SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 216

OFFICIAL REPORT
(HANSARD)

Wednesday, June 6, 2018

The Honourable GEORGE J. FUREY,
Speaker

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Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, June 6, 2018

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

Prayers.

SENATORS' STATEMENTS

DIPLOMATIC RELATIONS WITH IRAN

Hon. Linda Frum: Honourable senators, on June 3, Iranian Supreme Leader Ayatollah Ali Khamenei posted a tweet calling for the genocide of the Jewish people. The tweet read, "Our stance against Israel is the same stance we have always taken. Israel is a malignant cancerous tumour in the west Asian region that has to be removed and eradicated: it is possible and it will happen."

This reprehensible call demonstrates yet again the depravity of the Iranian regime. Honourable senators, these were not hollow words. Yesterday the Palestinian Authority acknowledged that Tehran is fully financing and coordinating the deadly Hamas incursions on the Gaza border. This includes the most recent tactic of attaching fire bombs to kites in Gaza and launching them into Israeli farmland, causing millions of dollars in damage and putting Israeli lives at risk.

If this was not troubling enough, in an act of blackmail, the head of Iran's atomic agency confirmed that Ayatollah Khamenei ordered officials to step up uranium enrichment if the JCPOA nuclear deal fails.

Combined, these recent events should form a strong reminder, if one was needed, that the current regime in Iran is not one worthy of re-engagement negotiations and is not one that should ever be described as moderate. It is clear that the decision of the Government of Canada to sever diplomatic ties in 2013 was the right one.

I ask all honourable senators to join me in demanding that the Government of Canada continue to suspend ties with Iran until such time as there is a regime change.

THE LATE DWIGHT DOREY

Hon. Dan Christmas: Honourable colleagues, I rise today to pay tribute to the memory of the late Dwight Dorey, a fellow Nova Scotian, a proud Mi'kmaq activist and a distinguished leader who made an indelible mark on Indigenous public policy in this country.

It has been said that "Life is what happens to you while you're busy making other plans." I can tell you that pretty much sums up the life and times of Dwight Dorey.

I first met Dwight over 30 years ago in Nova Scotia, where he served then as the Vice-President of the Native Council of Nova Scotia. In 1985, the Supreme Court of Canada had just ruled in its *Simon* decision, which ultimately asserted and affirmed Mi'kmaq treaty rights for the first time in Canadian history.

Dwight was one in a small group of Mi'kmaq leaders who were seeking to have our treaty rights recognized and implemented. We were all facing an uphill battle in dealing with the problems with Nova Scotia at the time, and we had been working without success through diplomatic channels. Finally, in the face of continued resistance from the provincial government, Dwight passionately convinced the Mi'kmaq leadership to undertake its own peaceful moose harvest protest, resulting in his own arrest and that of 15 other Mi'kmaq harvesters.

In the midst of their lengthy trial, the Nova Scotia Court of Appeal ruled in another treaty rights case of some Mi'kmaq fishermen that had resulted in the affirmation of the Aboriginal right to fish for food.

Dwight got the ball rolling, convinced others to join the crusade, and the resulting critical mass helped change the future of the Mi'kmaq Nation in Nova Scotia.

Such passion and determination seem a long way off from Dwight's humble beginnings. Born in rural Nova Scotia, he was a high school dropout who, when later choosing to follow a path in Indigenous politics, decided to pursue higher education and obtained a master's degree in Canadian studies from Carleton University.

His career in Indigenous politics was a prolific one, in his capacity as Vice-President of the Native Council of Nova Scotia, as band councillor for his home community of Millbrook First Nation, and then serving a total of four terms as the National Chief of the Congress of Aboriginal Peoples.

It was while at CAP that Dwight was instrumental in shepherding the case of *Daniels v. Canada* on behalf of his predecessor at CAP, the late Harry Daniels. Dwight was on the steps of the Supreme Court of Canada the day the court issued its decision in the *Daniels* case in 2016 — a truly historic ruling for non-status and Metis people in Canada.

But Dwight's greatest legacy will be his warmth, his kindness, his mirth and his kind and caring heart. Also, we give thanks for his incredible courage as he bravely faced the scourge of ALS, which took him from us far too soon.

He leaves behind his grown children, Crystal and Christopher, and friends too numerous to number, both at home in Nova Scotia and here in Ottawa, his home away from home.

Godspeed, Dwight Dorey. *Wela'lioq*.

[*Editor's Note: Senator Christmas spoke in Mi'kmaw.*]

You will always live on in the hearts and memories of your Mi'kmaq brothers and sisters.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Sonia L'Heureux, Parliamentary Librarian of Canada, who will be retiring later this month. She is accompanied by her spouse, Gerry Davies.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Indigenous youth leaders of "Indigenize the Senate 2018": Colette Trudeau of British Columbia, Spirit River Striped Wolf of Alberta, Rae-Anne Harper of Saskatchewan, Amanda Fredlund of Manitoba, Theoren Swappie of Quebec, Kayla Bernard of Nova Scotia, Kieran McMonagle of Ontario, Bryanna Brown of Newfoundland and Labrador and Ruth Kaviok of Nunavut. They are the guests of the Honourable Senator Dyck.

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

Hon. Senators: Hear, hear!

YOUTH INDIGENIZE THE SENATE 2018

Hon. Lillian Eva Dyck: Honourable senators, it is my pleasure to introduce some very special guests in the gallery today. The Aboriginal Peoples Committee is launching the third edition of our Youth Indigenize the Senate program, which brings young Indigenous community leaders from across the country to Ottawa so that we can listen to them and learn from their experiences. This year they will be helping us with our committee's study on the nature of a new relationship between Canada and First Nations, Inuit and Metis peoples.

Spirit River Striped Wolf is a 24-year-old First Nations man from Alberta and a political science student at Mount Royal University in Calgary. He is an advocate for indigenizing on entrepreneurship. He is heavily involved in his community campus, including through the Iniskim Centre, which increases awareness of distinct Indigenous cultures and offers services to support Indigenous students.

Rae-Anne Harper is a Plains Cree woman with Metis roots from Onion Lake Cree Nation in Saskatchewan. Completing a Native studies degree in Lloydminster, she is president of her Aboriginal youth council and coordinates youth programs and camps for at-risk, urban Indigenous youth.

Amanda Fredlund is Dene from Manitoba and is the Co-President of the University of Manitoba's Aboriginal Students Association. An accomplished and published photographer majoring in Native studies, she has been the driving force behind countless workshops and celebrations of Indigenous cultures, including pow-wow demonstrations and sweat lodges.

• (1410)

Kieran McMonagle is a 28-year-old Metis woman and a graduation coach with the Keewatin Patricia District School Board in western Ontario, whose work supports over 300 Indigenous students and families. She draws inspiration from her making positive change for Indigenous youth, and this year she will see her first cohort of students graduate.

Bryanna Brown, a 20-year-old Inuk woman, has worked with Indigenous groups in her home province of Newfoundland and Labrador, including with the Traditions and Transitions Research Partnership and the Labrador Aboriginal Training Partnership. She is active in her community and has helped to organize an international Inuit research conference.

Spirit River, Rae-Anne, Amanda, Kieran and Bryanna, welcome to the Senate of Canada.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of May Teague and Russell Teague. They are the guests of the Honourable Senator McCallum.

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

Hon. Senators: Hear, hear!

YOUTH INDIGENIZE THE SENATE 2018

Hon. Sandra M. Lovelace Nicholas: Honourable senators, I also would like to rise to welcome the Indigenous youth leaders who have generously agreed to join us here so we can benefit from their wisdom and experiences. Please excuse me if I mispronounce your names. I will apologize now.

Theoren Swappie is an 18-year-old First Nations man who overcame a difficult upbringing to become a role model for young people in his community in northern Quebec. He works at Naskapi Radio and participates in healing and youth activities as often as possible.

Ruth Kaviok is a 20-year-old Inuk woman from Nunavik on the western rim of Hudson Bay. She was the Inuktitut valedictorian of her high school and winner of Samara's Everyday Political Citizen award. She is creating a plan for a hydroponics greenhouse business to provide for a community with affordable, fresh produce.

Colette Trudeau is a Metis musician from Matsqui, British Columbia. As program director for the Métis Nation of British Columbia, she works to ensure the sustainability of the Metis Nation through youth governance and the creation of community-based programs and services.

Kayla Bernard is a 22-year-old First Nations woman from Nova Scotia. She is a mental health advocate as well a strong supporter of youth and Indigenous peoples. The Dalhousie University student hopes to use her education to bring her therapeutic recreation training to isolated communities across Canada. She shares her own personal struggle with youth and shows them there is always hope.

Theoren, Ruth, Colette and Kayla, welcome to the Senate of Canada.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Tim Jackson. He is accompanied by members from SHAD. They are the guests of the Honourable Senator Deacon.

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

Hon. Senators: Hear, hear!

SHAD PROGRAM

Hon. Marty Deacon: Good afternoon, honourable senators. Today I rise to welcome and share the arrival of the leadership team and student alumni of SHAD to the Senate of Canada.

SHAD is an organization you might all like to know about. It is an award-winning enrichment and entrepreneur program, and network, that empowers exceptional high school students at a pivotal point in their secondary education. Each student will have the opportunity to recognize their own capabilities and envision their extraordinary potential as tomorrow's leaders, disruptors and change-makers.

How does SHAD do this? Each year, SHAD provides the opportunity for more than 900 students from across Canada and internationally to attend their STEAM-based — science, technology, engineering, arts and math — month-long program. That is 30 days of amazing young people challenging each other, away from home, and truly having the opportunity to take risks and make mistakes while learning.

Each student visits a new part of Canada, experiences life at university and even learns how to found a start-up.

I have attended SHAD before. It is an academic, leadership and high-energy magical mix.

These high school students are in residence in one of your Canada host universities. When finished, these students become part of an impressive SHAD network. I have spoken to students whose academic lives were changed by this experience over 25 years ago. This student network now totals 16,300 students, including 32 Rhodes Scholars, 44 Schulich Leaders, 88 Loran Scholars, as well as prominent entrepreneurs, industry leaders and accomplished professionals.

SHAD started 38 years ago. I recall well providing a young student in 1980 with her first letter of support. SHAD is based in my home community of Waterloo, Ontario.

SHAD demonstrates care and inclusion for all Canadians, something every senator thinks about. SHAD utilizes funding to underserved communities from coast to coast to coast. They work in Indigenous, rural, remote and inner-city communities, leaving no stone unturned for our young Canadians.

They are early in this part of their work, with the goal of this award-winning enrichment and entrepreneurship program to fully mirror, represent and include all corners of this vast country and to support students who would not otherwise be part of this.

As senators, we thank SHAD and the Government of Canada in supporting this work.

SHAD leaders and ambassadors are on the Hill. Please come and meet these fine young people at a reception at 5 p.m. on the second floor here in the Senate Banking Room.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Manny Jules, Mr. Brent Moreau, Mr. Hezakiah Oshutapik, Mr. Markus Wilcke and Mr. Harold Calla. They are the guests of the Honourable Senator Patterson.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

BUDGET—STUDY ON A NEW RELATIONSHIP BETWEEN CANADA AND FIRST NATIONS, INUIT AND METIS PEOPLES— THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lillian Eva Dyck, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Wednesday, June 6, 2018

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRTEENTH REPORT

Your committee, which was authorized by the Senate on Thursday, December 15, 2016, to study the new relationship between Canada and First Nations, Inuit and Métis peoples, respectfully requests funds for the fiscal year ending March 31, 2019.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

LILLIAN EVA DYCK
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix, p. 3607.*)

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

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

• (1420)

GENDER EQUALITY WEEK BILL

ELEVENTH REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

Hon. Wanda Elaine Thomas Bernard, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Wednesday, June 6, 2018

The Standing Senate Committee on Human Rights has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill C-309, An Act to establish Gender Equality Week, has, in obedience to the order of reference of May 3, 2018, examined the said bill and now reports the same without amendment.

Respectfully submitted,

WANDA ELAINE THOMAS BERNARD
Chair

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

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

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF EMERGING ISSUES RELATED TO ITS MANDATE AND MINISTERIAL MANDATE LETTERS

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

That, notwithstanding the order of the Senate adopted on Tuesday, October 31, 2017, the date for the final report of the Standing Senate Committee on Transport and Communications in relation to its study on emerging issues related to its mandate and ministerial mandate letters be extended from June 30, 2018 to June 28, 2019.

[*Translation*]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF ISSUES RELATING TO CREATING A DEFINED, PROFESSIONAL AND CONSISTENT SYSTEM FOR VETERANS AS THEY LEAVE THE CANADIAN ARMED FORCES WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Jean-Guy Dagenais: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than June 22, 2018, a report relating to its study on issues relating to creating a defined, professional and consistent system for veterans as they leave the Canadian Armed Forces, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

[*English*]

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NAFTA NEGOTIATIONS

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question, of course, is for the government leader in the Senate concerning the system of supply management.

During his interview with NBC "Meet the Press" on Sunday, the Prime Minister was asked whether Canada would be willing to give the U.S. greater access to our agricultural sector, including dairy. The Prime Minister stated:

> We're moving towards, you know, flexibility in those areas that I thought was very, very promising.

In an open letter to the Prime Minister published on Monday, the Dairy Farmers of Canada called these comments deeply troubling. The current government has stated its support for supply management, just as previous governments have also done.

Could the government leader tell us if that support still extends to the dairy sector? When the Prime Minister talks about flexibility, could you tell us what he means?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Clearly, it's in reference to the negotiations under way — and that have been for some time now — to renew and refurbish the NAFTA agreement. The Prime Minister has indicated publicly and reflected the views publicly, as other ministers have, that the Government of Canada is determined, while modernizing the NAFTA, to protect Canada's interests, and that's what the Government of Canada is vigilant in doing in these negotiations.

Senator Smith: Thank you, leader. The government leader may remember that on October 1, I asked him about comments made by the Parliamentary Secretary to the Minister of Foreign Affairs that, on dairy and poultry, Canada has "room to negotiate."

It was also recently revealed that one of the Prime Minister's advisers on the Canada-U.S. trade relationship published an op-ed in *La Presse* in 2014 in which he opposed our supply management system and questioned whether Canada should continue to defend it.

Senator, could you provide dairy farmers some form of guarantee or at least feedback that their sector will not see concessions to the United States?

Senator Harder: The honourable senator has referenced the debate that has taken place in Canada with respect to supply management of the dairy sector. As I recall, the close runner-up in the leadership of the Conservative party, of which he is a senior member, advocated the complete withdrawal of supply management, so I shouldn't be surprised that there is public debate.

What I want to emphasize, both in this answer and in reference to the previous answer, is that the Government of Canada is determined to negotiate the renewal of the NAFTA in a win-win situation for Canadians, and it is not appropriate for me to comment on what may or may not be on the table in respect of those negotiations.

[*Translation*]

SECURITY AND COMPENSATION DURING G7 MEETINGS

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Leader of the Government in the Senate and pertains to the G7 summit, which will take place in Charlevoix, Quebec, on June 8 and 9.

The Mayor of Quebec City is of the opinion that the federal government should compensate local business owners and residents if their property is damaged as a result of anti-G7 protests.

On Monday, Mayor Labeaume said, and I quote:

> . . . there is no reason anyone in Quebec City should have to suffer a financial loss because of the G7 or protests.

However, the government guidelines on compensation for residents and business owners state, and I quote:

> Costs for damage caused by third parties, including vandalism, are not eligible for compensation payments.

Senator Harder, will the federal government commit to compensating anyone whose property is damaged by demonstrators and vandals during the G7 summit?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. It is a privilege for Canada once every seven years to host the G7. Canada has a terrific track record in hosting these events. They are not without incident, as we know from when we last hosted, and the right to protest is one that the Government of Canada and the people of Canada have supported.

Clearly, the Government of Canada does not support violent protest, and that is a situation that, should it come to pass, we would all want to deplore.

Having said that, the Prime Minister and the Government of Canada have made clear to the host community that it stands ready to host, welcome and protect the communities and deal with whatever situations might emerge that reflect the right of demonstration or protest.

[*Translation*]

Senator Dagenais: We recently learned that the twenty or so Canada Border Services Agency officers to be stationed around the La Malbaie security perimeter will not be armed. We also learned that the special constables charged with protecting the National Assembly have received no special training in preparation for the G7 Summit.

Can the Leader of the Government guarantee that the Government of Canada has taken all necessary steps to protect the people of Charlevoix as well as our G7 guests and their delegations?

[*English*]

Senator Harder: Again, I thank the honourable senator for his question. The Government of Canada on this occasion, as on all occasions, undertakes all of the security and protection measures necessary to ensure the protection of our guests and the host communities and to ensure that the precautions that are necessary are well in place.

NATIONAL DEFENCE

MILITARY EQUIPMENT

Hon. Pamela Wallin: Honourable senators, a recent media report last night and again followed up this morning says that the Canadian Armed Forces has ordered its members to return rucksacks and sleeping bag kits so they can be redistributed because of a "shortfall of equipment." The order will stand, said an internal memo, "until there is no longer a shortfall of equipment."

• (1430)

The order encompasses two types of rucksacks, including one that was first issued in 1982, so it's probably pretty well worn, as well as six-piece sleeping bag systems. Even sleeping bag liners have been recalled. To quote our Minister of Global Affairs: Seriously?

Hon. Peter Harder (Government Representative in the Senate): I will make inquiries as to the seriousness of the situation.

[*Translation*]

CANADIAN HERITAGE

OFFICIAL LANGUAGES

Hon. Raymonde Gagné: Honourable senators, my question is for the Government Representative in the Senate. This is a question I wanted to ask Minister Joly yesterday.

In a decision handed down on May 23, the Federal Court dismissed a complaint filed by the Fédération des francophones de la Colombie-Britannique against the Government of Canada regarding the scope of the duty to take positive measures under Part VII of the Official Languages Act. The court ruled that the government has full discretion to select positive measures and is not required to consult communities. Justice Gascon explained, and I quote:

> . . . if the federal government wants to give teeth to section 41, as well as to the duty to take positive measures, it can do so exercising its regulatory authority. That is what was expected of it when the duty was created. It is not up to the Court to step into the shoes of the executive branch and intervene where the federal government has chosen not to.

