various parliamentary studies of this issue in Canada, including the Commission of Inquiry into Non-Medical Use of Drugs — the Le Dain Commission of the 1970s — two Senate committees in 1996 and 2002, and a House of Commons committee in 2002.

Bill C-45 proposes to keep the current regime for access to cannabis for medical purposes and then to expand this authorization by controlling and regulating the production, distribution, sale and possession of cannabis for recreational purposes, as has been done to date by Uruguay, eight U.S. states and the federal district of Columbia. Note that under Bill C-45, it would still be illegal to import or export cannabis, except for medical or scientific purposes or in respect of industrial hemp.

Cannabis has been the subject of discussions, legal challenges and regulations for several decades. In other words, there has been an ongoing dialogue among the three branches of

government, the legislative, the executive and the judiciary branches. We must keep this in mind when the time comes for us, as legislators, as senators, to vote on Bill C-45.

The bill, as drafted, raises some issues, some of which worry me more than others. I urge my fellow senators who sit on the committees that will study this bill to carefully consider the three following issues.

The first issue has to do with the product itself. As we heard from the vice-chair of the Task Force on Cannabis Legalization and Regulation, who is a doctor and a professor at McGill University, cannabis is a family of drugs; it is not just one single drug. The concentration of THC, which is the psychoactive substance in cannabis, can vary drastically in different cannabis-based products.

In the 1960s, people would consume certain parts of the dried cannabis plant. Now, an almost infinite number of consumables are being manufactured from different parts of the plant. They can be smoked, drunk, eaten, applied to the body and so on, and they can contain up to 90 per cent THC. There is no consensus on a maximum limit of THC that could be considered safe, even though evidence appears to show that the higher the concentration of THC, the more powerful the psychoactive effects.

On February 14, in her testimony before the Standing Senate Committee on Legal and Constitutional Affairs, which is examining Bill C-46, dealing with operating a motor vehicle while impaired by alcohol, drugs or a combination of the two, Dr. Amy Peaire, Chair of the Canadian Society of Forensic Science Drugs and Driving Committee, stated the following in response to a question:

[*English*]

I think that they're quite right in that the potency of THC has increased dramatically over the years, whereas, in years past, you would have marijuana strains with 2 to 3 per cent THC. Now, they are regularly between 20 and 40 per cent. There's also an increasing frequency of having THC concentrates, in which the THC is extracted from the marijuana, and then you can get it to concentrations ranging from 70 to 90 per cent. This THC can be added to concentrates, vaporized, put into edibles, many different formulations.

One of the difficulties is that a lot of the scientific literature has not been able to focus on these high concentrations of THC. If you look at the literature, what's commonly referred to as high-potency THC is looking at THC concentrations up to 12.6 per cent, which really does not reflect what's out there on the market today.

[*Translation*]

I would ask my colleagues who will be examining Bill C-45 in committee to pay special attention to setting a limit on the THC concentrations allowed in authorized products.

[Senator Dupuis]

The second issue is that, for over 15 years, the use of cannabis for medical purposes has been authorized and regulated as long as the patient obtains a "medical document." That is the terminology used in the legislation. In other words, the patient must have a note or a recommendation from a doctor or nurse practitioner. The implicit message of such authorization is that cannabis can ease the suffering of adults and children with certain illnesses. Although cannabis cannot be prescribed by a doctor because it is not recognized as a medication or a treatment, its use, production, distribution, and sale are authorized and regulated under the Access to Cannabis for Medical Purposes Regulations.

Accordingly, the social message that has been sent for over 15 years is that the use of cannabis for medical purposes can be beneficial for adults and children suffering from certain illnesses. It is important to note that there are still concerns about the situation in which doctors have been placed. Rather than prescribing their patients a medication, they must often support them by providing a "medical document" to give them access to cannabis for medical purposes, even though there is no scientific evidence to back up this practice.

In fact, a number of medical associations that have had an opportunity to speak out so far believe it is inappropriate that doctors continue to authorize access to cannabis. Meanwhile, some patients' groups that spoke to the Task Force on Cannabis Legalization emphasized the beneficial effects of cannabis on managing their pain and other symptoms of their diseases.

The question then becomes what social message will be associated with expanding cannabis use for recreational purposes. Consider the example of a family doctor who has a very young patient who goes to primary school and for whom cannabis seems to ease his or her severe epilepsy symptoms. How will that family doctor explain to the older brother, who is in the sixth grade and will be going to high school next year, that using cannabis is extremely dangerous for him because his brain will not be fully developed until the age of 25?

Furthermore, the Canadian Centre on Substance Use and Addiction conducted a study with a limited number of young participants that resulted in a report published in January 2017 entitled "Canadian Youth Perceptions on Cannabis." While we need to be careful about how we interpret the results of the study, the report found a link between the perceived risk associated with substance use and real consumption rates and the fact that young people know very little about the effects of cannabis on the human brain.

The Hon. the Speaker *pro tempore*: Senator Dupuis your time is up. Would you like another five minutes?

Senator Dupuis: I would like another few minutes please.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to grant Senator Dupuis five more minutes?

Hon. Senators: Agreed.

Senator Dupuis: Thank you.

What's even more interesting is that these young people say that their decision to smoke cannabis is influenced primarily by their desire to do what their peers and their family members are doing.

The third point I want to draw to your attention is the fact that this new market, which has been regulated for a few years now, has developed in a context of illegal use, production and distribution of cannabis, in violation of the Controlled Drugs and Substances Act.

• (1650)

Organized crime is believed to control an unknown market share, worth billions of dollars. The illegal cannabis market has a grip on people in both urban and rural areas. According to data published by various countries, the hierarchical structure of this market is a pyramid, with major traffickers at the top and the minor drug dealers who sell cannabis and other drugs at local schools or parks at the bottom. Other countries are being more proactive about figuring out the structure of this market and determining the intelligence, police and financial resources needed to contain, if not eradicate, this type of trafficking.

Based on the problems reported to it, the federal government's Task Force on Cannabis Legalization and Regulation recommends, and I quote:

Review[ing] the role of designated persons under the ACMPR with the objective of eliminating this category of producer

According to testimony gathered by the task force, this network of designated persons, who produce cannabis on behalf of patients who use it for medicinal purposes, has been used to supply or buy from the illegal market.

Honourable colleagues, I invite you to take a close look at the information on the state of the illegal market and note not only its various manifestations, but also the alarming matter of how the current market that is regulated for medicinal purposes is able to divert some of what it produces to the illegal market through the designated persons system.

I will close by saying that the minister's power to establish a cannabis tracking system under Part 6 of Bill C-45 seems problematic to me. Virtually all of the stakeholders said the lack of data and monitoring is a problem and pointed to the need for a very accurate cannabis consumption tracking system. Bill C-45 leaves it up to the minister to decide whether to establish such a system. I have read the Minister of Health's report on the department's consultations. This system is essential and must be established, and I encourage my colleagues to consider this issue carefully in committee.

Thank you.

The Hon. the Speaker pro tempore: Do you have a question, Senator Saint-Germain?

Hon. Raymonde Saint-Germain: Will the senator take a question?

First, I would like to comment on the importance of providing this chamber and the public with accurate, verified information.

Earlier in the debate, someone said that the contraband cigarette market in Quebec increased after legalization. That is not true. Sales of contraband cigarettes declined, and legal cigarette sales grew. According to data from Quebec's ministry of finance, contraband cigarette sales shrank by 63.3 per cent and smoking rates went down by anywhere from 3.35 per cent to 6.1 per cent, depending on the study. I just wanted to set the record straight about Quebec, and my data comes from Quebec's ministry of finance.

Senator Dupuis, having studied the bill, do you believe that it could violate Canada's international agreements on drug trafficking and drug control if it is not amended?

The Hon. the Speaker pro tempore: Senator Dupuis, your time is up.

Senator Dupuis: Thank you.

[English]

Hon. Grant Mitchell: Honourable senators, I rise today to support Bill C-45. I know that comes as a surprise. I feel strongly about it, though. This bill addresses the failure, demonstrated over decades, literally, of the existing regime governing marijuana use in Canada. Bill C-45 will do that and, while doing that, will also reduce many of the ways in which that regime, the current one in Canada, sustains damage to individuals and to our society.

The current criminalization of cannabis sustains, if not promotes, an abated and heightened health risk for the literally millions of Canadians who use cannabis, despite the fact that today it's illegal. Second, support for organized crime and other criminal elements will be and is promoted by this current regime. The policing and court processing costs of administering this ineffective regime will be rectified by Bill C-45. The assignment of criminal records to those convicted of using cannabis currently will be rectified. And the disproportionate harm caused by the radicalized application of the current laws will also be addressed by Bill C-45.

This is a bill that the current majority government campaigned and was elected upon, reflecting a broad support amongst Canadians for legalizing and regulating cannabis, which has consistently been reconfirmed by polling.

As several have alluded to in this debate, the current laws that make cannabis illegal are so disrespected by broad swaths of our population as to make them inappropriate and useless.

At one university in Western Canada, there is what is called “Weed Wednesday” each week. Students gather by the dozens, if not by the hundreds, in an open common space in the afternoon, on Wednesdays, and smoke cannabis, literally surrounded and quietly observed by the police.

Speaking of the police, that reminds me of a conversation I had with a policeman who visited me — and I’m sure they visited a number of other senators as they do from time to time — here in Parliament. He said that in his entire career he literally never had a fight with anybody on marijuana, only with those who had been drinking.

I am in no way disputing the science that indicates that cannabis can have negative health effects on developing brains under the age of 25. A number of senators have made that point and raised this concern, and it’s one that I share. The science surely indicates that there are health effects on younger brains, as it does, as a matter of fact, for playing hockey.

In fact, the science accepted and promoted by the Canadian Medical Association also tells us that an adult male should have no more than two alcoholic drinks a day, but Canadians aren’t put in jail for having a third. So the science, while telling us that there is a problem, does not dictate any specific kind of solution. That is for public policy-makers to decide, and that’s what we’re doing here today.

There are those who continue to default to the one approach that experience clearly indicates does not work to alleviate cannabis use, that is, making cannabis illegal and imposing criminal penalties on those who are caught using it and dealing it.

For instance, in 2016, over 40,000 cannabis possession incidents were reported and 17,000 Canadians were arrested for offences, suggesting that the current system is not a great deterrent. In fact, Canada currently has one of the highest rates of cannabis use in the world — higher than some places where it is legal. Furthermore, there is a general disregard of the current law amongst Canadians, coupled with broad support for its repeal and legalization.

While there is a general acceptance that education can be effective and is necessary in reducing usage, I believe that without legalization, efforts in this regard have been impeded.

For instance, it is very difficult, if not downright risky, to speak about the use of illegal substances to children without being accused by someone of encouraging its use. Secondly, there has been a distinct dearth of education programs to this point, also suggesting an implicit belief that putting people in jail for cannabis use somehow does the trick and somehow fulfills the need to educate, as if to say put them in jail and that will teach them. As I have said, this clearly does not work.

• (1700)

Legalization and taxation will provide significantly increased funding for education and regulation. It will also allow for research that will further underscore and enhance education and regulation.

[Senator Mitchell]

The federal government had previously announced the allocation of \$46 million to education, and in the recent budget it added \$62 million. In fact, it has already started a multi-faceted awareness campaign to reduce the use of marijuana.

In addition, and this hasn’t yet become apparent, but I would expect that provinces will undertake funding of education programs, as they often do now, for alcohol and tobacco.

Experience also indicates that there is tremendous damage and risk to not legalizing cannabis use. Currently, young people and others receive criminal records, which are highly damaging to their future employment prospects and their ability to contribute at their utmost level to the economy and to society. Incarcerating somebody for cannabis puts them in a jail, where they are inevitably surrounded by hardened criminals.

Enormous amounts of policing and court resources are absorbed by the criminalization of cannabis, resources that we are all aware are under significant pressure.

Anyone buying cannabis today without a prescription, including youth, has to, by definition, interact with a criminal to get it. This dealer, this criminal, will be a person who is undoubtedly not particularly concerned with whatever contaminants may be in that cannabis. It is generally accepted that the black market in cannabis is one of the mainstays of organized crime and underscores at least some of the street violence that is endemic to it.

Once cannabis becomes legal, the government will be able to focus more aggressively on educating the public, with the goal of helping to reduce cannabis consumption.

I have seen statistics which indicate that when Canadians got serious about reducing tobacco usage, about 55 per cent of Canadians were using it. Today, it’s about 12 per cent. Education programs can work and do work.

To be sure, legitimate concerns and questions have been raised in this debate about legalizing cannabis. For instance, at what age should it be legal? Some argue that because there is science that indicates problems potentially for brains under 25 years old, an age limit above 18 or 19 would be appropriate. Implicit in this argument is the notion that somehow a person over 18 and up to, say, 25, may not have the maturity to assess the risk of this particular product. Yet people of this age are, right now, allowed to marry, raise children, buy alcohol, do extreme sports, vote and drive. We also accept and acknowledge that people of this age have the adequate judgment to join the military, the police and other high-intensity, high-risk first responder professions. These young people can be doctors, nurses, teachers, lawyers, and they are eligible to run for elected office.

