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OFFICIAL REPORT
(HANSARD)

Wednesday, May 30, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, May 30, 2018

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

Prayers.

SENATORS' STATEMENTS

ICEBERG ALLEY

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 33 of "Telling our Story."

During the last few weeks here in Ottawa, I have witnessed the excitement of this year's Tulip Festival, while at the same time we all know that farmers out West are getting excited about this year's supply of grain. As well, their counterparts in Prince Edward Island are hoping for a bumper crop of potatoes this summer. Well, this is the time of year in Newfoundland and Labrador when we get all excited about icebergs because, after all, we are home to that special stretch of water along our East Coast known as Iceberg Alley. This Atlantic Marine Ecozone is infamous for its bounty of icebergs and the dangers they pose to vessels, most notably when one sank the RMS *Titanic*. This disaster led to the zone being nicknamed Iceberg Alley.

On an average year, about 400 to 800 icebergs make their trek down the coast from Greenland all the way to St. John's and beyond. The number can vary greatly from year to year. For example, in 1984, over 2,200 icebergs were recorded.

Icebergs are comprised of water that is 10,000 to 12,000 years old, and Iceberg Alley provides passage to these massive ancient slabs of ice that have broken free from their northern Arctic glaciers. Icebergs come in all shapes and sizes, including arched, pyramidal and domed, just to name a few. Some are snow white, while others appear more turquoise in colour. Some even have waterfalls cascading down their sides.

Icebergs have been known to "talk," meaning that because they are in a constant state of melting and shifting, they make low rumbling and other noises. They could be here in the Senate some days.

Many of you have seen the videos and pictures of some huge icebergs, but believe it or not, you only see 10 percent of an iceberg on the surface of the water. Almost 90 percent of an iceberg stays below the surface. They can be very volatile and can tip over in a few seconds.

Now, at certain times in Newfoundland and Labrador "breaking up is hard to do," but with the warmer waters surrounding our coastline, the icebergs will melt over time, so there is a short window to come and see these magnificent glacial giants.

The smallest icebergs are known as "berry bits," which are the size of a small house, and then we have the "growlers," which are the size of a small piano. As a point of influence of the icebergs on our culture, we just welcomed a new ECHL minor hockey team to our province, and they will go by the name of "The Growlers."

Many icebergs can be viewed from the island, while many visitors usually take one of the local tour boats to get up closer, and if you are lucky, you may see a whale or two along the way. Last year, one of our brave Newfoundlanders landed his helicopter on one of the icebergs. I am not sure, however, if I would be up for that myself.

After you have visited and seen these magical sites, you can stop by one of our local establishments to sit back and enjoy a very cold bottle of Iceberg Beer or a nice glass of Iceberg Vodka and even have it on the rocks, if you so choose. We don't specialize in iceberg lettuce, but if you want it, we will do our best to get it for you.

If you haven't already, I would advise you to put a trip to Iceberg Alley on your bucket list; you will not be disappointed.

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Sabine Bernier. She is the guest of the Honourable Senator Mégie.

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

Hon. Senators: Hear, hear!

PATRICE BERNIER

Hon. Marie-Françoise Mégie: Honourable senators, I rise today to pay tribute to a great Canadian. This individual was born in 1979 to parents of Haitian origin in Brossard, in the province of Quebec. I am speaking of former Montreal Impact captain Patrice Bernier. His sister is listening today.

Describing his extraordinary journey in under three minutes would be downright impossible. However, I will mention a few highlights of his athletic career.

When Patrice was three years old, he was already showing off his soccer skills in the family's basement. As his father said, he took it out on the walls and the decor. Patrice was five when he first laced up his skates at the local arena. That is when he began practising hockey at the same time as his favourite sport, soccer.

In 1995, at the tender age of 15, he played on Canada's national selection team to potentially compete in the U-17 World Cup in Ecuador. Patrice scored Canada's first and only goal in the history of this high-level competition. That is how he was named the best player on the Canadian team.

In 1997, he won gold at the Canada Games with the Quebec soccer team, and then, in the same year at the Games of La Francophonie in Madagascar, he once again struck gold.

Between 2000 and 2002, he joined the Montreal Impact, where he scored his first pro goal. From 2003 to 2011, he went on to conquer Europe. During that time, he played for various prestigious teams in Norway, Germany and Denmark.

On November 18, 2011, Patrice returned to Montreal with the Impact, which was starting out with Major League Soccer or MLS. This Haitian-Canadian athlete's skills, values and leadership quickly made him a source of pride for Quebecers.

After many other victories, championships and honours, Patrice Bernier played his final game on October 22, 2017. On November 25, he was inducted into the Soccer Hall of Fame. This was quite a feat, since according to Fédération de Soccer du Québec rules, a player must be retired for five years before becoming eligible for induction.

He was honoured by the Quebec National Assembly on November 28. Because of his extraordinary career, he has been called "the Maurice Richard of soccer." On December 9, during a final MLS match in Toronto, he was given a standing ovation.

However, Patrice is not just an outstanding athlete. He is also a loving husband and a wonderful father to three young children. His involvement with the Haitian community and with youth makes him an excellent model of dedication, discipline and courage. Incidentally, on May 2, he took time to meet with students at Saint-Paul elementary school in Gatineau. Very generous with his time, he stressed to them that with hard work and a healthy lifestyle, they can achieve their dreams.

Honourable colleagues, let's congratulate Patrice Bernier, Canadian, son of immigrants, who has promoted our country around the world.

[*English*]

ACADIE-BATHURST TITAN

CONGRATULATIONS ON MEMORIAL CUP

Hon. Rose-May Poirier: Honourable senators, pride has come back to the city. So exclaim the headlines of the *Telegraph Journal* following the Titan d'Acadie-Bathurst season ending on Sunday evening with the top crowning moment as they now reign supreme over all of junior hockey in Canada as Memorial Cup champs.

Hon. Senators: Hear, hear!

Senator Poirier: They defeated the host of the tournament, the Regina Pats, to which I say to Senators Batters, Tkachuk, Andreychuk, Dyck and Wallin: Sorry, this one is ours. Even though I don't follow hockey, the excitement of this win has been contagious, since Jeffrey from my office is from Bathurst and he has been talking about it non-stop the last few days.

Bathurst is a charming city in northern New Brunswick of roughly 12,000 people in one of the smallest markets in all of Canadian junior hockey, and their conquest of the one hundredth Memorial Cup is a true underdog story. Inspired by the courage and determination of the captain, Jeffrey Truchon-Viel, backstopped like a brick wall by Evan Fitzpatrick, and the blue line controlled by the dynamic duo of Olivier Galipeau and Noah Dobson, this team gave all meaning to the concept of teamwork. As they made their run from the first round of the playoffs in the Quebec Major Junior Hockey League, their quest sent a jolt of electricity throughout the city, uniting the people of Bathurst and of the greater region along the way.

• (1410)

To truly understand and appreciate the magnitude of this story, honourable senators, we need to make a quick turn back in the history of the team. The Titan arrived in Bathurst 20 years ago, in 1998, and for a city that has always been a hockey town and region, like the famous Papermakers Senator Munson has referenced on numerous occasions, it was love at first sight.

The Titan won their first President Cup during their opening season and in their first four years made it to the finals three times. Unfortunately, the following years were difficult due to ownership issues. Finally, five years ago, a group of local businessmen came together and bought the team to ensure it remains in Bathurst. The fruit of their efforts and the trust in the general manager, Sylvain Couturier, have paid off. It needs to be said that without determination and vision, all of this would not have been possible.

Playing under the slogan "Our Time," they have proven, game after game, that Bathurst is, in fact, the hockey city we have all known it to be. At the end of the run, the Titan and the people of Bathurst have proven it is not only our time but also our team.

Join me, honourable senators, in congratulating the Titan organization, and to its fans and the people of Bathurst: Be proud, be loud — ayoye, ayoye, ayoye!

THE LATE VERN HARPER

Hon. Frances Lankin: Honourable colleagues, I rise today to note the passing of Mr. Vern Harper. Vern passed away on May 12.

I didn't learn of this until last week. I got a letter from a constituent talking about him and some of the work that he had done. I'm saddened, and I know many people in Aboriginal communities across the country and especially many people, Aboriginal and non-Aboriginal, in Toronto will greatly miss him.

Vernon Harper was a Cree elder, a medicine man and an Indigenous rights activist. He was also a spiritualist. I look to my friend Senator Sinclair. I think he was also a socialist. I know at one point in time I had a conversation with him in which he talked about Native people developing their own socialist brand and approach to things, and I think he had wonderful ideas.

He was the person who came up with the idea and was one of the key organizers of the Native People's Caravan from Vancouver to Ottawa in 1974. Senators will know that followed the uprisings and protests at Kenora and Cache Creek. There was a real focus, and that march, which ended in unrest and what people referred to as a riot here on Parliament Hill, raised awareness of broken treaties and grievances against the federal government.

It was a turning point for Canadians. Canadians began a journey of waking up to seeing and understanding what some of the challenges and issues were. It began a road that is leading us towards reconciliation, and we all know we haven't finished that work yet.

Vern co-founded the First Nations School of Toronto. He was a permanent member of staff at CAMH, where he served as a resident elder. He worked in the justice system, Aboriginal Legal Services. I met him at the Native Canadian Centre, where he brought a message of reconciliation to his opening ceremonies for meetings and smudgings. I first met him there. I met him at Anishnawbe Health when we were talking about downtown urban health issues facing the Aboriginal community. I met him at Native Child and Family Services and at Na-Me-Res Native Men's Residence. He was very involved with that.

He was an amazing leader. He was referred to as an urban elder. He played a very important leadership role in the Aboriginal community.

Senator Sinclair has told me that he performed and served in the role of elder to the Truth and Reconciliation Commission when they were holding their hearings in Toronto.

He wrote a book, *Following the Red Path*, which is about the caravan. I would just like to close with his closing quote. He is a remarkable man. This is available in the library here, if anybody is interested.

He says in closing:

> I first began to understand the true meaning of Native spiritualism on the Caravan, but it was a positive force in my life for many years before that. I think spiritualism has kept me going all these years. It helped me survive prisons, mental institutions, skid row, alcoholism, drug addiction, and the self-guilt that was conditioned and forced upon me. Now I am at the level of consciousness where I am learning the religious aspects of Native spiritualism . . . .

His last sentence, and I close with this:

> I am learning to speak my mother's tongue, as I once did when I was a small child. I am in the process of learning to be a red man again, and as that happens I will become a free man.

He is free now with the Creator. Thank you, *meegwetch*.

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

COST ESTIMATE OF TAX CREDIT FOR CONFEDERATION BRIDGE TOLLS—REPORT TABLED

Hon. Percy E. Downe: Honourable senators, pursuant to rule 14-1(3), I ask for leave to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Cost Estimate of Tax Credit for Confederation Bridge Tolls*, dated August 31, 2016, prepared for Senator Percy Downe pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(4).

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

Hon. Senators: Agreed.

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

EIGHTEENTH REPORT OF FOREIGN AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the eighteenth report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the subject matter of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(*Pursuant to the order adopted on April 24, 2018, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.*)

CANNABIS BILL

BILL TO AMEND—TWENTY-FIFTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Wednesday, May 30, 2018

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTY-FIFTH REPORT

Your committee, to which was referred Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, has, in obedience to the order of reference of March 22, 2018, examined the said bill and now reports the same with the following amendments:

1. *Clause 2, pages 2 and 5*:

(*a*) On page 2,

(i) replace lines 13 to 15 with the following:

"sented to be used in the consumption of cannabis; or", and

(ii) replace lines 17 and 18 with the following:

"represented to be used in the consumption of cannabis. (*accessoire*)"; and

(*b*) on page 5, replace lines 28 to 30 with the following:

"*ry*, a thing that is commonly used in the consumption of cannabis is deemed to be represented to be used in the consumption of cannabis if the".

2. *New clause 5.1, page 6:* Add the following after line 8:

"**5.1** For greater certainty, nothing in this Act is to be construed as limiting the operation of the extrajudicial measures that are provided for under the *Youth Criminal Justice Act*.".

3. *New clause 5.2, page 6*: Add the following before the heading "Her Majesty":

"**5.2** For greater certainty, this Act does not affect the operation of any provision of provincial legislation that is more restrictive with respect to, or prohibits, the cultivation, propagation or harvesting of cannabis in a dwelling-house.".

4. *Clause 9, page 10*: Add the following after line 3:

"**(2.1)** Subparagraph (1)(a)(ii) does not apply

(a) if the cannabis is distributed by an individual who is 18 years of age or older and less than two years older than the individual to whom they distribute the cannabis; or

(b) if the cannabis is distributed to an individual who is 16 years of age or older by their parent or guardian in their dwelling-house.".

5. *Clause 11, page 12*: Replace line 28 with the following:

"more than $300,000.".

6. *Clause 12, page 13*: Replace line 17 in the French version, with the following:

"nabis provenant d'une graine ou d'une matière végétale qu'il".

7. *New clause 15.1, page 16*: Add the following after line 31:

"**15.1** A conviction for an offence committed under section 9, 10, 11, 12 or 14 does not constitute serious criminality for the purposes of subsection 36(1) of the *Immigration and Refugee Protection Act* unless the person was sentenced to a term of imprisonment of more than six months in respect of that offence.".

8. *Clause 33, page 24*: Replace line 20 with the following:

"cannabis of any class that is not referred to in Schedule 4 or that has a potency exceeding the prescribed maximum potency.".

9. *Clause 43, page 26*: Replace line 27 in the French version, with the following:

"notamment celle visée à l'alinéa 16d), au sujet de l'acces-".

10. *Clause 51, pages 30 and 31*:

(*a*) On page 30:

(i) add the following after line 28:

"**(d.1)** a lesser amount than the amount determined under subsection (4) that may be paid for the offence if it is paid within a specified period that is shorter than the period referred to in paragraph (d);",

(ii) replace line 30 with the following:

"within the period referred to in paragraph (d) or (d.1),",

(iii) replace lines 31 to 34 with the following:

"**(i)** a finding of guilt will be entered in the judicial record of the accused and the accused will be deemed to have received an absolute discharge and not to have been convicted of the offence,

(ii) the judicial record of the accused in respect of the offence will not be used for any", and

(iv) replace line 37 with the following:

"**(iii)** if cannabis has been seized in relation to the of-"; and

(*b*) on page 31, replace line 5 with the following:

"referred to in paragraph (d) or (d.1)".

11. *Clause 52, page 31*:

(*a*) Replace line 23 with the following:

"cused within the period referred to in paragraph 51(3)(d) or (d.1) constitutes a";

(*b*) replace lines 26 and 27 with the following:

"**(a)** a finding of guilt is to be entered in the judicial record of the accused and the accused is deemed to have received an absolute discharge and not to have been convicted of the offence;"; and

(*c*) replace lines 29 and 30 with the following:

"offence must not be used for any purpose".