I wanted to ask the minister whether she was aware of the court's call to action. As the minister responsible for Part VII of the act, is she willing to make regulations to give effect to Part VII so that it can finally fulfill its intended role? Thank you.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question on these matters regularly. I regret that she wasn't able to pose them personally and directly to the minister. I will, of course, bring this to the attention of the minister and ensure that a response is provided. I thank you for your question.

INDIGENOUS CULTURE AND HERITAGE ARTEFACTS

Hon. Sandra M. Lovelace Nicholas: Honourable senators, my question was to the minister as well and, as you know, there was no time.

I have been a volunteer for the Maliseet Advisory Committee on Archaeology, or MACA, long before my appointment to the Senate. MACA is a provincially recognized committee, which consists of six Maliseet communities and the province, and addresses concerns about issues that the Maliseet people have concerning archaeology. We have been ensuring that the province follows protocol on archaeology assessments as it relates to Maliseet sites and artifacts.

Presently there is a project in the city of Fredericton which will impact the grounds of Officers' Square and has a high probability of archaeological effects. Since the appointment of the new director of archaeology, it appears the previous process to ensure impact assessments are followed is not happening. A number of complaints have been received by MACA. It appears that there has been a breakdown in communication between the province and MACA and Maliseet chiefs. The executive director of the culture, heritage and archaeological division has said that the municipality is in control of doing impact assessments.

My question to the minister was: Why is the government not following the protocol that was established previously between the provinces, MACA and the Maliseet chiefs of doing impact assessments where there is a high probability of finding Maliseet sites and artifacts?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I will ensure that it is brought to the attention of the minister and that an appropriate response is provided.

Senator Lovelace Nicholas: Would you not agree that the preservation of First Nations culture and heritage is part of the fabric of this country? Archaeological artifacts are the proof of our heritage, and this requires the protection of these grounds by the province and Government of Canada.

Senator Harder: On that question, I can give you my assurance that that is certainly the case. I would reference the reaction in this chamber, which is broadly held, that we must do all we can to preserve artifacts and celebrate the roots from which this country is built.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PARTICIPATION OF SOCIALIST REPUBLIC OF VIETNAM AT G7 MEETINGS

Hon. Thanh Hai Ngo: My question is for the Leader of the Government in the Senate.

Last Friday, the government issued a news release about the upcoming special outreach session that they will be hosting this Saturday, June 9, on the margins of the G7 Summit in Charlevoix, to talk with various leaders about the health of oceans and climate change. The list of participants is concerning. It includes world leaders and heads of organizations internationally from Jamaica, Norway, Kenya, South Africa, and even Vietnam.

Can you tell us what kind of criteria the government used to establish this list of participants for the special outreach session and why specifically the Socialist Republic of Vietnam was invited?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I can tell all senators that it is the common practice at the G7, and predecessor G8, to have an additional session with a group of countries not regularly part of the G7 process when certain subjects are of relevance to a broader community of interest. The invitation list for these sessions usually reflects geography as well as roles the countries are playing in other organizations during the year in which the event is being hosted.

With respect of the specific question of the honourable senator, I will make inquiries, but I'm sure that will be answered in the course of the event itself when the countries that are invited are participating.

Senator Ngo: Leader, in April 2016, the Formosa Ha Tinh Steel Corporation spilled toxic waste that polluted more than 200 kilometres of coastline, causing Vietnam's worst environmental incident in recent history.

Tonnes and tonnes of poisoned fish washed up dead on Vietnam's shores, which severely compromised people's health and their reliance on the fishing industry. The company responsible for the toxic spill paid approximately $500 million to the Vietnamese government in reparation for these damages to the victims in this region. However, the victims who demanded clean water, clean government and transparency did not get any compensation. Instead, the Vietnamese government responded with illegal detention and excessive force against an environmental rights activist.

This crackdown on peaceful dissent demonstrates that it is impossible to work with Vietnam on pressing global challenges, such as climate change, oceans and clean energy, without talking about human rights and without raising free speech. Can you tell us why human rights are not clearly framed as one of the key themes under Canada's international priorities for the G7 Summit?

Senator Harder: Again, I thank the honourable senator for his question. It is very much the view of the Government of Canada that human rights issues are fundamental to the exercise of Canadian diplomacy and Canadian engagement with other countries.

The issues that have been raised by the honourable senator are ones that reflect the importance of building multilateral cooperative approaches to deal with such issues as the environment. I am sure that the relationship between issues of the environment, climate change, good governance and appropriate public policy will be discussed by all leaders.

• (1440)

CANADIAN HERITAGE

APPOINTMENT OF CHIEF ELECTORAL OFFICER

Hon. Paul E. McIntyre: My question is for the Leader of the Government in the Senate.

In December 2016, Marc Mayrand stepped down as Chief Electoral Officer. My understanding is that on April 4, it was reported in the media that the government had selected a candidate to replace Mr. Mayrand. However, over a month later, the Prime Minister announced that a different individual, Mr. Stéphane Perrault, was the government's nominee. Obviously, the Prime Minister has the discretion to appoint whomever he wants to this position.

Could the government leader please make inquiries and let us know the reason for this unusual change?

Hon. Peter Harder (Government Representative in the Senate): I will certainly make inquiries, but the Government of Canada doesn't make appointments through news stories that are premature or out of context or may be completely irrelevant.

[*Translation*]

TRANSPORT

LAND TRANSFER AT MIRABEL AIRPORT

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. A few days ago, the President and CEO of Aéroports de Montréal, Philippe Rainville, announced plans to sell off 32 million square feet of land that the authority considers surplus. Aéroports de Montréal would like that land to be converted into industrial lots to be managed by the City of Mirabel.

Mr. Rainville has indicated that talks among officials have already begun and that the only thing missing is the political will of the federal government to begin reconveyance of these lands to the City of Mirabel. Will Minister Garneau support this land transfer plan?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I will inquire of the minister and ensure a response.

FINANCE

CARBON PRICING IN NUNAVUT

Hon. Dennis Glen Patterson: My question is for the Leader of the Government in the Senate.

Senator Harder, despite my numerous requests for more information on the impacts and cost of a carbon tax to Nunavut, and my requests for details on how the government plans to follow through on promises to accommodate what they describe as Nunavut's unique circumstances — and that is, as you know, no alternate energy options and the highest cost of living in the country — the Government of Nunavut and I are still left wondering. In fact, in a brief submitted to the Energy Committee of this Senate, David Akeeagok, the Government of Nunavut Minister of Finance, stated that they could not confirm their plans until they could better understand "how the federal government proposes to mitigate the adverse effects of carbon pricing on Nunavummiut."

The Government of Nunavut signed the pan-Canadian framework in good faith and were told, "Your circumstances will be taken into account." When will the federal government's plans to mitigate the negative effects of a carbon tax in Nunavut and to provide us details on how the federal backstop will be applied in Nunavut, since Nunavut will not implement a carbon tax, be made available to the public?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He quite rightly references earlier questions that he has made both in this chamber and outside to the relevant ministers who have provided him with the assurance that the circumstances of Nunavut will be taken into account. With respect to the precise question that he has asked today, I will make inquiries and report back.

Senator Patterson: Government leader, I do feel that this matter is urgent because this chamber is going to soon be receiving Bill C-74, which is mostly about a regime, the greenhouse gas emissions act, that will allow the Government of Canada to apply the backstop to Nunavut as a jurisdiction that has publicly stated it will not enter into a carbon pricing regime. My constituents in Nunavut and I would very much like to know, when I'm asked to vote on Bill C-74, what the impacts will be on a region with already the highest cost of living in Canada and heavily dependent, unfortunately, on diesel and jet fuel. I would like to know before Bill C-74 comes to a vote, so I will know what we are all getting into in Nunavut.

Senator Harder: I thank the honourable senator for his question. He will know that in the pre-study that has been under way, these issues have been raised in the appropriate committees. They will be raised again, and appropriate questions and responses ought to be provided. I will bring your question to the attention of the sponsor of the bill, who is sitting behind me.

DELAYED ANSWERS TO ORAL QUESTIONS

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

Response to the oral question asked in the Senate on September 28, 2017 by the Honourable Senator McIntyre, concerning Governor-in-Council appointments.

Response to the oral question asked in the Senate on November 8, 2017 by the Honourable Senator Ngo, concerning bilateral discussions with Vietnam.

Response to the oral question asked in the Senate on April 19, 2018 by the Honourable Senator Lovelace Nicholas, concerning pipeline protests.

Response to the oral question asked in the Senate on April 26, 2018 by the Honourable Senator Poirier, concerning the protection of whales — consultation.

Response to the oral question asked in the Senate on May 3, 2018 by the Honourable Senator Poirier, concerning fishing regulations.

Response to the oral question asked in the Senate on May 9, 2018 by the Honourable Senator Wallin, concerning income splitting.

PRIVY COUNCIL OFFICE

GOVERNOR-IN-COUNCIL APPOINTMENTS

(*Response to question raised by the Honourable Paul E. McIntyre on September 28, 2017*)

The Government is committed to ensuring an open, transparent and merit-based approach to identify qualified candidates to fill important leadership positions. The recruitment for full-time leadership positions, such as these Agents of Parliament, requires a more comprehensive process.

The application periods for the positions of Commissioner of Lobbying, Conflict of Interest and Ethics Commissioner and Information Commissioner were to remain open until a qualified candidate was identified and an appointment was made for each position. The Government has initiated this approach for Agent of Parliament positions in order to attract as many potential qualified applicants as possible for these specialized and high-profile leadership roles.

The Government is committed to identifying the most qualified candidates through an open, transparent and merit-based selection process, and will take as long as it is needed to find the right person for each of these important positions.

FOREIGN AFFAIRS

BILATERAL DISCUSSIONS WITH VIETNAM

(*Response to question raised by the Honourable Thanh Hai Ngo on November 8, 2017*)

The promotion and protection of human rights is an integral part of Canada's foreign policy. Canada is committed to defending all human rights, including freedom of expression and religious freedom.

The Government of Canada interacts regularly with the Government of Vietnam on the issue of human rights, including on cases of political dissidents. The Prime Minister traveled to Vietnam in November 2017. During his meetings with Vietnamese leaders, notably Vietnamese Prime Minister, Nguyen Xuan Phuc, and the National Assembly Chairwoman, Nguyen Thi Kim Ngan, the Prime Minister emphasized the importance of Canadian values, including respect for human rights, diversity, inclusion, and gender equality. He also met with a group of civil society leaders in Hanoi where he had a good discussion about women's issues, issues facing the LGBTQ2 community and issues around freedom of expression and freedom of information. Furthermore, the Prime Minister gave a speech at Ton Duc Thang University, in Ho Chi Minh City, where he underlined the importance of freedom of expression.

The Government of Canada remains active at the multilateral level, in the context of the United Nations, for example. More specifically, we play an active role in the Universal Periodic Review of the Human Rights Council to strengthen the promotion and protection of human rights in Vietnam.

The Comprehensive Partnership will help to advance our ongoing dialogue on the promotion and protection of human rights. This is something that matters to Canadians.

PUBLIC SAFETY

PIPELINE PROTESTS

(*Response to question raised by the Honourable Sandra M. Lovelace Nicholas on April 19, 2018*)

The Government of Canada is committed to a renewed nation-to-nation, government-to-government, and Inuit-Crown relationship with Indigenous peoples based on the recognition of rights, respect, co-operation and partnership.

The Government took unprecedented measures to ensure robust consultation for the Trans Mountain Expansion Project. This included extending consultations by an additional four months to allow for further Indigenous consultation and increasing participant funding for Indigenous peoples to $2.2 million.

The Government consulted with 117 Indigenous communities in British Columbia and Alberta.

Throughout the project review, Indigenous peoples expressed their views on the nature and scope of potential impacts of the project on their rights and on the environment, and on mitigation or accommodations measures that could address those potential impacts.

The full record of federal Indigenous consultation was provided to Cabinet to inform its decision on the project. It is publicly available in the Joint Federal/Provincial Consultation and Accommodation Report.

The Government of Canada also co-developed with First Nations and Métis leaders and representatives a historic Indigenous Advisory and Monitoring Committee to monitor the project through construction, operation, and decommissioning. This investment of $64.7 million will ensure the project moves forward in the safest and most sustainable way possible.

FISHERIES AND OCEANS

PROTECTION OF WHALES—CONSULTATION

(*Response to question raised by the Honourable Rose-May Poirier on April 26, 2018*)

DFO is very focused on putting in place measures to mitigate the risk that certain types of fishing gear pose to whales. Entanglement in fishing gear contributes to injury and/or death for many large whale species and a whale can remain entangled for years.

The static and potential dynamic closures are part of management measures that aim to protect the endangered North Atlantic Right Whale, and minimize as much as possible the economic losses for industry and coastal communities. Canada has obligations to take action to limit the risk of these whales under the *Species At Risk Act (SARA)*.

The measures take into account the best available science and input from stakeholders, partners, experts and Indigenous peoples. These are important for both the Right whales and the economic future of the fisheries affected. Failure to put in place measures that protect NARW this year would put at risk potential access to key markets, such as the U.S., in meeting the new import provisions under the U.S. Marine Mammal Protection Act.

FISHING REGULATIONS

(*Response to question raised by the Honourable Rose-May Poirier on May 3, 2018*)

DFO is very focused on putting in place measures to mitigate the risk that certain types of fishing gear pose to whales. Entanglement in fishing gear contributes to injury and/or death for many large whale species and a whale can remain entangled for years.

The fixed closure area within the Gulf of St. Lawrence (GSL) is closed to fixed-gear fishing activity for the remainder of the season as it is a known area where right whales forage and where most of the right whales were observed in 2017. This measure takes into account the best available science.

The Canadian Science Advisory Secretariat (CSAS) published Science Response # 2017/042 that indicates North Atlantic right whales (NARW) have arrived in the GSL as early as April 28.

Based on this information, NARW could return to the Gulf/Cabot Strait as early as April 28. The Minister has taken a precautionary approach and based his decision for the closure date on this scientific evidence.

NATIONAL REVENUE

INCOME SPLITTING

(*Response to question raised by the Honourable Pamela Wallin on May 9, 2018*)

The Department of Finance incorporates gender-related considerations into the development of tax and spending proposals through the use of Gender-based Analysis Plus (GBA+), a tool used to assess how diverse groups of women, men and gender-diverse people experience policies.

GBA+ was conducted for measures announced in Budget 2018 and previous budgets, as well as for measures announced outside of the annual budget context. This includes measures to limit income sprinkling, a tax planning strategy where high-income individuals can divert corporate income to family members who are subject to lower personal tax rates or who may not be taxable.

The Government has published information related to the gender impacts of measures aimed at limiting income sprinkling. The Government's July 2017 consultation paper on tax planning using private corporations (www.fin.gc.ca/activty/consult/tppc-pfsp-eng.asp) included relevant statistical information and stated that: "The Government is committed to gender-based analysis, and will continue to refine its analysis of the gender impacts of the measures being contemplated with respect to private corporations."

In the Fall Economic Statement 2017 (www.budget.gc.ca/fes-eea/2017/docs/statement-enonce/toc-tdm-en.html) and in a backgrounder accompanying the December 2017 release of revised income sprinkling proposals (www.fin.gc.ca/n17/data/17-124_1-eng.asp), the Government published additional gender-based analysis of the income sprinkling measures.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Gerald Cunningham, President of the Metis Settlements General Council. He is accompanied members of the council. They are the guests of the Honourable Senator Dyck.

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

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before we start debate on Bill C-45, let me remind you that today we are dealing with issues relating to cannabis consumption, including matters relating to the Indigenous peoples of Canada, as well as matters such as the minimum age for consumption, and possible effects on mental health and public health.

As you know, speeches and amendments are to only deal with that theme. A senator can speak only once to the third reading motion today, but can also speak once to any amendment or subamendment moved. Each speech is limited to a maximum of ten minutes, including any questions.

There has been agreement that there will be no extensions, so no such request should be made. If there is a request for a standing vote the bells will ring for 15 minutes, and the vote cannot be deferred.

Let me thank you once again, senators, for your cooperation.

CANNABIS BILL

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

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

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I am pleased to rise today to speak to Bill C-45.

Specifically, I would like to address concerns raised by the Senate Aboriginal Peoples Committee as to how cannabis legislation may affect Indigenous communities across Canada. I would like to share additional information with senators as to how the government is working with Indigenous partners on this matter, work that is taking place within the context of the nation-to-nation relationship that is so vitally important to reconciliation.

First and foremost, speaking both personally and on behalf of the government, thank you very much to the members of the Senate Aboriginal Peoples Committee for your hard work and for your report on Bill C-45.

Thank you as well to all senators rightly concerned with this matter for their contributions. And thank you, in particular, to those senators who have already played leadership roles in what will be an ongoing and constructive dialogue between the government and Indigenous partners as the legalization process moves forward.

For the government, the most important aspect of that dialogue may well be listening.

As the Government Representative in the Senate, I would underscore that this is a government that holds a deep commitment to reconciliation.

The government listened to our Senate deliberations on Bill S-3, achieving a landmark and collaborative result with the elimination of historic gender discrimination from registration under the Indian Act, and the government has been listening carefully to the concerns of senators surrounding Bill C-45.