It seems to me that it could be argued that it is somewhat patronizing to say that people under the age of 25 cannot evaluate increasingly available information on cannabis science to make a reasoned decision about whether or not to use it.

Will legalization deplete or remove the black market? I firmly expect it will. Most people will not choose an illegal source if a legal one is available. In fact, I expect they will be willing to pay a premium for the relief of not having to buy illegally and for the heightened quality of the legal, regulated product. For those not convinced of this, I would say the worst case is that some black market might continue, but it will inevitably be reduced and remain illegal, just as the entire market is now.

Legalizing cannabis won't make the reach of the black market any worse. I expect over time the black market will simply atrophy. I say, tongue-in-cheek, it would be quite difficult to buy hooch today, although I bet there was some of it around for a while post-prohibition.

What about pricing? The government will tax it. The government will not price it, I expect; the market will price it. Some have said that a 10 per cent tax is very low compared to the taxes on tobacco. I expect that that is designed to limit the price to some extent to ensure that the black market, in fact, atrophies.

So, honourable colleagues, I am voting for Bill C-45 at second reading and would encourage each of you to do so as well in order to get this bill to committee where the many legitimate concerns and questions that have been raised here will be considered, discussed and debated in greater detail.

The Hon. the Speaker pro tempore: Senator Mitchell, will you accept a question?

Senator Mitchell: I certainly would.

Hon. Vernon White: Senator Mitchell, I wonder if you could explain how somebody under the age of 18 could obtain marijuana in any way other than illegal marijuana.

Senator Mitchell: My first answer would be a question to your question, which is: How can somebody under 18 — who is talking here?

The Hon. the Speaker pro tempore: You are.

Senator White: I'm listening.

Senator Mitchell: I think you have to sit down.

How would anybody under 18 get anything but illegal marijuana today? But what's happening today, what's happening once it is legalized, is we will be able to address much more aggressively the education, the input, the information and the programs to direct at youth under 18 years of age in order to encourage and drive their reduction.

The reason — not now, if Senator Carignan listened to my speech — clearly, I'm happy to give it again — is that because there had been this pervasive belief that kind of put education and other programs out of our heads, and that was that somehow

putting people in jail, making it illegal, did it all. As I say clearly, we know it didn't do it, but it kind of said, "Put them in jail. That will teach them." It didn't teach them.

But now we'll have resources. We'll be able to talk about it because it is a legal substance in a way that it hasn't been, and I believe that we will get much more focused on reducing usage, just as has been the case with tobacco.

Senator White: Isn't it true, senator, that all marijuana access by someone under the age of 18 today is illegal, and all marijuana accessed by someone under the age of 18, if this bill passes, will still be illegal? I acknowledge the government could do more from an education, health care, addictions and counselling perspective. They haven't, but they could. But it will still be illegal then, like it is now.

Senator Mitchell: I know you're not arguing that we should drop the age to 12, but I am saying liquor is also illegal to people under 18. I'm not sure how you distinguish one from the other. The fact of the matter is that it's illegal for people under the age 18 to drink, and it will remain illegal for people under the age of 18 to use marijuana.

That doesn't make the situation any worse. On the other hand, legalizing will make the situation much better in many other ways.

Senator White: I'm glad you used alcohol as a reference, because at 17, growing up in Cape Breton, my 21-year-old brother would have bought me a six pack of beer, and he would have got a \$54 fine if he got caught doing that. Under this legislation, my brother would get 14 years in jail. So you've made the penalty so great, you are driving people under the age of 18 to the black market with this legislation.

Senator Mitchell: I think you're meeting yourself going the other way. On the one hand, you're saying, "I think it's really bad if youth under the age of 18 use it." On the other hand, you're saying that you think harsh penalties for people who would give it to people under the age of 18 aren't going to work, and yet at the same time you're arguing that there should be harsh penalties overall for the use of marijuana.

The Hon. the Speaker pro tempore: Perhaps Senator White should re-ask the question.

Senator White: My point is the government has given no thought to the impact of legalizing marijuana in this legislation. They're identifying the fact that this will reduce black market sales to people under the age of 18, but at the same time increase the penalty against somebody giving them it. The only place they can get it is the black market. That's my point.

It's not about whether any or parts of this legislation should pass. They have given it no thought. The only committee they have put in charge of trying to decide what they should do, their only task was to legalize marijuana, not to look at the impact, not to look at the fact that one or two countries and three or four states have legalized it and see what impact they had. In fact, they didn't even go to Colorado to ask them what they did. Instead, they went there to see how they legalized it.

My point is they haven't given thought to the impact, obviously, when they're not going to see any difference in the group they're going to target, which is under 18s.

Senator Mitchell: I see it very differently than you do, but you're in luck, because if we do, as we should, pass this bill on Thursday into committee, you can study that question to your heart's content within committee and come back and report it to us. Perhaps there will be an answer to that. But personally I don't see it that way.

• (1710)

The Hon. the Speaker *pro tempore*: Your time is up.

Senator Mitchell: Is it completely up? Thank you.

Hon. Leo Housakos: Honourable colleagues, I rise today to speak to Bill C-45, a bill legalizing the use of marijuana.

I've been deliberately quiet on this bill up until now. Not because I don't have strong feelings on the legalization of illicit drugs but because, as a legislator, it is incumbent on me to put those feelings in check and listen to the information being presented to me. I wanted to hear from experts. I wanted to hear from the ministers and from my colleagues. Now that I have, I'm more convinced than ever that this is a step in the wrong direction, if I've ever seen one.

I have listened to the sponsor of this bill and several of my colleagues. I have listened to the Ministers of Health, Justice and Public Safety. None of what I've heard has answered any of the questions a lot of Canadians, myself included, have about this bill. If anything, we seem to be left with more questions than answers.

Chief among them: How and why? Let's start with the how. How is this legislation going to do the number one thing the government says it will do — prevent young people from accessing marijuana? How? The theory is that legalizing marijuana will make it more difficult for kids to access the black market. Okay. How?

I've yet to hear an actual explanation. I've yet to hear even an attempt at an actual explanation. What I do hear a lot is that the current approach isn't working. Senator Mitchell just said that at the start of his speech. That doesn't answer my question. It does raise other questions, like how do we know our current approach isn't working? And did we look at any other approaches as solutions? I'll get to those questions shortly.

But first, how does legalizing marijuana lead to a decrease in use among youth? How do we know it does? While some people point to other jurisdictions to show a correlation between legalization and a decrease in youth usage, the science is far from

settled. A major hurdle, as we heard from the Minister of Health, Ginette Petitpas Taylor, during Committee of the Whole, is the difficulty in establishing accurate baseline statistics. As the minister stated, there is a challenge in getting accurate research on usage because of the illegality of marijuana in Canada.

The same was true for Colorado, which legalized recreational marijuana in 2012, providing a good case study for what we might expect here in Canada.

Andrew Freedman, Colorado's former director of marijuana coordination, has said:

One of the things we didn't do as well as we could have is set great baseline data. We were not measuring some of the things that were really important to us, like, how many kids were being suspended from school for marijuana? We were not measuring that, which meant we didn't have a way to know if that changed after we legalized. . . . Making sure you're measuring things that matter to you so you can change policy along the way is really important.

So have we done that here? Are we learning from Colorado's mistakes? Have we or are we doing all the research we can to improve our chances of setting accurate baseline data? Not according to Parliamentary Secretary Bill Blair, who has been stick-handling this bill through Parliament. I find it interesting that during a recent funding announcement for research, Mr. Blair said: "There is an absence of evidence that should be informing policy." That's from the government's own pointman on this legislation, colleagues.

As for any correlation between Colorado's legalization of marijuana and the rates of usage among young people, Dr. Larry Wolk, the Chief Medical Officer at the Department of Public Health and Environment in the State of Colorado, said:

What it looks like is folks who may have been using illicitly before are using legally now, and teens or youth that were using illicitly before, it's still the same rate of illicit use.

In other words, legalizing an activity doesn't mean the activity is no longer occurring; it just means it's not occurring illegally.

And it's not just Colorado. As pointed out by my colleague Senator Seidman in a question to the Minister of Health, research from around the world suggests that marijuana legalization will lead to more usage among young people. Senator Seidman cited the PLOS ONE study from 2015, which shows 38 countries where marijuana liberalization is associated with higher levels of regular marijuana use amongst teenagers. For a government that said it would always take a science-based approach, they seem to be cherry-picking research on marijuana usage to suit their narrative.

And in the case of the mother of all stats as far as this legislation is concerned, this current government can't even tell us where it comes from, never mind the methodology applied. I'm referring to the claim that Canada has the world's highest marijuana usage among young people. That is the impetus for this legislation, after all. It is the impetus for the constant pressure to pass the legislation forthwith, and it is that claim on which the government bases its argument that our current approach isn't working. However, there seems to be a great deal of confusion as to the origin of the statistic and therefore the validity of all claims originating from it.

We've been told time and again in this place that the statistic comes from a 2013 Unicef report. That reports sites Canada's Department of Justice 2008 as its source. Yet when a *Blacklocks Reporter* asked Justice Canada about the origin and methodology of the statistic, the department replied:

Given the time that's lapsed and the lack of specific context on the source, we're not sure where the 2008 statistics cited would have come from.

How can this government claim our current approach isn't working and that we need to legalize marijuana based on a statistic that doesn't stand up to the most basic of scrutiny, which is where does it come from and what methodology was used? Remember, colleagues, I asked the government leader to provide that methodology in this chamber. It's been a number of weeks, and I'm still waiting. I think for many Canadians I could probably stop right here and on that basis alone they would feel this legislation is not ready. But, colleagues, I'm just getting started.

Earlier I asked what other approaches were considered by this government, if any, or was it just legalization or bust? Senator Carignan asked the Minister of Health if her government had looked at measures implemented in Norway that have resulted in that country having the world's lowest rate of usage among young people. Wouldn't that be worth studying, worth looking at? We didn't get an answer. I would like one. I believe Canadians deserve one.

I want to go back to Parliamentary Secretary Bill Blair's research funding announcement for a moment. If this legislation is so very important that it must be passed without delay, why is this government just now making research dollars available and just now embarking on crucial research? For instance, just before we rose a couple of weeks ago, colleagues, Statistics Canada announced they would be conducting an analysis of municipal wastewater to provide a more accurate picture of non-medical marijuana use by Canadians. From their release, Statistics Canada said:

Given the difficulty in obtaining this information and the level of data required by data users, Statistics Canada is using non-traditional methods to acquire as much information as possible. One such method is the use of wastewater analysis to measure drug consumption levels in the general population.

And here's the kicker, colleagues. This type of research is not new. It's been performed in various countries for over a decade.

That leaves me shaking my head. We have a piece of legislation before us that we're being told we must pass without delay, told that the safety and well-being of our children depend on it. It is legislation that was, by their own admission, a priority of this government, and only now is this government beginning to undertake critical research? Why? See, there's the why. Why, if this is so important, would we just be doing this now? This government has admitted that there is a challenge in establishing accurate baseline data, yet here's the type of research that has been used successfully to help mitigate that challenge and we're just now beginning to undertake that study? That's irresponsible.

I mean, it's not like this government hasn't had time. As Senator Pratte is so fond of pointing out, it was a promise in their campaign platform and they've been in power for almost three years, so why are they just now undertaking research that is so crucial to this legislation?

And research isn't the only thing lagging. We heard a lot from the ministers when they were here about the importance of education and that educating young people about the dangers of marijuana use and of driving high were a major component of this bill.

While Budget 2018 announced \$62.5 million in education initiatives, this money will not start to flow until after this government's legislation timeline. Why the delay again? Why are we not seeing any education initiatives on television, radio, in newspapers and social media? Why are we legalizing marijuana before allowing some of that education to start taking place first and foremost?

Again we need to look no further than Colorado to see that this approach is ill-advised. Minister Petitpas Taylor herself said if there's one thing Colorado wished they had done differently when they legalized recreational marijuana, it is that they would have made sure that public awareness was in place beforehand. Yet when asked by Senator Smith about her government's timeline for implementing their education program, Minister Petitpas Taylor responded that they were in the process of again developing the program. That's great. They've not only not implemented it, they haven't even developed it yet.

• (1720)

Another problem: Have they followed their own task force's recommendation that Indigenous communities and elders be consulted on the design and delivery of public education? Has this government fully considered the impact this legislation is going to have on Indigenous youth in this country?

The ministers said they have consulted, and no doubt they have. However, as I sat here and listened to Senator Patterson's speech, what I heard gave me great pause. What I took away from that speech was that, much like every other aspect of this legislation, this government has done the bare minimum when it comes to preparing for the reality of its implementation. What they have done is left the lion's share of the heavy lifting to the provinces and territories. Senator Patterson made it quite clear that mayors across Nunavut do not feel like they were heard. They do not feel they are ready. They worry immensely about the young people in their communities. For a government that says it is committed to reconciliation with Indigenous people in this

country, I'm actually quite taken aback that they don't appear to be taking their concerns more seriously. In that regard, I can't help but think back and ask why. Why did this chamber refuse to have the minister of Indigenous affairs come here to testify at the Committee of the Whole?