12. *Clause 53, page 32*: Replace lines 9 and 10 with the following:

"offence must not be used for any purpose that".

13. *Clause 54, page 32*:

(*a*) Replace line 14 with the following:

"the ticket within the period referred to in paragraph 51(3)(d) or (d.1), the ac-";

(*b*) replace line 22 with the following:

"**(d)** the accused has 60 days after the day of the convic-"; and

(*c*) replace lines 32 and 33 with the following:

"accused in relation to the offence must not be".

14. *New clause 55.1, page 32*: Add the following after line 40:

"**55.1** If the amount to be paid under this Part is owed to Her Majesty in right of Canada, the person responsible, by or under an Act or ordinance of the legislature of a territory, for issuing or renewing a licence, permit or other similar instrument in relation to the offender may refuse to issue or renew or may suspend the licence, permit or other instrument until the fine or fee is paid in full, proof of which lies on the offender.".

15. *Clause 58, page 33*:

(*a*) Add the following after line 18:

"**(b.1)** a lesser amount than the amount determined under paragraph 51(4)(a) or (b), as the case may be, that may be paid for the offence if it is paid within a specified period that is shorter than the period referred to in paragraph (b);";

(*b*) replace line 20 with the following:

"within the period referred to in paragraph (b) or (b.1),";

(*c*) replace lines 21 to 24 with the following:

"**(i)** a finding of guilt will be entered in the judicial record of the accused and the accused will be deemed to have received an absolute discharge and not to have been convicted of the offence,

(ii) the judicial record of the accused in respect of the offence will not be used for any";

(*d*) replace line 27 with the following:

"**(iii)** if cannabis has been seized in relation to the of-"; and

(*e*) replace line 31 with the following:

"ferred to in paragraph (b) or (b.1), the accused must appear in".

16. *Clause 62, page 37*: Replace lines 26 and 27 with the following:

"**(10)** Subject to the regulations, the Minister may make a licence or permit subject to any conditions that he or she considers ap-".

17. *Clause 64, page 38*: Replace lines 13 to 17 with the following:

"any cannabis specified by the Minister if

(a) the Minister has reasonable grounds to believe that the suspension is necessary to protect public health or public safety, including to prevent cannabis from being diverted to an illicit market or activity; or

(b) any prescribed circumstance exists.".

18. *Clause 65, page 39*: Replace line 22 with the following:

"been cancelled;".

19. *Clause 67, page 39*:

(*a*) Replace line 31 with the following:

"**67(1)** Subject to the regulations, the Minister may grant or"; and

(*b*) add the following after line 33:

"**(2)** The Minister may specify, by name or position, any person — other than a person specified in the regulations — who must hold a security clearance if the Minister is of the opinion that the person

(a) performs, has performed or is about to perform activities related to a licence or permit that is issued under this Part or that is the subject of an application under this Part; or

(b) has, has had or is about to have custody, management or control of the place where activities related to a licence or permit that is issued under this Part or that is the subject of an application under this Part, are being or will be performed.

(3) If the Minister specifies that a person must hold a security clearance under subsection (2), the Minister must provide the applicant for, or the holder of, the licence or permit related to that person with a notice to that effect in writing.".

20. *Clause 71, page 41*:

(*a*) Replace lines 23 and 24 with the following:

"**(2)** Unless the regulations provide otherwise, every person who is acting as the agent or mandatary of a per-"; and

(*b*) add the following after line 30:

"**(3)** Unless the regulations provide otherwise, every person who is acting under a contract with a person that is authorized under this Act to possess, sell, distribute or produce cannabis — other than an employee or an agent or mandatary of the authorized person — may do any- thing that is prohibited by any provision of Division 1 of Part 1 if they do so in the performance of their contract and in a manner that is consistent with the conditions that apply to the authorized person's authorization.".

21. *Clause 72, pages 41 and 42*:

(*a*) On page 41:

(i) replace line 33 with the following:

"is prohibited by section 8, 9 or 10 if they do so as",

(ii) replace line 37 with the following:

"**(2)** Every person who is acting as the agent or man", and

(iii) replace line 40 with the following:

"section 8, 9 or 10 if they do so as part of their role as"; and

(*b*) on page 42, add the following after line 3:

"**(3)** Every person who is acting under a contract with a person that is authorized under a provincial Act to sell cannabis — other than an employee or an agent or mandatary of the authorized person — may do anything that is prohibited by section 8, 9 or 10 if they do so in the performance of their contract and in a manner that is consistent with the conditions that apply to the authorized person's authorization.".

22. *Clause 112, page 71*:

(*a*) Replace line 22 in the French version, with the following:

"**c)** les efforts raisonnables que l'intéressé a déployés afin d'atténuer"; and

(*b*) replace line 26 in the French version, with the following:

"l'intéressé a retirés de la violation commise;".

23. *New clauses 139.1 and 139.2, page 87*: Add the following after line 31:

"**139.1 (1)** The Minister must, before a regulation is made under subsection 139(1) in respect of any class of cannabis added to Schedule 4 after the day on which this Act receives royal assent, including any class of cannabis added to Schedule 4 on the coming into force of section 193.1, cause the proposed regulation to be laid before each House of Parliament.

(2) Each proposed regulation that is laid before a House of Parliament is, on the day it is laid, to be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct inquiries or public hearings with respect to the proposed regulation and report its findings to that House.

(3) A proposed regulation that has been laid pursuant to subsection (1) may be made

(a) on the expiration of 30 sitting days after it was laid; or

(b) if, with respect to each House of Parliament,

(i) the committee reports to the House, or

(ii) the committee decides not to conduct inquiries or public hearings.

139.2 (1) No proposed regulation that has been laid pursuant to section 139.1 need again be laid under that section, whether or not it has been altered.

(2) If a proposed regulation that has been laid pursuant to subsection 139.1(1) is made without including an alteration recommended by a committee of either House of Parliament respecting that proposed regulation, the Minister must cause a report explaining why the alteration was not made to be laid before each House of Parliament.

(3) A regulation may be made under subsection 139(1) without it being laid before either House of Parliament if the Minister is of the opinion that the changes made by the regulation to an existing regulation are so immaterial or insubstantial that section 139.1 should not be applicable in the circumstances.

(4) A regulation made under subsection 139(1) may be made without it being laid before either House of Parliament if the Minister is of the opinion that the making of the regulation is so urgent that section 139.1 should not be applicable in the circumstances.

(5) If the Minister forms the opinion described in subsection (3) or (4), he or she must cause a report that includes the reasons why he or she formed that opinion to be laid before each House of Parliament.".

24. *Clause 140, pages 87 and 88*:

(*a*) On page 87: add the following after line 39:

"**(1.1)** For greater certainty, the Minister may, by order, amend or revoke an order made under subsection (1) or suspend its application in whole or in part."; and

(*b*) on page 88, add the following after line 3:

"**(2.1)** The Minister may, by order, suspend, in whole or in part, the application of an order made under subsection (2).".

25. *Clause 141, page 88*: Replace line 4 with the following:

"**141** An order made under subsection 140(1) or (1.1) is not a".

26. *Clause 142, page 88*:

(*a*) Replace line 11 in the French version with the following:

"taires ou de l'attribution d'approbations, d'autorisations ou d'exemp-"; and

(*b*) replace line 25 in the French version with the following:

"procédés réglementaires ou de l'attribution des approbations, des autorisa-".

27. *Clause 145, page 89*: Replace lines 7 and 8 with the following:

"**145** The Minister may, by notice in writing and for a period that he or she specifies, withdraw or withhold a service, the use of a facility, a regulatory process, approval, autho-".

28. *Clause 151.1, page 91*: Replace lines 6 to 9 with the following:

"**(2)** No later than 18 months after the day on which the review begins, the Minister must cause a report on the review, including any findings or recommendations resulting from it, to be laid before each House of Parliament.".

29. *New clause 151.2, page 91*: Add the following after line 9:

"**151.2 (1)** Three years after this section comes into force, the Minister of Health must cause a review of the impact of this Act on public health and, in particular, the health and consumption habits of young persons in respect of cannabis use to be conducted.

(2) No later than 18 months after the day on which the review begins, the Minister of Health must cause a report on the review, including any findings or recommendations resulting from it, to be laid before each House of Parliament.".

30. *New clause 151.3, page 91*: Add the following before the heading "PART 12":

"**151.3 (1)** Five years after this section comes into force, a committee of the Senate, of the House of Commons or of both Houses of Parliament is to be designated or established for the purpose of reviewing this Act.

(2) The committee designated or established for the purpose of subsection (1) must undertake a comprehensive review of the administration and operation of this Act and must, within a reasonable period after the review, cause a report on the review, including any findings or recommendations resulting from it, to be laid before each House of Parliament.".

31. *Clause 160, page 98*: Replace line 17 in the English version with the following:

"fore the commencement day is deemed to be a permit is-".

32. *New clause 160.1, page 99*: Add the following after line 2:

"**160.1 (1)** The following definitions apply in this section.

cannabis means *fresh marihuana*, *dried marihuana* and *cannabis oil*, as those terms are defined in subsection 1(1) of the *Access to Cannabis for Medical Purposes Regulations*, and marihuana plants or seeds, within the meaning of those Regulations. (*cannabis*)

licensed producer means a *licensed producer*, as defined in subsection 1(1) of the *Access to Cannabis for Medical Purposes Regulation*s, who holds a licence that has not been suspended under section 43 of those Regulations. (*producteur autorisé*)

provide has the same meaning as in subsection 2(1) of the *Controlled Drugs and Substances Act*. (*fournir*)

sell has the same meaning as in subsection 2(1) of the *Controlled Drugs and Substances Act*. (*vente*)

(2) During the period that begins on the day on which this section comes into force and that ends on the day on which subsection 204(1) comes into force, a licensed producer may, despite the prohibitions set out in sections 4, 5, 7 and 7.1 of the *Controlled Drugs and Substances Act*, sell, provide, send or deliver cannabis

to a person authorized under subsection (5), transport cannabis for the purpose of selling, providing, sending or delivering it to such a person or offer to perform any of those activities.

(3) A licensed producer may perform an activity under subsection (2) only if the activity is

(a) performed in respect of fresh marihuana, dried marihuana, cannabis oil and marihuana plants or seeds that are cannabis and that are indicated in their licence issued under section 35 of the *Access to Cannabis for Medical Purposes Regulations*; and

(b) authorized under their licence.

(4) During the period that begins on the day on which this section comes into force and that ends on the day on which subsection 204(1) comes into force, paragraphs 18(1)(b) and 19(1)(b) of the *Access to Cannabis for Medical Purposes Regulations* do not apply to a licensed producer acting under subsection (2).

(5) During the period that begins on the day on which this section comes into force and that ends on the day on which subsection 204(1) comes into force, despite the prohibitions set out in sections 4, 5, 7 and 7.1 of the *Controlled Drugs and Substances Act*, a person may, if a province authorizes them to do so and subject to subsection (6), possess, sell, provide, send, deliver or transport cannabis or offer to perform any of those activities.

(6) Subsection (5) applies only if the person meets the following conditions:

(a) they possess or sell only cannabis that has been sold or provided to them by a licensed producer under subsection (2) or by a person authorized under subsection (5) to sell, provide, send, deliver or transport cannabis;

(b) they sell, provide, send or deliver cannabis — or transport it for the purpose of selling, providing, sending or delivering it — only

(i) to a person authorized under subsection (5), or

(ii) for the purpose of testing, to a licensed producer or a *licensed dealer*, as defined in subsection 2(1) of the *Narcotic Control Regulations*, who holds a licence in respect of cannabis;

(c) they keep appropriate records respecting their activities in relation to cannabis that they possess for commercial purposes; and

(d) they take adequate measures to reduce the risk of cannabis that they possess for commercial purposes being diverted to an illicit market or activity.

(7) Subsection 8(1) of the *Narcotic Control Regulations* does not apply to:

(a) a licensed producer acting under subsection (2) in respect of the production, making or assembly of cannabis; or

(b) a licensed producer acting under subsection (2) or a person authorized to sell or provide cannabis under subsection (5) in respect of the sale, provision, transport, sending or delivery of cannabis.

(8) Every employee or agent or mandatary of a person that is authorized to perform or to offer to perform an activity under this section may, despite the prohibitions set out in sections 4, 5, 7 and 7.1 of the *Controlled Drugs and Substances Act*, perform or offer to perform that activity if they do so as part of their employment duties and functions or their role as agent or mandatary and in a manner that is consistent with the conditions that apply to their employer's or principal's or mandator's authorization, as the case may be.

(9) Every person who is acting under a contract with a person that is authorized to perform or to offer to perform an activity under this section — other than an employee or an agent or mandatary of the authorized person — may, despite the prohibitions set out in sections 4, 5, 7 and 7.1 of the *Controlled Drugs and Substances Act*, perform or offer to perform that activity if they do so in the performance of their contract and in a manner that is consistent with the conditions that apply to the authorized person's authorization.

(10) For greater certainty, this section does not authorize the retail sale of cannabis.".

33. *Clause 195. 1, page 114*: Replace line 16 in the French version with the following:

"**195.1 L'article 4.1 de la même loi est remplacé**".

34. *Clause 226, page 124*: Replace line 21 with the following:

"**of this Act, except sections 160.1, 161, 188 to 193, 194, 199**".

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

ART EGGLETON
Chair

(*For text of observations, see today's* Journals of the Senate *p. 3488.*)

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

Senator Eggleton: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Eggleton, report placed on the Orders of the Day for consideration later this day.)

[*Translation*]

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON JUNE 5, 2018

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

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, June 5, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

• (1420)

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF SUBJECT MATTER WITH CLERK DURING THE ADJOURNMENT OF THE SENATE

Hon. Rosa Galvez: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than May 31, 2018, its report on the subject matter of those elements contained in Part 5 of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Lillian Eva Dyck: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Wednesday, May 30, 2018, at 6:45 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That the Standing Senate Committee on Foreign Affairs and International Trade have the power to meet today, Wednesday, May 30, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

FIRST REPORT OF SPECIAL COMMITTEE OF THE ARCTIC ON SUBJECT MATTER TABLED

Leave having been given to revert to Presenting or Tabling of Reports from Committees:

Hon. Dennis Glen Patterson: Honourable senators, I have the honour to table, in both official languages, the first report of the Special Committee on the Arctic, which deals with the subject matter of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(*Pursuant to the order adopted on April 24, 2018, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.*)

QUESTION PERIOD

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Leader of the Government in the Senate. Since it is, I guess, the topic of the day, it concerns Trans Mountain.