• (1450)

I'd like to share with you a letter sent this morning on behalf of the government from the Honourable Ginette Petitpas Taylor, Minister of Health, and the Honourable Jane Philpott, Minister of Indigenous Services, to Senators Dyck and Tannas, the Chair and Deputy Chair respectively of the Aboriginal Peoples Committee. I quote:

> Dear Senator Dyck and Senator Tannas,
>
> We would like to thank you and members of the Standing Senate Committee on Aboriginal Peoples (APPA) for your dedicated work on Bill C-45. We would like to address several issues that have been raised by APPA regarding the implementation of the Bill.
>
> We would like to assure Senators, the areas of concern raised in the APPA report are noted by the Government. Moving forward in the implementation of C-45, if approved by Parliament, we will be working to address all of the areas highlighted by APPA, through continued consultation with Indigenous communities, Indigenous organizations and the Committee itself. The Government re-affirms its commitment to upholding existing Aboriginal and treaty rights, as recognized in section 35 of the *Constitution Act, 1982*. Members of APPA have asked for a clear commitment from the Government to provide a full report back to both Chambers, around progress on action areas identified in their Committee's Report. This report to Parliament would be in addition to the Government Response to the Committee Report, requested by your Committee, which will be tabled in September. We affirm to you, that we agree to provide this further report within 12 months of Royal Assent. Further, we are committed to returning to APPA as needed, to update Senators on areas of interest and concern regarding the implementation of the new cannabis framework.
>
> Senators have also raised a number of specific issues which we would like to address.

With regard to the provision of services, the Government understands concerns have been raised as to whether the implementation of C-45 would create unmet need in Indigenous communities for mental health and addiction services. Rest assured, the Government will continue to work closely with Indigenous communities and leaders to address these needs, specifically in front-line services for mental health and addictions treatment. As a first step, we have committed $200 million over five years to enhance the delivery of culturally appropriate addictions treatment and prevention services in communities with high needs. Rest assured, we will continue to work closely with Indigenous communities to identify needs in these services and will ensure additional resources are in place in order to support front-line services for mental health and addictions treatment.

We have also heard about the need to create cannabis public education materials which are culturally and linguistically appropriate. We are committed to working with First Nations, Metis and Inuit communities to create culturally and linguistically appropriate public health education materials on cannabis use. We have already started this work, and are currently translating a number of documents that have already been developed into a variety of Indigenous languages. To assist in this work, Budget 2018 included $62.5 million over five years to support the involvement of community-based organizations, and Indigenous organizations to educate their communities on the risk associations with cannabis use. We commit to keeping the Committee informed on Indigenous specific funding for culturally and linguistically appropriate education materials and programs.

Senators have also sought additional information around the ability of Indigenous communities to participate in the cannabis market. The Government recognizes that there are Indigenous businesses seeking to become federal licensees under the proposed Cannabis Act. To facilitate this, the Government has established a special navigator service exclusive to Indigenous businesses, to help them navigate the licensing process. To date, we have 5 licensed producers and 14 applicants with Indigenous affiliations, and have had 48 enquiries from prospective or interested applicants. (At this time, there are a total of 105 licensed producers across Canada). We will continue to track and monitor this process to facilitate Indigenous participation and we would commit to keeping the Committee informed on these numbers as implementation of C-45 rolls out.

The Committee heard from Indigenous communities, organizations and businesses about jurisdictional concerns flowing from the proposed legalization and regulation of cannabis, specifically the concern of exercising First Nation by-law making powers in relation to Bill C-45. The Government recognizes and respects the jurisdiction of Indigenous communities. We commit to continued

engagement and work with First Nations, Inuit and Metis communities to address and accommodate jurisdictional issues in an appropriate way going forward. As always, we seek the advice of your committee to assist us in this regard.

Questions have also been raised regarding revenue sharing with Indigenous communities. The Government has previously agreed that our commitment to a new fiscal relationship with Indigenous communities will include discussions about revenue sharing and taxation arrangements. As you have asserted to us, this must include discussions with National Indigenous Organizations and organizations like the First Nations Tax Commission, among others. We are committed to advancing a new fiscal relationship with Indigenous communities based on the need for sustainable, sufficient, predictable and long-term funding arrangements. We will advance this new fiscal relationship with Indigenous communities by our commitment to sustainable, sufficient, predictable and long-term funding arrangements, in addition to supporting the continued development of First Nations taxation and regulatory regimes.

Thank you for your work on this file and we look forward to our continued discussions.

Again, this letter is signed by the Minister of Health and the Minister of Indigenous Services.

Personally, I'd like to add that I hear — and the government hears — Indigenous leaders in the Senate, that we need to give further thought to the nature of meaningful consultations with Indigenous partners. We understand that it means an ongoing and constructive dialogue and relationship.

We have much to look forward to as the Senate does its part in working towards reconciliation. Today, the Aboriginal People's Committee welcomes Indigenous young people to its Indigenize the Senate 2018 initiative. How appropriate because, while all Canadians must walk the path of reconciliation, our greatest hopes for a brighter future surely lie with our young people.

As well, we will soon be debating a private member's bill, Bill C-262, which will ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous peoples. The government fully supports this bill, and a vote in support of its goal will be a cause for celebration when this bill passes in this chamber. This will represent another important step as we walk the necessary path of reconciliation.

The Hon. the Speaker: I'm sorry, Senator Stewart Olsen, but Senator Harder's time has expired.

Senator Stewart Olsen: Could he have five more minutes?

Senator Harder: No, that's our rule.

The Hon. the Speaker: According to the agreement, there's no extension of time.

Hon. Lillian Eva Dyck: First of all, I'd like to acknowledge all the members of the Standing Senate Committee on Aboriginal Peoples for the excellent work they did on our committee report.

Our report was the only one that actually recommended a delay. As you will recall, we had major concerns, and we wanted that delay for those concerns to be met. I want to thank Senator Patterson because he tried valiantly to move an amendment to incorporate our recommendations at Social Affairs. But the idea of a delay, of course, was not met with a lot of popularity, and it was with reluctance that we suggested a delay.

I think what we have here today, in the form of this letter, is the way around getting our needs met that were identified in our report and also getting rid of the idea of having to have a delay. We had considered an amendment similar to Senator Patterson's, where we would take out the delay. But, fortunately, the ministers contacted the Indigenous senators, and, through discussions, we were able to come up with this letter and the commitments in the letter, which were stronger than what we would have been able to achieve had we actually tabled an amendment to put in the actions that our committee had requested.

Today, of all days, our email is down, and we're trying to figure out what the heck is going on. Senator Lankin, the other day you said you hate last-minute amendments.

• (1500)

Well, we weren't really sure what we were going to do until the very last minute, and I think the commitments in the letter that has come today, in English and French, signed by the Minister of Health and the Minister Indigenous Services, are very strong. If you read it, it's very carefully crafted. You heard the words, "We are committed to this," and, "We assure you." They committed to further consultation hearings. In our report, one of the first things we said was Indigenous peoples have not been consulted, so they've heard that. They've committed to continued consultation and the recognition of section 35 rights in the Constitution. That's also in the letter.

They've committed to additional funding for the mental health services and for the residential treatment centres. That was one thing that many witnesses and many senators were concerned about because we really do anticipate greater harms in Indigenous communities. We're going to need additional resources, and they will have to be targeted specifically for those communities, and we have got those assurances.

We also got assurances about facilitating the participation of Indigenous communities in the economic opportunities offered by the cannabis industry. They have committed to looking at the licensing, to monitoring the licensing and reporting back to the committee, so two years down the road they will not come back to us and say, "Well, I'm sorry; we only had 5 per cent." So we will be able to monitor.

They are also committed to working with the First Nations Tax Commission in their bigger framework of the new fiscal First Nations financial framework. That's all in the letter today. They've also committed to coming back in 12 months, to working with the committee.

So I think we've achieved something here, and I really thank my Indigenous senators. Indigenous senators participated and put forward and pushed for the things that were in our report, so I think we have achieved much more than we could have achieved by an amendment, and it obviates the need for a delay. Having this letter in hand now, for me, makes me support the bill. I was nervous about the bill before because I could see that it was going to create more harm in Indigenous communities and there would be less benefit in terms of the economic development.

Unfortunately, the economic development is really one of the big pushes towards this bill, because we've been hearing over and over about $7 billion markets. We don't want First Nations communities or Aboriginal communities to be left out of that. This will assure, through the work of the committee, that we will not be left out.

I think that's about all I have to say. Thank you very much.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Senator Dyck, you have a few minutes left. Will you take a question?

Senator Dyck: Yes.

Hon. Percy E. Downe: Thank you, Senator Dyck, and congratulations to you and the committee on the work you've done.

I was going to ask this question of Senator Harder, but unfortunately we ran out of time. I have a letter, and I'm sure we all received it from Chief Day of the Chiefs of Ontario, who said, "If they choose to do so, our communities will have nothing to do with cannabis, just as some are dry communities banning alcohol sales."

Has that been addressed, or is there a commitment to do that in the future?

Senator Dyck: Thank you very much. Certainly that was one of the things we discussed. As I mentioned in my earlier speech, because of the Indian Act and the lack of mention of cannabis and it not being an intoxicant, theoretically, First Nations communities cannot ban cannabis. But during our discussions we talked about this, and this is the commitment to jurisdictional issues that they will seriously look at as we move toward this new nation-to-nation relationship.

First Nations communities should be allowed to ban cannabis, not only from the perspective of having their own self-determination or self-governance, but it also gives the control to the community so the community buys into it. Therefore, that ban will be much more effective than if we were to say we're going to ban cannabis from the city of Saskatoon. That would come from the mayor and council. But this would be community driven, and that, in itself, could actually help get rid of some of the suicide rates and drug abuse because it's an example of community ownership.

Hon. Dan Christmas: Honourable senators, I rise today to enjoin the debate on Bill C-45, now at third reading in this chamber.

Colleagues, in the Indigenous context, this bill represents one the greatest paradoxes I've encountered in my legislative time here: a bill which seeks to legalize, regulate and restrict access to marijuana, all the while creating a potential multi-billion-dollar industry.

From the Indigenous perspective, this bill represents a potential economic powerhouse for First Nations, in particular those that choose to take part in the cultivation, production and retailing of legal marijuana, but it casts a long and threatening shadow on an element of Canadian society already ravaged by unmitigated poverty, ill health, poor education outcomes, higher rates of cannabis usage amongst youth, high unemployment, drug dependency and epidemic rates of suicide.

And so, for our people, this legislation swings between prospects for greater wealth and potential economic development on the one hand and further woe within Indigenous communities on the other.

This struck me immediately when I first studied the bill in the spring of 2017. I was, quite frankly, dismayed that it was virtually silent on all matters Indigenous when one considers the magnitude of opportunity and threat Bill C-45 contains.

This is why I immediately began advocating that the bill be specially studied by the Standing Senate Committee on Aboriginal Peoples to ensure that we took the time to determine with precision the full nature of the bill's strengths, weaknesses, opportunities and threats.

At the root of this determination to see greater study of the proposed provisions of this bill was my belief that the well-being and socio-economic health of Indigenous communities should not be put at serious risk over the well-intentioned but somewhat expedient interests of seeing an election promise realized.

However, honourable senators, I can't help but think of the words of the Dalai Lama, who once said:

> If you can, help others; if you cannot do that, at least do not harm them.

I need not remind any of us here that we have been called to this place, among other purposes, to give voice to the minorities across this country.

And as you have heard throughout the debate that followed the tabling of our report both in this chamber and at the Standing Senate Committee on Social Affairs, Science and Technology, which itself reported to the chamber just days ago, the minority voice is echoing a cry for more time, for greater consultation and for full access to the prospects for prosperity and wealth generation that Bill C-45 contains.

Without these accommodations, without listening to these concerns and without acknowledging that Indigenous peoples were indeed overlooked in the negotiation of the revenue sharing of excise tax between the federal and provincial and territorial governments, we are treading ever closer to a path fraught with harm for Indigenous communities.

I must share my disappointment that we in this chamber, despite the best efforts of our colleagues familiar with and supportive of Indigenous affairs, saw the concerns cited in the APPA report relegated to only observations in the report to this chamber by the Social Affairs, Science and Technology Committee.

Now, in the case of excise tax sharing, we know that under the terms of the convention around the Ross report of 1918, we are not, as the Senate, permitted to amend bills of taxation, but I'm not about to let this constitutional and procedural technicality inhibit efforts to make this notion a reality.

Because the fact of the matter is the re-engineering of the relationship between Canada and Indigenous peoples is also a key, fundamental element of the government's 2015 electoral manifesto, upon which it won a majority government. Thus the need to bring this commitment to life is by no means whatsoever any less fundamental than the legalization of cannabis.

Helping to bring this commitment to life are the 10 Principles Respecting the Government of Canada's relationship with Indigenous peoples.

For those who have yet to study this landmark step in the forging of the new relationship, you may wish to consider the import of these words from Justice Canada, which help frame this endeavour:

• (1510)

> Indigenous peoples have a special constitutional relationship with the Crown. This relationship, including existing Aboriginal and treaty rights, is recognized and affirmed in section 35 of the Constitution Act, 1982. Section 35 contains a full box of rights, and holds the promise that Indigenous nations will become partners in Confederation on the basis of a fair and just reconciliation between Indigenous peoples and the Crown.

In the specifics relating to the matters around taxation, let's look at what the principles have to say about that:

> A fairer fiscal relationship with Indigenous nations can be achieved through a number of mechanisms such as new tax arrangements, new approaches to calculating fiscal transfers and the negotiation of resource revenue sharing agreements.

Here we stand at the crossroads between legislative undertakings such as this bill, which has a myriad of impacts and consequences for Indigenous peoples, with few of them being remedied by means of amendment. And the government's other key electoral pledge to Canadians, and especially to Indigenous people, the resetting of the relationship between us — fiscal and otherwise.

In the face of it, I want to state the case for government action over and above Bill C-45's provisions in the clearest terms possible, straddling these two challenges, so that no harm may be done and so that we may help where and how we can as a nation determined to come to grips with reconciliation as the cornerstone of the renewed relationship between Canada and Indigenous peoples.

What's more, we want to ensure we leave no one, or no community, behind. Not only in terms of information and public education, but also in measures of prevention and access to effective, quality health care, not to mention ensuring that there is equal access to opportunity and the same degree of economic benefit.

Above and beyond this legislation, and the amendments the Senate will ask the other place to consider should this bill pass the chamber, I have been calling upon the federal government to substantially increase funding for addictions and mental health treatment programs and residential program centres to adequately address the existing needs in Indigenous communities ahead of any new investments that would flow from Bill C-45's implementation and to work with the relevant central agencies and undertake to make every effort to ensure that there are provisions to address the discussion on cannabis excise tax revenue sharing with a view to ultimately including them in the 2019 budget implementation act.

As you have just heard from Senator Harder, our calls in this regard have indeed been heeded by the government, and for that I am thankful and most encouraged. It is a great start and bodes well for our collective future.

Let us make certain that key interests and needs of Indigenous peoples in this country are not met and thus denied, for that is nothing short, to me, of institutional discrimination.

Let's invert the focus and compare this to the issue of the recent significant action on the Trans Mountain pipeline as good an example as there ever was of the application of the idiom, "Where there's a will, there's a way." Collectively, let's have this will. Together let's find a way.

Robert Kennedy once said:

> Progress is a nice word. But change is its motivator. And change has its enemies.

Let us then not become the enemies of change. The road map to this place of will is there. It's in the United Nations Declaration on the Rights of Indigenous Peoples; it's seen in the government's own ten principles respecting the Government of Canada's relationship with Indigenous peoples; and it will become evident through the national engagement on the recognition and framework of Indigenous rights.

Let us amend this bill, as we have determined it needs, through our detailed deliberation of its provisions by myriad committees here in the Senate.

Let us also acknowledge the deficiencies of the Indigenous elements of Bill C-45 and the process around it.

But let us also advance the call for immediate remedies to existing programs and services, filling in the breach to mitigate the gaps the Bill C-45 regime may present in the near term for First Nations, Metis and Inuit peoples.

Finally, and perhaps most important, I urge all of us to acknowledge that recognizing and considering Indigenous perspectives in key pieces of legislation or federal undertakings such as this can no longer be permitted to be just an afterthought. There's far, far too much at stake.

The Hon. the Speaker: Senator Christmas, I apologize for interrupting you, but unfortunately your time is up.

Hon. Mary Jane McCallum: [*Editor's Note: Senator McCallum spoke in Cree.*]

I thank and acknowledge everyone who has gathered to meet in this chamber.

Honourable senators, I rise today to give voice to the Indigenous issues that were raised in the course of debate and through committee testimony on Bill C-45 and the legalization of cannabis.

I would first like to thank the senators and staff of the Standing Senate Committee on Aboriginal Peoples, especially our chair, Senator Dyck, for their hard work on this file. I want to thank my elders Senators Sinclair, Dyck and Christmas for their guidance, input and teachings of reflective thought. I also thank them for encouraging the growth of my critical thinking skills, which were subjugated in residential school.

I want to thank all the senators in this chamber of sober second thought and all the people who support us in our work for guiding and shaping me in my journey as a senator.

During the study conducted by the Aboriginal Peoples Committee, we heard from many witnesses of Indigenous communities and organizations who expressed their concern over various aspects of this legislation. Many of these concerns were highlighted in our report on Bill C-45, including the recommendations that were contained within. I was disappointed that none of these recommendations made the final report of Social Affairs and would like to now take this opportunity to speak to the most pressing and prevalent concern that was raised by those who testified before the Aboriginal Peoples Committee.

The concern of which I speak is the lack of adequate consultation that went on between the federal government and Indigenous communities. There is a spectrum on which consultation can be performed, and it has been quite apparent that, to borrow a term from Senator Christmas, this was a "drive-by consultation" at best.

Adequate consultation is required to take place at the grassroots level. It needs to involve the members of these communities who will be affected most by the passage of this bill. These are not conversations that can be had solely, or even predominantly, with large national organizations like the Assembly of Manitoba Chiefs, the Metis National Council or ITK.

There are many communities and individuals across the country who feel that these organizations do not represent them or their needs. As such, it is important that a greater effort and emphasis is placed on having these discussions at a more grassroots level to ensure that more voices are heard. I also stress the importance that our voices be heard at this time of reconciliation.