I'm going to take the issue of education initiatives one step further and go back to the question of whether this government considered other approaches for decreasing the use among young people. As a deterrent, did this government even contemplate an approach of focusing more on education of youth about the dangers of marijuana? We have had great success with that approach when it comes to cigarette smoking. Smoking among Canadian young people has decreased thanks in large part to education. And yet public health experts, including the Canadian Cancer Society, warn us that legalizing marijuana will undermine that success because of the mixed messaging and renormalizing of tobacco use.

The topic of cigarette smoking brings me to another question raised during Committee of the Whole by my colleague Senator Carignan. Using the example of lawsuits against tobacco companies, Senator Carignan asked if this government had sought any legal opinions on the risk of class action lawsuits against the Government of Canada, suits that could result in taxpayers being on the hook for billions of dollars. The answer? No. Despite having almost three years in power, this government has not sought a legal opinion on the very real risk that comes along with the legalization of marijuana. Why? Why have they not done so? Over and over again, we keep hearing about the importance of not just passing this legislation but doing so quickly. "It's urgent," they say. Yet it is clear this government hasn't done its part to show Canadians that this legislation is the right course of action and that it is being undertaken in the most responsible of ways.

They don't have the science to support their claims that we even need this legislation, let alone that it will do what they claim it will. They began crucial research just a few weeks ago that would serve to best inform our decisions on this bill. They haven't developed — never mind implemented — an education program. They haven't sought prudent legal opinions.

And what about the impact of this legislation on those who will have to enforce it? More and more police chiefs have come out across Canada saying they're not ready. They're saying they don't have the training in place; they don't have the equipment for detection of drug impairment; they don't have the funding for the training or the equipment.

And what about the courts? We're told another benefit of this legislation is that our courts will no longer be clogged up with people fighting marijuana-related criminal charges. But, again, as my colleague Senator Batters pointed out, if anything, this legislation will result in the courts being more backed up because of the resulting impaired-driving charges.

When Senator Batters questioned the Minister of Justice about why her government chose legalization rather than decriminalization to address the backlog issue, again Minister Wilson-Raybould did not provide an answer.

Lots of questions, few, if any, answers. At the end of the day, this legislation aspires to great things but falls way short. This legislation is not ready, colleagues, and Canadians aren't really for it, not in its current form, not even close.

I started my speech today asking how. I will end it by asking why. Why are we rushing this legislation? Is it to satisfy an election promise by a government that has broken so many of them? Is it to pay for promises to come, promises of a tax-and-spend government that knows no bounds? Are we pushing through legislation to pay for this government's out-of-control spending, paying for it on the backs of our children and grandchildren?

We hear a lot about the well-being of our children if this legislation isn't passed. I am concerned about the well-being of our children if this legislation is passed.

The Hon. the Speaker *pro tempore*: Do you have a question, Senator Dean?

Senator Dean: Would the senator accept a question?

The Hon. the Speaker *pro tempore*: Senator Housakos, your time is up.

Senator Housakos: Will the chamber grant me five minutes?

The Hon. the Speaker *pro tempore*: Five more minutes?

Hon. Senators: Agreed.

Senator Dean: I rise to ask you a question, but I do want to start by correcting the record, because you have said and others have stated here that it's important that we operate from the basis of facts and evidence.

First of all, I can confirm that the task force on cannabis did visit Colorado, as it visited Washington. That is correction number one.

The Hon. the Speaker *pro tempore*: Senator Dean, I'm sorry. Is this a question?

Senator Dean: What I would like is not to be interrupted.

Secondly, I can say that because you asked about the 2013 UNICEF report, data was not provided or could not have been provided by the Department of Justice. I have investigated the source of the data —

The Hon. the Speaker *pro tempore*: Senator —

Senator Dean: — I will provide to all senators.

The Hon. the Speaker *pro tempore*: Senator Dean — order, please. Senator Dean, you have the right to ask questions. If you'd like to debate, that's a whole other question. But this is a question period.

Senator Dean: And here's the question. I also do have a right not to be interrupted. The question is this: Is the senator aware that in 2014, Canada's premier research and treatment facility, the Centre for Addiction and Mental Health, which both myself and Senator Batters are fans of and which is a place that I would go to as a credible source for all information on research on drugs and addictions, issued a policy paper which concluded that legalization and strict regulation of cannabis provide an opportunity to reduce the harms to kids. Are you aware that it concluded that cannabis is not a gateway drug? Are you aware that it concluded that cannabis is less harmful than alcohol and tobacco? And did you know about the report? Do you know about its conclusions? And would you like me to send you a copy?

Senator Housakos: First and foremost, I was in my speech referring to a UNICEF report that has been widely used in this place by ministers. Three different ministers quoted that particular report. As a result, a number of senators have piggybacked on that report. After investigation, it was clear that that report was not founded on any evidence that could be substantiated and no methodology that could be substantiated.

I went a step further and had the courtesy of asking the government leader a month ago to provide the source and methodology of that report, and the chamber is still waiting. I'm not familiar now with the new report you've just popped up, but you're welcome to table it so all colleagues can enjoy the benefits of perusing it and finding out what the report says.

We also had a panel of experts come before the Senate, at the invitation of Senator Oh — five doctors, respected pediatricians — and they did not equate alcohol with marijuana at the same level, did not share the view that marijuana is not a gateway drug.

At this particular point, the only thing I was trying to point out in the speech is that the government is using a narrative in saying they're trying to solve the solution based on the principle that Canadian youth are right now exploding with marijuana use, and I call into question that particular step.

We also have to be careful. Whenever polling or analysis is done, when it comes to usage of marijuana by any demographic group, yes, a large number of people might use the drug in passing, maybe at a party, might take a toke, and that might also spike the numbers, but the real numbers that need to be validated, for example, are how many people who consistently use marijuana stick to it for prolonged periods of time.

• (1730)

The question is, why hasn't this government done that as a first step? That's the point I was trying to make in my speech. If the objective here, Senator Dean, is to make sure that young people are educated and we bring down the use of marijuana amongst

young people, and if the government is using that as their main focus point, it goes against your argument right now, which is that alcohol is worse than marijuana.

The government doesn't claim that marijuana is a terrible thing. They are not claiming that it doesn't have a tremendous adverse effect on young people. What I seem to get from your question is the opposite point of view right now.

The government says, "No, this is a terrible thing for young people. We have to get young people to not use it, so we're going to legalize it." I don't see that as a logical point of view. The first logical point of view, if you're genuine in your agreement, and I'm suspicious there isn't genuineness in the argument—

The Hon. the Speaker *pro tempore*: Senator Housakos, your time is up.

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today to speak to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

Thank you, Senator Dean, for sponsoring this bill and to all of my colleagues who have shared their perspectives. This bill holds immense potential for the future of our country, and I appreciate the level of detail that has gone into forecasting the potential risk and benefits that may come with this proposed change. I also have concerns, many of which have already been shared by my colleagues. However, a specific concern that I wish to bring to your attention today is the impact that legalization of cannabis will have on the lives of African Canadians.

You've already heard from Senator Omidvar earlier today that African Canadians are disproportionately impacted by cannabis laws at this time regarding policing, arrests related to cannabis possession and the over incarceration. Given these unique impacts on African Canadians, I see a critical piece missing from Bill C-45 that will ultimately disadvantage African Canadians unless we apply a race equity lens in these developmental stages.

As the Right Honourable Prime Minister Trudeau stated on January 30, when he officially recognized the United Nations decade for people of African descent:

For too many people, anti-black racism, discrimination and inequality are part of their daily lives. This is unacceptable. Canada can and must do better.

Honourable colleagues, this is a time to do better. It is our responsibility to identify how our work impacts the lives of African Canadians. Criminalization often covers up deeper social issues. Poverty, discrimination, unemployment and health issues are just some of the challenges faced by Black communities. Making the links between these challenges and criminalization is part of the solution. We have an opportunity to create positive change for a group of Canadians who historically and currently are criminalized and over-incarcerated from minor drug-related crimes.

I use a three-step process as a guideline for creating racial justice: Awareness, analysis and action. Prime Minister Trudeau's announcement was the first step, awareness. We have

an awareness of anti-Black racism and we have committed to creating change. Let us take the opportunity, once Bill C-45 is referred to committee for study, to analyze how African Canadians are impacted by this bill and how we can ensure the changes will also benefit African Canadians. This is what is called a race equity lens. Our process of analysis will then provide direction for actions that must be taken in order to create change.

The first issue I wish to identify is a serious lack of African Canadian voices within the current discussions. This is a concern because often what is seen as mainstream neutrality is a disguise for bias that disadvantages marginalized groups. Racial bias disadvantages Black Canadians and Black communities. There has been little public platform for the voices of Black individuals and communities to voice their concerns. A key element of using a race equity lens is a focus on consultation with Black communities. The lack of consultation I have seen thus far is deeply concerning.

Honourable senators, I am here today to relay information from some of the conversations I have had with Black Canadians who have shared their ideas and research with me. I have been shocked by the public silence on this issue that significantly impacts our communities. This silence may be due to the fact that involvement in the cannabis industry remains illegal at this point, so racialized people with experience are currently constrained in their ability to participate due to stigma and fear of repercussions or reprimand.

There are, however, many other people in Black communities who are eager to speak about the issues faced by their communities, and I have had the opportunity to hear their concerns. Some key themes that have arisen are the harms of lack of representation in the discussions, concerns with the restrictions around licensing for involvement in the legal cannabis industry, pardons for offences from simple possession, the need for a gender-based-plus analysis, health and social aspects, the lack of race-specific data, and concerns about the lack of conversation around the over-incarceration of African Canadians.

The issue of structural stigma was prominent in many discussions. Structural stigma includes the institutional policies and practices that limit opportunities for those who experience stigma because of their social location. The concern around licensing is with regard to section 61(7). This section states that those who have contravened the Controlled Drugs and Substances Act will not be permitted to obtain a licence.

According to the Toronto Police Service data, Black Torontonians are three times as likely to be arrested for possession as their White counterparts. Black Canadians who have been incarcerated struggle to find employment and, consequently, this restriction denies Black Canadians access to the economic benefits of the legal cannabis industry. I can imagine this section was framed as a safeguard to start the cannabis industry on a clean slate away from criminal activity.

But it is important to note that locking out people with a previous simple possession charge locks out some of the more marginalized members of the population who struggle to find work, as they try to reintegrate, and would benefit greatly from being involved in the legal market.

This proposed structure will create a market which is likely run and operated by a privileged group, who will benefit financially. I am advocating that we examine the ways in which Black Canadians will be able to use their experiences and skills in the legal cannabis market to help pull African Canadians out of poverty, thereby reducing other illegal trade and activities. We can look to California as an example of how to offer pardons for past minor possession in order to improve the lives of racialized Canadians.

There is still a great deal of stigma around cannabis use, even as it is very commonly used among youth, as many of our colleagues have talked about, and this stigma prevents conversations and education around safe and healthy use.

Since recreational use of cannabis remains illegal at this point, the stigma may be linked to criminalization. Many people cannot share their personal experiences with cannabis for fear of criminalization.

• (1740)

We have witnessed the shift in national discourse around mental health from a highly stigmatized topic into a widely discussed issue impacting a majority of Canadians.

Honourable colleagues, Bill C-45 is a health issue. It is a poverty issue, a mental health issue. It is a child welfare issue, a youth issue and a race issue.

We cannot leave any of these factors out of the conversation. Many Canadian youth, racialized and white youth, use cannabis recreationally and for self-medicating purposes already at alarming levels. Our current system is not working, and I believe destigmatizing this creates a more open dialogue with our youth about coping, about mental health and drug use, without criminalization.

A very positive initiative within this process is that the Standing Senate Committee on Aboriginal Peoples is studying the subject matter of Bill C-45 as it relates to the Indigenous peoples of Canada. I am very pleased that this consideration is being made to ensure that the voices of Indigenous communities, organizations and elders are being heard to forecast how their communities are impacted differently and need special consideration in the legislation. I look forward to seeing what conclusions and recommendations come out of these consultations.

In the same vein as the current study to ensure the consideration of Indigenous communities, I believe that a key factor in this process also needs to include more African-Canadian voices. Many African Canadians would welcome the opportunity to have their voices heard as they recognize the unique impact of legalization on their communities. There are

many people involved in community organizations, in academia, in corrections and people with lived experience, who may all have valuable contributions to contribute to the debates.

An example of institutional racism is the lack of data disaggregated by race. This is a major concern as it is difficult then to identify an issue when available statistics do not accurately reflect the reality of African Canadians. Even when they are included in a study, the data specifically about Black participants are not separated and analyzed, meaning that we do not know the extent to which African Canadians are impacted by many issues.

Current data does not reflect a truly transparent view of the impacts of racial profiling, disparities in sentencing and incarceration on Black communities. This lack of attention and disaggregated data makes it very difficult to advocate for changes, yet another example of systemic racism.

Another community member identified an issue with the lack of women's voices in Bill C-45. Many of us have completed training on gender-based analysis plus. I urge you to apply these skills to your analysis of Bill C-45. How are women impacted differently? How are their needs not met by the current bill? For those of us on the Human Rights Committee who had the opportunity to speak with many women prisoners in Grand Valley Institution, we saw firsthand how many African Canadian and other racialized women are incarcerated and the impact of incarceration on their mental health, the well-being of their families and their employment prospects or lack thereof.