As we all know, yesterday, the Government of Canada announced it will buy this pipeline, related assets and its management team from Kinder Morgan with about $4.5 billion of taxpayer money. However, that's not the total amount taxpayers will cover. We do not know the construction costs for the expansion. We do not know the cost for the government indemnifying a new buyer down the road due to provincial obstruction. We do not know the cost of indemnifying a new buyer due to negative judicial decisions. Finally, we do not know how much the government would be willing to pay to repurchase the project, if needed.

Senator Harder, what is the total cost to taxpayers of your government's decision to buy Trans Mountain? If you don't have the answer now, I really would appreciate you finding out.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Clearly, the intention of the government is to do what it said it would do, and that is to ensure the pipeline got built. It is in the country's interest that the pipeline proceed.

The government has taken this extraordinary action, but it is not without precedent. Senators have often referred to country-building measures of previous governments that built the infrastructure necessary for their time. In the recent past, certainly in my memory, courageous prime ministers undertook Hibernia investments and investments in the auto sector. This courageous Prime Minister has taken the step of ensuring that this pipeline be built.

Obviously, the questions the honourable senator poses are important, but it is premature for me to expect the government to have clarity on all of those items, because a number of them involve the nature of negotiations and options that are before us.

But let's for now understand that the determination of this government is clear. Its objectives are well understood. The objective in the short term is to ensure this project proceeds, with construction beginning in the construction season before us, and that the pipeline gets built so that Canada can benefit from sea port facilities in the export of its important resource.

Senator Smith: Thank you very much, sir. I appreciate your messaging about what the government has done. Clearly, it was a last-ditch effort by the government when it had no other options than to spend taxpayer money on purchasing Kinder Morgan.

In the following weeks, and maybe before we break for the summer, if we're able to get some form of projection, it would really be helpful. Transparency is critical to the credibility of the government in this particular case, so I would ask for your assistance in this matter.

Senator Harder: I offer that assistance, recognizing that the transparency the senator is requiring will take some patience as various scenarios unfold. The government is not the only player in this transaction, but what is clear is the intention of the government. The Minister of Finance is in Calgary today to speak to this matter and to bring further details to the project.

I look forward, as all senators do, to following the debate and ensuring that the interests of Canadians are well served by this important announcement.

Hon. David Tkachuk: I'm going to follow up on that question. It was four months ago that the Senate considered it necessary to hold an emergency debate on Trans Mountain. This followed on the heels of Premier Horgan's announcement that he was going to hold the project hostage, even though it had undergone a multi-year approval process and passed. It took the Prime Minister some two months after that to bring Premiers Notley and Horgan together, and to announce that the Minister of Finance would undertake negotiations with Kinder Morgan. It took nearly two months after that before the government announced that negotiations with Kinder Morgan had failed; they were walking away from the project.

People have compared this with the Hibernia situation, saying, oh, we did that with Hibernia. The difference between Hibernia and Kinder Morgan is that with the latter we're buying an asset that is already on the ground and to which investors were committed if only the government could provide them with assurances they would be allowed to complete it. On the question of Hibernia, we got into it because the investors had walked

away, and it was three quarters completed. There is a big difference between saving a project that isn't done and spending money on the project that is already there.

• (1430)

I would like to know the estimated costs of building the pipeline, whether the government has done a cost analysis, and whether you are willing to table it here in the Senate Chamber.

Senator Harder: I thank the honourable senator for the intervention and the question.

Let me simply say that the government will continue to be transparent and up front with respect to the investments that flow from the decision, but the decision is clear. The government will do what is necessary to ensure this project gets built, that Canada achieves the infrastructure that is necessary for the appropriate export and value being brought to the product that is taken out of the resources of Alberta, and the path forward will be articulated as the path forward emerges. Clearly, the intention is there, and the expectation by all is that the government will ensure this project is built.

Senator Tkachuk: What exactly has changed between Monday and yesterday as far as the prospects for building the pipeline? Perhaps you know something we don't, and perhaps you could tell us when you think construction will start and give us at least an estimate of a completion date.

Senator Harder: Again, honourable senator, the Minister of Finance is in Alberta today speaking to the project. Let's see how the announcements unfold in the coming days.

What has happened, of course, from Monday until today is that the government has announced a particular course of action consistent with what it had signalled to all of the stakeholders earlier on, which is that the government would do what is necessary to get this project built.

TRANSPORT

BRIDGE TOLLS

Hon. Percy E. Downe: Senator Harder, yesterday the Auditor General in his report indicated that the lost revenue for not charging tolls on the Champlain Bridge will be at least $3 billion over the first 30 years. In other words, $100 million a year will be the cost to the Government of Canada and the taxpayers of Canada for having no tolls on the Champlain Bridge. Why does the government consider that good value for the money?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, and I suspect he has another bridge in mind in the context of that question. Let me simply say that, as he well knows, the decision with respect to the tolls was consequent to commitments made in the last election.

Senator Downe: Thank you very much.

Earlier today, I tabled a report from the Parliamentary Budget Officer, who looked at the cost estimates of the Confederation Bridge. It was his conclusion that to eliminate the tolls on the Confederation Bridge would be less than $17 million a year.

We have two bridges owned by the Government of Canada, both paid for by the taxpayers of Canada. One is receiving no tolls at a cost of $100 million a year, and the second bridge has a toll of $47 to cross every time a Prince Edward Islander or any other Canadian leaves Prince Edward Island, and it would cost less than $17 million to eliminate those tolls. Why is the government treating these two bridges and these groups of Canadians differently depending on where they live geographically?

Senator Harder: Again, I thank the honourable senator for his question. I will certainly take it as a representation and make his views known yet again to the government.

Let me simply say that, as he well knows, both projects have different formulas attached to their construction, and that reveals itself in the toll situation. But he is always right in bringing to the attention of the government and this chamber the views of his constituents.

INFRASTRUCTURE AND COMMUNITIES

CRISIS IN CHURCHILL, MANITOBA

Hon. Pamela Wallin: My question is for the Government Representative and is related in a way to the spending on the pipeline.

The government does seem to be in a mood to spend some money, so may I ask what they are prepared to do for the crisis situation in the once proud gateway of Churchill? Saskatchewan farmers, pulse and potash producers, resource extractors, the locals who have seen an extraordinary increase in the cost of living, not to mention Ottawa's own Arctic strategy — what is the state of negotiations?

Churchill's only overland link has been severed and the port mothballed. When will the government act to protect this strategic asset through negotiations with Canadian business or perhaps through a purchase?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for raising this issue, which is of concern amongst a number of senators in particular. All of us are concerned over the situation in Churchill and northern Manitoba.

I can report that the government continues to support its chief negotiator, the former Clerk of the Privy Council, Wayne Wouters, in his ongoing discussions with interested buyers, Indigenous groups and community leaders. The government remains optimistic that interested buyers can develop a viable, sustainable business plan toward owning and operating the line. The minister has recently reaffirmed the priority that the government attaches to the well-being and safety of the community, and the negotiations continue to be active.

Senator Wallin: Do we have any timeline or drop-dead date or even attempted date to achieve this?

Senator Harder: The information I have is that the negotiations are ongoing and that it would not be helpful to make public comment about the state of the negotiations.

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Richard Neufeld: My question to the government leader is on the Trans Mountain Expansion Project.

Last month Kinder Morgan said it wanted a clear path to build in British Columbia. In response, the Prime Minister promised Canadians legislation to reassert and reinforce the federal government's jurisdiction and role in this matter.

Senator Harder, since that time, no legislation has come forward from your government. Last week, the vast majority of senators voted in favour of Senator Doug Black's bill, Bill S-245. Instead of doing everything in his power to see this bill pass quickly in the other place, we still don't even know if Bill S-245 has government support.

Why didn't the government choose to provide certainty to Kinder Morgan through legislation as originally promised instead of using taxpayers' dollars to nationalize Trans Mountain, and why hasn't your government supported Bill S-245?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing interest in this project.

Let me repeat that the Government of Canada stated firmly that its objective was to ensure the infrastructure that is important to the export at tidewater of our resources takes place.

The Prime Minister, on behalf of the government, indicated earlier on that the government was open to a number of ways of achieving that, including, if necessary, legislation. The negotiations with Kinder Morgan he announced were under the direct leadership of the Minister of Finance. Those negotiations have led to the announcement that the government has made, and the government will continue to do all that is necessary to ensure that this pipeline is built.

TRANSPORT AND COMMUNICATIONS

TRANS MOUNTAIN PIPELINE

Hon. Michael L. MacDonald: I also have a question on the Trans Mountain pipeline, but I think I'll direct it to the Chair of the Transport Committee, Senator Tkachuk.

A couple of months ago, in February, Senator Tkachuk launched an emergency debate on the Trans Mountain pipeline when nobody was doing much about the situation.

Senator Doug Black later introduced Bill S-245, which the Senate passed in short order and got to the House of Commons.

The government promised to produce legislation as well but refused to do so. Our bill now sits over there.

Yesterday the government spent $4.5 billion to buy a 65-year-old pipeline; that's the only asset they are getting. The cost of this pipeline, to build a new one, is at least $7 billion-plus for materials and labour. We don't know what the actual costs will be.

Senator Tkachuk, could you speak to the steering committee of the Transport Committee and raise with them the possibility of maybe three hearings so we can get the Minister of Transport, the Minister of Natural Resources and perhaps the Minister of Finance to come over? Canadians want to find out what's going on with this pipeline and how much it will cost.

Hon. David Tkachuk: I think that's a very good idea, Senator MacDonald.

• (1440)

Some Hon. Senators: Hear, hear!

Senator Tkachuk: As one economist tweeted out today, why would any business take on an uncompleted project when the same problems and risks still exist? And will costs rise that will result in shippers going elsewhere, or will the feds absorb the extra costs?

I will do that. I will ask for a steering committee of Transport. Hopefully the steering committee will agree to hold meetings. I'll also bring it up at the next meeting of the Transport Committee and see if we can hold some hearings and find out more information than we are getting now from the Government of Canada and from the government leader in this place.

AUDITOR GENERAL

REPORT ON PHOENIX PAY SYSTEM

Hon. Joseph A. Day (Leader of the Senate Liberals): My question is for the Leader of the Government in the Senate.

It relates again to the Auditor General's report and the Phoenix pay system. The Auditor General indicated that there were three high-ranking civil servants, and I don't want to paraphrase, but bordering on incompetence is the nice way of saying what the Auditor General found. However, the Auditor General refused to name those public servants, and I am wondering why the different standard. When we brought the Auditor General in here to look at us —

Hon. Senators: Hear, hear.

Senator Day: He had no problem in naming and shaming senators and attacking the credibility of good senators who should not have been attacked. Can we find out why the Auditor General in this instance is protecting the public service when he was prepared to sacrifice good and capable senators?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As senators well know, the Auditor General, for good or ill, is an independent officer of Parliament. So far be it from me to speak on his behalf or the government's behalf with respect to the question the honourable senator raised, but I will certainly bring the question to the Auditor General's attention and would invite the relevant committees examining this report to raise the question in committee directly.

[*Translation*]

PUBLIC SAFETY

OMBUDSMAN FOR THE VICTIMS OF CRIME

Hon. Pierre-Hugues Boisvenu: Before I ask my question, I want to mention that this week is Victims and Survivors of Crime Week. I also want to make it clear that the position of federal ombudsman for victims of crime is completely different from the position of correctional ombudsman. The correctional ombudsman derives his authority from an act and the House of Commons, whereas the federal ombudsman for victims of crime simply operates under a Department of Justice program.

In the other place, the federal government defeated Bill C-343, which sought to give the victims of crime ombudsman the same powers as the correctional ombudsman.

My question is for the Government Representative in the Senate. Can you confirm that the Minister of Justice does not intend to abolish the position of ombudsman for victims of crime, even though the position has been vacant for almost a year now?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I cannot confirm that, but I can confirm that it is the intention of the government to move forward at the appropriate time.

[*Translation*]

Senator Boisvenu: If your reasoning is right and I am understanding it correctly, and the government does not intend to eliminate the position of ombudsman for victims of crime, why did it take just two weeks to appoint a correctional ombudsman, when the federal government has gone eight months without anyone to speak for victims of crime? The selection process started in July 2017, but the ombudsman still hasn't been appointed.

[*English*]

Senator Harder: As I said before, I will certainly bring the concern with respect to the timing of this important appointment to the attention of the minister responsible, but I want to assure the house that the minister is well seized of this.

[*Translation*]

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate, and it is about the Trans Mountain pipeline. We do not know when the government will finish the work to increase the pipeline's capacity, but perhaps Senator Harder can tell us which rules the government will follow in order to build the pipeline.

A private corporation can negotiate with any contractor or subcontractor it pleases, but the government of Canada generally has to go through an open tendering process. Can you tell us which rules the government intends to follow in awarding contracts for pipeline construction?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As he will understand, his questions are premature given the recent announcement, but I want to assure him and all Canadians that the government will do what is necessary to get this pipeline built as quickly as possible.

[*Translation*]

Senator Carignan: The government promised this purchase would generate jobs for Canadians. Can the government guarantee that foreign companies will not be awarded pipeline construction contracts and that only Canadian companies and Canadian workers will be involved in building it?

[*English*]

Senator Harder: Again, senator, I appreciate the question. Let me simply repeat that it is premature for me to speculate or for the government to announce the details of how it intends to move forward, save the decisions and the announcements that have been made and the assurance that the minister will continue to be transparent and direct to Canadians about this investment.

TRANSPORT

CHAMPLAIN BRIDGE

Hon. Leo Housakos: Honourable senators, my question is for the Leader of the Government in the Senate. I would like to follow up on the question from my colleague Senator Downe with regard to the construction of the new Champlain Bridge. A misguided politically expedient decision to remove tolls in the middle of an election campaign is one thing, but a more egregious element is the fact that the previous government had an ironclad contract with the consortium to deliver that contract on December 1, with clear conditions that every day it is late, penalties and fees would be applied.

On a number of occasions, I have stood up in this chamber and asked the government leader to confirm whether the government would respect that ironclad contract and that the fees would be applied in the case of the contract not being delivered by December 1. I got a written response just yesterday from the government leader, and not only are they not meeting the deadline of December 1, but the government has come to an agreement to extend until December 21. However, in the response, instead of the government answering my question as to whether they will respect fining the consortium for not delivering on time, as it turns out, the government is paying fines to the consortium of $225 million.

Why wasn't the original contract respected, making sure the consortium, if they did not deliver the contract and the bridge on time for December 1, would pay the fines? And why did the government see fit, instead of collecting the fines on behalf of taxpayers, to pay a fine to a company that didn't deliver on time?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question with respect to the Champlain Bridge. I have, in response to earlier questions, indicated that the government continues to believe that a December delivery date is the expectation of the government. The minister responsible visited the site late last week and has confirmed that expectation and that the contract would be respected.