Honourable senators, it is important to keep in mind that consultation is an ongoing process and not simply a one-time event or a single occurrence. It is a productive mindset to establish that due to its basic nature, consultation is a process that is never truly completed. It should be a continuing dialogue that not only builds trust between parties but also results in mutually beneficial legislation. As Ravina Bains and Kayla Ishkanian state in their 2016 report *The Duty to Consult with Aboriginal Peoples*, consultation in the Canadian context is truly a patchwork. Each province has its own policies outlining its individual consultation guidelines.

• (1520)

However, a principle shared by all jurisdictions is that the duty to consult is a responsibility that rests with the Crown. As this important onus is a Crown charge, it is incumbent on the federal government to ensure that adequate consultation is, and continues to be, undertaken with First Nations, Metis and Inuit peoples.

I agree with the concerns of many of the witnesses who appeared before the Aboriginal Peoples Committee that fulsome and proper consultation was not undertaken. I am hopeful this experience can be used as a valuable lesson moving forward.

Earlier this year, the Prime Minister reaffirmed his commitment to moving forward on a new relationship between the government and Indigenous people. His first real test, through Bill C-45, has proven that plenty of work remains to be done.

Although it is not feasible to complete total and exhaustive consultations with Indigenous communities, it is clear that a better effort must be made to incorporate the views and needs of those whose voices are seldom heard or acknowledged.

Honourable senators, another issue of great consequence to Indigenous communities is that youth found to be in possession of up to 5 grams of cannabis will not be criminally sanctioned. Colleagues, as I am sure you have heard on multiple occasions, Indigenous youth are among the most vulnerable of Canada's population when it comes to the likelihood of consuming drugs, as well as the likelihood of being arrested for drug consumption.

This does not take into consideration the further heightened risks that exist for Indigenous youth when it comes to mental health and addictions issues. As many of you will recall from the important and timely inquiry brought forth by Senator Pate that examined the overpopulation of Indigenous women in prison, this is an epidemic that is not getting better. Indigenous peoples, be they men, women or youth, are overrepresented in our prison and detention systems. It has reached a crisis level. These crises mirror the consequences of federal and provincial policies and laws that have unilaterally taken over and predetermined Indigenous lives.

As the crisis of overrepresentation of Indigenous peoples in our prison and detention systems is alive and well, one of the biggest positives I take away from Bill C-45 is that there will be no criminal sanctions for youth who are in possession of under 5 grams of cannabis. Having a criminal record for carrying a minimum amount of cannabis is disproportionate. It is not just to have Canada's youth punished well into their adulthood, facing potentially lifelong consequences for a poor decision they may have made in childhood.

Like many of you, I have personally grappled with my stance on Bill C-45 for countless hours. I have listened to the spirited debate in this chamber and have weighed the good and the bad. What it comes down to for me is whether the lack of adequate consultation outweighs the benefits of our youth not facing criminal charges for possession under 5 grams. We can continuously improve upon the process of consultation, but this is our only chance to address decriminalization and legalization.

While the degree of consultation is of great concern, I do believe the government can use this inadequacy as a means of creating a more comprehensive and acceptable blueprint for future consultation with First Nations, Inuit and Metis.

This is also a golden opportunity to support youth.

While it is important to remind colleagues that this law does not legalize or condone youths possessing cannabis, it removes the criminality of the transgression. It is important that we as federal parliamentarians act in a way that protects the future of these young Canadians by not having them pay the consequences of their childhood transgressions later in life.

Delaying this bill would continue to criminalize social issues for a longer period of time.

Hon. Dennis Glen Patterson: Honourable senators, I rise to speak to Bill C-45. I want to say again that Prime Minister Trudeau and his cabinet have said countless times that no relationship is more important to our government than the one with Aboriginal peoples. On June 21, in celebration of National Aboriginal Day, the Prime Minister issued a statement that said:

> Today, we reaffirm our government's commitment to a renewed nation-to-nation relationship between Canada and Indigenous peoples, one based on the recognition of rights, respect, trust, co-operation, and partnership.

I stress those words because we on the Aboriginal Peoples Committee, working in a non-partisan way, have been told time and time again — yesterday by Chief Isadore Day from Ontario — in our study of Bill C-45 that consultation is severely lacking. The chiefs of the First Nations met in December and passed a resolution to delay entry into force of the cannabis legislation by one year in order to ensure proper consultation is conducted and the proper tools have been developed in a linguistically and culturally appropriate way.

Nunavut Tunngavik in my region appeared before the committee and described the reasons for NTI passing a similar resolution at their annual general meeting. They called upon the federal government to fulfill their constitutional obligation to properly consult Inuit and provide them "an opportunity to participate in the development of social and cultural policies," as per article 32 of the Nunavut Land Claims Agreement, a solemn, constitutionally entrenched obligation.

In the gallery today, I'm happy there are two prominent community members from Pangnirtung, Nunavut, a community that told me the same message I heard in every single one of the 25 communities in Nunavut: We need more mental health support. I won't go into the suicide issue in Pangnirtung, but it's a crisis. There are many of these crises in Aboriginal communities in this country.

Many complained of the lack of consultation, stressed the need to protect youth and asked that we ensure there are appropriate, culturally specific education materials. However, overwhelmingly, the main concern was the need for more front-line mental health workers — and they need to be Indigenous — and mental health and addiction treatment centres based in the territories.

This echoes the testimony we heard from 23 different witnesses. I'm pleased today that in the gallery is Chief Commissioner Manny Jules of the First Nations Tax Commission, who earlier today during a meeting reiterated his position that the institutions are in place to help First Nations become part of this new economy, but they were never invited to the table when discussions about excise tax and licensing took place.

That is why the committee, after careful consideration, agreed to a recommendation for delay, which we didn't take lightly. We wanted the government to take the time to get this right before the bill was passed and ensure Indigenous voices and concerns were being heard and acted upon.

I mentioned Chief Day's letter. He called Canada complacent in realizing the First Nations' right to be consulted and discussed the societal shift in public policy overhaul involved in legalizing cannabis.

Even the government's very own consultation report, tabled with the Aboriginal Peoples Committee on April 25, shows that only five limited round tables were conducted by the task force. Another two engagement sessions took place before the introduction of this bill in the other place. Nineteen engagement sessions took place before the bill passed third reading seven months later. Since the bill was introduced in this chamber, we heard that 32 engagement sessions have taken place. The obvious concern for me is there's no way to ensure that the concerns of participants from those 32 meetings are appropriately reflected in this bill.

• (1530)

Honourable senators, I've been asked by members in every single community in my home territory to do whatever I can to ensure that the government deliver the proper mental health and addiction treatment supports in advance of this bill, and I would be willing to consider a report outlining exactly how the government intends to deliver and fund those services as the successful attainment of that charge.

Now, at 11:53 a.m. today, I received a copy of a letter you've heard about that Minister Petitpas Taylor and Minister Philpott sent to the committee, promising a plethora of things, including to continue consultations as per their constitutional obligations, and to report back to both houses in September and a year after proclamation.

I find it notable, honourable senators, that after months of raising this issue, a letter was sent to the committee mere hours before this debate today. The timing is notable for two reasons, not only for it being tabled curiously close to our debate on this issue as opposed to March or April when we had originally asked for some certainty, but also due to the fact that my Conservative colleagues were harangued in committee when they introduced an amendment in an effort to improve the bill before us today.

Colleagues, the time to get serious about these issues is not after the bill has been passed. I want to address a few of them briefly.

How can a meaningful new fiscal relationship proceed when the provinces, territories and feds have already divided the excise tax 75-25? Well, there is one way: The federal government can allocate a significant share of federal tax revenues, and I will look for a commitment to do just that this fall.

Let's talk about culturally appropriate education materials. The minister's letter refers to $62.5 million over five years to support community-based, culturally appropriate education materials on cannabis. While there are over 600 First Nations communities, there are many communities in the four Inuit regions, and they will have to divide $12.5 million a year. Aboriginal communities want to govern themselves. They need more than a commitment to engage on jurisdictional issues. This will require an amendment to the Indian Act, which now gives First Nations powers to regulate alcohol, but this law of general application, which it seems we're going to pass, will not allow First Nations to make rules to govern themselves in their own communities. This is a law of general application, and all we have is an engagement to respectfully and meaningfully consult.

So honourable senators, I think the government has a great deal of catching up to do. I am determined, in light of this commitment, to report back to the committee. Frankly, I had considered amending the bill to put that in law, but there is a commitment in writing that has been made and has been noted in this assembly, and I am sure it will be honoured. But there's a lot of work to be done because the Aboriginal peoples were left out of this major transformative social policy change. There's a lot of catching up to do.

I'm determined to hold those ministers accountable for respectfully and finally — and I would even say for the first time with respect to some of the issues like the excise tax and like whether we respect the inherent right to self-government in First Nations communities. I will hold those ministers accountable.

I have decided, with some hesitation, not to introduce an amendment to the bill, but I do want to say the proof will be in the pudding. Promises and great words, we've heard them before. Great expectations have arisen. There hasn't been much delivery yet, honourable senators, so I will eagerly await a report on progress on these issues in September.

I want to say this: There is no treatment centre in any of the three territories. Minister Philpott told the committee there has been money allocated for a feasibility study for a treatment centre in Nunavut. I'm encouraged by that. But the President of NTI said there was a five-year time frame for implementing this. We need to move faster on this. Aboriginal youth are being impacted.

The Hon. the Speaker: I apologize for interrupting you, Senator Patterson, but we need to move on.

Hon. Marc Gold: Honourable colleagues, I think this is a good day in the Senate. It's a good day for Canada. I'm grateful to Senator Patterson. I understand it's with a great deal of emotion that you are not proceeding with this amendment, because I know how deeply you felt, and I think we all owe you a debt of gratitude.

Hon. Senators: Hear, hear.

Senator Gold: I'm happier to be speaking today not in opposition to an amendment that you have put forward. I'd rather work together than in opposition, dare I say that.

I'd like to think that today is an important step forward for us as we move towards a nation-to-nation relationship, but we cannot underestimate the long road that lies ahead. If we are going to succeed in moving forward, as I hope we will, it must be based on a true understanding of where we have been and upon what foundations our country was founded.

So let me take a few moments to say some simple, unavoidable and uncomfortable truths that I have come to learn over the years as a student of Canadian constitutional law. I think these are the truths that underpin the recommendations and aspirations of the Standing Senate Committee on Aboriginal Peoples, and they inform the commitments — I certainly hope they do — that the government has made today. They certainly inform my personal aspirations for the future.

What are these simple and unavoidable truths? The first is the colonial basis for our legal system. I'm not referring only to the fact that Canada was once a colony of Great Britain, though that is part of it. It is that our entire legal system, including our Constitution itself, is based upon a colonial conception of law and our relationship with the land and its peoples.

I remember very well when my former colleague Professor Brian Slattery began writing on this subject. It seemed really strange and unfamiliar at the time to a young law professor in the early pre-Charter days, but now, thanks to a new generation of legal scholars, both Indigenous and non-Indigenous, this understanding is part of mainstream understanding, at least in constitutional law circles. There are many ways in which this colonial basis of our law has shaped the Canadian legal landscape and imagination, including the most fundamental rules concerning the ways in which the English common law came to be applied in the various provinces and territories.

Why is this important for us today? It's because it rendered legally irrelevant the rich and diverse legal and political traditions and institutions that were constitutive of the Indigenous communities that the Europeans first encountered, thereby leaving no room for the application of Indigenous law on the territories that were either conquered or ceded by treaty or even just left alone. This lies at the heart of the demand for legislative and taxation power regarding cannabis on the territories under the control of Indigenous communities today, as reflected in the report of the committee.

The second is the extent and degree to which the Crown, both before and after Confederation, simply failed to honour the letter and the spirit of the treaties that it entered into with our First Nations, treaties that were literally at the heart of the creation of Canada, even more fundamental to the creation of Canada than the British North America Act of 1867.

There are many books on this, but this is a pitch for my former mentor and esteemed colleague Professor Peter Russell and his book *Canada's Odyssey: A Country Based on Incomplete Conquests*, which I commend to all of you and to all Canadians who may be listening.

[Senator Gold]

[*Translation*]

One of the consequences is that Indigenous peoples were not treated as partners or beneficiaries in the development of the territories that initially belonged to them and that they agreed to cede in accordance with prior treaties. This is the basis for the committee's request that the economic benefits of cannabis legalization be shared with Indigenous communities.

• (1540)

Honourable colleagues, as we take these first steps towards reconciliation, we must allow ourselves to be guided by the truth about our past, a truth of which a great many Canadians are not aware.

Looking at the world around us, there are other unavoidable truths we should find inconvenient, such as the prevalence of addiction and mental health problems in Indigenous communities as well as the relative lack of programs and the absence of treatment services for these problems, just to name two.

These are not new but longstanding problems. These are undeniable truths that we cannot and must not ignore.

[*English*]

Today, the formal commitments made by the government represent tangible and concrete progress in addressing these very real needs.

Equally importantly, the government appears to have taken an important step in working with the leaders of Indigenous communities to address the vexing and difficult issues of jurisdiction, participation and revenue sharing. This is most welcome.

Senator Patterson, the other week, gently took me to task in this chamber for comments that I made about the diversity of law-making powers amongst Indigenous communities, but I believe that inadvertently he may have misunderstood the point I was trying to make, perhaps not very well, so let me try here again. I think it's important as we go forward on this path. The fact is that the scope of the legislative and taxation jurisdiction of Indigenous communities is really complex.

[*Translation*]

First of all, every community has different powers, in particular self-government pursuant to treaties and regulatory powers pursuant to the Indian Act. For our colonial relationship to evolve into a nation-to-nation relationship, it is critical that we consider communities' legitimate interests with respect to the control they have over their lands. I support this evolution. It will take more than a year to accomplish, however.

That said, there are ways to make constructive progress now. I would like the government to be more flexible in its interpretation of regulatory powers under the Indian Act in order to allow those communities who so desire to regulate cannabis in the same way they currently regulate alcohol. It is not impossible. It is not just about political will.

I also think there are creative ways for governments and Indigenous communities to meet and find new ways to create fair and equitable partnerships to distribute any of the economic benefits that may flow from the legalization and regulation of cannabis.

[*English*]

On the latter point, we might take some guidance from Ontario Regional Chief Isadore Day in his testimony before the Standing Committee on Aboriginal Peoples as part of its study on the new relationship between Canada, First Nations, Inuit and Metis peoples.

The core idea is to return to the spirit and shared understanding of early treaties at the time they were entered into, not to try to undo past; that is not possible. We know that. It is to take the underlying principles of these treaties and apply them today in concrete and creative ways to our current circumstances.

This, honourable senators, should give rise to treating our Indigenous communities as true partners with governments in planning for and sharing the benefits, not only from the current cannabis industry but from all current economic development on the lands that were covered by these treaties, and for developing institutions to address educational, health and other needs of the communities.

In this respect, the work being done to assist Indigenous applicants for production licences, and the number coming forward, is very encouraging, as is the commitment that we heard today — it will be a while, I suspect, but nonetheless a commitment — to move forward on a new fiscal relationship with Indigenous communities.

Let's be clear and be under no illusions. These are issues that will take time to work through. It's not realistic to expect that we can undo centuries of unilateralism and colonialism in one year. Nor should we do it on the back of Bill C-45 because every day we maintain the criminal prohibition against cannabis possession and use, we do more harm than good.

This brings me to my final point. Honourable senators, the current system of criminalizing cannabis use has failed to keep cannabis out of the hands of not only Indigenous Canadians and communities but all Canadians, young and old. However, it has succeeded admirably in maintaining a system whereby Indigenous youth and adults are marginalized and are stigmatized by the criminal justice system while at the very same time they lack adequate access to treatment and other basic services. I am grateful to the Standing Committee on Aboriginal Peoples for bringing these issues forward —

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Hon. Art Eggleton: I'm delighted at the announcement that Senator Harder made this morning, and the follow-up comments from Senator Dyck, Senator McCallum, Senator Christmas and Senator Patterson, indicating the perspective of the Indigenous community on this announcement. When we discussed this matter at Social Affairs, it was something we had hoped would happen.

In fact, we did put into our report the various elements we felt were necessary for the consultation, which originated with the Aboriginal Peoples Committee and were put by Senator Patterson and accepted by the committee. We said there needed to be the development of educational materials and programs that are culturally and linguistically adapted to Indigenous peoples.

We talked about the need to establish funding for mental health and addiction programs, residential treatment and healing centres, treatment centres, et cetera; the need for nursing and police services that are culturally and linguistically adapted to Indigenous people; the desirability for Indigenous communities to adopt their own measures respecting the legalization of cannabis; and tax collection and revenue sharing with Indigenous people.

We went on to talk about the committee supporting the recommendation that the Minister of Health encourage a diverse, competitive cannabis market and ensure that Indigenous people are in a competitive position to generate their own sources and employment opportunities in this new industry, what has been called the navigator services.

The only one we didn't agree with was the matter of the deferral because, as Senator Gold pointed out, we were concerned more harm would be done by creating a hiatus of some period of time. It has turned out that we have the government moving in the right direction to handle these issues, and I am very pleased with that outcome.

Hon. Senators: Hear, hear.

Hon. Carolyn Stewart Olsen: Honourable senators, I rise on this issue; I wasn't going to speak on it, but I'm very troubled by what I have heard today. I was troubled when Senator Harder read the last-minute letter from the government. I am troubled that governments do not tend, unless they're really under a lot of pressure, to come through on their promises, especially of consultation and of doing all of these things that were in the letter and that are not newly asked for.

I'm troubled by that. I'm troubled the seeming capitulation to the government and now saying we actually got a lot out of this, it's wonderful, and we're going to pass the bill, which is what the government wanted all along.

This is a very hard thing for me. I don't sit on the Aboriginal Peoples Committee, but as I say I am seriously troubled by what has happened here. I don't know if there was pressure brought to bear and a lot of talking for people, but I understand that consultation is primary with Aboriginal peoples. I understand that.

• (1550)

That means for all of you as well.