The war on drugs is part of Canada's anti-Black racism legacy. As stated previously, African Canadians are disproportionately targeted by police and more likely to be arrested for minor drug charges. As the law changes, these people will be left behind and continue to be excluded even from their communities.

Without a concrete plan to pardon people who have been previously incarcerated for charges of minor possession of cannabis, especially racialized people, the legacy of systemic anti-Black racism continues. If these Canadians are not pardoned for previous minor charges, in addition to being locked out of the cannabis industry, the federal government is setting a dangerous double standard, allowing privileged people to profit economically from the cannabis industry and leaving African Canadians disadvantaged.

To conclude, honourable colleagues, I urge to you consider the particular impact of Bill C-45 on African Canadians and other racialized Canadians. Let us consider how we can make changes to the proposed bill to create the most positive changes for people who are normally locked out of such discussions. We have an opportunity to disrupt patterns of systemic racism. The steps I recommend are specifically around including more diversity in the conversation, racial representation in discussions, reconsidering licensing restrictions, and pardons for simple possession to prevent the perpetuation of anti-Black racism.

Hon. Nancy Greene Raine: Honourable senators, I speak today on Bill C-45 and the misgivings I have about our government's rush to legalize the recreational consumption of marijuana. I'm not against eventually regulating the non-medicinal use of marijuana. I am just very worried that we are

moving too quickly and are not prepared for the many unintended consequences that seem certain. That's why, like others, I feel the study of this bill in the Senate is so important.

The Liberal Party's 2015 election platform promised to decriminalize marijuana possession, creating a task force of experts in public health, substance abuse and law enforcement. They promised to design a new system of strict marijuana sales and distribution, with appropriate federal and provincial excise taxes applied.

In the rhetoric around the legislation, ministers continually give rationale that they are motivated to protect the health and safety of our youth. I would argue that Bill C-45 goes well beyond what the Liberal platform stated and that it has not received enough input from the jurisdictions that will have to deal with the consequences, especially from municipalities and First Nations.

Most Canadians do not understand the difference between decriminalization and legalization, and they are very different.

While the government's task force did listen to some knowledgeable experts, there are still many groups and individuals against the changes that are being proposed, groups that include, for example, Drug Free Kids Canada.

Instead of taking responsibility for designing a strict system to regulate the sale and distribution of marijuana, it appears that the government has downloaded this to the provinces and territories, and the result will inevitably be a hodgepodge of legislation and regulatory regimes that will certainly make things more difficult to control.

I will focus today on the main concerns I have if the cannabis legislation is passed as it now stands.

First, the minimum age of 18 is too young. Second, we still do not have any effective and targeted campaigns on the harms of using marijuana. Finally, in the rush to pass this bill, we risk making things worse, not better.

Honourable senators, I think we can agree that we need to establish a minimum safe age for consumption, and it should be consistent for all of Canada. Why is the federal government not taking responsibility for setting the minimum age for all Canadians? It does not make sense to have different ages in different jurisdictions. All Canadian youth deserve to have protection.

The minimum age as set by Bill C-45 is 18, which can be raised if a province chooses. Why does this legislation not have a minimum age that respects the known dangers to the developing brain? Why was the age not set at 25, which would send a strong message to kids and youth that using marijuana at a younger age is not safe? A minimum age of 25 is supported by many, many organizations and individuals with experience in dealing with the issues caused by early use. This is the age that is supported by science, not just by giving in to the current situation.

• (1750)

Personally, I find it very upsetting to hear people say, “Well, kids can get marijuana easily now, so we should just legalize it.” When they say that kids can get it in back of the school yard now, I ask myself, “If the kids know where the dealers are, why don’t the police know, and why are the dealers not being arrested?”

I truly believe that Bill C-45 will make it easier for the dealers to keep dealing and certainly easier for older youth to sell drugs to younger children.

Everything I have read and the many kids I’ve spoken to show that Canadian youth have become convinced that marijuana is not all that harmful. That’s not all Canadian youth. I will say there is a pretty big percentage who understand the harm being done and stay away from marijuana use. But so many of them today are convinced that marijuana really isn’t harmful.

We know our young people are using it more than other countries and that they do not accept that it’s harmful. It’s obvious that they have been influenced by the underground promotion of marijuana. Since the medical use was approved, this acceptance seems to have grown.

By establishing a legal age of 18, we are reinforcing the message that cannabis is not a harmful substance, so I implore senators to support an amendment to change the minimum age. We have a responsibility as senators to provide sober second thought, and it has never been needed more.

Honourable senators, now I ask: What has happened to the promised promotional campaigns to educate children, youth and their families about the harms done by early use of marijuana? Last September, it was announced that there would be \$9.6 million to implement an education campaign. Then in October, another \$36.4 million over five years was committed.

Last month, Minister Petipas Taylor assured us:

We’re developing tools right now through my department, Health Canada, and there’s going to be a national launch of a program come March.

Well, it’s March 20, and I’ve not seen a new campaign. I’ve asked teachers and parents, and they say nothing new on the messaging has been done, in spite of the impending legalization, which they all feel will make access easier.

I sure hope the launch comes soon, and I sure hope the message will be “marijuana is harmful before age 25” and not just “the legal age for marijuana will be age 18,” which kids will interpret as “it’s okay at age 18.”

We know it’s not okay.

In speaking to school administrators from Washington State, they told me that their legalization was implemented too fast and without proper planning. They told me that the public education piece is extremely important, and that it takes time and lots of money. They feel that Canada has a chance to do it better if we start with good legislation from the national government. The

problems they are facing at the state level would have been less, “but,” they warned, “if you don’t do it right, it will be very hard to change later.”

To do it right, we need to make sure we know what our goals are. Do we just want to make sure that what is on the market comes from legal sources and that it’s been tested to make sure it’s not contaminated? Are we so interested in getting tax revenues from the various levels of government that we’re ignoring the market forces that will keep the underground supply going? Will a combination of the two supply sources result in increased targeting of youth? It’s very complicated, and we need to get it right.

Honourable senators, let me tell you what has been happening in B.C. and how out of control it has become. There has always been a drug culture on the West Coast. When the medical use of marijuana was legalized in Canada, the hope was to implement research on how the active ingredients could be used for medicinal purposes. Unfortunately, marijuana dispensaries quickly sprung up without proper controls to ensure that what was being dispensed was actually for medical purposes.

Most doctors, citing a lack of training — rightly so — would not prescribe marijuana when patients asked for it. Dispensaries found other doctors who would prescribe, by phone, for a fee, without even seeing the patient. Certainly this was not a diagnosis. It became a joke.

Now it is a free-for-all, with authorities turning a blind eye and many, many unregulated dispensaries. You can also easily get cannabis products delivered by mail or other means. I’m not sure what is happening in other jurisdictions, but I am pretty sure it is similar to what’s going on in B.C.

Two weeks ago, someone dropped off an envelope at the reception desk for a guest at our hotel. When the intended recipient complained, we learned it had been delivered to the wrong room, where the envelope was opened and the contents eaten, fortunately by adults. I have not seen these products before, but the attractively designed empty packets that I have here were a shock to me. It’s a shockingly strong product, with 120 milligrams of THC in each cherry-flavoured jelly candy, enough to make a child very seriously ill.

When you google “Canada’s best medicinal quality cannabis products,” you will find a very attractive website selling 311 different products online. Under the FAQ link on their website for the question as to whether it’s safe to order from them:

We’re one of 120+ dispensaries in Vancouver (over 300 in Canada) that are NOT operating under the federally-approved medical marijuana system. To qualify under the federal system, you’ll need to get a doctor’s approval and Health Canada’s permission to purchase from one of the 26 licensed producers. City Hall and VPD —

— and this is on their website—

— have allowed dispensaries to proliferate so people can safely access medicine, so long as there are no sales to minors or any organized crime affiliations.

Further, the website states:

There are about 20 mail order sites in Vancouver. Vancouver has been shipping weed in the mail since the 90's and to date, we know of no-one who has ever been charged with receiving pot in the mail.

Honourable senators, yesterday, a friend showed me photographs of the outdoor market in downtown Vancouver where cookies and candies are freely sold to passersby. Do we really want this to continue? Certainly, the doctors do not want to be dealing with the consequences, especially for children.

Today, I heard on the news— I woke up this morning to this — that small-batch marijuana producers will be able to grow 500 square metres of crops. Honestly, we are fooling ourselves if we think the availability and promotion of legal marijuana will lead to decreased usage, especially by youth.

Colleagues, we need to come to grips with our inability to control existing ways of purchasing marijuana. We need a strong and enforceable federal law, with strong regulations, and this will take time to develop.

I will not be supporting the passage of this bill at second reading. I will support amending the bill to increase the minimum age to 25, to delay the implementation until a strong campaign on the harms of cannabis use has been done, and to put in place laws and regulations to enforce a strong national regime. We are going too far, too fast. We need to take the time to get this right.

Senator Omidvar: I have a question. I listened with great interest to your and Senator Mitchell's speeches about how we invest our young adults with certain responsibilities at a certain age. We allow them to drive. We allow them to vote when they're 18. We allow them to get married. We allow them to drink, drive and all of that.

I wonder if you will consider the absence of policy coherence if we have, on the one hand, a whole raft of rights that they get when they are either 18 or 19, and we separate this out until they're 25. When I've talked to young people about it, they have said that such is too much of a nanny state. "You're nannying us," whatever that may mean.

I wonder if you could give me your response to it being okay to do all these other things that are really important in life, but we're going to hold you back from this other right until you're 25.

• (1800)

Senator Raine: Thank you, Senator Omidvar. I appreciate your question, and I appreciate that there is a very different outlook between people who accept an age of 18 and many people in Canada who want a scientifically based age of 25.

Now, I know that some people might call this a nanny state, but I like to call it an educated state. We're doing a big change here. It's a lot easier to move the age down —

The Hon. the Speaker: Excuse me, Senator Raine. Honourable senators, it's 6 p.m. Is it your wish that we not see the clock?

Hon. Senators: Agreed.

Senator Raine: Thank you.

It's easier to move the age down if we find out that it's too high, but how can we send a message out to the younger teenagers and the children that it's okay at 18 when we know it's not okay? We know it does harm until you're 25. How can you tell the kids it's okay at 18? That's what I don't understand. We need to be consistent.

I really believe we do need to move on this and we need to decriminalize it, legalize it or whatever you want to call it, but we need to take an approach like they did in Portugal. Portugal has used a health-based approach right from the beginning. Portugal decriminalized all use of all drugs and treated it with a health approach. We're not doing that. We're legalizing it, I think, so that we can tax it and get some money.

But I want to decrease the harm. In Portugal, they have one of the lowest uses of drugs and smallest number of drug addicts anywhere in the world, and people who are addicted in Portugal are treated as a medical problem, not a criminal problem. Portugal, only in January of this year, finally is now moving towards legalizing the sale of medicinal marijuana. They've been able to use it, but now they will have a regime to sell it. But they waited more than 10 years to do that. And the sale of non-medical marijuana will still be very restricted.

I think we really are going too far, too fast, and we have to be very careful about the messaging. I kind of understand why maybe —

The Hon. the Speaker: Senator Raine, excuse me. Sorry for interrupting you again, but your time has expired. Are you asking for more time to continue?

Senator Raine: No, I think I've had enough. Thank you very much.

Hon. Thomas J. McInnis: Honourable senators, thank you for this opportunity to speak to Bill C-45 at second reading, the so-called cannabis act, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

When we were on our break in January, I took a day or two to do some research into this bill, and I drafted this speech back then. I hope it's still relevant, and I hope it's not repetitive, although at this hour it's hard, with all the speeches in advance, not to be repetitive.

In summary, the bill proposes to regulate and legalize the production, possession, use and distribution of marijuana throughout Canada.

The Prime Minister announced his intention, more than two years ago, to legalize the use of marijuana in Canada. In fact, as I recall, it was a plank in the Liberal platform, and as the Prime Minister put it, those who smoke marijuana illegally on Parliament Hill on Canada Day will be doing it legally on Canada Day 2018.

Announcements such as this by any political party just prior to the commencement of an election campaign are often done for political gain, absent of any research into, in this instance, the many ramifications of legalizing the use of marijuana.

There were no discussions with the scientific community, the medical societies, doctors, law enforcement officials, provincial governments, justice officials or border control, and not even the Department of Health officials.

In theory, this bill's purpose is to protect the public health and the public safety of Canadians. The Government of Canada told us that they must rid Canada of the illicit sale of some \$7 billion in drugs by the criminals.

In particular, the government was very concerned about the sale of drugs to those young persons under the age of 18 because of the repercussions and damage to brain development.

So here we are, just five months from the time it will be legal to purchase and consume marijuana, predicated on the protection of public health and safety. Forgive me, but I have some concerns and questions, along with, I might add, many other Canadians.

How is it in the public's interest to, one, permit young persons aged 12 to 18 to have on their person 5 grams, what I'm told is the equivalent to 8 to 10 joints, of marijuana?