I should also suggest that the honourable senator read the Auditor General's report on the Champlain Bridge because he will find that the Auditor General was rather critical of the previous government's delay in making decisions around the construction of the bridge, which led to delays and upward costs.

Senator Housakos: I did read the report, government leader, and the fact that the previous government was accused of delaying in making a decision was in the interests in the taxpayers. The fact that this government has not taken into consideration and respected the contractual agreement, which would fine the consortium for not meeting the delivery date of December 1, is grossly irresponsible.

I am asking a simple question. Why has this government paid fines to the consortium over $225 million rather than fining the consortium for being late, all of a sudden, by 21 days?

Senator Harder: Let me say that the Auditor General found that the delays the honourable senator is praising as tax savings were, in fact, creating costs because of the undue delay, the deterioration of the existing bridge and the inability of the construction to move forward in as efficient a fashion as had been planned.

The obligations the government is living up to are the obligations the government signed on to, and the expectations are clear.

[*Translation*]

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Claude Carignan: Kinder Morgan paid $500 million for that pipeline and is now selling it for $4.5 billion. I don't know whether that's U.S. or Canadian dollars, but perhaps you could clarify that for us.

• (1450)

Can you tell us how much tax Kinder Morgan will pay on that huge profit it has made? Does the Minister of Finance plan to withhold taxes in that transaction or is he just going to send the cheque straight to Houston?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Yet again, I would suggest that this is somewhat premature in terms of the recent announcements and the need for the ministers to address the detail, all of the aspects of the terms and conditions. Let me simply repeat that the government continues to believe it will take all necessary steps to ensure that this pipeline is constructed, that the agreement reached with Kinder Morgan is, in the government's view, in the national interest and that, having this pipeline built is an important statement of the government's intent.

ORDERS OF THE DAY

EXPUNGEMENT OF HISTORICALLY UNJUST CONVICTIONS BILL

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Wetston, for the third 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. Serge Joyal: Honourable senators, I would like to say, at the outset, that I support the principle of Bill C-66, which is, according to its title, an act that establishes a procedure for expunging certain historically unjust convictions of people of the same sex engaged in sexual relationships, but I came to the conclusion that this bill is flawed and that it breaches section 15(1) of the Charter of Rights and Freedoms.

I will explain why. I listened very carefully to Senator Cormier when he introduced the bill. I also, of course, listened to Senator Cordy, when she intervened last week. I was not in the chamber yesterday, but I read the speech of Senator Lankin yesterday. I read the testimony of the various witnesses who were called upon to testify when the Human Rights Committee reviewed this legislation.

When I start thinking about that bill and realize that so many people had reservations about the bill, the bill in itself is right because it allows a certain number of people who have been found guilty of sexual encounters between same-sex people to have their record expunged, but it leaves, at the same time, another group of people who have had exactly the same conviction because they have engaged in consensual same-sex relationships. But those people are left aside, and the bill does not provide for anything particular to address their concerns, even though they are in exactly the same class of people who have been found guilty and those who want to have access to the expungement procedure to have their names and reputations cleared and even to have their heirs, after they are dead, go to the parole board and clear their reputation for the rest of the family history or their neighbours or friends.

I started reading the decisions of the Supreme Court in relation to how section 15(1) of the Charter works. Or what are the principles under section 15(1) of the Charter, and how can they be applied in the context of that bill? Let me read section 15(1) of the Charter:

> Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

In other words, everybody is entitled to the same benefit of the law, and there is no doubt that Bill C-66 establishes a benefit of the law for a certain group of people engaged in sexual relationships among consenting persons and so forth, as the criteria described in clause 25 of the bill says, but some others found guilty in the same context are left out of the benefit of the bill. Senator Lankin, Senator Cordy, the Prime Minister himself in the statement, recognized quite clearly that the people who were arrested in the bathhouse raids in the 1970s and 1980s are in that group of people who have been historically unjustly condemned.

So I said to myself, "What are the principles at stake here?" How can our system address this issue? I went back to a decision of Madam Justice McLachlin in 1993 in the *Rodriguez* case. For those of you who are old enough, like me, to remember the *Rodriguez* case, let me read to you the criteria that Madam Justice McLachlin established:

> The only question is whether Parliament, having chosen to act in this sensitive area, touching the autonomy of people over their bodies, has done so in a way which is fundamentally fair to all.

I repeat, "in a way which is fundamentally fair to all." The focus is not on why Parliament has acted but on the way in which it has acted. So the question, honourable senators, is this: How is Bill C-66 acting in relation to the same group of peoples who have been historically unjustly condemned? The bill, unfortunately, makes a distinction between a certain group of them, according to a certain section of the Criminal Code, and left the other one in limbo. I quote clause 23; the bill states quite clearly that, in order to provide for expungement of conviction:

> Subject to the conditions referred to in subsection (2), the Governor in Council may, by order, add to the schedule any item or portion of an item.

In other words, it is left to the discretion of the Governor General, open-ended. There is no time frame. There is no additional criteria to be satisfied as the bill provides. It just leaves the discretion to the Governor General in council one day, sometime, to decide if those people who have been historically unjustly treated will benefit from the expungement of their record. The jurisprudence is pretty clear. When there is discrimination based on section 15(1) of the Charter, which I just read to you, which has the same benefit of the law, the court has established criteria to measure that discrimination. In fact the most recent case is quite fortunate because it happened less than 20 days ago, in a decision of the court on May 10, 2018, *Centrale des syndicats du Québec* and the Confederation of National Trade Unions, and Attorneys General of Quebec and Ontario.

• (1500)

And Justice Abella, who wrote the majority decisions, established quite clearly at paragraph 22, less than two weeks ago, the criteria to measure discrimination under 15(1), that is, to deny a person the same benefit of the law, a person who is in the same category as all the others. The justice wrote:

> When assessing a claim under s. 15(1) , this Court's jurisprudence establishes a two-step approach: Does the challenged law, on its face or in its impact, draw a distinction based on an enumerated or analogous ground, and, if so, does it impose "burdens or [deny] a benefit in a manner that has the effect of reinforcing, perpetuating or exacerbating . . . disadvantage", including "historical" disadvantage?

"Historical disadvantage," the very clear words that are included in Bill C-66.

So the bill's objective is sound. It establishes a procedure to expunge criminal records, but only for a group of same-sex people, not for another group, those who have been arrested during the bath raids. The statistics have been provided by Senator Cordy: 1,200 of them found in a bawdy house, 53 accused of indecent action and 61 others for gross indecency.

So in other words, all those people who have been treated unfairly because the decisions of the court that I mentioned at second reading, the *Labaye* decision and the *Bedford* decision, established the criteria that when people engage in a consensual same-sex relationship in the particular context of the interpretation of the Criminal Code by the Supreme Court, they are no longer found guilty. There are no more bathhouse raids. There are no more people arrested for consensual sex in the *clubs exchangiste*. That's very clearly established by jurisprudence.

So, honourable senators, this is a very big concern, and I took the initiative of calling some of the people who are denied access to this bill. I said to them, "You are in a dear situation: This bill discriminates against you because you are part of the class of people who have been found guilty of an offence that is no longer an offence, but we have decided that in that kind of offence, we are going to bet you won't benefit from the expungement, so you are doubly discriminated against."

At the moment, as Justice McLaughlin has clearly established, what is important is not why Parliament has acted, but the way in which it has acted. On the way we are acting with Bill C-66, by denying those who have been convicted of a sexual offence in a consensual same-sex relationship, as they are defined in clause 25 of the bill — and it states that the following criteria must be satisfied:

> (a) the activity for which the person was convicted was between persons of the same sex;
>
> (b) the persons other than the person who was convicted had given their consent to participate in the activity; and
>
> (c) the persons who participated in the activity were 16 years of age or older at the time the activity occurred . . . .

There is a problem with that limit of 16 years of age because in earlier times, before 2005, 14 was the age of consent. I hope my colleague Senator Andreychuk will address this issue. I know that Senator Lankin has addressed it.

So there is, in other words, another rachet of discrimination that also is part of that double discrimination that we impose on people who found themselves raided in the bathhouse raids of the 1970s and 1980s.

Honourable senators, this is very serious. We're denying a benefit without establishing any kind of deadline whereby their situation will be corrected and whereby they will have access to the procedure to get their criminal record expunged.

Again, the Supreme Court — and this will be my last quotation because I don't want to bury you with quotations of the Supreme Court — has quite clearly established, when there is discrimination against a person, how that could be addressed and be admissible under section 1 of the Charter.

I read here the pronouncement of former Justice McLachlin, again in the decision that I was quoting two weeks ago. Here is what Justice McLachlin mentioned when there is discrimination under section 15(1). How can we offset that by the criteria of a reasonable society?

Justice McLachlin established three criteria to satisfy:

> The Attorney General at the outset must establish a pressing and substantial objective for delaying the right and disentitling affected women from access to pay equity, exacerbated here by a lack of retroactive corrections under the Act.

In other words, is there a pressing and substantial objective today to deny to the people found guilty 40 years ago the same benefit of the others who are covered by other sections of the Criminal Code? That's the first criteria. The answer to that question in my opinion is no.

The second one is the following:

> Minimal impairment cannot be established simply by saying that a lengthy delay was required full-stop . . . .

In other words, when the government legislates and impinges on the rights of a person, the government has to establish that there is a minimal impairment initiative, that it has taken all the precautions and all the attention to make sure that there is minimal impairment.

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

Senator Joyal: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Yes.

Senator Joyal: Justice McLachlin stated that:

> Minimal impairment cannot be established simply by saying that a lengthy delay was required . . . .

In other words, we need more time. That's what clause 23 of the bill says. The Governor-in-Council may later consider to adjust the procedure and give the same rights to those who were raided as to the other ones covered by other sections of the code.

Finally, the question is: Is the intervention proportional to the public interest in denying them a remedy? In other words, what is the public interest today to deny access to the same procedure of expungement as those that are covered by the bill?

So in my opinion, the three criteria that were established and repeated by the Supreme Court two weeks ago don't save the discrimination that is unfortunately perpetuated by the bill for a group of people who should have access exactly in the same context to those who are covered in the annex of the bill.

Let me conclude with this: Fortunately, we are a democratic country and fortunately there is a court challenge program. The Court Challenges Program that was announced last February — I checked it; it might have avoided your attention — covers section 15 of the Charter. In other words, a person who is denied the benefit of Bill C-66 can have access to the Court Challenges Program, which provides money to have the legal fees vetted under very specific criteria, have access to that money to challenge Bill C-66 and have the same benefit of the law as those who are covered. Again, I won't mention the fact that the age of consent has been changed in the bill from the age that was the legal age limit when those accusations were launched some years ago. As you know, the age of consent was changed in 2005, if I remember well.

• (1510)

In other words, honourable senators, this is a bill that seems to be good in its intention, and I will vote for it, but I will vote for it with the commitment that I will support any initiative in court cases in Canada that will challenge the fact that this bill maintains discrimination against a group of lesbian and gay people who should be covered and who should be entitled to exactly the same benefit, the way that the Prime Minister has said that today those bathhouse raids would never happen again.

Honourable senators, I want to thank the committee, under the chairmanship of Senator Cormier, for giving the witnesses an opportunity to appear — they were denied in the other place — and for ensuring that they had an opportunity through the questions of senators around the table to highlight those points and to help us understand what we are voting on. In fact, it is always to remedy a wrong, but, as I have said, we have remedied only half of the wrong. We have covered half of the people who were originally intended to benefit from this procedure.

This is the reflection, honourable senators, that I wanted to bring to your attention. I think this is a very important issue because it calls upon section 15 of the Charter, a section that covers equality — and I'm looking at Senator McPhedran — equality of access for women to the same salary, the same remuneration. When you deny equality under section 15, as the Supreme Court has said recently, there have to be very clear criteria to satisfy if you want to save that inequality that in this case is a concern of the gay and lesbian people.

Thank you, honourable senators, very much. I appreciate your attention.

Hon. A. Raynell Andreychuk: Honourable senators, I too rise today to speak at third 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.

Bill C-66 was introduced in the other place in the context of the Prime Minister's formal apology to the LGBTQ2 Canadians, delivered on November 28, 2017. The bill's passage received all parties' support in the other place.

In the apology, the Prime Minister made broad-ranging statements that described the persecution and the discrimination of the LGBTQ2 community throughout Canadian history. The Prime Minister addressed discriminatory policies, practices and laws. He particularly addressed historically unjust convictions.

In this respect, Bill C-66 would establish a procedure by which historically unjust convictions involving consensual sexual activity between same-sex partners are eligible for expungement.

The challenge of Bill C-66 is that it covers only a small portion of the Prime Minister's apology. With respect to the Criminal Code, the Prime Minister made note of the following three provisions historically applied to criminalize the LGBTQ2 Canadians, most notably, buggery, gross indecency and the provisions related to bawdy houses.

In contrast, as cited in the schedule of the bill, offences eligible for expunging relate to the following three provisions of the Criminal Code only: gross indecency, buggery and anal intercourse. Witnesses called before the Standing Senate Committee on Human Rights, while appreciative of the apology, were concerned that the bill falls short of the promises made. The inconsistency between the bill and the formal apology marked one of the key concerns raised by witnesses.

I do not intend to give an exhaustive analysis of the witness hearings today, as that was done earlier by our colleague Senator Cormier, but, rather, to share a few salient statements.

In his testimony before the committee, Professor Gary Kinsman noted:

> Currently, therefore, only a small fraction of the historically unjust convictions that the LGBTQ2S+ have actually experienced are covered in Bill C-66. This is a fundamental problem that must be addressed.

Some witnesses said the schedule is too limited to cover the injustices and recommended that the schedule of offences be broadened. Other witnesses recommended that the list be removed altogether. A further suggestion was to amend the bill to provide a clear definition of "historically unjust conviction," which would then be applied to a broad range of offences.

Of particular concern amongst the witnesses were issues of the bawdy house provisions of the Criminal Code identified in the Prime Minister's apology but excluded from the schedule of the bill. Clause 12(b) of Bill C-66 states that:

> . . . the Board must review the application and the evidence gathered through any inquiries and determine whether there is evidence . . .
>
> (b) that the activity in respect of which the application is made is prohibited under the *Criminal Code* at the time the application is reviewed.

In other words, Bill C-66 seeks to expunge records for convictions involving offences that would be considered lawful under today's Criminal Code.

With respect to the inclusion of the bawdy house provision, Mr. James Lockyer, Senior Counsel, Innocence Canada stated:

> They were declared unconstitutional by the Supreme Court of Canada in the *Bedford* decision, so to use the fact that they still exist as a rationale for not putting them in the legislation simply doesn't work.