But I'm troubled by this because you had the hammer. You had the hammer to go forward and make this happen for people.

So I am sorry that everything has been withdrawn. I'm sorry for, perhaps, losing this opportunity that was there.

I would ask one question: Did you speak to your peoples before you decided to withdraw your objections to the bill? Did you do that?

Senator Gold, this is consultation, so I'm asking if you did do some consultation. I would feel much easier and have more peace if I knew that this was going to proceed the way the glowing letter said it was.

If you remember, yesterday there was a news conference with the ministers. They're in a very bad position. They glowingly came to power and they said, "Our primary need is to develop and to move forward with reconciliation," and so far, I haven't seen a lot of that.

I support that view and I think everyone here does.

I'm just saying that when you have the hammer, don't drop it lightly.

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

Hon. Lillian Eva Dyck: Can you explain to me what this hammer is?

Senator Stewart Olsen: If you don't know, Senator Dyck, that's kind of sad, but you have the ability right now to stop this bill or to put severe limits on the bill. And I think you should. I think that, especially for our northern communities. I know that you have been trying for years. I know that. I know that every step forward takes a long, long time. But by the hammer, I mean the power. You have the power. I want to see you use it, and that's what I meant by that.

Senator Dyck: What is the hammer with regard to the particular issues we're dealing with today and the report from the Aboriginal Peoples committee? Describe to me what that hammer is.

Senator Stewart Olsen: It's the motion that Senator Patterson was going to bring forward to delay the bill, the motion that you all supported in committee.

It should not be me standing up here and fighting for this; it should be all of you. I'm just standing and saying I think that it's an opportunity missed.

Hon. Scott Tannas: Honourable senators, I rise today to talk on Bill C-45. I intend to propose an amendment that was unanimously supported at the Aboriginal People's Committee but was gutted at the Social Committee. Specifically, the amendment would require that the Minister of Health reserve 20 per cent of all cannabis production licences for facilities to be located on land located in Indigenous communities or on land owned by Indigenous governments.

Many of you would not be surprised to hear me say I'm an unabashed free enterpriser, having built a billion-dollar business from scratch without any help from governments or from quotas. And for me to propose a quota is not something that I would do frivolously or for any partisan political reason.

I want to take a moment to frame the economics around the legalization of cannabis, because I don't think we have talked about that very much in this chamber and I'm not sure we talked about it much in the committees.

I think it's fair to say that the legalization of cannabis will be the largest sudden positive economic development since at least the Second World War. Seven billion dollars of annual revenues will be added to the legitimate economy of Canada in 2019. Somewhere between 75,000 and 100,000 jobs will be created as a result. These are secure, legitimate jobs with people paying taxes and raising families.

Perhaps even more important in the long run is the fact that Canada will be the first mover amongst G20 nations, and Canadian companies now will have the opportunity to build global businesses that will be worth exponentially more than the Canadian domestic marketplace that they will start out with.

The legalization of marijuana in this country today is strikingly similar to the circumstances surrounding the repeal of the prohibition of alcohol that occurred in Canada almost 100 years ago. In that situation, and in the 10 years before the United States repealed prohibition, Canada built an incredibly strong distilling industry and formed it all ahead, with great sophistication, just in time for the repeal of U.S. prohibition.

Within a few decades from there, Montreal-based Seagram's became the most dominant company in the spirits industry, employing hundreds of thousands of people around the globe and in Canada, much to the benefit of Canada and Canadians.

So, colleagues, the cannabis industry in Canada is, in fact, a huge opportunity. There's no question about that. And it includes many billions more in revenue for Canada and tens of thousands more jobs for Canadians as it develops in the coming years.

Let's consider the potential opportunity for Indigenous people: employment opportunities; revenue for Indigenous governments; spinoff economic development opportunities in the support industries, like packaging, transportation, maintenance and construction.

Colleagues, can you think of any other group of people and communities more in need of a chance to seize this once-in-a-generation — or two — opportunity?

Our committee heard from many community leaders who are keen to seize this opportunity and who are looking for partners to help them move forward with capital and expertise.

However, we have to realize that the cannabis industry is already in full flight. There are large companies that are already well capitalized and racing ahead with their plans. This amendment that I'm proposing will encourage both new ventures

and existing large players to engage with Aboriginal governments and enterprises and to find ways to include them, quickly, in their plans.

There's a building boom on right now and it will continue for a few short years before capacity is achieved. Things are moving fast.

I want to talk for just a minute about this letter that arrived, addressed to Chair Lillian Dyck and myself, which I received this morning. There was nothing in there that in any way addresses the situation as it sits right now. In the letter, there was an offer — it's not an offer; it's already under way — that the government has set up a group of people who will help Indigenous businesses fill out the forms to apply for a licence for production, as if that is the solution to the problem. All you need is a licence; you don't need any money, you don't need any expertise, you don't need any customers and you don't need a business platform — just the licence. And they're going to help fill out the licence application form, and there's the end of the problem.

• (1600)

As you can tell, colleagues, the letter is of no comfort to me whatsoever on this particular recommendation from the committee.

I and others believe, and we heard testimony from the largest support group for Indigenous entrepreneurs in cannabis, that 20 per cent should be set aside to allow for meaningful participation. Without this amendment, I fear Canada's Aboriginal peoples will have missed a historic opportunity. It is up to us to correct what I am absolutely convinced is an oversight, born from a lack of consultation by the government.

MOTION IN AMENDMENT NEGATIVED

Hon. Scott Tannas: Therefore, honourable senators, in amendment, I move:

> That Bill C-45, as amended, be not now read a third time, but that it be further amended, in clause 62, on page 36, by adding the following after line 7:
>
> "**(2.1)** The Minister must ensure that, at any given time, at least 20% of licences and permits authorizing the production of cannabis or any class of cannabis are issued in respect of cannabis or any class of cannabis produced on land owned by or under the jurisdiction of an *aboriginal government* as defined in subsection 2(1) of the *Federal-Provincial Fiscal Arrangements Act*.".

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Tannas, seconded by the Honourable Senator Wells, that Bill C-45, as amended, be not read a third time, but that it be further amended in clause 62, on page 36 — shall I dispense?

Hon. Senators: Dispense.

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

[*Translation*]

You have 52 seconds.

Hon. Renée Dupuis: I have a question for Senator Tannas. I want to know whether the definition of "Aboriginal government" in the Federal-Provincial Fiscal Arrangements Act takes the First Nations Land Management Act into account.

Based on the definition in the Federal-Provincial Fiscal Arrangements Act, First Nations that fall under the First Nations Land Management Act and not the Indian Act — we are talking about 127 First Nations communities — would not be affected by the amendment.

[*English*]

Senator Tannas: We were just looking for a definition that suited the definition of an Aboriginal government. That's my understanding. This was not drafted by me.

The Hon. the Speaker *pro tempore*: Thank you, Senator Tannas. Time is up.

Senator Dyck, on debate.

Hon. Lillian Eva Dyck: Thank you, Senator Tannas. When we were looking at the issue of licensing at the committee, everything you've said is, of course, true and accurate. We did enter into some discussions about that with the ministers. From what we could gather, the navigator service, as you outlined, is really not nearly sufficient enough to do what our committee would hope it would do. We were told the forms are quite complicated, but you still need much more than a navigator service to allow a significant portion of First Nations organizations to be able to get these licences.

One thing they told us is that they weren't really sure how they could get to the 20 per cent, because they don't know how many licences they will actually have. There's no cap on the licences. Not being a business person — I'm a neurochemist by training — so as the business grows, of course, and people become more engaged with it, there will be more and more applications, and more and more licences will be granted. I guess they were trying to say that they couldn't envision how they could operationalize the 20 per cent.

I can't ask you a question, but I'm wondering if anyone else can add to that and say how we can put this into effect when we don't know what the total number is going to be; how can we have 20 per cent of licences when we're not really sure what the number of licences is going to be?

The Hon. the Speaker *pro tempore*: Senator Tannas, you will have to ask her a question.

Senator Tannas: I will, if she'll take a question. Were you aware, Senator Dyck, that this did come up at the Social Affairs Committee? That question was the initial kind of objection — "Well, it's an infinite number, so how do we reserve 20 per cent of an infinite number?"

I'm wondering if you were aware of a couple of things. Number one is that the licences today are controlled by a relatively small group of organizations; that it is likely in the future that manufacturing production, like alcohol, beer and cigarettes, will consolidate down to a relatively small number of folks; and that those corporations would be the ones that would bear the responsibility of making sure that they locate one out of every five facility in an Indigenous community or in land owned by Indigenous governments? Were you aware of that?

Senator Dyck: Thank you for that question. You're jogging my memory. I should probably review the transcripts. I think that does answer the question somewhat.

I almost feel like it's a déjà vu moment. I probably asked you this before at committee. With regard to those kinds of organizations, you were saying it will boil down to, let's say, 5 or 10 major businesses. If it boils down to those 5 or 0, I think you're trying to say that we need to ensure we get them identified quickly in the first go so that the first people in line are the ones who will be getting the licences, so they're more likely to succeed. That would be how I would see it.

Senator Tannas: Senator Dyck, in the letter delivered today, I believe it mentioned there were a number of applications in process by Aboriginal peoples or affiliates. Also, at the Social Affairs Committee, we heard that Health Canada does have the power to prioritize applications.

Given the interest and the ability to prioritize, would it not seem to you that there would be a way to manage this process quite nicely?

Senator Dyck: Yes, I follow your logic. It seems reasonable.

In looking at the amendment, then, it would be addressing it to the Minister of Health. It says "the minister," so in the bill, is it the Minister of Health who is identified? Okay.

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

Hon. Yuen Pau Woo: Yes. Senator Dyck, will you take a question?

Senator Dyck: Yes.

Senator Woo: In addition to the axiomatic problem of not being able to solve for 20 per cent of infinity — there is no answer to that question — would you also give us some guidance or your thoughts on the very curious wording of this amendment, which states that there should be at least 20 per cent of licences and permits, not over a period of time, but at any given time?

• (1610)

That strikes me as a rather difficult proposition to achieve. Because at any given time, you are almost likely to not have 20 per cent or more, which would create a lot of complications for the issuing authorities to adjust the licences in order to, first of all, address the legitimate right for Indigenous organizations to participate in the industry, but also, of course, non-Indigenous businesses who might want to participate.

Senator Dyck: Thank you. Looking at that wording, it could create problems because, of course, it would depend upon the rate at which different organizations apply. You may have a period where there are no Indigenous applicants or no applicants that have any Indigenous partners, and then what would you do? How could you fulfill the requirements of the amendment?

Hon. Ratna Omidvar: Will the honourable senator take another question?

Senator Dyck: Yes.

Senator Omidvar: I'm a believer that when there is historical exclusion of the kind that we are facing that you actually have to have creative social engineering mechanisms, and I have argued for that in this chamber.

I understand this very well — it could be a game changer — but I wonder about the hard quota versus a target. If you have a target and you monitor it, measure it, table it and review it, that actually takes you further, and this could be embedded in the regulations. What is your response to that, Senator Dyck?

Senator Dyck: Interestingly, in the letter there is the suggestion that there would be tracking and monitoring, but there isn't actually a percentage assigned. However, since it's reporting back to our committee, our committee did say 20 per cent. If the committee is the one who is doing the monitoring, when they come back to us, we could push for that 20 per cent. It's working toward that. It's not actually an amendment, but the intention is there.

Hon. Leo Housakos: Senator Dyck, going back to the hammer that my honourable colleague Senator Stewart Olsen talked about, wouldn't you prefer to have clear, defined directions to Health Canada, to the government, with a clear number of 20 per cent rather than a suggested number?

Here is an opportunity where Senator Tannas' amendment is categorical about what stakeholders have to do in order to get this done in the Aboriginal communities.

Senator Dyck: It's very useful to have that actual number. Some may argue that it's an unfair number, that we did hear from witnesses that that's what the number should be. Because of the historic under-representation of Indigenous people in businesses, you could make the case that there should be some compensation.

It's almost, to me, as though we had to combine the two, the reporting and monitoring, along with this particular target. Since we just received this, it will take us a few minutes to sort out exactly which would be preferable.

The Hon. the Speaker *pro tempore*: Thank you very much, Senator Dyck. Your time is up.

Hon. Dennis Glen Patterson: Honourable senators, this amendment was recommended unanimously by the Aboriginal Peoples Committee, and I want to support it. May I say that I find the arguments that we won't know the numbers, 20 per cent of infinity and this kind of argument, to be misleading.

The amendment says that a guaranteed percentage of the approved licences should be allocated to Aboriginal businesses on reserve. It would be very simple for the government to keep a running tally of the issued licences and make sure that there is that percentage approved at any given time.

Right now, according to the letter from the ministers that was read today in the Senate, there are 105 licensed producers in Canada, and there are 5 licensed producers with Indigenous affiliations. Right now we have under 5 per cent. If this amendment is approved, the government will have to do better.

The other argument made was how can we be sure there will be Indigenous applicants? We did hear from an organization that represents and assists Indigenous organizations that want to get into this potential new source of own-source revenue, and they talked about a great deal of interest amongst Aboriginal organizations.

Let's also be realistic about this. If the amendment is approved, there will be a real incentive that doesn't exist right now for producers to partner with Aboriginal governments. So far we have 5 per cent. Believe me, it's a $7 billion business, and when it expands to edibles, which may well happen, then the forecasts are that it will become a $25 billion or $30 billion business, not to mention the international potential. There will be people who will be eager to partner with Aboriginal applicants, I have no doubt.

Finally, honourable senators, the Aboriginal Peoples Committee has studied these issues relating to Aboriginal peoples on reserves, and we've gone to many reserves — northern Ontario comes to mind — where the First Nations, frankly, have been given lousy land with no economic potential. They've been relegated to land that is not productive or fertile. They don't happen to be near urban centres that they can partner with, and they say at all times, "We don't have own-source revenue." Now, this is one opportunity to provide own-source revenue.

Remember that the First Nations consider themselves to be governments and call themselves governments, and, in fact, under the Indian Act have been given responsibility for dealing with health, social issues and education. These areas, honourable senators, are going to be impacted by the availability of cannabis and its affordability on First Nation reserves.

Studies have shown that Aboriginal people, particularly young people, who have experienced trauma from the intergenerational impact of residential schools, from dislocation, from the Sixties Scoop, from the dog slaughter in the North, are vulnerable to mental health impacts — schizophrenia, anxiety, depression. These governments are going to need revenues to deal with these impacts, just like the provincial, territorial and federal governments that have a source of revenues from taxes.

It's not only fair to those governments if we respect their right to self-government, as enshrined in the Constitution of Canada, but it will also give them an opportunity to participate in a real economic opportunity and develop own-source revenues that they sorely lack.

• (1620)

We also know that because of initiatives like those of the First Nations Financial Management Board and the First Nations Tax Commission, there are strong efforts being made to help First Nations communities become independent, wean themselves from the Indian Act and lever private sources of funding or own sources of funding to become self-reliant, which is a goal I'm sure we all agree with.

I support this amendment because it's helping to move us in this direction. I'm sure the government can calculate 20 per cent of existing applications. I'm sure this will lead to a lot more interest in Aboriginal governments participating in these opportunities than even now.

As I say, there's significant interest right now. The minister's letter said that there are 14 applicants with Indigenous affiliations, and 48 inquiries from prospective or interested applicants. So let's not worry about how we hold the government to account in meeting this goal of 20 per cent of licences.

By the way, it says "at least 20 per cent." Let's hope there's more. If anybody needs own sources of revenue from a new economic opportunity, it's First Nations in Canada.

For all these reasons, honourable senators, I thank Senator Tannas for making and explaining well the logic and fairness of this amendment, and I urge you all to support it.

The Hon. the Speaker *pro tempore*: Would you accept a question, Senator Patterson?

Hon. Jim Munson: Senator Patterson, thank you for your comments.

In this debate we're talking about this 20 per cent for Indigenous people who live on reserve. In this whole debate, I haven't heard anyone talk about those who live off reserve and their rights that were recognized by the Supreme Court of Canada two years ago, which was a watershed moment that saw the Supreme Court say that Metis and non-status Indians have rights like everyone else has rights.

Who is speaking for them when it comes to quotas and 20 per cent of where they fit? Where do they fit in this whole argument? If you start putting quotas on reserves, why aren't we talking to the Congress of Aboriginal Peoples about what they feel with respect to the groups that they have and their involvement in wanting to be part of the new Canada, so to speak, when this bill becomes law?

Senator Patterson: Thank you for the question, senator.

This is where the new fiscal relationship with Indigenous communities comes into play. By the way, the ministers have committed to working on that issue as well.

I acknowledge that giving a quota of production licences to First Nations on reserve doesn't catch many other Aboriginal peoples. It doesn't help the Inuit of Canada, who probably couldn't grow marijuana north of the treeline. It doesn't reach out

to the Metis, and it doesn't reach out to First Nations off reserve. We know that's the majority of Aboriginal people now in Canada. But that's where the new fiscal relationship comes in.

This was an area that the Aboriginal Peoples Committee recommended must be addressed in conjunction with this bill, and we've had a commitment that it will be addressed, which we will hold the government to account in delivering in the reports that have been committed to both houses of Parliament.

The Hon. the Speaker *pro tempore*: Thank you, Senator Patterson. Your time is up.

Senator Eggleton, on debate.

Hon. Art Eggleton: Thank you very much. I think the amendment is well intentioned, but there are definitely practical problems in trying to implement this. Remember, this is not just a recommendation to the government; it is something that is aspirational. This is something you're actually putting into the legislation.

We at the Social Affairs Committee did hear from an official, Mr. Costen, who is the prime person at Health Canada responsible for the implementation of this bill and the regulations. He said,

> . . . there's no maximum number of licences or minimum number of licences anticipated. There's no quota system whatsoever. So truly, there are an unspecified number of licences that can be issued, an infinite number of licences as it were, because the government's policy has been not to control or manage the market in any way that would allow for determining and allocating quotas of the market to different individuals or entities.