Two, how is it in the public's interest to permit consumption of a drug that the medical community states is injurious to the brain for Canadians 25 years of age or younger? It has been linked to paranoia, schizophrenia, psychosis, anxiety and fatalities.

Three, how is it in the public interest to legalize the growth of four cannabis plants in each residence in the presence of children and vulnerable animals? Search warrants for peace officers will be complex and expensive if they wish to inspect.

Four, how will the presence in the home of edibles such as brownies, cookies and candy, where children or even guests can have access, be in the interest of Canadians?

Five, how is it reasonable and safe to proceed with this law when there exists such concern from the medical community, scientists, law enforcement, insurance companies, firefighters and others?

Six, driving while high presents a serious public safety hazard, and law enforcement has neither the equipment nor the knowledge to sustain the onslaught of impaired drivers. Some of you may have recently viewed the Fifth Estate program entitled "Driving High."

Through some fairly exhaustive investigative work with the evidence from a number of professional experts, along with a number of victims who were falsely accused, it was clearly determined that the testing is not reliable in the United States. That same field sobriety test is being used here in Canada, and the government has allocated \$80 million, or approximately that, for training of police officers.

In the United States a class action suit is under way, and in many states the courts do not rely on these tests any longer. MADD Canada does not agree with this testing method at all. Currently, there is little or no accurate enforcement of drug-induced impairments in Canada.

Seven, retail outlets will be expected to be located throughout all parts of Canada, and analogous to the sale of liquor. I suggest that this access will increase, not decrease, the consumption of drugs.

Eight, the salespeople in these outlets require extensive training on all aspects of the various strains of these drugs. This will become a massive training exercise by the provinces, which, to this point, have no network in place.

Nine, the government keeps telling us that one key reason for legalizing the sale and possession of marijuana is to eliminate the underground or put the criminal elements out of business. Now, the very notion that the Hells Angels and Satan's Choice will be compelled to find some other field to fill the void left because government has taken over their market is, quite frankly, wrong and unsubstantiated.

In fact, I unhappily predict that the market will expand as Canadians will be intrigued and lured by friends, retailers and others to try it. It will, after all, be there in your hometown, with the sign "open for business."

• (1810)

Further, because the Nova Scotia government has announced just nine sites where cannabis will be sold, this will allow the criminal element to continue further throughout the remainder of the province. They're only putting it in a few places and that's an example of what that province is doing.

These are the concerns that I have. They are real and most certainly will prove to be injurious to the health and safety of Canadians.

Honourable senators— and I've heard this said a number of times today— why the rush? What is the panic? Consider a couple of options.

First, the status quo coupled with a vigorous plan of prevention and education embedded with an intense program of a healthy choice. Do this for the next two years. I realize the government has \$40 million for such a program, but no one seems to know if it has even hit the drawing board. This prevention and education is the route Sweden has taken, and I read that they have the lowest drug consumption in the world.

A second alternative would be to delay or amend the proclamation clause by inserting the coming into force on September 1, 2019, following an intense preventive program. I say September 1, 2019 because the government will wish to show they followed through on their campaign commitment, like any other government would do. In reality, it should be proclaimed on September 1, 2020. That would be the best alternative.

Clearly, the provinces, police forces and many other agencies are simply not ready. In addition, there is considerable evidence which concludes that for an effective preventative plan to work, it should be in place for at least two to three years in advance of a drug being legalized.

Senators, concentration on the harmful effects of marijuana to the health of our young persons, the dangers of driving while high, fatalities due to impaired driving, all would be much more productive in reducing the use of cannabis than this attempt to shut down the illicit drug market.

To proceed with Bill C-45 could lead to what we see in Colorado five years into legalization. An article published in the *Colorado Gazette* highlights that: “Colorado now has the highest level of homelessness in the United States; twice as many accidents involving drivers under the influence of marijuana; a 71 per cent increase in illegal consumption in schools; and ranks first in the United States for marijuana use among teens, scoring well above the national average.”

Finally, last week the Nova Scotia *Chronicle Herald* had a full-page article on why employers should prepare for marijuana legalization in the workplace. I have not been able to find any literature on planning or messaging to the businesses and government communities, the workplace, and the issues the employers will have to deal with.

What are the considerations here? I’m paraphrasing as to what was in the article.

First, workplace assessment which considers questions such as: the safety-sensitive nature of work, such as a pilot; the extent of marijuana consumption; if judgment and insight are required on the job, what is the worker’s ability or extent of supervision of workers?

Second, every employer must have a workplace, tailored drug and alcohol policy that demands employees attend ready and able to engage in productive and safe work. This will probably require a testing regime.

Third, complex human performance can be impaired for more than 24 hours: THC impairs psychomotor skills and judgment allegedly for 24 hours; unions and employees believe that employers cannot prohibit “off-duty” consumption.

Fourth, testing must have reasonable cause to believe employees are impaired. You just can’t order an employee to be tested. Testing could be challenged on reasonable cause for testing.

Senators, this presents a real dilemma and who has laid out a plan of action for employers, unions or employees? No one, that’s who.

It is for all these reasons that I have identified as to why I am strongly of the belief that we cannot and should not approve this piece of legislation — at least at this time.

Not only is this legislation contrary to the public health and safety of Canadians, governments, NGOs, employers and unions, Canadians are simply uninformed and not ready for the very serious repercussions of this bill.

For these reasons, as the bill is currently drafted, I cannot support it.

The Hon. the Speaker: Senator Duffy, a question?

Hon. Michael Duffy: Yes, a question for Senator McInnis. In your previous life, senator, you were, I believe, the Minister of Justice and Attorney General of Nova Scotia. What is your understanding of the preparedness or the state of preparedness of the police forces in your province to deal with this proposed legislation?

Senator McInnis: I haven’t spoken with them directly, but what I read— and you being an ex-media person, you know that if you read it in the media, it’s probably true.

Some Hon. Senators: Oh, oh.

Senator McInnis: I understand that they and in fact the provinces, and most entities that will have anything to do with this, are simply not prepared. Probably they should have been when this was announced as a plank in the platform of the government, which was fair ball; the people of Canada elected them. But actually nothing really had happened. So the legislation comes forward. It’s now coming through. It undoubtedly will pass, probably with some amendments. To my knowledge, it wasn’t until the provinces were pulled up here in Ottawa and they determined how they were going to split the cash. There was no preparatory work in planning this. I know personally some police officers who are troubled by this. They’re not ready. Even firefighters and doctors — a number of entities. They didn’t even discuss it with health officials. This is still evolving. That’s why, in my speech, I mentioned we should take the time to do a preventative, education program that could take place over the next year or two. If that were the case, we could proclaim, a year or two years down the road, that it will come into force. Everyone in Canada will know it’s coming, so they can all get prepared and have the time to do so. But that’s a very good question. They’re simply not ready.

(On motion of Senator Martin, debate adjourned.)

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

Leave having been given to revert to Notices of Motions:

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Tuesday, March 28, 2017, the date for the final report of the Standing Senate Committee on Human Rights in relation to its study on issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human right obligations be extended from March 31, 2018 to October 31, 2019.

ACCESS TO INFORMATION ACT PRIVACY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cools, for the second reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts.

Hon. André Pratte: Honourable senators, there can be no thriving democracy without wide access government information. In a speech she gave in 2009, former Supreme Court Justice Beverley McLachlin explained the reasons why much better than I ever could:

Not only is responsible voting dependent on information – so is the effective exercise of restraint through the judicial branch of governance. Citizens cannot challenge unlawful government action unless they know about it. . . .

Finally, information itself – or the possibility of information coming to light – acts as a check on abuse of powers.

• (1820)

Now, in theory, everyone involved in politics recognizes these principles. While in opposition, all political parties promise that they will be more transparent than the party in power. Once in government, however, things tend to change. Over time, power breeds secrecy. Bureaucracy often fears light, yet light there must be.

Canadians' appetite for information held by the federal apparatus has increased continuously over the years. Last year, the number of access-to-information requests totalled nearly

92,000 — 22,000 more than only three years earlier. Unfortunately, the government's performance in handling access-to-information requests has deteriorated. The percentage of closed requests that have passed the statutory deadlines has nearly doubled over the last four years. Last year, the rate of applications for which all the information requested was disclosed fell to its lowest level in the last five years.

That there are more requests than ever and that the requests may be more complex cannot serve as excuses for this poor performance. If citizens require more information, government must add the necessary resources to accommodate this increased demand. Proactive publication as provided by Bill C-58 will help, but it will not suffice.

Canada's Access to Information Act is 35 years old, as the minister alluded to. Over that time, the act's failings and weaknesses have become evident. Numerous recommendations have been made to strengthen it. If the government had wanted to take the bull by the horns, it knew what it had to do. Unfortunately, it chose to table a weak bill.

[*Translation*]

In view of the principles mentioned earlier, Bill C-58 is very disappointing. However, the government has made its choices and is accountable for them. The role of the Senate is not to completely rewrite the bill. However, we can try to improve it.

To that end, we have a reference point whose relevance the government itself will dare not challenge. I am referring to the promises made by the Liberal Party of Canada during the 2015 election campaign.

The Liberal platform contained a general promise: "make government information more accessible." The platform also contained five promises concerning access to information. I will mention just three of them:

We will make it easier for Canadians to access information by eliminating all fees, except for the initial \$5 filing fee.

We will expand the role of the Information Commissioner, giving them the power to issue binding orders for disclosure.

We will ensure that access to information applies to the Prime Minister's and ministers' offices, as well as administrative institutions that support Parliament and the courts.

With regard to making government information more accessible, Bill C-58 does the opposite, unfortunately. It adds a significant barrier in the new section 6 by requiring every request to identify the specific subject matter of the request, the type of record being requested, and the period for which the record is being requested or the date of the record. In the other place, amendments were made to the bill that seem to mitigate the impact of these changes, but the reality is that nothing has changed. Section 6 continues to state that the request must contain the required information.

Requiring this information may seem a trivial matter at first glance, but it is a major obstacle. It gives the bureaucracy all sorts of excuses to hold up processing a request for access, or not process it at all. For example, persons requesting access to a record might be told that the subject of the request is too broad or the type of document has not been indicated. I respectfully suggest to the committee that will study the bill to amend clause 6 to make it less restrictive.

Let's see whether the bill before us keeps the three specific Liberal Party commitments that I mentioned earlier.

As far as the processing fees are concerned, we know that as soon as the government came to power it suspended all fees except for the \$5 application fee, as promised.

Under the bill, as in the current legislation, the application fee could increase from the current \$5 to \$25. The government is giving itself a lot of wiggle room. In 2015, the Liberals promised to get rid of the processing fees and, in fact, the bill eliminates copying fees, the cost of alternative format, and other extras.

However, and unfortunately, Bill C-58 adds a new subsection to the legislation that allows any federal institution to add or calculate all sorts of extra fees by regulation that are not defined in the legislation. This subsection clearly goes against the Liberal Party's election promise. Accordingly, I suggest that the committee look at the possibility of amending Bill C-58 and deleting this new power, which goes against the Liberal Party's commitment.

[English]

The second commitment made by the Liberals relates to the Information Commissioner's powers:

We will expand the role of the Information Commissioner, giving them the power to issue binding orders for disclosure.

The minister alluded to this power again today.

Bill C-58 does provide the commissioner with the power to issue orders. The problem is that they are not stand-alone, binding orders. They are what I would call conditional orders binding on the proviso of Federal Court involvement. This is a bit technical, but it's important. The issuance of the orders may stem from the commissioner, but their enforcement is dependent on the judiciary. If you want to know what a binding order looks like in the field of access to information, you just have to look to the provincial level, where most access-to-information commissioners enjoy the power to issue genuinely binding orders.

In Ontario, for example, the Information and Privacy Commissioner can issue orders to which provincial departments and agencies must comply. Failing to comply with an order of the commissioner is an offence. There is no right of appeal, but a party may ask for judicial review before the court to argue that the commissioner's decision was unreasonable or outside the commissioner's jurisdiction. That's a real binding order. This is the model the Information Commissioner recommended. This is the model everyone thought the Liberals had in mind when they promised to give the commissioner the power to issue binding orders, but this is not what is in Bill C-58.

In and of themselves, the orders that the commissioner would issue by way of Bill C-58 will not be binding. Failure to comply will not be an offence. Legally, this means that if, upon receiving such an order, a department simply chooses to ignore it, nothing will happen until the commissioner petitions for a writ of mandamus before the Federal Court so that the order can be enforced.

The government reassures us that this process is just fine. The court will issue the writ of mandamus, and if the department doesn't comply, it will be held in contempt of court. There are at least three problems with this approach. First, applications of this nature take time, and it goes without saying that in many cases in the field of access to information, time is of the essence. Second, there is no guarantee that the court will issue the writ of mandamus. This is not a rubber-stamping process; you're in front of the court here. Third, the issuance of the writ is subject to appeal, exacerbating the delay issue. Some mandamus appeals have even reached the Supreme Court.

And there is another difficulty. If the commissioner issues an order, any concerned third party and the Privacy Commissioner, if he's involved, can apply to review the order. This would not be a judicial review of the reasonableness of the commissioner's order but a *de novo* hearing, where new evidence may be heard. In requiring a *de novo* hearing, the bill is explicit. It offers no deference to the expertise of the Information Commissioner.