However, in his appearance before the committee, the Minister of Public Safety and Emergency Preparedness, Ralph Goodale, stated the following in his opening remarks:

> The difficulty with those other laws —

"Those" is referring to all the unenumerated ones plus the bawdy house provisions. I continue:

> The difficulty with those other laws, is that in those instances, we are talking about problems related to laws that are not inherently unconstitutional. Indeed, those laws remain in effect. It becomes much more complicated to determine, decades later in many cases, whether a particular conviction under one of these statutes was legitimate.

With respect to the Supreme Court of Canada decision *Attorney General v. Bedford*, section 210 of the Criminal Code related to bawdy houses was narrowed but was not ruled entirely unconstitutional according to the testimony of the minister.

Allow me to quote directly from the Court's decision:

> Sections 210, as it relates to prostitution, and ss. 212(1)(*j*) and 213(1)(*c*) of the *Criminal Code* are declared to be inconsistent with the *Charter*. The word "prostitution" is struck from the definition of "common bawdy-house" in s. 197(1) of the *Criminal Code* as it applies to s. 210 only.

Therefore, the aspects of section 210 related to prostitution were deemed unconstitutional while the application of section 210 as it relates to the LGBTQ2 community remains in the Criminal Code.

Similarly, the committee was informed by Shawn Scromeda, Senior Counsel, Department of Justice Canada, that the definition of "indecent act" was narrowed in the Supreme Court decision of *R. v. Labaye*. When questioned about the government's future intention with regard to the bawdy house law, Minister Goodale stated:

> A bill is not in the process of being drafted. The issues are certainly being examined, but there is no further legislation in the mill at this time.

• (1520)

Further narrowed by its application of the current age of consent contained within the Criminal Code, pursuant to section 25(c), Bill C-66 would allow for the expungement of criminal records in cases where individuals were 16 years of age or older at the time when the activity occurred.

Prior to 2008, the age of consent contained within the Criminal Code was 14. With the passage of Bill C-66, the government is seeking to expunge criminal records for offences that today would no longer be considered criminal offences under federal law.

However, in applying today's age of consent, a discrepancy is created by the legislation that will result in only the partial granting of eligible expungements.

Ms. Angela Chaisson of the Criminal Lawyers' Association contextualized the discrepancy as follows:

> This means that for two same-sex 15-year-olds who had sex in 2007, for example, and a criminal charge and a criminal conviction followed, those people are not eligible for expungement, but if they had been heterosexual, no crime would have even been committed.

Bill C-66 does allow for the application of a close-in-age exemption under the Criminal Code. Several witnesses maintained that the discrepancy further perpetuates stereotypes that same-sex activity is more dangerous than heterosexual activity among young people, which goes clearly against what we were attempting to do by way of apology.

Ms. Chaisson further argued that the discrepancy:

> . . . violates a central tenet of Canadian law by reaching back and applying today's age of consent to yesterday's acts.

She was referring to section 11(g) of the Canadian Charter of Rights and Freedoms, which states:

> Any person charged with an offence has the right
>
> (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

It was recommended by witnesses and in written submissions that the age requirement be, therefore, amended to ensure consistency.

I believe that the constitutional difficulties were noted in the committee and were canvassed thoroughly by committee members. I thank them for the involvement. It made my task easier as I think we were all in agreement with the dilemmas that have been raised.

Senator Joyal has now raised some other matters, but I think that the bill needs to be understood that it is only addressing a narrow band of correction. By doing that, they may have created other violations, and they certainly haven't addressed all the violations that were intended by the words of the Prime Minister.

I want to highlight some additional challenges of the bill raised by witnesses. Witnesses noted that the collection of documentation to meet the eligibility criteria is likely to be difficult and time-consuming for many applicants. This is difficult because the further we go back in time, the more challenging it is to retrieve documentation. This concern is reflected in the committee's observations, and I quote:

> The aged nature of the records also means that the records we are talking about will be so old that, if the individuals were required to apply pursuant to current record suspensions or the pardon provisions they replaced, the time that has elapsed since their convictions and the end of their sentences would exceed such wait times by decades.

In light of these difficulties, the committee was assured by department officials that staff would be providing adequate training to assist them in making determinations related to applications submitted.

Another issue raised by the expungement of criminal records is the preservation of historical documentation. Many witnesses asserted the importance of preserving records for their historic relevance. Others indicated that they are private records, and they should have the discretion of whether or not the records are destroyed. Therefore, the debate comes between protecting the privacy rights of individuals and the public's right to information.

The Canadian Centre for Gender and Sexual Diversity, along with the Quebec Gay Archives, proposed that the bill be amended to establish a process to preserve materials with historic relevance while protecting confidentiality. Other witnesses proposed that individuals applying for record expungement should have the right to choose whether their personal files are shared for historic value.

I wanted to note that the record of expungement is only the criminal record; so the other records of the police process and the court remain intact. They are not involved. It is simply the expungement of the criminal record.

Finally, I want to raise the issue of consultation. During the course of the hearings, it became evident that relevant stakeholders and community members were not consulted in a meaningful way in the drafting of the legislation. Had relevant stakeholders been consulted, perhaps the results of the bill would have responded more appropriately to the needs of that community.

The committee was informed by officials from Public Safety Canada that external consultations with stakeholders still have yet to be contemplated.

Honourable senators, our committee was left with the same difficulty that was expressed by the witnesses. The decision was whether to accept the bill as a start to correcting historic injustices perpetrated against members of the LGBTQ2 community or to oppose Bill C-66 in an effort to fully realize the Prime Minister's apology.

The committee, as did the witnesses, leaned toward accepting the bill and having some redress despite a lack of assurances regarding future action. While accepting Bill C-66, the committee put forward nine observations that the government should immediately proceed upon.

In this context, I want to acknowledge the hard work of Senator René Cormier, who worked collegially and collaboratively with the interests of the LGBTQ community as sponsor of the bill. In particular, his consultation with the community members, members of the committee, as well as others, exemplified the important contributions of individual senators to legislation and the collective of senators through committees.

Hon. Senators: Hear, hear!

Senator Andreychuk: As I said, I also appreciate the concerns and the contributions of all members of the Standing Senate Committee on Human Rights under the chairmanship of Senator Bernard.

Honourable senators, the word "apology" raises expectations. Meaningful actions must follow. If we are talking about unjust discrimination and the unfair treatment of Canadians who are looking for redress, who are looking for justice, and we say we will give it to them, and then we give them only a sliver of what is necessary to be done, I want to assure the community that I think, myself — you have heard others in this chamber — the committee, through its observations, will not rest on this issue.

Apologies cannot be made without thoughtfully thinking through the plan of action and implementation; otherwise, we serve to be part of the problem. We wish not to enter into any more court cases for this community. We should be supporting and ensuring that the apology is fully in place.

• (1530)

Bill C-66 touched only a little on criminal injustices, but there are yet the policies and practices of the apology to be addressed. I believe the community and Canadians are waiting for full action on the apology.

Thank you.

Some Hon. Senators: Hear, hear!

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

CANNABIS BILL

BILL TO AMEND—TWENTY-FIFTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-fifth report of the Standing Senate Committee on Social Affairs, Science and Technology (*Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, with amendments and observations*), presented in the Senate on May 30, 2018.

Hon. Art Eggleton moved the adoption of the report.

He said: Colleagues, there has been much discussion at the committee level on Bill C-45. Back on February 15, the Senate first referred the subject matter of various elements of Bill C-45, the Cannabis Bill, to four other Senate committees.

Our colleagues on the Standing Senate Committee on Legal and Constitutional Affairs, the Standing Senate Committee on National Security and Defence, the Standing Senate Committee on Foreign Affairs and International Trade, and the Standing Senate Committee on Aboriginal Peoples combined to hold some 29 meetings on the bill. They sat for over 50 hours and heard from 104 witnesses before each tabled reports that became part of our study at Social Affairs.

On March 22, the Standing Senate Committee on Social Affairs, Science and Technology began its study on the entire bill. The committee held some 19 meetings, sat for 53 hours and heard from 136 witnesses on this bill. We have received in excess of 60 written submissions, in addition to reports from our colleagues in the four other committees.

The result of our study is this report, which contains amendments to some 34 clauses. The committee met on Monday for clause-by-clause consideration of the bill and dealt with some 50 amendments. The committee also adopted 21 observations in the bill, incorporating evidence we heard at Social Affairs, along with some key recommendations of other committees.

I want to describe some of the key changes that were made. I'm not going to go into all of them, but I would categorize 12 of them to be substantial amendments. There are another six that are consequential amendments related to the substantial amendments. Finally, there are 24 technical or minor changes. I'm going to describe the substantial amendments and a few of the observations, as time might allow.

The first amendment came in subclause 5(1). It was put forward by Senator Seidman, who, when getting into this matter of the operation of the bill with respect to youth and the use of the youth criminal justice system, moved that for greater certainty, nothing in this bill is to be construed as limiting the operation of extrajudicial measures that are provided for under the Youth Criminal Justice Act.

The purpose of that is to make it clear that we do not want to criminalize our young people for the possession or use of marijuana, and that we are looking to alternative measures that are part of the extrajudicial measures provided for in the Youth Criminal Justice Act. Officials said that they felt this was in the bill but, as was moved in the motion, it was "for greater certainty" that we make it very clear that we do not want to criminalize youth.

A second amendment relates to home cultivation. That subject got a lot of attention. The four-plant maximum — or less, as the provinces may determine. It was an issue over whether zero was one of the options possible. We know that one could cultivate one to four, but is zero possible? Two provinces indicated they wanted to have the number set at zero — Quebec and Manitoba.

There were two basic motions on this. One was to eliminate home cultivation altogether. The committee did not pass that amendment, but the committee did pass an amendment that would leave home cultivation up to the provinces, even to the point of zero. If that amendment is passed, Quebec, Manitoba and any other province wanting to ban home cultivation would be able to do so.

A further amendment came on the issue of social sharing. There has been a lot of discussion and concern about people who are close in age and close to the lines of where it's criminal. If an 18-year-old gave a cannabis joint to a 17-year-old, for example, the concern was that the 18-year-old could be criminalized. Likewise, there could be a family sitting at home where a parent or parents are in attendance and cannabis is given to somebody who was, let's say, 16 years of age or younger, just as they might in a social sharing situation with a glass of wine or bottle of beer, which can happen in homes; we know about that. This will allow for the distribution by an individual 18 years of age or older and less than two years older than the individual to whom they distribute the cannabis. Second, it would allow a parent to distribute to somebody younger in their house.

This is in respect to a concept called social sharing, and it's very similar to what would happen in the case of alcohol. There is still a lot of criminalization in the legislation. The attempt here is to try and bring it closer to what it might be for some other substances, such as alcohol and tobacco.

A further amendment involved an increase in fines for organizations found guilty of illegally exporting cannabis. The provision for that in the bill is $100,000. This is directed at an organization, not an individual; this is for someone violating the law and exporting cannabis for sale. This would raise the penalty to $300,000. That amount, we were told, is in accordance with some other provisions and laws in terms of level of penalties. There are some penalties set at $100,000, but in this particular case, the committee decided the penalty should be the higher amount for organizations, businesses or whatever.

Another amendment deals with the protection from deportation for permanent residents who are convicted and receive a prison sentence of six months and under through the Cannabis Bill. If somebody is charged in violation of the legislation where the prison sentence could be more than 10 years — 14 years is being used commonly in this particular bill — even though the person may have been considered by the court to have been not an offender worthy of that maximum or anything close to it, it still makes the person subject to further penalties by deportation, ultimately. The Immigration and Refugee Protection Act says if a conviction comes in from a law that has a sentence of 10 years or more, the ultimate level, maximum penalty, then that person could be deported.

• (1540)

This amendment says if the sentence is six months or less, then it would not then be considered as part of the procedures that could lead to deportation. But if it's something that is a longer period of time and is a more serious offence, then deportation could proceed if the person is a permanent resident and doesn't have citizenship status.

A further recommendation deals with an amendment that requires a maximum potency for all cannabis products be prescribed in the regulations. It doesn't actually say what that maximum level is, but there has been much discussion about what would be appropriate in terms of a maximum level and concern about having one of too great a strength that would perhaps put them in a more dangerous category for consumption. That also passed the committee.

There were further amendments to the bill so that someone who pleads guilty to a ticketable offence receives an absolute discharge with no risk of criminality. The concern is that a ticketable offence, just as we might have a ticketable offence for an alcohol provision, shouldn't result in a criminal record. Under this amendment, the person would receive an absolute discharge with no risk of criminality.

A further amendment increases the time to pay a ticket from 30 days to 60 days. It was argued that low-income Canadians and those in remote communities might need more time to be able to do it, so it was suggested that the 30-day provision in the bill goes to 60 days for those reasons.

Getting into the question of regulations, not the regulations that are going to come out immediately after this bill gets Royal Assent, but regulations that will come further down the line when we deal with the issue of the edibles, in that case, the minister must submit, as the amendment goes, to both houses of Parliament for review, any additions to Schedule 4. Schedule 4 is where you will find the regulations, so any additions after this bill comes into effect would provide for the minister to submit it to both houses for consideration.

There are provisions in this particular motion for the minister not to do that if there is emergency or a number of other reasons that are actually listed, which are common to list in the case of regulations, but it would also provide for a 30 sitting day time limit for the review. Again, it would not be unduly delaying putting the regulation into effect. As I mentioned, there is also an emergency provision. If the minister feels it must be added immediately, this practice then gives the option to the House of Commons and the Senate to take 30 sitting days to review in the appropriate committee, before they are enacted, the proposed regulations expected next year for edibles and vaping products.

There was a lot of concern about the regulations not being here at the same time for us to consider. There are draft regulations. There has been consultation on them, and there are reports that have been put out by Health Canada, but they can't finalize the regulations until they get the final bill and see what it looks like. We have a number of amendments here which are going to impact those regulations, and then they are looking to move quickly beyond Royal Assent within an 8- to 12-week period. They need time to get it geared up and ready to go, and that would include putting the regulations into effect, but they are not able to bring those regulations to us at this point. However, for any additions beyond that, for the amendments being considered next year on edibles and vaping products, we are asking that they be brought to both houses of Parliament.

Finally, there are three to meet the dozen amendments that deal with subsequent reviews of the act. There is a provision for a review after three years. We passed an amendment that put an 18-month limit on the mandated review so that we could, in fact, ensure that it operates within a reasonable time frame.