Senator Patterson admitted that it was an arbitrary number, this 20 per cent. I have a quote from your colleague Senator Plett, who said, "Twenty per cent is just an arbitrary number. I don't think we should be making that recommendation. There's got to be a reason for a percentage in there." So the matter was just not put to a vote at that point in time.

Your specific amendment says the minister must ensure that at any given time at least 20 per cent of licences and permits authorizing production are going to be produced on land owned or under the jurisdiction of an Aboriginal government. If the first five licences come in and none of them happen to be from an Indigenous community, then what happens then? Does that mean the other four can't proceed?

If you go to the other end of the scale, eventually you get to this infinity. You get to some very large number maybe of small, medium-sized and large producers that will be licensed. What if there aren't that many at that point in time in the Aboriginal community? And this is the Aboriginal community as it's defined here, as being on Aboriginal lands, under Aboriginal governments. By the way, in an earlier amendment from the committee, we said they should have the right to be able to decide whether they want to legalize cannabis. There could be, in fact, a process that might take some time there before they even decide to get into these kinds of applications in any great number that might equal 20 per cent of a very large number.

I think it's quite problematic in terms of how you administer this. It may be that maybe some amendment could be devised, but I don't in any way suggest that we do that kind of thing on the fly.

When this was before the committee, that's the evidence that we had from the person that has to administer this whole thing, and I said, "Your colleagues admitted that it was an arbitrary number and shouldn't proceed."

The Hon. the Speaker *pro tempore*: Would you accept a question, Senator Eggleton?

Senator Eggleton: Sure.

Senator Tannas: Thank you, Senator Eggleton. I was at the committee. I recall the testimony by the Health Canada official where he said it was the policy of Health Canada that they would issue infinite numbers.

Do you not believe, like I believe, that this problem, this challenge of 20 per cent, if it is codified, will be quickly solved by industry? They will hop on this. That's number one.

Second, did you hear from anyone who objected to this quota, anyone from the industry who is ready to go, except for the Health Canada official who said, "It's not our policy to do this. We can't imagine how we could mete out the licences"?

Senator Eggleton: I did hear from Senator Don Plett, and he made it clear that it was arbitrary. He said 20 per cent is just an arbitrary number. But he's not the industry. The industry was not even asked that question in the first place.

You have to bear in mind the navigator services program, and we did say:

> Your committee supports the recommendation of the Standing Senate Committee on Aboriginal Peoples that the Minister of Health encourage a diverse, competitive cannabis market, and to ensure that Indigenous peoples are in a competitive position to generate own source revenues and employment opportunities in this new industry.

That's really quite clear and helpful, and we ought to make sure they implement it, because if they implement it, I think we'll get what you want without putting in "20 per cent." Once you put the 20 per cent in, it's in the legislation and it will handcuff the movement. It's not just aspirational. Well, you may consider that as a good thing, but it could also backfire.

• (1630)

Hon. Sandra M. Lovelace Nicholas: Would you take a question?

I've been listening very carefully, and there has been no mention of our treaty rights and practising on our own land, and it is in our treaties that we are able to grow, on our lands that we occupy, what makes us sustainable.

Senator Eggleton: I think that's in the letter that Senator Harder read out in terms of things that have to be consulted on and worked out as part of the plan. I'm specifically addressing his amendment over here, though.

Senator Christmas: On debate?

The Hon. the Speaker *pro tempore*: Senator Christmas, I will put you on the list.

Senator Sinclair, on debate.

Hon. Murray Sinclair: Thank you very much. I enter the debate reluctantly because I think we should proceed as expeditiously as possible with regard to dealing with these matters. But I did want to respond to a couple of things that have been mentioned in the course of debate to this point, not only with respect to the proposed amendment by Senator Tannas, but also with respect to some of the comments made elsewhere.

I want to say that I was personally offended and greatly concerned over the patronizing tone of Senator Stewart Olsen's comment to the Indigenous senators here in the Senate, because it suggests that we don't know what we're doing and that we have somehow no capacity to speak out because of the contact, our information and our own sources of consultation, and that we have somehow sold out to others because of the support we're showing to this letter and the fact that we have gone to great pains to get as much as we possibly can.

I want you to know, senators, that this has come about through great effort on the part of all the Indigenous members of this place, particularly Senator Dyck, Senator Christmas and Senator McCallum, who worked hard with respect to consulting with the ministers. They are also members of the Aboriginal Peoples Committee, which has engaged in a considerable degree of consultation with Indigenous communities over the past insofar as far as their concerns are to be taken into account here.

So I think that it's improper to suggest that the senators who are Indigenous in this place have somehow failed to take advantage of an opportunity here when, in reality, that opportunity is merely to comply with the admitted and very public commitment that the Conservative senators have made to delay the passage and to make the passage of this bill difficult in this place.

It is an effort, I think, to bully us into co-opting and cooperating with them in doing that. That is a warning or suggestion that I make to my colleagues to be careful about considering some of these things being said because reality has shown that the Conservative Party of Canada has not been a friend to Indigenous people in the recent past.

Some Hon. Senators: Oh, oh.

Senator Sinclair: And we need to keep in mind that, when it comes to talking about the relationship between Indigenous people and the Government of Canada and Indigenous people and this country, we are entitled to take into account our own experience, our own work and our own consultation so that we know what it is that we are talking about and put that on the record.

I also want to talk specifically to the amendment made or proposed by Senator Tannas. It is a very seductive amendment, senator, I want you to know that, but my admiration for it disappeared on close examination.

First of all, it guarantees Aboriginal people nothing. It really doesn't. All it says is that as long as it's on Indigenous land, 20 per cent of the licences can be provided or should be provided to Indigenous people.

Well, what is Aboriginal land? What is an Aboriginal government? When you look at the definition of Aboriginal government under the Federal-Provincial Fiscal Arrangements Act, it is a very broad definition — in fact, so broad and vague as to be unusable.

There is no legislation that defines Metis government; there's no legislation that defines Inuit government. Therefore, what Metis government or what Inuit government will be able to qualify under the Federal-Provincial Fiscal Arrangements Act to be able to have such a right provided to them?

Second, the businesses that are to be located on these lands don't even have to be Indigenous businesses, according to your own amendment. These could be the American Cannabis Company of the United States coming here, paying off a few people, getting a permit to establish their business on Indigenous land, running it for their own benefit and purposes and hiring a few local people, and the Indigenous community gets nothing more than that out of it.

So while this particular amendment, on the face of it, appears to guarantee some kind of situation for Indigenous people, it actually doesn't. It provides a vehicle by which private enterprise can access licences by using Indigenous people, and so for that reason I encourage all of our colleagues to vote against this amendment.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Senator Sinclair, would you accept some questions?

Senator Sinclair: Absolutely.

Hon. Leo Housakos: Thank you. Senator Sinclair, I listened to your comments with regard to the amendment, and you brought up some points by which, if I understand correctly, you want to strengthen the amendment and you want the amendment to be even clearer in terms of participation of the Indigenous communities and Indigenous leaders in this country and organizations taking a more active and concrete role because you're afraid this amendment doesn't go far enough in order to assure Indigenous participation from the corporate side and the business development side.

I don't know if you would be open to this, but I suggest making a subamendment yourself to strengthen this bill. Nothing prevents you from doing that. Would you consider that, senator?

Senator Sinclair: Thank you very much, senator, for that question. I think we need to take into account and keep in mind that we are in a tight time frame here, and this requires a lot more thought than we are able to give in the next two minutes, which is what you're suggesting.

The reality is that if we're going to amend the Federal-Provincial Fiscal Arrangements Act and the Indian Act and if we're going to create an Inuit government act and a Metis government act to make all of this possible, and we're also going to put limitations on who can own the businesses to be located on these lands, then I think that's going to take us more than a couple of hours.

My suggestion would be let's leave this for the consultation process, which the Indigenous groups have been demanding they be allowed to enter into and which the government has committed to in the letter they have provided.

Hon. Carolyn Stewart Olsen: Thank you, Senator Sinclair. I have to phrase this as a question, but I hope you all understand that in no way did I mean to imply that or be derogatory, but I feel very strongly and perhaps it came out the wrong way. I still stand by what my aspirations are, and I hope that you can understand that. I don't want to be afraid to stand up and question in this chamber if I'm going to get personally attacked back. That was my question: I hope you can understand that I meant no personal attacks. I'm just disturbed by this.

Senator Sinclair: Thank you. I've always considered you a kind and gentle person. I've never thought badly of you whatsoever. I did consider that to be a poorly worded phrasing, and, on the other hand, I think it's just something that indicates that we have to be careful about how we express our thoughts in this place and elsewhere, too.

• (1640)

Hon. Dan Christmas: I'd like to speak to Senator Tannas' amendment.

I was reluctant to speak to it because I have two opinions on it. Unfortunately, they are two conflicting opinions, but I'll share them regardless.

In my previous experience before coming to the Senate, I had the experience of negotiating agreements both with the private sector and with government. I've negotiated a number of impact benefit agreements with oil and gas companies, with mining companies, with forestry companies and with government procurement contracts.

I had mixed experiences with quotas. In some areas quotas work, but not always. Sometimes quotas became the minimum, where once that minimum was reached, regardless of the merit of additional benefits or opportunities, it was always the minimum. You couldn't grow or advance beyond a minimum.

I've also had the experience, unfortunately, of having won contracts under quotas and then had the backlash of saying, "Well, you didn't really earn that contract. It was given to you because of a quota." You had this backlash that you didn't really earn it on merit. The companies or communities that earned those contracts were sort of viewed in a negative light, that they didn't really earn it on merit.

So, on the one hand, I appreciate Senator Tannas' intention, which is to allow Indigenous people — First Nations, Inuit, Metis — the opportunity to take advantage of a growing, booming industry that's going to arrive in Canada. I fully respect his desire to ensure that Indigenous companies are part of that boom and that we change the economics in our communities.

But, at the same time, I'm conflicted. I've worked with quotas, and I never felt comfortable. In my mind, I'm trying to weigh the best way forward.

When I saw the letter from the government, I began to think that if we did a hard quota, could we be shortchanging Indigenous companies? Is it possible that Indigenous companies could exceed 20 per cent on their own merit, on their own economic advantages? I have to admit that First Nations do have some economic advantages because their lands are reserve lands. There are benefits there in terms of taxation, regulation and governance. So First Nations have some economic advantages. Can they use their economic advantages to exceed 20 per cent based on their own merit?

When I spoke to Senator Tannas earlier, I told him I was undecided, but after thinking about this further, I would prefer that Indigenous companies in the cannabis market be allowed to go through the free market system and allowed to earn their own contracts based on their own merits.

For me, it's a leap of faith because if this falls short of 20 per cent, I'll be eating crow. But, if First Nations or Indigenous companies exceed 20 per cent, then my faith in them has been rewarded.

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

Senator Christmas: Yes, please.

Hon. Jane Cordy: Thank you very much, Senator Christmas. When I read the amendment, at first glance, it was, "Well, that's not a bad idea," but then what came into my head was Membertou, because both you and Chief Terry Paul have done such a tremendous job at Membertou. In fact, the economic development happening there is higher than in the surrounding city, and the population growth at Membertou is higher than the city. So I thought that amendment may be detrimental.

This is my question, and I think you probably answered it. Places like Membertou, Aboriginal communities, could actually be held back, because I agree with what you said. Sometimes the 20 per cent becomes the maximum. Once the 20 per cent is reached, then there is no further growth because the quota has been reached. Do you think that the 20 per cent, in fact, could hold some communities back?

Senator Christmas: Thank you, Senator Cordy. Yes, a quota is a line in the sand. You have to anticipate where you will land on that line, and it's hard, almost impossible at this point, to say where Indigenous communities will land.

If I had a lack of faith, then yes, let's do 20 per cent because we may not get there. But, if we feel confident that Indigenous communities can exceed that, then let's do it without the cap. Let's do that.

In Membertou's experience, we never operated with a cap. We've developed our commercial enterprises based on free-market forces, and so I have some faith that that's the way to go.

Again, I'm conflicted, but at this point, I would have to land on free-market enterprise.

Senator Tannas: Senator Christmas, we spoke a number of times in the last few weeks about this. You were part of the unanimous support of the original amendment and, last week, I think you indicated that you were in support.

But yesterday, when I checked with you, you said you were waiting on this letter that you had heard about that I had absolutely no knowledge of. Now, based on the letter, you have a comfort.

As a person who has been in your position of having the government promise something to you at this moment, that Senator Stewart Olsen, maybe inadequately, referred to, we all bear the scars of the promises that never come true after you pass the law. Are you willing to take that risk? Would you like to meet back here in a few years, and we'll check the numbers?

Senator Christmas: Thank you, Senator Tannas. You are perfectly correct. Until I saw the letter, I was prepared to support his amendment. What I saw in the letter that changed my mind was knowing that there were already 5 producers, knowing that there are 14 already in the system. I was thinking to myself that 5 and 14, that's 19. There are 105 producers. We're almost at 20 per cent. And, if we put 20 per cent on it, I'm thinking to myself that the other 48 that are inquiring might be left out.

I'm assuming, pessimistically, that the government would only go to 20 per cent and would not exceed it. This is where I would like to believe that, when there is a quota, people will exceed it, but just the way human nature is, unfortunately, when you get to that number, something in us just says, "Well, that's enough."

I'm debating whether, in the future, things will be better, as Senator Tannas has indicated, or worse.

I wish, Senator Tannas, I had a crystal ball here. If I knew what three years from now would look like, and you and I sat down and looked at a crystal ball, hopefully I would not say that you were right. But I agree that it's a risk and an act of faith. At this point, the letter from the government has assured me that the act of faith is justified.

Senator Tannas: I have one more question. First of all, I don't want to be right, but you spoke of 14 applications in process. Fourteen out of how many? What if it's only 5 per cent as well? You mentioned 48 inquiries that they reported on. What if there have been thousands of inquiries? What does that tell you?

• (1650)

I've asked enough questions.

Senator Christmas: I want to thank Senator Tannas. I love the way he thinks as a businessman. He sees an opportunity and wants to pursue it, and I appreciate that. As an Indigenous person, I would like to see our companies win those contracts fair and square, and I'm certainly willing to take the leap of faith for government and —

The Hon. the Speaker *pro tempore*: Your time is up; I'm sorry.

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?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: I think the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: A 15-minute bell, so the vote will be held at 5:06 p.m.

Call in the senators.

• (1700)

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

YEAS
THE HONOURABLE SENATORS

Andreychuk	Neufeld
Ataullahjan	Ngo
Batters	Oh
Boisvenu	Patterson
Carignan	Plett
Dagenais	Poirier
Griffin	Richards
Housakos	Seidman
MacDonald	Smith
Maltais	Stewart Olsen
Marshall	Tannas

Martin	Tkachuk
McInnis	Verner
McIntyre	Wells—29
Mockler	

NAYS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	Hartling
Beyak	Lankin
Black (*Ontario*)	Lovelace Nicholas
Boniface	Marwah
Bovey	Massicotte
Boyer	McCallum
Christmas	McPhedran
Cools	Mégie
Cordy	Mercer
Coyle	Mitchell
Dawson	Moncion
Day	Munson
Deacon	Pate
Dean	Petitclerc
Doyle	Pratte
Dupuis	Ravalia
Dyck	Ringuette
Eggleton	Saint-Germain
Gagné	Sinclair
Galvez	Wetston
Gold	Woo—45
Greene	

ABSTENTIONS
THE HONOURABLE SENATORS

Downe	Omidvar
Forest	Wallin—5
Joyal	

The Hon. the Speaker: Resuming debate on the main motion.

• (1710)

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

As you may recall from my last intervention in this debate, I have significant reservations about the path to legalization. However, I also recognize that the passage of Bill C-45 is likely. It is for this reason I want to make the legislation governing the future widespread use of marijuana in Canadian society safer for those who are negatively affected by it.

The focus of my remarks and indeed my amendment, which I will move at the end of my speech, is on protecting young people from the harms of second-hand marijuana smoke.

After examining this topic thoroughly and the legislation that will govern it, and listening intently to the testimony at the Social Affairs Committee and other committees, and in debate here in the Senate, it is clear to me that Bill C-45 does not adequately address the serious health risks that second-hand marijuana smoke poses to children and young people.

I think all of us recognize the harms associated with the inhalation of marijuana, especially for young people. The word "inhalation" is important. We must not forget: It is not simply the consumption of marijuana that is dangerous; it is the inhalation of marijuana. Second-hand smoke contains the exact same chemicals as first-hand marijuana smoke.

The American Centers for Disease Control and Prevention warn that breathing in second-hand marijuana smoke can affect the health and behaviour of bystanders, even more so for children and young people who are exposed. Their bodies are smaller, their respiratory systems are more efficient, and they have built up little or no tolerance to THC.

The effects of marijuana smoke may be more pronounced in an enclosed space such as a house or apartment.

At last Tuesday's Social Affairs Committee meeting, Dr. George Sam Wang, Assistant Professor of Pediatrics at the University of Colorado, testified that children can absorb marijuana smoke and it is detectable in their bloodstream.

Those frequently exposed to the drug second-hand can be at increased risk for respiratory-sensitive conditions such as asthma, viral respiratory illnesses and infections.

Dr. Wang also writes in the peer-reviewed *Journal of the American Heart Association* that "One Minute of Marijuana Secondhand Smoke Exposure Substantially Impairs Vascular Endothelial Function."

Then there is the effect of marijuana smoke — very much second-hand, very much included — on brain development. As has been previously pointed out, young people's brains continue to develop well into their twenties.

There is a large body of evidence suggesting that marijuana seriously impedes brain development. Using MRI, researchers from Northwestern University detected alterations in the brain regions involving emotion and reward processing. They found that the more intense the marijuana use, the greater the abnormalities in both brain regions.