The end result is a toothless commissioner, one that depends on the Federal Court to provide her with the judicial chomp she needs to enforce her orders after months, if not years, of court procedures.

• (1830)

My conclusion is that the electoral promise of giving the commissioner binding order powers has not been met. I hope that the committee will explore ways to strengthen the paper tiger the commissioner has inherited with Bill C-58.

Finally, during the election campaign two and a half years ago, the Liberal Party committed to, and I quote:

. . . ensure that Access to Information applies to the Prime Minister's and Ministers' Offices, as well as administrative institutions that support Parliament and the courts.

Here the government went halfway. Proactive publication of the expenses of senators, MPs, senior department officials and justices is an important step forward, but it is also deceptive. As Madam Legault, the former commissioner, remarked:

Proactive disclosure requirements, where the government chooses what is disclosed, are not the same as subjecting these entities to the right of access, where requesters can choose what is requested and are entitled to independent oversight of government's decisions on the disclosure of information.

Experience teaches us that from the moment the government decides what categories of documents it will make public, the documents so covered are produced in a way that excludes controversial material. They are written to serve the government's purposes, which is normal. Such was the case for ministerial mandate letters. It will be the same for question period notes and committee briefing materials.

Contrary to the Liberals' electoral promise, the Prime Minister's and ministers' offices will not be submitted to the Access to Information Act, only to its new part on proactive publication.

The government is playing with words. Regrettably, this is the policy choice the government has made. To reverse it, as I said, we would have to rewrite this bill, and this is not the Senate's role. However, we can at least put in place a mechanism to ensure that the government satisfies all the requirements of both the intent and the letter of the act as it relates to proactive disclosure. In fact, the mechanism is already available — the Information Commissioner.

In my view, Bill C-58 should clearly state that the commissioner has the power to investigate how the government implements proactive publication. Presently, the bill specifically forbids such investigatory powers by way of section 91. I respectfully suggest to the committee that this section should be removed and, further, that the commissioner's authority to investigate proactive disclosure be explicitly asserted.

Honourable senators, in this century, maybe more than ever in human history, information is power. If the citizenry is to maintain its control over public institutions, it needs to have a simple, efficient and open system of access to information at its disposal. Ottawa's current system does not meet these standards.

As Prime Minister Justin Trudeau wrote in each of his ministerial mandate letters:

It is time to shine more light on government to ensure it remains focused on the people it serves.

I applaud this endeavour. Unfortunately, little light will come from Bill C-58.

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

EXPUNGEMENT OF HISTORICALLY UNJUST CONVICTIONS BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Petitclerc, for the second reading of Bill C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

Hon. A. Raynell Andreychuk: Honourable senators, it is an honour to rise today to speak as critic of the second reading debate of Bill C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

Bill C-66 was tabled in the context of the Prime Minister's formal apology to the LGBTQ2 community issued last November. In this apology, the Prime Minister acknowledged the adoption of policies by the federal government that promoted institutional discrimination against members of the LGBTQ2 community between the late 1950s and the early 1990s.

Present at the apology was Ms. Michelle Douglas, a former member of the Canadian military dismissed in 1989 for being "not advantageously employable due to homosexuality."

Ms. Douglas's experience resonates with the experience of thousands of members of the LGBTQ community across Canada.

The legislation before us today does not address all the injustices and issues against same-sex activities but tries to tackle one particular blunt instrument, the Criminal Code and the laws applied to target consensual same-sex activities. It allows for the expunging of criminal records.

In his earlier remarks, Senator Cormier gave a comprehensive and impassioned historical overview to contextualize the need for this legislation. The personal accounts he shared with this chamber were meaningful and extremely moving.

I know, looking back, to understand what it meant to the individuals affected was difficult. Bill C-66 would allow for the posthumous expungement of criminal convictions for the offences of "gross indecency, buggery and anal intercourse" that would be considered lawful today as prosecuted under the National Defence Act and Criminal Code.

As reported by Public Safety Canada, the RCMP has on record over 9,000 convictions for these types of offences. It is important to note that expungements could not be applied for crimes that are not specifically related to consensual same-sex activities. Certain criteria would need to be met through the application to ascertain that the activities were consensual and that they took place between individuals of the same sex 16 years of age or older. Those under the age of 16 would be subject to the "close in

age” exemption under the Criminal Code. In the event that proper documentation cannot be provided, Bill C-66 will permit the submission of sworn statements.

It should be noted that this bill received all-party support in the House of Commons on December 13, 2017. However, as noted by Senator Cormier, concerned community members and academics have called for clarification as well as an expansion of the list of eligible offences for expungement; namely, a group of historians has suggested that the offences set out in the bill do not reflect the full scope of the offences used in the past to persecute members of the LGBTQ community.

For example, the proposed legislation would not apply to offences related to bawdy house law and would not extend to offences under categories of indecent acts, obscenity and vagrancy.

With regard to the implementation of the bill, suggestions have been put forward that the destruction of documentation will supersede the Library and Archives of Canada Act and the Privacy Act. Conversely, others have expressed concern that while the bill requires the RCMP to destroy judicial records, it cannot compel provincial and municipal jurisdictions to follow suit, rendering complete expungement impossible.

As the legislation before us proposes an application-based process, the practice by which the Parole Board of Canada will make its determinations also merits further consideration. Will officers be given training to make these determinations, particularly in the event that an application contains a sworn statement? How will issues of consent be evaluated? Will there be an appeal process for applicants in the event that an application is denied?

Furthermore, a communication strategy will need to be implemented in order to notify Canadians that this application-based process has been made available.

Bill C-66 would allow for applications to be submitted posthumously. Subclause 7(2) of the bill outlines a number of individuals who may apply for expungement on a person’s behalf.

• (1840)

I will list them: The person’s spouse or the individual who, at the time of the person’s death, was co-habiting with the person in a conjugal relationship, having so co-habited for a period of at least one year; the person’s child, parent, brother and sister; the person’s agent or mandatory attorney, guardian, trustee, committee, tutor or curator or any other person who is appointed to act in a similar capacity before his or her death; the person’s executor or the administrator or the liquidator of the person’s estate or any other individual who, in the opinion of the parole board, is an appropriate representative of the person.

It is worth considering whether a process will be in place to address disagreements, which may arise ultimately between family members or other individuals included on this list in the submission of a posthumous application.

Finally, Bill C-66 grants power to the Governor-in-Council to extend the list of offences.

Section 23(2) states:

In order to provide for expungement of convictions arising from an activity, the Governor in Council may add any item or portion of an item to the schedule if the activity no longer constitutes an offence under an Act of Parliament and the Governor in Council is of the opinion that the criminalization of the activity constitutes a historical injustice.

This causes some difficulty as to what this really means. The outcomes of a possible expansion of this list by future governments must be considered.

I look forward to exploring these matters further in our committee study.

Honourable senators, we have a responsibility to address these past injustices, particularly those caused by the discriminatory actions and policies of the federal government and which led to criminalizing individuals only for their sexual orientation.

While the adoption of Bill C-66 will not erase the trauma of the past, its adoption will represent an important step forward in acknowledging these injustices and seeking remedy.

I trust that the committee will review Bill C-66 thoroughly, and I trust the Senate will contemplate when governments, in their wisdom, believe that certain actions, social actions, need to be criminalized, that they will pause to think if future generations will agree.

Some Hon. Senators: Hear, hear.

Hon. Serge Joyal: Honourable senators, I want to say at the outset that I support the objective of Bill C-66, but I have some reflections to share with you this afternoon, especially following the address made by Senator Andreychuk.

I want to draw your attention to the preamble of the bill. I want to read the second preamble because it’s where my concern lies:

... whereas the criminalization of an activity may constitute a historical injustice because, among other things, were it to occur today, it would be inconsistent with the Canadian Charter of Rights and Freedoms.

The point is, were it to occur today, it would be inconsistent with the Canadian Charter of Rights and Freedoms.

When I read that, I asked myself what happened in the past that was seen in those days as intolerable — because it was the norm to measure sexual conduct that in those days would be seen intolerable — and that today would be seen as acceptable within the confines of the Canadian Charter of Rights and Freedoms.

The first case that came to my mind was the *Labaye* case in 2005, the famous — and I will use the common word that describes the situation — swinging case. That is the decision of the Supreme Court that recognized that to be a member and

active within a swinging club is totally within the confines of the rights of a person within the context of the Charter of Rights and Freedoms. But the courts determine very specific criteria.

You have to be an adult, so it is determined by age. You have to be a consenting adult, and nobody coerced you to be there. You have that activity without being paid, so you're not there for prostitution. And you have to be in a position of not being armed, psychologically or physically, by the fact that you are a witness or you are part of these sexual activities going on.

Honourable senators, sexual relations are an intensely personal, religious and age-sensitive matter. It's not me who says this, it was the Chief Justice of the Supreme Court of Canada in the *Labaye* decision.

When I read the bill and I looked at the schedule at the end of it, I asked myself: Being part of a sexual activity in the protected context that I have described to you, which has been defined by the Supreme Court as being the parameters of what is legal, why, if I have been found guilty before of being in such a place, should I not benefit from the objective of this bill, which is to erase my criminal record?

My reflection with you, and that's what I would suggest, is that the committee studying this bill look into it very carefully. And there has been a decision of the Supreme Court interpreting the activities of bawdy houses that are acceptable. We have had the *Bedford* case, you will remember. Many of us were voting on the bill that gave way to the decision of the Supreme Court in the *Bedford* case. That is a little older, 2005, so it was 13 years ago. So people's minds evolve to a point. And that's what the court says in this decision, quite clearly. Through the *Labaye* decision, the Supreme Court changed the criteria of what is acceptable from the tolerance of society versus the harm done to the person.

So when you ask yourself today, what is in sync with the Charter of Rights and Freedoms, it's not what is considered tolerable by society, it is the harm done to a person, either the one who was involved, or that the public that could see it, that is a witness to it. That's why there are barriers that the Supreme Court has that are well placed and well defined in relation to obscenities.

I'm looking at my colleague, Senator Andreychuk. She will remember the decision of the court in the *Little Sisters* case, the seizures of those magazines by the owner of that shop in Vancouver. What was in those days a criminal offence is something that is accepted today.

I would suggest that the committee, when it does its study of the schedule of this bill, look very carefully at the decisions of the Supreme Court which have determined that in the past, the court has redefined the criteria. And if we are in sync with the second preamble, were it to occur today, it would be inconsistent with the Canadian Charter of Rights and Freedoms, I hope that this is the test that the committee will apply to those decisions and some others that came from the Supreme Court that determined what is acceptable today.

[Senator Joyal]

• (1850)

Those persons who were found guilty in the past and have a criminal record in the context of same-sex intercourse should have access to this bill to have their criminal record expunged. That's my preoccupation with this bill.

I understand four professors made a study of the bill and came up with some suggestions. I think they are worth looking into very carefully by the committee to determine if the committee should not add, in the schedule, those clauses of the bill whereby people of the same sex, LGBTQ, are not today more exposed to have a criminal record than they should be because of those decisions from the Supreme Court.

Honourable senators, I think the Human Rights Committee will study this bill. I am not sure. But I hope that the committee will look very carefully into the context of today, especially looking into what the objective of this bill is, which is to right the wrong. Let's right the wrong of what we know today is acceptable and is not criminal in order to make sure that the bill is in sync with the norm of society today in relation to the objective of the bill.

I hope that the committee will have that opportunity to listen to those four professors because I understand that, in the other place, the bill passed through all stages in 15 minutes. Nobody had an opportunity to reflect upon it. I don't think that's the way, in the Senate, that we like to look into bills and determine the scope of a bill in relation to its objective and the way that the Supreme Court has determined what the law of the land is in relation to same-sex consent in the context of the protection, given no coercion, no money paid, no harm done, not in public. Well, if it is those criteria that we have to apply, I think they should be reflected in the bill.

The Hon. the Speaker: Will you take a question, Senator Joyal?

Senator Joyal: Yes.

Senator Andreychuk: Note that both Senator Cormier and Senator Joyal referred to the four professors, but there is a provision that is troublesome to me. That's the order-in-council to extend the list. On the one hand, I want to know what that means and open-ended. I'm not sure I want to give the right of Criminal Code procedures to be circumvented by an order-in-council. That's one concern.

On the other hand, it would be a way to include the issue of the bawdy houses that you were referring to. So you have no objections to it being listed in the future?

Senator Joyal: No. I think, as I said, honourable senators, taking into account the decision of the Supreme Court that is very clear. It's written by the Chief Justice herself on behalf of a majority court. I think there were seven judges that concurred with the Chief Justice. It's worth reading the decision because it's very clearly explained. The criteria are very clearly explained. It's didactic in the way of explaining the shifting of the norms, of what it was before and what it is now. As I say, that was almost 13 years ago. The jurisprudence has evolved.

I think that, if the committee could look into that case, especially this one and the *Little Sisters* case on the issue of obscenity, I think it would be very helpful if the schedule could be amended to reflect the state of the law today and not in relation to what it was, only for specific sections of the Criminal Code.