A second recommendation in the same part of the bill specifically requires the Minister of Health to order his or her own parallel review on the impact it has on public health and particularly on youth consumption. It turns out it's the same minister in both cases, but if they decided another minister would have carriage of the cannabis act, this ensures the issues of public health, particularly youth consumption, are addressed directly by the Minister of Health. Again, this report would come to both houses of Parliament and has the 18-month time limit from the time the review is initiated.

Finally, there is a further obligation for review at five years. Why is there one at three and one at five? The one at three years is the minister causing it to happen. The one at five years is for parliamentary committees, and both houses, one house or a joint committee could be asked to review the law itself. Either house could do it. It could be a committee of either house or a joint committee. This is very similar to the way we dealt with the medical assistance in dying bill.

Those are 12. The other ones, as I say, are either consequential amendments or technical. There were a number of technical amendments; we even had one whole amendment that put in a comma, which is very technical.

As for observations, I want to note a few of them. They don't have the same effect as amendments on the bill, but they are attached to the report. There are 21 of them and some very good ones, but I want to highlight a few.

The Hon. the Speaker: Before you start, your time is expiring. Are you asking for five more minutes?

Senator Eggleton: Yes, please.

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

Hon. Senators: Agreed.

Senator Eggleton: Thank you.

One of them is that the minister establish an independent task force to monitor and evaluate the implementation of this act and to provide public reports on the implementation outcomes of this undertaking in accordance with the principles of legislation. That arose over the fact that we are into such heavily uncharted territory in so many respects. While the majority of the committee felt this was a path to go down, that we should adopt this piece of legislation with amendments, something extra is needed in this particular regard, and that's why an independent task force is put out for their consideration.

Another is for the Minister of Health to require mandatory health warnings for cannabis products, including warnings about the danger of smoking cannabis and exposure to second-hand cannabis smoke and the risk of combining cannabis and tobacco. This arose from the concerns about tobacco because we have gone through heavy campaigns to get young people in particular off tobacco, and the smoking of these products, whether tobacco or cannabis, is a concern.

I want to go over two observations on issues regarding Aboriginal peoples. Looking at the report and the efforts of the Aboriginal Peoples Committee, one of them is that the Minister of Health encourage a diverse competitive cannabis market and ensure that Indigenous peoples are in a competitive position to generate own-source revenues and employment opportunities in this new industry. It is a helping hand, a system to try to help guide Indigenous peoples through this particular process.

• (1550)

In another one, you will recall that the main recommendation in the Aboriginal Peoples Committee report was to defer bringing the bill into effect until after certain consultations had taken place and it was suggested that would be up to a year, although people had different estimates of how long that might be.

There was an amendment put at the committee, similar to that, which suggested the same provisions be carried out, like the development of educational materials, the need to establish funding of mental health and addiction programs, the need for nursing and police services, desirability of Indigenous communities to adopt their own measures respecting legalization, tax collection and revenue sharing.

Those provisions were put into another deferral motion that didn't have a time limit on it. The committee rejected the deferral aspect. The committee felt that too many people would be exposed to a hiatus period, which is that an old law continues to be in effect while most people will think the day this gets Royal Assent the new law will be in effect. We said — or at least the majority said — you can't wait for that. We need to get this bill into effect as soon as we can. But at the same time, we said these things need to be properly dealt with. We put them in another motion and recommended in an observation that the government carry these out. We think that is an important observation and important recommendation to put forward.

That's all I'll say. There are 21 observations altogether, as I said. There are a lot of amendments — 42 in total — and I hope the report can be adopted quickly so we can proceed to third reading stage and have major discussions about these amendments or about any other amendments at third reading of the bill.

Hon. Senators: Hear, hear.

Hon. Judith G. Seidman: Honourable senators, I wish to thank Senator Eggleton for presenting the amendments to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts from the Standing Senate Committee on Social Affairs, Science and Technology to this chamber.

As deputy chair, I would also like to recognize his efforts as chair throughout the committee's study on this important piece of legislation.

I also wish to note the important work of the Standing Senate Committee on Legal and Constitutional Affairs, the Standing Senate Committee on Aboriginal Peoples, Standing Senate Committee on Foreign Affairs and International Trade and the Standing Senate Committee on National Security and Defence, which were tasked with pre-study of Bill C-45.

These committees' diligent and comprehensive review informed the development of unanimous recommendations based on expert testimony in the areas of the bill falling within the scope of these committees. I will keep my remarks very brief today, but I will offer a few thoughts to keep in mind as we prepare to debate the bill at third reading.

First of all, it was incredibly disappointing that the majority of senators on the committee declined to accept many of the non-partisan, unanimous recommendations to improve the bill, which were put forward by their own colleagues. I sincerely hope that those recommendations will receive the consideration they are due here in this chamber because it is quite simply the right thing to do.

While I'm pleased with the progress that was made by the committee in certain areas, the sheer number of amendments proposed by senators of various political stripes demonstrates the breadth of flaws that Bill C-45 contains. Consideration of the bill at committee highlighted serious concerns with respect to public health, public safety, Indigenous peoples, Canada's international treaty obligations and indeed the constitutionality of the bill.

Many of these concerns have not yet been adequately addressed, therefore it will be critical for all senators in this chamber to have a fulsome debate on these questions when the bill is read a third time. As well, honourable senators should take note of the number of amendments to Bill C-45 put forward by the sponsor of the bill at committee. For a government that has spent the last 12 months telling Canadians that the country is ready for legal marijuana, the 30 drafting errors and counting in this bill, in addition to the 20 that were dealt with in the other place, tell a different story. All Canadians should be concerned about the consequences of rushing to get this done for no reason other than to meet an arbitrary political deadline.

Finally, I must express my personal disappointment with the failure to consider the overwhelming evidence that was presented to our committee and others demonstrating the health harms of cannabis, particularly for young people. As our study of this bill progresses, we cannot allow ourselves to minimize or forget about the very real health risks of marijuana use for teenagers and young adults. After all, this is the very reason that the government claims to have put forward this legislation in the first place.

Again, for the record, I will restate the current evidence from Health Canada about the long-term effects of cannabis use. This is from Health Canada, so pay attention. It includes increased risk of addiction and harm to memory and concentration, respiratory effects from smoking cannabis similar to the effects of smoking tobacco, increased risk of developing mental illnesses like psychosis or schizophrenia and increased risk of suicide, depression and anxiety disorders.

These findings are well documented. Any suggestion that years of research are vindicated by a single study or analysis is both false and deliberately misleading.

As we consider proposals to minimize the impact on youth consumption, including thoughtful amendments to minimize children and teens' exposure to advertising and promotion of marijuana, we must not set aside the evidence in favour of political expediency and concessions to big business.

I thank honourable senators for their work to date, and I encourage colleagues to give these issues the attention they deserve at third reading.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to the report of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts . I feel it is appropriate at this stage that I comment on the committee process which led us to this report.

First, let me thank Senator Eggleton for managing the compressed time frame for clause-by-clause consideration of this bill in a very fair manner to all members. I think he went out of his way at times to allow all members to speak.

In fact, Senator Dean got away with turning a point of order into an opportunity to introduce new facts into the debate, in rebuttal to other evidence which had been presented about the science regarding the vulnerability of youth to marijuana.

But I do have some concerns about the process of debate at committee. My first concern is about the role of officials during clause-by-clause consideration. Colleagues, let me paint the picture: The officials who presented evidence as witnesses for the government became part of the debate in committee. There was a phalanx of 10 officials sitting at the committee table who were active participants in the political debate during clause by clause at committee. They were frequently asked by the chair to comment on political issues.

For example, during the clause-by-clause debate, an amendment was proposed by Senator Seidman that would have prevented what is called "brand stretching" in an effort to restrict youth promotion and lifestyle advertising. The amendment would have prohibited the use of cannabis brand elements on items that are not cannabis or accessories. In other words, by the amendment, you couldn't throw a cannabis brand logo on a T-shirt.

After the amendment was proposed, the chair asked, looking at the officials:

> Other comments? Let me ask the officials about the implication of removing this whole section. Does it throw it up in the air as to whether this element is allowed or not allowed, or how does it work if it's not in here at all?

• (1600)

After this, two different officials, one from the Department of Health and one from the Department of Justice, were both invited to weigh in. The official from Health opined on potential unintended consequences while the official from Justice stated her beliefs that the entire bill is consistent with the Charter and warned that she could not say whether or not the proposed amendment would stand a Charter challenge.

Following their interventions, the question was called without any participation or debate by senators. The amendment failed on what was recorded as a tied vote of five yeas and five nays with two abstentions. The two abstentions were Senator Dean, the sponsor of the bill, and Senator Petitclerc.

Obviously, colleagues, senators were torn on this issue. However, no parliamentarians entered into the debate in this instance.

Now, we have been criticized for being an unelected body, but we are responsible to the Canadian people. We take an oath when we're sworn in to protect the rights of Canadians as legislators. Bureaucrats are neither elected nor responsible to the public. They are ultimately responsible to the minister or ministers who are attempting to put this bill through in a very rushed timetable.

My experience in sponsoring numerous government bills over my nine years in the Senate is that the role of officials is to provide evidence on behalf of the government as witnesses in considering the bill prior to clause-by-clause consideration and to be available for advice on technical issues which arise during clause-by-clause consideration, but certainly not to actively participate in the political discussion and consideration of amendments and observations at the clause-by-clause stage.

But that's exactly what happened here. This was unfair to officials. They were put in an awkward position by the chair, torn between their duty to provide technical advice, answer questions that were asked and background information, but also knowing that their political masters have made swift passage of the bill without amendments, or without too many amendments, a priority.

I also want to endorse Senator Seidman's expressed concerns about respect for the work of the members of the four other Senate committees who I believe took their tasks very seriously to study various aspects of the bill. It amazed me that the work of the other committees did not seem to be respected. I fully expected that when a committee operating in a nonpartisan manner, as I believe they all do, came up with a unanimous recommendation on an amendment, that members of the Social Affairs Committee would support that amendment when it was introduced at the mother committee, Social Affairs. But on several occasions that did not happen.

Honourable senators, I do not believe that this report appropriately reflects the concerns brought forward by unanimous agreement in the four committee reports submitted to Social Affairs. It's important to note that studies conducted by the Aboriginal Peoples Committee, the Legal and Constitutional Affairs Committee, the Foreign Affairs Committee and the National Defence committee were as comprehensive as possible within the short time frame given. Each report examined the issue of legalizing marijuana with a particular, focused lens. These committees were chosen to conduct parallel studies because their members have expertise in the different subjects that form a piece of this complex piece of legislation. It is that expertise that ensures recommendations, amendments and debates are fully informed.

For example, during debate of my proposed amendment — which was about giving respect to section 35 of the Constitution that includes the rights that flow relating to the ability to self-government, the ability to govern themselves and that pays respect to the duty to consult — which I presented as a member of the Aboriginal Peoples Committee and the only member of that committee sitting on Social Affairs, Senator Gold stated, on the issue of consultation:

> Indeed, it's not even clear what the duty to consult fully comprises. It's currently the law in Canada that the duty to consult does not actually extend to the legislative process. I think that might change. There's a case before the courts. I'm not suggesting for a moment that we stand on the narrow parameters of the law, but it is still the case that there has been discussions, engagement. It's not enough, according to some. It was enough, according to others. But there is a grey area of law in which we have to realize that we're operating.

Honourable senators, the Nunavut Land Claims Agreement clearly compels the government to consult on any legislation that brings about major social change under article 32.21, making the legalization of cannabis — what the government itself has called massive transformative social change — an issue that affects the rights defined under the Constitution and expressed through the Nunavut Land Claims Agreement.

Additionally, I checked the website of Indigenous Affairs Canada, and found a document entitled *Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfil the Duty to Consult*.

> . . . the duty to consult is a constitutional duty; applies in the context of modern treaties; officials must look at treaty provisions first; and where treaty consultation provisions do not apply to a proposed activity, a "parallel" duty to consult exists.

This is from Canada's own website. Senator Gold also entered into the record that:

> Different communities have different legal powers vis-à-vis their power, through bylaws or other legislative measures, to restrict or regulate cannabis on the lands over which they have control. They range from full rights of self-government, either recognized in treaties or by virtue of rights never ceded, to those who are under the auspices of the Indian Act, where the bylaw powers over intoxicants are the subject of some considerable disagreement, at least between certain communities and the government.

Well, honourable senators, the Aboriginal Peoples Committee received clear testimony from Stefan Matiation, Director and General Counsel at Justice Canada, that explicitly contradicts that assertion of Senator Gold. In response to a question from Senator Boniface, during his appearance before the committee on April 17, 2018 on the power of communities to prohibit marijuana via by law, Mr. Matiation responded:

> The cannabis act is legislation of general application, so a First Nations would not be able to use a bylaw to override the cannabis legislation.

So drawing from my experience and nine years sitting on the Aboriginal Peoples Committee and dealing with these questions of Aboriginal rights, I proposed the amendment based on the unanimous vote of the Aboriginal Peoples Committee, which included the recognition of the inherent right to govern according to the nation-to-nation relationship, which our government is promoting as the most important relationship they have because if Bill C-45 does not give that right, we were told in the Aboriginal Peoples Committee — you know I've got to thank Senator Woo for lightening things up at that stage. We started at 1 p.m. We had a half-hour break to grab a sandwich and we went straight through until 10 p.m. Maybe we were getting a little giddy, I don't know, but he lightened things up by calling my motion — listen to this — "platitudinous." I have to say I knew what a platitude is; I didn't know what he meant by platitudinous. But I have had a chance to look it up in the Canadian Oxford Dictionary. It is used to describe hackneyed, dull, insipid, banal, trite. I'm disappointed and, I guess, surprised, and, really, I was amused, at that stage of the debate, that the leader of the ISG would call an amendment that seeks to address the legitimate concerns raised by Indigenous peoples before the Aboriginal Committee hackneyed, dull, insipid, banal or trite.

• (1610)

Colleagues, I am fundamentally opposed to this bill. I think it's badly drafted. I think it will have a very negative effect in my region of Nunavut, where the social fabric is already very fragile, where half the kids are not even attending school in many communities, where we have limited mental health and community wellness programs, and very few that are culturally sensitive and involve trusted community peers, and — you've heard me say this before — no treatment facilities in any of the three territories, treatment facilities for addictions, not one.

I get angry when I feel the pressure to pass this bill quickly, and I feel disappointed that the unanimous recommendation of the Aboriginal Peoples Committee to address these pressing questions and to address the rush, which have been confirmed by the Assembly of First Nations, by Nunavut Tunngavik at their annual general meeting, by witnesses who appeared before the committee, by people in my constituency of Nunavut, who I took the trouble to visit in March, all 25 of them. I found them concerned, unprepared, feeling rushed, puzzled why Canada would do this without consultation. The Mayor of Resolute Bay said, "I don't feel like I'm part of Canada anymore."