A major long-term study conducted by Duke University, which followed people born in Dunedin, New Zealand, in 1972 from birth to their early forties, found that the earlier and more frequently a person smoked cannabis, the greater their measurable loss of intelligence by their late thirties. Other studies among adolescents have identified negative changes to the brain structure and activity as a result of smoking cannabis.

To repeat two statements from the chamber yesterday, Senator Eggleton said, ". . . I certainly share the view that we want to protect our youth . . . ." Senator Lankin followed by saying that there is not supposed to be a legal way for children to get marijuana. Colleagues, this amendment wholeheartedly supports these positions.

We know that the harmful impact on mental and psychological well-being caused by cannabis inhalation is compounded in young people. We know that in some instances these negative impacts may be irreversible. We also know that exposing a person to marijuana smoke at a young age increases the risk that these vulnerable people could develop a dependence, compounding the problem even further.

To quote from the Psychiatrists Association of Quebec testimony at the Social Affairs Committee:

> The earlier in life a person is introduced to marijuana, the higher the risk will be for that person to develop an addiction to the drug.

Honourable senators, the effects of second-hand marijuana smoke are real and they are significant. Children do not get to choose where they live. They live where their parents or guardians do. If a parent or guardian smokes cannabis at home when a child is present, that child will be negatively affected, be it cognitively, behaviourally, through respiratory harm or otherwise. The numbers tell us that more adults than ever are smoking marijuana, and this will undoubtedly increase with the coming into force of Bill C-45.

It can reasonably be assumed that there are parents, guardians, guests or others who will smoke marijuana in a home where and when there are children present. These individuals may not be aware of the drug's adverse effects on adolescents. They may not be aware of the substantial research done on this topic.

Regardless, given what we know about the impact of second-hand marijuana smoke on our young people, any ignition of cannabis in a house where a young person is present is a risk.

One may not be a big deal but regular exposure would be. Colleagues, when I was a child, my parents each smoked two packs of cigarettes a day. By age 16, I was using an inhaler.

The amendment I will be proposing is one that makes sense and is solely for the protection of those who have no choice.

The legislation includes no enshrined protection whatsoever for young people who, at no fault of their own, are subjected to harmful marijuana smoke in enclosed spaces. As stated under clause 7:

> The purpose of this Act is to protect public health and public safety and, in particular, to
>
> (a) protect the health of young persons by restricting their access to cannabis;

Colleagues, second-hand marijuana smoke is access, unintended as it may be.

Under Bill C-45, as written, it is entirely acceptable for any individual to smoke any amount of marijuana in their home regardless of whether a child is present.

Article 33 in the Convention on the Rights of the Child argues that governments should take all appropriate measures, including legislative measures, to protect children from psychotropic substances.

• (1720)

I would submit that by adding this amendment to the bill we are bringing it in line with the Convention on the Rights of the Child and, most importantly, doing what the convention is designed to do, protect children. We would also bring it in line, colleagues, with common sense.

Colleagues, this wasn't addressed in any of the committees that studied the bill. There was plenty of discussion around legal age, trafficking and other issues of criminality, but not around protecting children from the harms of second-hand cannabis smoke. This is not an amendment that will kill the bill, it's not an amendment will delay its introduction, and it's not an amendment to gain any political advantage. This amendment is about children who have no choice and who are inhaling the substance because they have no choice.

It is our responsibility to address this oversight, particularly when it so potently impacts a vulnerable population; indeed, colleagues, a population that is not simply in the minority but one that has had no voice in this discussion. A crucial element of our role as senators is to stand up and protect the most vulnerable. If there ever was a case to be made for that, it is this.

MOTION IN AMENDMENT NEGATIVED

Hon. David M. Wells: Therefore, honourable senators, in amendment, I move:

> That Bill C-45, as amended, be not now read a third time, but that it be further amended, on page 15, by adding the following after line 28:
>
> **"14.1 (1)** It is prohibited for an individual who is 18 years of age or older to smoke, hold or otherwise have control over ignited cannabis in a dwelling-house when an individual who is under 16 years of age is present in the dwelling-house.
>
> **(2)** Every individual who contravenes subsection (1) is guilty of an offence punishable on summary conviction and is liable to a fine of not more than $15,000 or imprisonment for a term of not more than 18 months, or to both.".

Thank you, colleagues.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Wells, seconded by the Honourable Senator Plett, that Bill C-45 be not now read a third time but that it be amended — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Senator Wells, you have two minutes left if somebody wishes to ask a question. Will you take a question?

Senator Wells: Yes.

Hon. Art Eggleton: Senator Wells, this is a very unusual intrusion into the privacy of a person's own home. Although this doesn't apply to tobacco, I understand you're concerned about second-hand smoke. We don't have such a law for tobacco. This is applying to cannabis. You're saying if somebody smokes in their own home with somebody under the age of 16, they could pay a $15,000 fine or spend 18 months in prison.

We're talking about the protection of children here, and we need to get the information to people about that. Where is the responsibility of the parents in this regard? Why should the government intrude into somebody's home when it is obviously the responsibility of parents to look after the best interests of their children?

Senator Wells: Thank you, Senator Eggleton, for your question. You are right. Where is the government to intrude? But, certainly, the government intrudes all the time. That's what laws are. They're intrusions on what we might call freedoms.

As I mentioned, there's no voice for a child. There's no voice for the child at all in this discussion. That's where this amendment is targeted. It's for those who have not had a voice in this and have no choice, Senator Eggleton, in where they live. I have a 9-year-old and a 12-year-old. They have no choice. They can't walk out of the house if I decide to light up a joint. I have a 17-year-old and a 21-year-old. They can hop in the car at any time. That's why this amendment serves to protect those under 16 years old. They haven't had a voice and they're vulnerable to the effects of this legislation.

The Hon. the Speaker: I'm sorry, Senator Eggleton, but Senator Wells' time has expired.

Hon. Thanh Hai Ngo: Honourable senators, I am pleased to speak to Bill C-45 and support Senator Wells' amendment to protect young people from being continually exposed to second-hand cannabis smoke in their dwelling home. This amendment will make it illegal for anyone over the age of 18 to smoke cannabis in a dwelling house when a young person under 16 is present.

I am appalled that under the current version of the bill it is totally acceptable for any individual to smoke any amount of marijuana in their own home, regardless of whether a child is present. Although most people know that second-hand tobacco smoke is more harmful, the perception remains that marijuana smoke is less harmful to health and less addictive than tobacco.

We are now very well informed of the effects of second-hand marijuana smoke. It is as dangerous and toxic as tobacco, particularly to young people. Second-hand smoke puts youth at an increased risk for respiratory-sensitive conditions — such as asthma, viral respiratory illness and ear infections — similar to cigarette smoke.

This exposure to second-hand cannabis smoke, particularly within multi-unit housing, is a significant risk that is coming to the attention of homeowners.

According to a *Journal of the American Heart Association* study, "One Minute of Marijuana Secondhand Smoke Impairs Vascular Endothelial Function." This study demonstrates the impact that second-hand smoke exposure can have on children.

Colleagues, I agree with Senator Wells' amendment because Bill C-45 does not adequately mitigate the serious health risks that smoking poses to our youth. Imagine how much more severe the effect of second-hand smoke would be in an enclosed space like a small house or an apartment with a poor or broken ventilation system.

A study performed at Johns Hopkins University School of Medicine and published in the journal of *Drug and Alcohol Dependence* measured the THC level in the blood of non-smoking individuals who spent three hours in a well-ventilated room with a group of marijuana smokers. This study found that non-smokers exposed to marijuana smoke in an unventilated room tested positive at high levels. Some experienced mild marijuana highs and were slightly impaired when asked to perform various tests involving their motor skills. This again reminds us that we have no reason to believe that second-hand marijuana smoke will be benign.

Our vulnerable population, including elderly and disabled residents, pregnant women and children, need to be protected from other people's unhealthy choices. The risks are even higher to kids with allergies or other pre-existing health problems.

We all know that personal consumption will increase once the bill passes, which poses a real risk to the health of our young people whom we have a duty to protect.

We have to be careful about the message we send to parents. They shouldn't be deceived into thinking that smoking marijuana around children is a safe practice. This common view is erroneous and very dangerous.

According to an article in *Reuters Health* last month, a growing number of American parents are using marijuana when they still have children living at home.

According to the School of Public Health and Health Policy of the University of New York, cigarette smoking continues to decline among parents with children living at home. While the use of cannabis is increasing among parents, this may lead to an increase in children's exposure to second-hand cannabis smoke.

More parents are smoking marijuana in their homes than cigarettes. This means that when cannabis becomes legal, its accessibility will increase, its penalties will be removed and permissive attitudes about marijuana among parents will continue to go up unless we do something about it.

[*Translation*]

Honourable colleagues, our study of the effects of marijuana normalization on young Canadians' health and brain development was certainly conclusive. The real and potential

risks are very high because young people are not really aware of the effects the drug can have, never mind the effects of second-hand smoke. This normalization among Canadian parents and the amount of marijuana being consumed are worrisome, mainly because the respiratory health of our young people is at risk. According to Health Canada, second-hand smoke creates serious health risks to individuals and families. The government also recognizes that second-hand smoke can spread to other rooms, even if the smoker is behind closed doors.

It is therefore crucial that the bill reflect the fact that marijuana use indoors will have harmful and even permanent consequences on the health of young people. I will not repeat them in detail here, but we heard a number of concerns expressed by psychiatric experts. According to the Canadian Psychological Association, verbal learning, memory and attention are most consistently impaired by acute and chronic cannabis use. Just imagine the impact of second-hand smoke on a young person living in a dwelling where cannabis smoke regularly fills the air.

[*English*]

Honourable senators, this legislation increases the risk of health problems for youth and vulnerable populations. I urge you to support Senator Wells' amendment to the bill in order to protect young people from being continually exposed to second-hand cannabis smoke in the dwelling house.

Hon. Judith G. Seidman: During debate of our colleague Senator Wells' amendment to prohibit smoking in a home where children under 18 are present, it is important to remind ourselves of some of the concerns with respect to smoking that we have heard during our study of Bill C-45.

• (1730)

But before going any further, let's take a look at the data. According to the government's own Canadian Cannabis Survey, smoking cannabis is the most prevalent form of consumption recreationally, at 94 per cent.

The survey also asked respondents about cannabis consumption methods in the home over the past 12 months. Overall, one quarter of respondents reported someone smoking cannabis inside the home. But among respondents who had used cannabis in the past 12 months, 74 per cent responded that someone smoked cannabis inside their home.

Despite the proliferation of other methods of consumption such as vaping or oils, Canadians are burning dried cannabis and inhaling it in record numbers. And among Canadians who do smoke cannabis, three quarters of them smoke it in their homes. With numbers like these, it's clear that we already have a problem with Canadians smoking marijuana in homes where children are present, which is likely only to worsen once cannabis becomes legal and adult use increases.

Children tend to copy what they observe and are influenced by the normality of any type of smoking around them. Our experience with tobacco and alcohol suggests that normalization leads to increases in rates of use. Furthermore, experts like the Canadian Cancer Society, the Canadian Medical Association and others have told us that the normalization of cannabis has the risk of renormalizing all forms of smoking, including tobacco, which would be a step backwards for public health. For that reason alone, we would do well to consider the consequences of permitting cannabis smoking in the home where children are present.

But beyond the broader consequences for an uptake in cannabis use among young people, we must consider the immediate effects on the health of a child who is exposed to cannabis smoke in their home. New research from the University of California, San Francisco is getting closer to telling us exactly what happens to our bodies when they are exposed to second-hand cannabis smoke. In the lab, researchers put a joint in a Plexiglas box, lit it, and allowed the chamber to fill with smoke, which was then vented out to simulate being around someone who is smoking. Then an anaesthetized rat was exposed to the smoke for one minute.

The researchers found that just one minute of exposure to cannabis smoke made it harder for the rats' arteries to expand and allow a healthy flow of blood, and it took the arteries 90 minutes to recover as opposed to just 30 minutes after being exposed to tobacco smoke. Moreover, fine particles, carbon monoxide and other by-products of combustion that are known to cause heart disease and respiratory illness such as emphysema and COPD are present in cannabis smoke and pose a health risk with exposure.

Research on this subject is in its early stages, but it suggests that cannabis smoke is just as dangerous as the smoke from tobacco. If parents use cannabis in the home, not only are they modelling behaviour that could suggest to their children that it is safe, but they are exposing their children to second-hand smoke.

We would do well to remember that smoke is smoke, and all smoke is harmful to health. Second-hand cannabis smoke contains many of the same toxic chemicals as tobacco smoke that are known to cause cancer and heart and respiratory diseases. Expert witnesses who appeared before the Social Affairs Committee were clear in their testimony that second-hand smoke is unquestionably harmful.

Professor David Hammond from the University of Waterloo told us:

> Pound for pound . . . cannabis smoke is just as toxic as tobacco smoke.

Professor George Sam Wang from the University of Colorado reported that children are being admitted to emergency rooms with detectable amounts of cannabis in their bloodstream who are at increased risk for respiratory-sensitive conditions such as asthma, respiratory illnesses and ear infections — similar to cigarette smoke.

Pippa Beck of the Non-Smokers' Rights Association told our committee:

> There is little public understanding of the fact that smoke is smoke and the fact that the harm comes from inhaling it, whether it's tobacco or cannabis . . . .

Colleagues, that's why the discussion we are having today about Senator Wells's amendment is so important. Canadians are not educated about the harms of cannabis smoke and wrongfully perceive it to be less harmful than tobacco. Without clear action on the part of the government, this mythology will persist.

That's why it's so troubling that messages about the harms of second-hand smoke have been absent from the government's minimal public education efforts. Moreover, Health Canada's proposed warning labels on cannabis packaging do not address the specific harms of second-hand marijuana smoke as they do now on cigarette packs.

The Non-Smokers' Rights Association told the Social Affairs Committee that they were shocked that they have not seen anything from the government to educate people that exposure to any kind of smoke is harmful to the heart and lungs. It's clear that educating Canadians about the harms of second-hand cannabis smoke has not been a priority for the government.

As my colleagues have pointed out, in addition to respiratory and cardiovascular harm, there is emerging evidence of a direct relationship between second-hand smoke and psychoactive effects. A systematic review published in the *Canadian Medical Association Journal* suggested that exposure to second-hand marijuana smoke leads to cannabinoid metabolite in bodily fluids and that people experience psychoactive effects after such exposure. More research is needed in this area, but these are unquestionably serious risks beyond the well-accepted toxic effects of second-hand smoke.

Honourable senators, we must do everything in our power to make it clear that just because something is legal doesn't mean that it's safe. After all, the government claims that this legislation is all about harm reduction. In the absence of effective public education to improve Canadians' understanding of these risks, Senator Wells's amendment sends a strong message about the dangers of second-hand cannabis smoke for young children, and that is why I will be supporting it. Thank you.

Hon. Art Eggleton: I'm no fan of second-hand smoke. I don't know why the Conservative caucus is suddenly bringing this up. Why didn't you bring it up with tobacco? People will smoke a lot more cigarettes around a house. That can have an impact.

You talk about extreme cases and the effects. People occasionally using marijuana will not have that kind of impact in their own house.

The motion is tantamount to a ban on smoking marijuana if you happen to have children because most of the provinces who share the responsibility in terms of legislative amendments on this are saying they will prohibit cannabis in public places. So if they are going to prohibit it in public places, then your own home would be the only place you can do it. Yet, if you do and you have a child, you can go to prison for up to 18 months or face a $15,000 fine. That's a very extreme penalty case in this regard.

I think the answer to this is to better educate people about the harms of smoke, whether it is from tobacco or second-hand smoke from cannabis. As the legalization of cannabis proceeds, I think we will see other products such as edibles and vaping, which would be less harmful. However, I think we want to have a significant program of cutting down on the smoking of cannabis just as we have for the smoking of tobacco. As a result of the endeavours of the federal government and all governments in this area of reducing smoking, we've seen quite a reduction over the last few decades. I would think we want to have the same thing in terms of cannabis smoking as well. However, I think telling a person that they can't do this in their home goes too far.

• (1740)

You also put people who are smoking cannabis for medical reasons at a difficulty. What are people who need cannabis for health purposes supposed to do? If they have children, they would have that same dilemma. I think it goes too far to say somebody can't smoke cannabis in their own home and could go to prison for doing it. I think what we need to do is make sure we get the information to those parents so that they act as responsible parents and help to ensure a safe environment for their children in their own home.

But for the government to go in and say it will prevent somebody from doing something, I don't know how you would enforce that to start with. Maybe a neighbour would complain. Police are not going to walk into your house to see if you have lit up and you have a kid in the house. I think it goes too far and I would hope we reject that amendment. It's tantamount to preventing people with children from smoking at all.

Senator Seidman: If I might, will the senator take a question?

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

Senator Eggleton: Sure.

Senator Seidman: You talked about the enforceability at the very end of your presentation and I guess my question to you would be: By the same token, how would we enforce many other aspects of this legislation, for example, four plants in the home? Who will be able to enforce that, and how is that any more enforceable than this proposal?

Senator Eggleton: You have to trust that citizens, by and large, are going to do the right thing. Yes, there will always be — oh, no, I know you don't trust anybody. There are exceptions in every case. There's no doubt about that and certainly the police know how to sniff out a grow op. They have a lot of experience doing that.

Those are the main things we want to do. We want to go after the big criminal elements that have been doing those kinds of things, and the police will be able to do that. They may not worry so much about four plants versus five plants unless it's brought to their attention.

Senator Seidman: Senator, one of the main points that I tried to make in my presentation to support this amendment is also a point that we heard quite a bit about at committee, and that is the misperception that smoking cannabis is not as dangerous to your health as smoking tobacco.

And it's seriously unfortunate, I think — and I'd like to hear your opinion on this — given all the money we have spent as a government over decades to encourage people to stop smoking for them to now perceive that smoking cannabis is far less risky to their health. That could send a signal, even to young people, that it's pretty safe. It's okay. It's not like smoking tobacco.