That's why I think that the committee would be well positioned to go further and, as you say, answer part of your queries that, in fact, it's open-ended, without knowing too much on which ground we are moving.

I think that there are cases that give us certainty about what the list should be containing.

(On motion of Senator Saint-Germain, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—TWENTIETH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twentieth report of the Standing Senate Committee on Banking, Trade and Commerce (*Bill S-237, An Act to amend the Criminal Code (criminal interest rate), with amendments*), presented in the Senate on February 13, 2018.

Hon. Carolyn Stewart Olsen moved the adoption of the report.

(On motion of Senator Gold, for Senator Moncion, debate adjourned.)

FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Enverga, for the second reading of Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder.

Hon. Marilou McPhedran: Today, I rise to speak for those who have been ignored in Bill C-211, an Act respecting a federal framework on post-traumatic stress disorder, passed in the House of Commons in June, 2017.

[Translation]

This bill is a step in the right direction since it seeks to develop a comprehensive federal framework to address the challenges of recognizing the symptoms and providing timely diagnosis and treatment of post-traumatic stress disorder.

[English]

The purpose of this bill is to offer a service to Canadians, but the bill, in itself, is excluding a major group of first responders. If this bill is about providing a better PTSD service for frontline workers in uniform, then we must not forget those unmentioned within the bill. Nurses and health-care workers are not recognized in the preamble or key sections, yet they are exposed to trauma and even violence on a regular basis.

As written, the bill is unclear that frontline health-care workers, who are first responders, will be included.

To improve this bill and thousands of citizens' lives, we must ensure that nurses and other health-care workers are not lost in this legislation.

I cannot stress enough how much of an impact this modification would have on the well-being of our country. The world is gripped by a mental health crisis. Every province and territory is struggling to address PTSD suffered by nurses and other health-care workers.

Some provinces have addressed the matter. Presumptive PTSD legislation for workplace compensation in Nova Scotia, under Bill 7, passed last year in October, and Ontario announced, in December 2017, that nurses were included among the small list of first responders that will benefit.

To ensure success in this federal legislation, it is essential to align this bill with comparable provincial legislation. If some provinces see nurses and front-line health care workers among first responders to be protected, then so should the federal government.

- (1900)

There is a lack of comprehensive data in Canada on rates of PTSD and occupational mental health injuries for health care workers. Currently, we have only fragments of data. In 2014, the Manitoba Nurses Union hosted six focus groups to gain an understanding of the severity and prevalence of trauma and PTSD that nurses encounter within their environment. The Manitoba Nurses Union concluded that one out of four nurses suffers from PTSD symptoms.

I am pleased to be able to speak in support of the 200,000 nurses represented by the Canadian Federation of Nurses Unions. Let us change thousands of Canadian lives and encourage others to follow such professions without having to fear for their mental health. Let us offer this to those who dedicate their lives to helping others: Nurses and other front-line workers deserve to have the reality of their service to others be recognized in this bill by inclusion as first responders.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I rise today as Government Representative in support of Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder.

Mental health and well-being are the cornerstones of living a full and fulfilling life. The ability to cope with normal stresses of everyday life, engage with our families and society, while taking care of oneself, is indicative of good mental health and well-being.

For some Canadians, however, achieving this is no easy feat.

[*Translation*]

Some specific populations are at a higher risk of developing post-traumatic stress. Because of the work they do, public safety officers, veterans, and members of the Canadian Armed Forces tend to be exposed to traumatic events. Accordingly, the federal government is taking measures to fight against post-traumatic stress and provide more support for the mental health and well-being of those affected.

I am pleased to talk about some of these initiatives and the investments proposed.

[*English*]

Budget 2018 announced \$20 million for a new national research consortium to study the incidence of post-traumatic stress injuries among public safety officers. The government also announced \$10 million for Public Safety Canada to work with the Canadian Institute for Public Safety Research and Treatment to pilot an Internet-based approach to therapy, providing greater access to care and treatment.

For Canadian veterans, Budget 2017 announced plans to create a new centre of excellence on PTSD and related mental health conditions. This centre of excellence will be responsible for advances in applied research, knowledge transfer and the development of evidence-based tools to support mental health treatment of veterans by health care providers from coast to coast.

Veterans Affairs funds a network of 11 operational stress injury clinics across the country that provide specialized medical and mental health treatment to veterans, Canadian Armed Forces members and the RCMP. The department also has a well-established network of approximately 4,000 mental health professionals who treat veterans. The Canadian Armed Forces delivers a health promotion program known as Strengthening the Forces, which covers areas such as addiction awareness and prevention, injury prevention and active living, as well as social wellness. Canadian Armed Forces members also participate in the Road to Mental Readiness program through different stages of their career to improve resilience, increase mental health literacy and for suicide prevention awareness. The Canadian Armed Forces has also developed education, prevention and treatment programs for PTSD.

In addition to these populations, it is important to recognize that all Canadians can be at risk for developing PTSD as a result to exposure to traumatic events, including child abuse, sexual assault, intimate-partner violence, natural disasters, and other extreme or life-threatening events. In my own family, I have loved ones who are suffering from this PTSD, so it is a personal issue for me as well.

[Senator Harder]

[*Translation*]

It is important to recognize that all Canadians can be at risk. It is also important to understand that those living with post-traumatic stress are at a higher risk of injuring themselves or committing suicide.

It is essential that people in crisis have access to the support they need when they need it. That is why Crisis Services Canada has been given \$2 million to deliver the Canada Suicide Prevention Service, which gives people in crisis across Canada free, confidential support 24/7 by phone, text or chat.

[*English*]

The government is also investing \$5 billion over 10 years to support provinces and territories in improving access to mental health and addiction services. Through this funding, Canadians can expect better access to mental health services, integrated models of community mental health care that are evidence-based and culturally appropriate interventions with primary health services.

Indigenous Services Canada provides more than \$350 million annually to support culturally relevant mental wellness services in Indigenous communities, guided by the National Inuit Suicide Prevention Strategy and the First Nations Mental Wellness Continuum Framework. Furthermore, Budget 2018 committed \$200 million extra dollars, with \$40 million ongoing, to enhance access to First Nations addictions treatment and prevention strategies.

[*Translation*]

The Government of Canada is also working in cooperation with partners and Indigenous organizations to foster individual resilience and help people to overcome obstacles. Efforts are focused on parental attachment, community engagement, and pride in one's culture and identity.

[*English*]

Examples of this collaborative effort are the Public Health Agency of Canada's child and maternal health programs, which provide support and help build coping skills to foster mental health and reduce risk factors for mental illness, suicide, family violence and substance abuse. The Public Health Agency of Canada also works to reduce risk factors for mental health issues, including PTSD, such as violence, discrimination and other forms of trauma that can affect both mental and physical health. For example, we know that adults who are mistreated as children or exposed to intimate-partner violence are more than four times as likely to self-report PTSD.

Stigma and discrimination also undermine mental health and well-being by affecting self-esteem, disrupting relationships and discouraging those who may be affected by PTSD from seeking help.

Health promotion that is specifically geared to the needs of survivors of violence is a new and innovative field of research and practice. The Public Health Agency of Canada is supporting community-based projects to improve the physical and mental health of those who have experienced the trauma of family violence. These projects are reaching children, youth and parents across Canada to mitigate the effects of violence, enabling them to rebuild their lives and helping to break cycles of violence. Budget 2017 announced \$100.9million over five years and \$20.7million per year ongoing to establish a strategy to prevent and address gender-based violence. Budget 2018 announced an additional \$86 million over five years and \$20 million per year ongoing to expand the strategy to prevent and address gender-based violence.

[*Translation*]

In addition, we need to gather, track, analyze and disseminate data on the risk factors that influence mental health. These data include information on domestic violence, mental illness, suicide and self-harm.

[*English*]

The government invests widely in mental health. A federal framework on PTSD, as this bill would suggest, would add to those investments by providing an explicit opportunity to align existing federal activities that focus on the needs of specific populations and identify evidence-based best practices that could support all Canadians affected by PTSD. I commend this legislation for your consideration and urge that it be sent to committee quickly.

(On motion of Senator Hartling, debate adjourned.)

• (1910)

[*Translation*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO HEAR WITNESSES IN REGARD TO EVENTS SURROUNDING PRIME MINISTER'S TRIP TO INDIA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Oh:

That, given serious potential implications for Canada's relations with India as well as for Canada's national security arising out of the recent visit by the Prime Minister to that country, the Standing Senate Committee on National Security and Defence be authorized to:

- (a) Invite Mr. Daniel Jean, the Prime Minister's National Security Advisor, to appear before the Committee to answer questions related to the issues arising from the recent visit by the Prime Minister to India;
- (b) Invite additional witnesses from the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, Global Affairs Canada and any other relevant agencies to explain how an individual convicted of serious criminal offences was permitted to attend official events involving the Prime Minister, Ministers and senior Canadian officials; and
- (c) Provide any recommendations that the Committee believes may be warranted as a result of this incident;

That the Committee submit its final report no later than June 1, 2018, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. Jean-Guy Dagenais: Honourable senators, pursuant to rule 6-2(2), I seek leave of the Senate to speak a second time on this motion to explain part of the speech I delivered on March 1, 2018.

[*English*]

The Hon. the Speaker: Honourable senators, is leave granted?

Senator Mitchell: No.

The Hon. the Speaker: I hear a "no." Leave is not granted?

Senator Mitchell: No.

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

Hon. Senators: Question.

Senator Mitchell: No.

The Hon. the Speaker: Does someone want to adjourn the debate?

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

[Translation]

THE HONOURABLE CLAUDETTE TARDIF

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Day, calling the attention of the Senate to the career of the Honourable Senator Tardif.

Hon. René Cormier: Honourable senators, I realize that it is late, but I would like to give a brief tribute to Senator Tardif, who recently retired from this place.

Honourable senators, today, on the International Day of La Francophonie, I am so grateful to join those who recently paid tribute to Senator Claudette Tardif, who is a remarkable woman.

Senator Tardif has left her legacy in Canada and in the Senate of Canada. She has left her mark on the backdrop of this vast country — to paraphrase the Franco-Albertan singer-songwriter Paul Cournoyer — in the form of her boundless love for the French language, her passion for education, her work ethic, and, of course, her radiance and elegance.

In her years in the upper chamber, this ambassador for the Canadian francophonie and for official language communities worked unwaveringly to give a voice to minorities in this country.

Ms. Tardif has been a professor, researcher, dean, senator, and recipient of many honours, including Commander of the Ordre de la Pléiade — which she is receiving at this very moment from the Assemblée parlementaire de la Francophonie — yet she always remained humble in carrying out her parliamentary duties.

Although I knew Senator Tardif before I arrived in the Senate, it was at the Standing Senate Committee on Official Languages that I saw just how committed and hard-working she is. As chair of this committee, she showed sensitivity and was an excellent listener. She ran such a tight ship in committee that yours truly now has big shoes to fill as the current chair of the committee that she chaired for so many years.

Throughout her time as chair, her love for Canada's francophonie and her passionate advocacy for Quebec's anglophone minority went hand in hand.

[English]

During all those years as Chair of the Official Languages Committee, Senator Claudette Tardif was always aware and conscious of the specific challenges of the anglophone communities in Quebec and she made sure that their voices were heard.

[Translation]

She left the upper chamber just a few short weeks ago, but she is already much missed in this place. Nevertheless, because her outlook is firmly future-oriented, she entrusted to us a challenge of epic proportions: seeing a massive study on the modernization of the Official Languages Act through to completion.

As we all know, honourable senators, the Official Languages Act will turn 50 in 2019. As the Honourable Mélanie Joly said during consultations with minority language communities in 2017, and I quote :

Canadians across this country care about our two official languages, which are fundamental to our Canadian social contract. The stories, experiences and challenges may vary from one region to the next, but there is no doubt that our official languages are an integral part of our identity.

Bilingualism is indeed part of our shared identity, and it was with conviction that Senator Tardif worked to promote linguistic duality. She initiated the ongoing Standing Senate Committee on Official Languages study of Canadians' views on modernizing the Official Languages Act, a study that involves consultations with five groups: young people, official language minority communities, stakeholders who have witnessed the evolution of the act, the justice sector and federal institutions. Those segments of the population will inform the committee's spring 2019 report to the Government of Canada. On behalf of the committee members, I would like to thank Senator Tardif for her outstanding leadership in bringing this initiative forward for our country.

That said, despite Senator Tardif having every intention of leaving the Senate, there really is no retirement for her. She will have to quietly go her way if she wants to take full advantage of this retirement, because we realize that Claudette Tardif's destiny is closely tied to the Franco-Albertan community. Indeed, if one day you should have the good fortune to go to Sherwood Park in Alberta, you will see the school that bears the name of Claudette and Denis Tardif, one of the most beautiful symbols of the couple's commitment.

The voice of Claudette Tardif will continue to be a beacon for Canada's francophonie and to resonate in this chamber.