Colleagues, I'm speaking today on the committee report, and I respectfully offer these criticisms of the process, how the officials became part of the all-important political debate on clause by clause. I respectfully suggest that's not appropriate.

Senator Eggleton did an amazing job shepherding these 40 amendments or so through, but the process was not perfect. Thank you, honourable senators.

The Hon. the Speaker: Senator Woo, do you have a question? Senator Eggleton has a question. However, your time has expired. Are you asking for five minutes to answer questions? Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Yuen Pau Woo: Senator Patterson, would you clarify for our chamber and confirm that your amendment tabled at yesterday's Social Affairs Committee was not, in fact, one of the recommendations of the Aboriginal Peoples Committee but was a variation which simply asked for the government to prepare a report on the findings of consultations rather than to do what the Aboriginal Peoples Committee asked for, to provide treatment facilities, to provide education, to provide remedies to help young people on Aboriginal lands and other non-Aboriginals get the care and treatment that they deserve, which can be provided if, in fact, Bill C-45 is put into law? Would you confirm for our chamber that you did not, in fact, put forward a proposal, an amendment, that was faithful to the Aboriginal Affairs Committee but one that was quite different indeed?

Senator Patterson: Gee, Senator Woo, you had me going. You were repeating my concerns about the bill, and I thank you for that. These facilities should be put in place or committed before the bill is passed. Now, the Aboriginal Peoples Committee motion was to delay the coming into force of the legislation until those issues had been addressed.

My report, which followed a series of 7-5 defeats of motions that had been recommended, many based on previously unanimous recommendations from committees, took into account that there sure was not an appetite in the committee to accept even unanimous committee motions and recommendations for amendment.

So I softened it a bit. I'm not looking at it word for word, but I think I said in the motion that before the bill is implemented, the government should report to both houses of Parliament on progress on these issues. Sure, it was a less powerful version of the same intent that the committee had put forward, which was to suspend the coming into force, delay for up to a year, which I know caused great consternation on the other side.

Hon. David Tkachuk: You could move it in third reading, though.

Senator Patterson: So I softened it because I could sense the surprisingly consistent opposition of members of the ISG to any amendment proposed even based on unanimous committee reports.

Senator Tkachuk: Liberals. They're all Liberals.

Senator Patterson: Several members of the ISG on the Legal and Constitutional Affairs Committee voted against the unanimous recommendation of their own committee when they were in Social Affairs.

Senator Tkachuk: Liberal. They're Liberals. What do you expect? They behave like Liberals; they are Liberals.

Senator Patterson: So, yes, I softened the motion. Forgive me. It was insipid and platitudinous, I confess. That's what I did. I was trying to get something through, and even that softer motion got defeated. That's my story.

Senator Tkachuk: Maybe he'll support it in third reading.

Senator Woo: Thank you, Senator Patterson, for confirming that you in fact did not put forward a proposal and amendment that was faithful to the recommendations of the Aboriginal Peoples Committee. Would you not agree that your amendment, which would create a delay for the purposes of producing a report —

The Hon. the Speaker: Senator Woo has the floor, Senator Tkachuk. Please, could we have some order? It's hard to hear Senator Woo with you shouting. Senator Woo.

Senator Woo: Would you not agree that proposing an amendment that would simply lead to the creation of a report, rather than any specific tangible actions, would, in fact, result in the delay of the provision of the much-needed services and actions that have to be taken to deal with the current and ongoing challenge of drug use across this country, including in First Nations communities?

Senator Patterson: Thank you for the question, honourable senator. You know, I asked Parliamentary Secretary Bill Blair about progress on all of those issues — addiction treatment facilities, culturally appropriate educational materials, dealing with the Excise Tax Act, which the Aboriginals were left out of by Canada and the federal-provincial-territorial finance ministers.

Mr. Blair said — I'm going to paraphrase him — "Trust me; it's in hand. It's all going well. You'll hear, eventually, what happens." I said, "That's not good enough." We can't deal with the excise tax issue after the bill has been passed. No one will ever agree to divide up the pie once the bill has been passed. The Aboriginals have been left out, strangely, from a government that so values that relationship. The First Nations Tax Commission told us that very clearly: "We couldn't even get a meeting with the minister, though we tried."

Consultation was abysmal. They're feeling left out, and the report that I modestly asked for, the timing and the speed of that report, is entirely within the hands of the government. They could do it in 30 days if they gave it a priority, a priority that they haven't seemed to put on dealing with Indigenous issues in this bill up until now.

The Hon. the Speaker: Senator Patterson, your time has expired, but Senator Eggleton, who tabled the report, wanted to ask a question. Are you asking for time to answer that question?

Senator Patterson: If I should be privileged to be given that time, yes.

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

Hon. Senators: Agreed.

Hon. Art Eggleton: Senator Patterson, I'm having a difficult time appreciating a couple of things that you've said. One is that — and Senator Seidman, to some extent, said this as well — many of the recommendations of the committees, the four other committees, were ignored. Of the 21 observations, there is quite a number of them.

• (1620)

Many of the committee recommendations were not specific amendments to the bill itself; they were recommendations on actions they felt the government should take. For example, Foreign Affairs Committee suggested the government engage with the relevant U.S. federal authorities in order to develop a common understanding among Canadians and Americans of the changes in Canada's domestic policies and the consequences of these changes, et cetera. Quite a number of them were not put in as amendments to the bill but as recommendations.

I'm having a hard time understanding why the two of you have criticized us not taking suggestions into consideration. I thought we respected those observations and recommendations quite well.

Add to the examples above the ones from the Aboriginal Affairs Committee. Aside from the deferral, we put in the same kinds of recommendations. I wonder if you might comment on that.

Finally, I have a hard time appreciating your concern about the officials, because I made it clear to the officials on more than one occasion that they were not there to comment on policy. They were to let us know, if we asked them questions, what the consequences were of certain amendments. It was to get an official understanding. What is wrong with that? We weren't asking them for policy. They very clearly know that. It's an insult to our officials. They know where to draw the line between giving that kind of information —

Hon. Senators: Question.

Senator Eggleton: Can you comment on that, please?

Senator Patterson: Thanks for the question. I didn't mean to impugn the civil servants. I said the chair put them in an impossible position by having them, first of all, at the table as equals with the senators. They were there at the witness table. My experience is that officials sit outside the committee table and are available to be called on from time to time regarding technical matters.

I respectfully say that some of the questions asked strayed into policy. I cited a couple. The officials were put in an impossible position, I believe. That's not the practice I have experienced in committees. I noted it as being unusual. Forgive me for commenting on that.

On the business of recommendations showing up in observations, yes, I should have mentioned that. I did get my attempted motion, which was defeated, for an amendment, which was defeated in committee, put into an observation. Thank you for that; it's better than nothing. But it's an observation and not an amendment to the bill, which was what I wanted. Forgive me for minimizing the observations. They are important, and a number of them reflected committee motions.

But I was particularly concerned that when a unanimous recommendation came from a committee for an amendment, it was disrespected and, in most cases, defeated. Yes, the issue showed up in observations. That's not good enough, honourable senators.

Hon. Denise Batters: On debate.

The Hon. the Speaker: Senator Patterson's time has expired again. He will have to ask leave if you want to ask a question.

Do you want more time?

Senator Patterson: I'll leave it up to the chamber, Your Honour. I know we have other pressing business.

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

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: I hear a "no."

Senator Batters on debate.

Senator Batters: Honourable senators, I rise today to speak to the twenty-fifth report of the Standing Senate Committee on Social Affairs regarding Bill C-45.

I am opposed to this bill. I think the Trudeau government is unleashing an unnecessary initiative for which Canada is just not ready. Unfortunately, I think Canadians will pay the price for that folly with their health and safety. It is irresponsible for the Trudeau government to make marijuana widely accessible, especially to 18-year-olds, without fully considering the health and social implications that it might bring. But as we have seen time and again with this Prime Minister, sober second thought doesn't necessarily rank high on his priority list.

As a member of the Standing Senate Committee of Legal and Constitutional Affairs, I heard a lot of witness testimony about the various ways in which this legislation is just not ready to deal with the problems stemming from the legalization of marijuana. During debate on Bill C-45 and its companion initiative, Bill C-46, it seemed that every day, and sometimes every meeting, new problems with these bills were brought to light.

The provisions of Bill C-45, which allow for the cultivation of homegrown marijuana, are particularly troublesome. They undermine the Trudeau government's own stated purposes of the bill: to restrict the access of kids to cannabis by allowing it to be grown and harvested unregulated in their very own homes.

Another listed purpose is ostensibly to "provide access to a quality-controlled supply of cannabis" — by allowing people to cultivate a completely unregulated supply at home? It simply doesn't make sense, honourable colleagues.

Further, legalizing home cultivation of marijuana removes a valuable tool used by our police officers. Currently, the mere presence of an illegal marijuana plant in a home can provide the police with the reasonable suspicion to charge or investigate further, something that might uncover other types of criminal activity. However, because this legislation will permit up to four plants to be grown legally at home, the use of that particular tool will be curtailed for police officers.

For these reasons, a majority of the members of the Legal Committee recommended the prohibition of home cultivation. In this report, a majority of the Social Affairs Committee chose to reject our recommendation. Instead, that committee voted in favour of a measure allowing provinces to prohibit home cultivation. As you may know, Quebec and Manitoba have already indicated they will prohibit home cultivation of marijuana. But by choosing not to prohibit home cultivation at the federal level, we will see a patchwork application of marijuana laws across the country. This will, in turn, contribute to the massive confusion that surrounds this marijuana legislation. There is no clarity in this law, and that is profoundly unfair to Canadians who are trying to navigate this uncharted territory without breaking the law. Even the people who have studied and drafted Bill C-45 find it to be a real head-scratcher at times. If that's the case, how can we reasonably expect regular Canadians to know whether they are breaking the law?

Let me illustrate this with one example I discovered during our Legal Committee hearings on this legislation. When several senior departmental officials from Health Canada, Public Safety and Justice appeared before our committee on March 22, I asked them to explain whether paragraph 8(1)(e), the provision in Bill C-45 that governs the possession of budding or flowering plants, allowed for the possession of more than four plants if they are budding or flowering. The bill states in this provision:

> 8(1) Unless authorized under this Act, it is prohibited . . .
>
> (e) for an individual to possess more than four cannabis plants that are not budding or flowering . . . .

Clear as mud, honourable senators? Don't feel bad, because the officials from Public Safety also didn't have a clue. After an uncomfortably long pause in which they looked at one another meaningfully, they passed the question behind them to officials who were there from the Department of Justice Canada. The officials from Justice Canada then proceeded to take a run at it. I asked:

> Does that mean that you could potentially possess, legally, more than four if they are budding or flowering?

The Justice official said:

> No. In fact, it's the opposite. You are allowed up to four plants if they're not budding. You're not allowed to possess any plant that is budding.

I clarified:

> You're not allowed to possess any budding or flowering plants? Zero?

The Justice official reassured me two more times that I had, in fact, understood him correctly. Then he went on to say that the limitation on budding and flowering plants was in public, even though no such reference exists in paragraph 8(1)(e).

The official from Health Canada then chimed in, helpful as ever, and insisted that the provision stipulated that you couldn't possess more than four budding or flowering plants anywhere, directly contradicting the testimony of the Justice official who had just spoken.

My exchange with these officials, feeling like an "Abbott and Costello" episode, went on for some time — six minutes to be exact.

Frustrated at these officials' inability to give me a straight answer, I asked for future clarification on the point. None was forthcoming — not when the same departmental officials appeared again at the end of the committee study, not when they submitted follow-up answers in writing to the committee — none in more than two months.

Imagine my surprise, then, to learn at the Social Affairs Committee this week that the Trudeau government proposed 29 amendments to its own legislation, and none of them clarified this issue of budding and flowering plants.

In my five years here, I don't recall there ever being another occasion where a government had to try to amend its own legislation so significantly in the very final hours of a bill's passage through Senate committee stage. Recall that this is after months of drafting at the Department of Justice, six months in front of the House of Commons and its committee, and six months in front of the Senate and its committees.

It's abundantly clear that this Trudeau government simply doesn't know what it is doing. That these officials can't answer simple questions of clarification around this legislation is deeply concerning to me. If the drafters and researchers who should be experts on this law don't understand the provisions of this bill and several of them together can't explain it to me, who has been trained in law, how on earth do they expect Canadians to understand it? How is that fair to Canadians when they cannot even know whether they would be breaking this new law if they start growing a marijuana plant in their home and it starts to bud or flower. Honourable senators, my home province is Saskatchewan, and I know the people in that province with such a strong agricultural base would tell you that the purpose of growing a plant is to make it bud or flower.

• (1630)

Nothing says "just not ready" like this example. And yet despite the glaring problems in this bill, the Trudeau government continues to push for the swift passage of this legislation to meet his artificial political deadline. The Prime Minister has pushed aside concerns of medical groups like the Canadian Medical Association, the Canadian Psychiatric Association, and the

Canadian Paediatric Society, who suggested that there should be a much higher age of access to marijuana so as to protect the still-growing brains of young people under 25.

In this Social Affairs Committee report, we see a recommendation to allow for social sharing of marijuana between teenagers. Effectively this lowers the minimum age for accessing marijuana to 16. This is completely unacceptable. Studies have shown that the more normalized marijuana becomes, the more likely teenagers are to try it. Legalizing it, in fact, is the ultimate way to normalize this drug for kids. If it's legal, it must be safe; right? Even the government itself has admitted that's not true.

The Trudeau government's ill-conceived marijuana legalization bill does not fulfill its own intended purposes. It fails to protect kids and restrict their access to marijuana, and it fails to provide a quality-controlled supply of cannabis because of unregulated home grow. I disagree with some of the measures put forward by the Social Affairs Committee as changes to this bill, including new allowances for social sharing among older teens, which I submit will increase circulation of marijuana among young people. Honourable senators, the health and safety of Canada's young people must be paramount in any discussion of legalizing marijuana. I hope we will all keep this in mind as we continue our further deliberations on these bills. Thank you.

Hon. Lillian Eva Dyck: I was not planning to speak today, but I have been inspired by the previous speakers.

First of all, I would like to thank Senator Eggleton and the committee members because you had an enormous task, and you held your marathon sessions and produced a report with many amendments. I very much appreciate the fact that you did consider the report from the Aboriginal Peoples Committee seriously, and you mentioned it in the observations, which is good, but, as my colleague Senator Patterson said, it is not good enough.

It's really sad that we are in this situation partly because of the way our Parliament is structured. We are in this situation where we have a law of general application — the cannabis law, because it's amending the Controlled Drugs and Substances Act — which then applies across the country, including on reserves, and so that takes away some of the section 35 constitutional rights of Indigenous people to govern themselves.

Of course, now we're in an age where we're talking about nation-to-nation relationships and the ability of Indigenous people to govern themselves. This law of general application rams right up against that. They're conflicting laws, and we have not sorted that out yet. That's one of the reasons we are in this pickle, if you want to call it that, that we are faced with a law that does interfere with section 35 rights. We are also faced with the Indian Act, which regulates what goes on on reserves, and because the Indian Act does not mention cannabis or marijuana, then individual bands, individual reserves, individual First Nations cannot legally pass bylaws to ban cannabis from their reserves.

Similarly, they are not legally able to sell it, although some are doing that. In some of the Mohawk reserves, they have already set up cannabis shops, and they are selling it, but it's what is called a "grey market." It is being done, but it is not legal.

We have these conflicting laws, and then we also have a quandary that in the Senate we know that First Nations should be allowed to have the excise tax revenue just like the provinces are getting, but because we are in the Senate, we cannot propose an amendment to do that. Our committee could not do it; the Finance Committee could not do it. The provisions for taxation measures are in Bill C-74. When we got it, we could not amend that to include what we want done either. Our hands are tied in many ways to do what we know is the right thing to do. That's the quandary we are in.

It's frustrating. It's sometimes mind-boggling. All these constraints prevent us from amending the bill. It is not amending simply just to get the revenue. Because once you put those excise tax measures into the appropriate authorities, the Excise Tax Act and the First Nations Fiscal Management Act, then the First Nations have the ability not only to sell and make money, but they can regulate and pass those bylaws that say, "We are banning cannabis from our reserve."

There is a debate as to whether or not prohibition works. I don't think anyone has ever conducted a study to see whether prohibition works on reserves. It may not work in the mainstream community, but I don't think we know whether or not it works on First Nation reserves. In fact, one of the comments that Senator White made during committee was that, from his experience as an RCMP officer, those reserves that were dry, that had banned alcohol, had a lower rate of crime.

The other quandary we have is that there is no Indigenous lens on this bill. There should be because the impacts of drugs, we know, are much more severe in Indigenous communities. Not because we are genetically inferior, but because of the socio-economic conditions that we find ourselves in in many remote reserves. And, unfortunately, with the things that happened at residential schools and through colonialization, you have communities that are not functioning properly, and people in those communities turn to various drugs and alcohol to help them cope.

So we have a vulnerable community. There should have been an Indigenous lens. There are promises made that the government is now working on a new First Nations fiscal management framework. This fits into that perfectly.

The cannabis legislation and regulation secretariat, in their material given to various committees — and Senator Dean passed this one around — it talks about the Government of Canada respecting and committing to nation-to-nation engagement. With respect to cannabis legislation, it says that Canada will engage closely with Indigenous communities representative organizations on issues of particular concern, including public health issues, economic perspectives and public education.

That's in a written document, a very fancy little PowerPoint, and yet that did not happen. We had the working task force that said that they did consultation. In the news, Anne McLellan said, "We heard their concerns." They were concerned about the excise tax revenue and the harm to communities, but yet that is not in the report. It's in our report.

We did the real consultation. Consultation means you actually listen and try to address their concerns. You try to bring it forth. You try to find a solution to what they brought forth. It is more like a cooperation. That task force or working force, or whatever they called it, may have talked to people, but they clearly listened and forgot. Our committee heard those concerns. We heard those concerns very clearly. We had the solutions. We found out we could not implement what we heard.

Here we are saying that we know what needs to be done. The excise tax is not simply about money; it's about getting control so you can ban it and regulate it in your own community. With the tax revenues, you could funnel those toward residential treatments for those who become addicted and you could develop and offer culturally appropriate education about the possible harms of cannabis.

• (1640)

Well, look where we are today, senators. Look at the rates of smoking and alcohol addiction on reserves. Public education has not worked because it's not culturally sensitive. If we don't have culturally sensitive materials at hand, it's not going to do any good. It may be that the communities are in such despair that they may not work. In my mind, I'm sorry, I believe that a delay is necessary. Although there may be up to 60,000 Canadians now who have been charged — and that's a concern — they can get an expungement. They can pay a $631 fee and get their conviction expunged.

There is also talk of amnesty. I still believe a delay is necessary because there is potential for harms. You have to weigh that with the harms that are happening in the vulnerable, mostly northern communities, where there are incredibly high rates of mental unwellness and incredibly high rates of suicide. The person who came to us from the native alcohol drug and safety committee — whatever the committee is called — talked about the kids that came into residential treatment. Honourable senators, 79 to 80 per cent of them were cannabis users. How will this help us unless we take the proper measures? That's why, in our first round, we asked for the delay. We knew we wouldn't get it but that's why we asked for it. Thank you.

Some Hon. Senators: Hear, hear!

Senator Patterson: Would the senator take a question?

Senator Dyck: Yes.

Senator Patterson: Senator, we heard that many First Nations are interested in participating in the economic opportunities flowing from the production of cannabis. Is it your understanding, from what the committee heard, that unless the law is changed to give First Nations a share of the excise tax for production of marijuana on First Nation reserves, First Nations who participate in the economic opportunities to produce cannabis will be required to collect and submit the excise tax to Canada?

Senator Dyck: I don't think I heard you clearly. Could you repeat the last part of the question?

Senator Patterson: What I meant was that unless the excise tax issue is dealt with, and the bill is passed as it is, if First Nations are producing marijuana on reserve, they will have to pay an excise tax like everybody who manufactures marijuana will have to pay under this law of general application.

Do you believe that, under the law, First Nations who do produce marijuana on reserve will be required to collect the excise tax for Canada and submit it to the Government of Canada?

Senator Dyck: Yes, that's my understanding, although I do believe there will be some communities who will refuse to do that and will operate their business and enter this grey market that has been happening with things like cigarettes, and so on. It will create situations that are not good for anyone.

Hon. Leo Housakos: Honourable senators, I rise on debate. The beauty of democracy in this chamber is you can be prevented from asking for an extension of time to ask questions, but they can't prevent you from getting up on debate.

I rise because I am very concerned. After hearing the exchanges from Honourable Senator Patterson and Honourable Senator Woo, I find it disappointing — and I scratch my head — to what degree this place has degenerated to some extent. We are famous across the country for the quality of work that our committees do. Senate committees are cited by the Supreme Court. In fact, they are cited more often than the House of Commons. We take a great deal of pride in the thoroughness of our committee work, and we have tremendous confidence in all our colleagues that do that work in the various standing committees.

So I find it very disturbing that when a committee like the Aboriginal Peoples Committee of this body comes to a unanimous conclusion on an amendment that is then forwarded by a member of that committee to the central committee managing this large bill, somehow that central committee comes to the determination that a unanimous decision of the other committee — which is representative of all sides in the chamber — has to be discarded all of a sudden and the amendment tossed aside.

I would also like know, from the chair and deputy chair at some point in the debate, how many other unanimous decisions came from various committees, because when we reach a level of unanimity, that's serious. That means there's enough concern on the part of many senators, who are representing many bodies in the chamber, for them to recommend to this committee that that amendment must be taken seriously. Those types of amendments have to be taken into consideration in this chamber far more seriously than any other amendment that might come from a particular party, or a particular political philosophy, or inspired by an individual's personal agenda.

Honourable senators, this is a standing Senate committee. I found it very disturbing that Senator Patterson was obligated or felt obligated to water down the content of that amendment while proposing it and that the leader of the ISG group somehow took ownership of pushing back on that recommendation, for whatever reason. At the end of the day, one has to start questioning why, all of a sudden, the leader and the deputy leader of the ISG found it so compelling to become members of that committee that was doing that review when they're not members of the committee. Was Senator Smith there? Was Senator Day there? Was the Representative of the Government there? Was the representative of the caucus group there?

Honourable senators, I think each committee has the obligation and privilege in this place to do its work freely. Members have the right to do their work freely. When a committee or the chamber receives a recommendation from a standing committee that's unanimous, we have an obligation to hear that recommendation on this floor and debate it thoroughly because obviously that recommendation has come to fruition after probably weeks, if not months, of study and work. To discard that with one swoop in review of a series of amendments by a committee, I found that to be disturbing and I wanted to put that particular view on the record.

The Hon. the Speaker: Senator Eggleton has a question, Senator Housakos. Will you take a question?

Senator Housakos: By all means; I do take questions.

Senator Eggleton: I certainly don't agree with your comment that we discarded or didn't take seriously or didn't respect the views that came from the other committees. Would you not agree that it was divided up amongst four committees — Aboriginal Affairs, Foreign Affairs, National Security and Defence, Legal and Constitutional Affairs — on specific aspects, but the whole bill itself, with all of its aspects, was sent to Social Affairs. So is it not the obligation of Social Affairs to balance all of this? I'm glad you are agreeing, because it may find that there are conflicts between different agendas of different committees, as well-intentioned as they all are. The whole picture has to be looked at by one committee, which was done.

Senator Housakos: I agree wholeheartedly. That's precisely the point I am trying to make.

I was a member of the Standing Senate Committee on Foreign Affairs and International Trade and we were given a piece of that legislation to review on behalf of your committee and this chamber.

Yes, you are absolutely right. We did not have consensus on many of the amendments we wanted to propose. We had various points of view. There was a contentious debate and a lot of our opinions were expressed in the report in observations, and they were brought up to your committee as such.

However, if you received recommendations and amendments from a standing Senate committee that did thorough work, as we did at Foreign Affairs, and members of the ISG, Liberal caucus and Conservative caucus came to consensus, the Aboriginal Peoples Committee — and Senator Dyck has to make no apologies. We know this touches that community in a serious way. I would like to know on what basis and grounds you were able to overturn a unanimous decision of a body of work that a committee did in such a thorough way and in a far shorter period of time. What was the basis of your committee turning down a unanimous recommendation for an amendment?

The Hon. the Speaker: I'm sorry, Senator Eggleton, but we are not getting into debate now and asking each other questions. If you have another question for Senator Housakos, fine. If not, are senators ready for the question?

Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division, and report adopted.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Harder, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1650)

ELECTIONS MODERNIZATION BILL

BILL TO AMEND—MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO STUDY SUBJECT MATTER—DEBATE ADJOURNED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of May 29, 2018, moved:

> That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-76, An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments, introduced in the House of Commons on April 30, 2018, in advance of the said bill coming before the Senate; and
>
> That, for the purpose of this study, the committee have the power to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto.

He said: Thank you for the excellent reading of the motion. I rise to ask the chamber's support to allow the Standing Senate Committee on Legal and Constitutional Affairs to examine the substance of Bill C-76, An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments before this bill arrives at the Senate for first reading from the other place. Bill C-76 is an important bill touching on the democratic institutions of Canada and the ability of citizens to participate fully in the democratic process.

Election day may be the most dramatic part of the electoral cycle, but there are many more elements that underpin the lead up to and the wind down from election day that ensure the integrity of results at the polls. That is what Bill C-76 is about, and, as such, it is a bill with many parts addressing such issues as equity and accessibility, modernizing voting services, ensuring privacy of information and making the electoral process more secure and transparent. In other words, it's a significant bill that will demand the customary sober second thought of this place, including the expert review of our Standing Senate Committee on Legal and Constitutional Affairs.

However, it is also a time-sensitive bill that the government would hope, with the help of the Senate, will receive Royal Assent at the earliest possible opportunity. The goal is to ensure that the Elections Act and the Chief Electoral Officer have the legal certainty of new legislation to prepare for the next federal election, an election which we well know to be around the corner, at least in political time.

But the government also wants both chambers of Parliament to rigorously review the legislation so that Canadians have the best bill possible. On that score, it is significant that the Prime Minister has expressed the government's openness to give serious consideration to improvements to Bill C-76 that might be proposed by the opposition parties in the other place. Faced with the compressed timeline on a complex piece of legislation such as this, and in a context where the government has expressed openness to recommended changes, our pre-study procedure presents an obvious upside.

For example, our Legal and Constitutional Affairs Committee could identify issues that overlap with those identified by our colleagues in the other place. Such overlaps can bolster the case for an amendment to be accepted and passed by our elected colleagues, such as occurred in the case of the Parliamentary Budget Officer provisions of Bill C-44.

Our committee could also identify issues that for whatever reason have been missed or set aside by the other place. It means that when we receive the bill from the other place, we will have had a head start and be ready to debate such potential amendments. The desired outcome would be the following: timely passage of Bill C-76 following serious review by the Senate through pre-study once the legislation arrives from the other place.

Colleagues, I would also note that the sponsor of the bill, Senator Dawson, as well as Senator Joyal, the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, are both supportive of this motion.

As has been noted many times over the years, it is in committee where the heavy lifting of the Senate work takes place. I cannot do otherwise but support and encourage the desire of both Senators Dawson and Joyal to roll up their sleeves and scrutinize the proposed legislation at the earliest opportunity.

For these reasons, colleagues, I hope you will support pre-study of Bill C-76, An Act to amend the Canada Elections Act.

[*Translation*]

Hon. Ghislain Maltais: I would like you to clarify something for me, Mr. Speaker. I'm having trouble understanding how Senator Harder can ask us to study a bill that has not yet passed in the House of Commons. Our constitutional role is to study bills that come from the House of Commons. I would have no problem going ahead with a pre-study, except that it would serve absolutely no purpose, since the bill has not been passed yet. The government has not done its homework. We should have received this bill three or four months ago. Doing a pre-study for fun is fine, but a serious pre-study of a bill that has not been passed by the other place is rather unusual. Thank you, Mr. Speaker.

[*English*]

Senator Harder: The senator knows from long experience that the use of pre-study in this chamber is occasional where the appropriate circumstances present themselves. Obviously, that has been more regularly on budget matters.

What I am suggesting and have spoken to is the advantage that pre-study would present the Senate, as well as, frankly, the considerations in the other place as they are able to take into account an advantage from the debates taking place in this chamber.

It is an appropriate tool, and I recommend it.

[*Translation*]

Senator Maltais: I'm sorry, Senator Harder, but you're turning the question around, which is not helping. You are asking us to study this bill in place of the House of Commons. That is not how it works. We can do a pre-study of the broad strokes of the bill, but we cannot thoroughly examine a bill in committee that has not been passed in the other place. We can proceed with a pre-study, but it will have no constitutional value.

[*English*]

Senator Harder: The senator is quite right that just as pre-study of the budget bill does not obviate the need and obligation for the Senate to deal with the bill when it properly arrives, it ensures the Senate has had the advantage of pre-study to expedite the consideration and the deliberations of our work.

(On motion of Senator Martin, debate adjourned.)

(*At 4:58 p.m., pursuant to the orders adopted by the Senate on February 4, 2016, and on May 29, 2018, the Senate adjourned until 1:30 p.m., tomorrow.*)

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