In closing, honourable senators, and in tribute to this great lady, her love of the French language, and her determination to strengthen the bonds that unite Canada and France, I will quote a few lyrics written by Yves Duteil, which capture her commitment so well :

It is a beautiful language with exquisite words
That convey its history through its accents . . .
It is a beautiful language to those who know how to defend it
It offers a treasure of infinite wealth :
The words we lacked to understand one another
And the strength needed to live in harmony

• (1920)

Thank you, Senator, thank you, Claudette.

Thank you for your attention.

Hon. Senators: Hear, hear!

[*English*]

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak, this matter is considered debated.

(Debate concluded.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO FULFILL AND CONVEY ITS COMMITMENT TO THE TRANS MOUNTAIN PIPELINE EXPANSION ADOPTED

Hon. Richard Neufeld, pursuant to notice of February 8, 2018, moved:

That the Senate, whose members represent the various regions, provinces and territories of Canada, note with concern that people and businesses in British Columbia and Alberta are already beginning to suffer from the fall-out of an escalating inter-provincial trade dispute;

That the Senate urge the Prime Minister to bring the full weight and power of his office and that of the Government of Canada to ensure that the Trans Mountain Pipeline Expansion is completed on schedule; and

That the Senate also urge that the commitment of the Prime Minister and the Government to the goal of ensuring that the expansion is completed on time be officially conveyed to the governments of British Columbia and Alberta in a manner that leaves no doubt as to the federal government's determination to see the project become fully operational within the present timeline.

He said: Honourable senators, I rise to speak to Motion 298, which I introduced on February 8, calling on the Prime Minister to bring the full weight and power of his office to ensure the Trans Mountain pipeline expansion project gets completed on schedule. I introduced this motion because I felt it was important for the Senate to continue its discussion on this issue of national significance. I hope senators will support the motion, and together we can stand united in asking the Prime Minister to show real leadership and commit to officially convey his position to the Governments of British Columbia and Alberta in a manner that leaves no doubt as to the federal government's determination to see the project become fully operational within its present timelines.

I want to thank all honourable senators who took part in the emergency debate we had last month. In particular, I thank Senator Tkachuk for initiating that discussion. I think it was a healthy exercise, and I was delighted in the interest it generated.

Many concerns over the proposed pipeline have been addressed both here and outside the chamber. These include the environmental assessment process, the NEB's review, tanker and

pipeline safety, consultations with Canadians and First Nations, and greenhouse gas emissions. I will address some of these issues a little later.

But what struck me the most from our emergency debate was that many senators felt the debate was insufficient, that the Senate could take a leadership role in this matter. As Senator Woo said:

. . . we should not be complacent about what we have achieved tonight. . . . We should not be smug about the fact that we had an emergency debate and somehow feel that we have done our duty and can now wash our hands of the issue.

This motion, in part, serves that purpose.

I also fully support Senator Black for introducing Bill S-245, An Act to declare the Trans Mountain Pipeline Project and related works to be for the general advantage of Canada. I will speak to that next week.

At the outset, I think it would be useful to provide some background information on Trans Mountain and the events that have led us to this current impasse.

Kinder Morgan, an energy infrastructure giant, proposed the Trans Mountain expansion project in response to requests from oil companies to help them reach new markets by expanding the capacity of North America's only pipeline with access to the West Coast. The \$7.4 billion privately funded project seeks to increase Trans Mountain's current capacity of 300,000 to 890,000 barrels per day. This is essentially a twinning of the existing 1,150-kilometre pipeline built in 1953 between Edmonton, Alberta, and Burnaby, B.C., which includes 980 kilometres of new pipeline.

Seventy-three per cent of the route will use the existing right-of-way; 16 per cent will follow other linear infrastructure, such as telecommunications, hydro or highways; and 11 per cent will be new right-of-way. It is not as disruptive as some may think. Twelve new pump stations and 19 new tanks will be built and 3 new berths at the Westridge Marine Terminal.

It was in May 2012 that Kinder Morgan formally announced the expansion project, and it filed its 15,000-page Facilities Application with the National Energy Board in December 2013.

In January 2016, the Trudeau government introduced new interim principles to assess the upstream greenhouse gas emissions for projects undergoing environmental assessments, which included Trans Mountain.

In May 2016, following a 29-month review, which included a comprehensive environmental assessment, the NEB concluded that the project is in the Canadian public interest.

The greenhouse gas assessment review panel published its findings in November 2016. Soon after, on November 29, 2016, the Trudeau government approved the expansion project subject to 157 binding conditions.

Over a year later, in January 2018, Premier Horgan's NDP minority government in British Columbia announced it was seeking public feedback on restricting the increase of diluted bitumen transport until the behaviour of spilled bitumen can be better understood and there is certainty regarding the ability to adequately mitigate spills.

Then Alberta Premier Rachel Notley announced a provincial ban on B.C. wines and threatened to suspend talks on the possible purchase of hydroelectricity, worth half a billion dollars a year.

Finally, Premier Horgan recently agreed to let the courts settle the jurisdictional questions surrounding his proposal to ban expanded bitumen shipments, at which time Alberta lifted its wine ban.

While I appreciate the fact that Prime Minister Trudeau has publicly said that this project is in the national interest and it will get built, I remain concerned that unnecessary delays and interruptions will continue to harm the construction of this project. I still firmly believe that the government should take a leadership role on this file and ensure shovels are in the ground as soon as possible. As Senator McCoy explained during our debate, Canada is losing money because our oil is sold at a discount rate.

A report from TD Bank recently highlighted that we are losing \$28 per barrel due, in part, to the fact that the U.S. is our only customer. The price differential has cost Canadians about \$117 billion in the past seven years because we don't have access to competitive markets. I think that says it all. We need to diversify, but I don't want to just focus on economics today. Rather, I want to focus on pipeline and tanker safety.

First — don't get me wrong — I recognize there are risks in transporting oil by pipeline or tanker, but is this any different than the risk we undertake when we cross the street, take a flight home or hop on an elevator? I'm not suggesting these activities are more or less dangerous than the transportation of oil; I'm simply suggesting that any human activity comes with risk.

Take, for example, Ottawa's upcoming new light rail transit system. Despite some minor setbacks, including sinkholes, I would still feel comfortable riding the train through its downtown underground tunnel. I trust the engineers, architects, project managers, welders and hundreds of labourers who worked on the project. I trust they know what they are doing. These are all highly trained people, and we should have confidence in the quality of their work.

I would argue that we should have the same confidence in pipeline contractors, tanker pilots and operators. These people know what they are doing and have undergone intensive training. Safety is everyone's top priority. No one wants a catastrophe to take place, including Kinder Morgan or any other company, for that matter.

So I get it. Some people are concerned about the possibility of an oil spill in the ocean or a pipeline breach, but we also know that that is highly improbable. We know that pipelines are the safest and most efficient way of transporting hydrocarbons. Many experts and reports, including our 2013 Senate report,

Moving Energy Safely: A Study of the Safe Transport of Hydrocarbons by Pipelines, Tankers and Railcars in Canada, attest to it. Natural Resources Canada agrees that pipelines are a safe, efficient and reliable way to move Canadian energy to consumers.

In 2015, almost 1.3 billion barrels of crude oil and petroleum products were safely transported by Canada's federally regulated pipelines, 99.999 per cent of which was moved safely. Over a recent three-year period, 100 per cent of liquids released by federally regulated pipelines were recovered.

I also want to remind all honourable senators that there is an estimated 840,000 kilometres of pipelines in Canada ranging from gathering lines, feeder lines, transmission lines and local distribution lines. I think we often forget that.

• (1930)

Furthermore, some senators may recall the 2015 Pipeline Safety Act, which strengthens Canada's pipeline safety systems based on prevention, preparedness, response, liability and compensation. Companies are now liable for incident costs and damages irrespective of the fault, up to \$1 billion for companies operating major oil pipelines.

The product being proposed for Trans Mountain is diluted bitumen, or dilbit as it is commonly known. Dilbit is a thick, molasses-type product that has some people concerned about its corrosiveness. I confess I am not an expert on these matters so I must rely on professionals. I appreciate some researchers may say otherwise, but others have argued that the possibility of corrosion in the oil transmission pipelines was found to be low.

A recent Fraser Institute primer refers to a 2013 study from the National Academy of Sciences which found no evidence that dilbit would contribute to pipeline failure or corrosion. Another report called "Dilbit Corrosivity" from 2013 says the following:

... some of the literature is ill-informed and wrong: both Dilbit and Synbit in a crude oil transmission pipeline environment is no more corrosive than comparable heavy sour crudes and in many cases may be less corrosive. Consequently, there are no significant additional implications for corrosion control in a pipeline carrying Dilbit and Synbit as part of pipeline integrity management over and above what is already standard practice.

The VP of safety and sustainability at the Canadian Energy Pipeline Association says:

For pipeline carrying diluted bitumen, the risk of corrosion is not any different than pipelines carrying conventional oil.

Don't get me wrong. I am not suggesting that pipeline corrosion doesn't happen. I am simply saying that the properties of dilbit are not necessarily the source of additional corrosion.

Like other metals, pipelines can corrode. However, corrosion can be mitigated when they are monitored and protected. CEPA explains that pipelines receive a protective coating when manufactured. Further, pipeline operators always monitor their pipelines with different technology and tools including inspection gauges and visual inspections. For example, operators use smart pigs — an inspection gauge that looks like a big plunger — to measure several things inside the pipe including restrictions and deformations as well as metal loss. I'll say it again. No one — a company or an individual — wants to be responsible for a pipeline breach or an oil spill, so they will do what they can to prevent any such incident.

Second, I will deal with tanker data and safety. Today, approximately 60 per cent of all oil transported around the world travels by tanker. According to ClearSeas.org, a great Canadian-based website, the volume and frequency of oil spills has been decreasing globally since the 1970s. In fact, the number of spills seven tonnes or more have decreased considerably while the seaborne oil trade has increased steadily. In other words, more oil shipments, less spills.

Crude oil and petroleum products are the largest commodities handled by Canadian ports, representing over 20 per cent of total tonnage. The ClearSeas website relates that Transport Canada estimates there are 20,000 oil tanker movements off the coasts of Canada each year, 85 per cent of which is on the Atlantic coast.

Each year, tankers carry about 80 million tonnes of oil to and from Canada's coasts. Each day, 180 large commercial vessels travel within 200 miles of our shores.

Tankers of various sizes, including the Ultra-Large Crude Carriers, ULCCs, transit on the East Coast. The *Aframax* tanker is the largest ship carrying oil on the West Coast. These ships can carry up to 850,000 barrels.

Contrary to what was said in this chamber, tankers 10 times the size of the *Exxon Valdez* ship will not be transiting the Port of Vancouver with the expansion of the Trans Mountain. The *Exxon Valdez* was 301 metres in length and could carry up to 1.48 million barrels of oil. The *Aframax* will load oil from Trans Mountain at the Westridge Terminal Burnaby. They are only 245 metres in length and carry just over half the oil that the *Exxon Valdez* could.

In other words, it was suggested that the new tankers could carry nearly 15 million barrels of oil. Today's largest tanker, the ULCC, can only carry up to 4 million.

We do a disservice to the industry and to public awareness when spreading inaccurate information.

Further, we also heard that the number of daily ships will increase to 35. This is factually incorrect. According to Kinder Morgan, tankers loading in Burnaby could increase to approximately 34 a month. Today, the number of tankers at the Port of Vancouver is about five. With the expansion project, the tanker traffic would represent about 14 per cent of total ship traffic in the Port of Vancouver.

Some are concerned that in the unlikely event of a marine spill dilbit will not be recoverable because it sinks immediately. New results from research conducted by NRCan show that dilbit will float on the surface of water for up to three to four weeks. I have also been told that dilbit has the same spill-recovery characteristics as conventional heavy oil. This is contrary to other claims that diluted bitumen sinks immediately.

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

Senator Neufeld: Please.

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

Hon. Senators: Agreed.

Senator Neufeld: While shipping oil via tankers comes with some risks, countless measures are in place to prevent shipping accidents or incidents including, but not limited to, improved traffic control technology, better ship designs, enhanced industry safety procedures and a strengthened regulatory regime.

Honourable senators, while I could have addressed a long list of issues today, I opted to focus on safety matters because I think it is important to debunk the myth that the transportation of oil is too risky and inevitably environmentally destructive.

For those who want to learn more about some of these issues, I am happy to inform this chamber that a number of senators and I are organizing a pipeline and tanker safety awareness session on the Hill. We are working on an exciting program. Many speakers have already confirmed their presence. I hope you will be able to join us on April 24. Formal invitations will be forthcoming.

In conclusion, I urge the Prime Minister and his government to provide real leadership on this matter. He needs to remind the B.C. government that Trans Mountain is the federal government's responsibility. He needs to tell Premier Horgan to step aside and cease this nonsense. He needs to send a strong message to all Canadians that further delays, disruptions and disorder will not be tolerated. This pipeline has been approved because it is in the best interest of all Canadians. He needs to step up and bring the full weight and power of his office to ensuring the Trans Mountain pipeline expansion project is completed on schedule.

I thank you for your attention and I hope senators will take part in this important debate. I also hope you will join your voice with mine in supporting my motion. Thank you.

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? (Motion agreed to.)

Hon. Senators: Agreed.

(At 7:39 p.m., the Senate was continued until tomorrow at 2 p.m.)