Senator Eggleton: I don't think anything you smoke is very good for your health and I think we do need vigorous programs to get people to cut down on smoking. I think that as alternate products with cannabis, like edibles, come on the market, they have their own issues, too, but we will look at the regulations and see how they go, as well. That's one of our recommendations. That or vaping could provide for a substitute, as it is in the case for some people in terms of tobacco.

I think one statistic you leave out is the fact that, on average, people don't smoke as much cannabis as they do cigarettes. Some people who are addicted to cigarettes are smoking constantly and frequently and doing so in their own home. The damage that can come from tobacco smoking could be even greater given that, on average, there isn't as much smoking of cannabis in the home.

Hon. Tony Dean: Senator Eggleton, thank you. Given what you have been saying, you may know this, but tell me if you don't, that one of the proposed health warning messages for packaging, released by Health Canada over the last couple of months, says this:

> Warning: Cannabis smoke is harmful. Harmful chemicals found in tobacco smoke are also found in cannabis smoke.

Were you aware of that, and would that be supportive to you?

Senator Eggleton: Little details, good point.

Hon. Jane Cordy: Thank you, Senator Wells, for raising the issue of second-hand smoke from cannabis.

I've spoken in the chamber and I know Senator Seidman has also spoken in the chamber a number of times about second-hand smoke and the dangers of smoking tobacco, and I think the same thing holds true for second-hand smoke from cannabis.

I don't think that there is anybody in the chamber who would deny that second-hand smoke is harmful, not only to children, but to adults as well.

I'm quite concerned about the enforcement of this. Does a police officer knock on your door, give your home a little sniff test, check to see if there is the scent of cannabis and then do a bed check to see how old the children are in the household? I'm not quite sure about how it will be enforced. But, more importantly, I have heard about being tough on crime but smoking cannabis, if this bill passes, it will not be criminal, so it will not be a crime but someone could go to jail for smoking in their own home.

A number of you who stood up spoke about protecting children from second-hand smoke and, indeed, this is what the government is intending to do with this bill — protect the children through regulation and through the law.

Let's look at this scenario. We have a neighbour walking by a house. The curtain is open. They see someone smoking cannabis in the living room. They phone the police. The police come along and not only do they say they cannot tell the individuals to stop because it's legal, but instead they can take the person to jail because, according to this amendment, you can be imprisoned for a term of not more than 18 months, so they take the parent to jail because there are young people in the house.

I'm sorry, but we're talking about protecting children, yet we're going to take the parents to jail for doing something that is legal? Do I think they should be smoking cannabis in their households? No. Do I think they should be smoking cannabis, period? No, but it's legal if this bill passes. So now we are going to be arresting people and putting them in jail for 18 months because they've smoked cannabis in their house with children under the age of 18.

I think that is getting a little carried away. Senator Stewart Olsen spoke earlier about using a hammer, and I think this is using a sledgehammer to kill a flea. It's not protecting children. In fact, it's going to be harmful to children to take their parents to jail for doing something that's legal.

Hon. Wanda Elaine Thomas Bernard: Is there an opportunity to ask Senator Cordy a question?

The Hon. the Speaker: Yes, Senator Cordy still has a few minutes left, so if you wish to ask her a question, go ahead.

Senator Bernard: Thank you. Like others here, I certainly agree with the spirit of this amendment in terms of the effects of second-hand smoke on children. However, I think, like some of the other amendments, there are unintended consequences. Senator Cordy, you talked about the impact that, if a parent is found to have smoked in the presence of their young children, they could go to jail. What would happen to those children in terms of the care and welfare of the children in such cases?

Senator Cordy: Thank you very much, Senator Bernard. That's an excellent question and I know you were a social worker and have dealt with this many times. We know that the children would be taken into protective services by Community Services. That's what it's called in Nova Scotia; I'm not sure what it's called in other provinces. But the children would be taken out of the home unless there was a grandparent or somebody else to take care of them.

• (1750)

I know this would not be helpful to children. As a social worker, you would have seen what this does to families. In terms of unintended consequences, we are doing a prison study in the Human Rights Committee. We see the number of women who

are in prison and what that does to families. It would not be helpful to children, parents or a family situation for doing something, by the way, that would be legal.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Wells, seconded by the Honourable Senator Plett, that Bill C-45 be not now read a third time, but that it be amended — shall I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: We have an agreement for a 15-minute bell. The vote will take place at 6:06 p.m. Call in the senators.

• (1800)

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

YEAS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Ataullahjan	McIntyre
Batters	Mockler
Beyak	Neufeld
Boisvenu	Ngo
Carignan	Patterson
Dagenais	Plett
Doyle	Poirier
Housakos	Seidman
MacDonald	Smith
Maltais	Tannas
Marshall	Tkachuk
Martin	Wells—26

NAYS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	Hartling
Black (*Ontario*)	Lankin
Boniface	Lovelace Nicholas
Bovey	Marwah
Boyer	Massicotte
Christmas	McCallum
Cools	Mégie
Cordy	Mercer
Coyle	Mitchell
Dawson	Moncion
Day	Omidvar
Deacon	Pate
Dean	Petitclerc
Downe	Pratte
Dupuis	Ringuette
Dyck	Saint-Germain
Eggleton	Sinclair
Forest	Verner
Gagné	Wallin
Galvez	Wetston
Gold	Woo—45
Greene	

ABSTENTIONS
THE HONOURABLE SENATORS

Duffy	Richards
Ravalia	Stewart Olsen—4

• (1810)

The Hon. the Speaker: Resuming debate on the main motion.

Hon. Larry W. Smith (Leader of the Opposition): I'd like to spend a few minutes. I studied regulations in the last few days, and I thought I could give some feedback that would be helpful for our whole group in terms of framing present and future bills.

Honourable senators, I wish to speak in response to comments made in the chamber regarding concerns with respect to many critical aspects of Bill C-45 that will be dealt with through regulations that are yet to be seen. It is important to set the record straight so that Canadians understand the liberties the government has taken with the well-established regulatory process in their rush to legalize marijuana.

It was suggested in the chamber, on Friday past, that draft regulations have been published. This is completely untrue. It is true that the government has released several consultation papers, which may provide some clues as to what may be included in future regulations, but we must be clear that this is not an acceptable substitute for a long-standing regulatory process that provides transparency and certainty for Canadians.

Departments and agencies are required to publish draft regulations in the *Canada Gazette*, Part I, to allow for a public comment period, and then take the comments received into consideration. However, we learned that, in October 2017, Health Canada sought a special exemption from the Treasury Board not to publish draft regulations for the cannabis act to ensure that regulations would be in place no later than July 2018, when the government had originally committed to legalizing marijuana.

[*Translation*]

The policy of pre-publishing regulatory proposals in the *Canada Gazette*, Part I, is intended to promote transparency and effectiveness by offering a final comment period before regulations are considered by the minister responsible for the Treasury Board for approval by the Governor-in-Council. There are some very limited circumstances under which proposed regulations may be exempted from pre-publication.

[*English*]

According to the Treasury Board policy, exemptions are granted because the proposed regulations are either minor housekeeping amendments or:

> Regulations that respond to emergencies that pose major risks to health, safety, the environment, or security.

It is clear that regulations under Bill C-45 satisfy neither of those requirements, but the government openly subverted the process based on "timing considerations" resulting from the Prime Minister's previous commitment to have legal marijuana in the hands of Canadians by July 1.

If the government had gotten its act together in time, draft regulations could have been prepublished, allowing for a meaningful comment period. In a recent note to clients, law firm Torys, out of Toronto, explains:

> It is highly unusual for the federal government not to pre-publish draft regulations for consultation and the proposed regulatory framework and subsequent Summary Report still leave many questions unanswered. While stakeholders and industry detailed key concerns, for its part, the government did not provide meaningful insight on where it will land on many regulatory questions leaving many issues still to be resolved. One thing is certain, in its drive to roll out legalization, the federal government is determined to implement the proposed Act as close to the original target date as possible.

Both the government and the sponsor of this bill say that they are prepared to take the time they need to get it right, but it has been clear from day one that the driving force behind cannabis legalization is this government's desire to meet their own self-imposed political deadline, regardless of the consequences for Canadians. This is despite the fact that stakeholders have expressed concerns about their ability to comply with regulations that they haven't seen and despite questions from provinces and territories about how they can be expected to align their own regulations in the absence of specific regulatory text.

This is doubly important when we consider that many critical issues relating to legalization are not dealt with in the bill itself. Expert witness testimony received at the Social Affairs Committee was concerned with the issues that are not defined in legislation, including questions about outdoor commercial cultivation, THC content, packaging and labelling requirements.

The Cabinet Directive on Law-Making provides clear guidance on this matter:

> Matters of fundamental importance should be dealt with in the bill so that parliamentarians have a chance to consider and debate them. The bill should establish a framework that limits the scope of regulation-making powers to matters that are best left to subordinate law-making delegates and processes.

Colleagues, it is clear that many of the issues that the government has deferred to regulation involve important matters of policy and principle, which is a clear departure from the law-making process. Relegating key legislative questions to regulations is becoming a pattern with the government, leaving key questions in the hands of officials, while tying the hands of parliamentarians.

Even supporters of legalization readily admit that legalization alone does not reduce the health harms and risks of cannabis. We know from decades of experience with tobacco and alcohol control that choosing the right mix of regulations is crucial. To quote from the Centre for Addiction and Mental Health's Cannabis Policy Framework so frequently cited by the sponsor of the bill, "[w]hether legalization is a net positive or negative for public health and safety largely depends on regulatory decisions and how they are implemented."

The government's proposed regulatory approach to cannabis leaves serious health and safety questions unanswered. All Canadians deserve to know the facts about how legal marijuana will affect their daily lives. No matter how widely the government claims to have consulted, they have sacrificed transparency for the sake of a political deadline.

• (1820)

With so few details offered in the bill itself and without seeing the regulations, we have no way of knowing if they will protect the health of Canadians or keep our kids safe.

The resumé was not to criticize anybody. It was to hopefully outline the importance of regulations so that all of us in this house truly understand how things should work from the actual process, start to finish, with making laws and the importance of regulations. Listening to it and having people say a couple of times, "The regulations, the regulations," well, the regulations aren't made, and they did get a pass on the regulations.

The question is this: As parliamentarians, do we want to make sure, moving into the future, that laws we receive have the proper support structure to make them complete? That's all I wanted to share with you today, because maybe as we move forward, it will give us food for thought in terms of how we handle future legislation. Thank you very much.

Hon. Rose-May Poirier: Honourable senators, I rise here today to talk about the important issue of what the age should be for access to legalized cannabis. The current provision in Bill C-45 proposes to have 18 years of age be the set age for legalized cannabis, and it gives the provinces the latitude to move that age. Unfortunately, I'm worried that the age of legalization as it is right now will do more harm than good, especially if it remains asymmetric.

At the Social Affairs Committee, we heard a wide spread of expert opinions on what the age limit should be. We heard 25, 21, 19 and 18. The age of 25 was proposed especially due to health concerns for the development of the brain. According to Dr. Sharon Levy, Medical Director of the Adolescent Substance Abuse Program at Boston Children's Hospital and Associate Professor of Pediatrics at the Harvard Medical School, who appeared on April 16 at the Social Affairs Committee:

> The suggestion to push the age limit higher is really one to protect the public health because the scientific data is so clear that the developing brain is really at risk from marijuana use. This age range from adolescence into early adulthood is when people become addicted to substances, particularly marijuana. The people who experience the greatest harms are those who are using in this age range. So anything that you can do to delay that age of initiation is protective of the public health.

She's not the only one to have expressed her concerns on how the use of cannabis can have serious effects on a young person's brain. We also heard from Dr. Meldon Kahan, who believed the age should be increased to 25:

> I really believe, as do many of my peers, that the legal limit should be increased from 18 to 25 years. Twenty-five is an age which is shown to be where the brain is fully matured and there seems to be somewhat fewer harms from cannabis after that age. That increase in age will make it more difficult for youth to use cannabis.

Honourable senators, there is a concern in having the age so low. At 18, the brain is still developing. Legalizing it at 18 sends a different message our youth. It tells them that cannabis is no longer a drug and is not as harmful as it was perceived to be.

According to Dr. Harold Kalant, Professor Emeritus in the Faculty of Medicine at the University of Toronto, who appeared on April 16:

> The medical evidence is that the susceptibility of maturation of important parts of the brain to detrimental effects from cannabis continues to an age of about 24 or 25. I think there is very little possibility of expecting that Parliament will accept an age limit of 25. All I can say is that the later it is, the better. I think 21 is definitely better than 18 or 19.

Dr. Kalant's approach, in my opinion, is the right compromise, honourable senators. We have heard that the younger the user begins consuming cannabis, the higher the risk of having negative consequences to the development of the brain. The safest age to consume cannabis with minimum effect on the brain is at 25. On that data, the majority of the medical experts agree. The disagreement is on how to balance the health risks of exposing our youth to cannabis and the social norms of today.

Honourable senators, I do believe having the age set at 21 is a cautious compromise. It is not to be restrictive or out of mistrust when an individual of 18 cannot make the decisions to consume cannabis or not. It is out of cautiousness to have flexibility or, as we say in French, *une marge de manoeuvre*.

If Bill C-45 is adopted as it is right now with the age set at 18, we are stuck with that age; our hands will be tied. There's no way we can adapt, for example. If 3, 5 or 10 years into legalization we come to the conclusion that cannabis is more harmful to the developing brain than anticipated, we have no way to bring it up to 21. Once it is set at 18, we are stuck with the age limit. It will be nearly impossible to bring it up to 21 and change the course of normalization that would have occurred.

However, if in 3, 5 or 10 years from now we come to the conclusion that cannabis is not as harmful to the developing brain and our data shows that public education has worked well and that the risk to slide it down to 18 is minimum, we have that flexibility.

One of the arguments made for 18 is to align it with alcohol. How has that worked? According to Statistics Canada, despite the fact that it is illegal to sell alcohol to anyone under 18, 27.9 per cent of Canadian youth ages 12 to 17 reported consuming an alcoholic beverage in the previous 12 months. Among those who did drink, 41.8 per cent of them did so at least once a month.

So there is still usage under 18, and there will continue to be for cannabis as well.

The argument has been made that if the age of access is set to 21, individuals between the ages of 18 and 20 will be pushed to the illicit market, but I can make the same argument of having it at age 18: It will also push all the kids under 18 to the illicit market.

We obviously do not want any individual going to the illicit market, and we can drive that message with public education. We have also heard how the government has begun their public education campaign well in advance. They have put some funds in this budget. Provinces have also put money in their own campaigns that include having producers inject money for public awareness. If that argument was good for that it would educate those under 18 on cannabis and its harms, it will be just as beneficial for those between 18 and 20 who risk going into the illicit market.

Honourable senators, please let me assure you this is not a case of "reefer madness." I am not predicting a doomsday scenario. I want our society to treat the age of access with caution, based on the medical and health data. The evidence might not be conclusive, but we do know there is a risk, and the potential is always there for the risk to be worse.

We need to be careful on this and give ourselves the flexibility and wiggle room to adjust it if we have it wrong. It is much more doable and realistic to soften regulations instead of tightening them down the line. If we have it wrong at 21, we can slide down. If we have it wrong at 18, we are stuck. At the end of the day, it will be our youth who will suffer the consequences.

MOTION IN AMENDMENT NEGATIVED

Hon. Rose-May Poirier: Therefore, honourable senators, in amendment, I move:

That Bill C-45, as amended, be not now read a third time, but that it be further amended

(*a*) by replacing "18" with "21"

(i) in clause 8, on page 7, in line 2,

(ii) in clause 9,

(A) on page 9, in line 16, and

(B) on page 10, in lines 7 and 13,

(iii) in clause 10, on page 11, in lines 10, 11, 18 and 25,

(iv) in clause 12, on page 13, in lines 13, 21 and 28,

(v) in clause 17, on page 18, in lines 18 and 33, and

(vi) in clause 32, on page 24, in line 15;

(*b*) by replacing "a young person" with "an individual who is 12 years of age or older but under 21 years of age"

(i) in clause 8, on page 7, in line 9, and

(ii) in clause 12, on page 14, in line 2;

(*c*) in clause 9, on page 9, by replacing line 14 with the following:

"than 30 g of dried cannabis if the individual is 21 years of age or older or to more than 5 g of dried cannabis if the individual is 18 years of age or older but under 21 years of age,";

(*d*) in clause 12, on page 14, by replacing line 16 with the following:

"(4), (5), (6) and (7) or any organization that contravenes sub-";

(*e*) in clause 32, on page 24,

(i) by replacing line 12 with the following:

"to sell a cannabis accessory to an individual who is under 21 years of age.", and

(ii) by replacing line 14 with the following:

"that the accused believed that the individual referred";

(*f*) in clause 51, on page 29, by replacing line 15 with the following:

"the contravention of any of paragraphs 8(1)(a), (b) and (c) or any of";

(*g*) in clause 62, on page 37, by replacing line 11 with the following:

"**(i)** an individual who is under 21 years of age,"; and

(*h*) in clause 69, on page 40, by replacing line 26 with the following:

"**(b)** they may not sell cannabis to individuals who are under 21 years of age;".

• (1830)

The Hon. the Speaker: Honourable senators, in amendment, it was moved by the Honourable Senator Poirier, seconded by the Honourable Senator Marshall, that Bill C-45 be not now read a third time but that it be amended — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: On debate on the amendment.

Hon. Leo Housakos: Honourable colleagues, Amy Porath, Director of Research and Policy, Canadian Centre on Substance Use and Addiction; Dr. Sharon Levy, Medical Director, Adolescent Substance Abuse Program, Boston Children's Hospital, and Associate Professor of Pediatrics, Harvard Medical School; Dr. Meldon Kahan, Medical Director, Substance Use Service, Women's College Hospital; Department of Family and Community Medicine, University of Toronto; Association des médécins psychiatres du Québec. What do all these have in common? They all agree with Health Canada that human brain development continues into young adulthood to the age of 25 years old. And they all testified at Senate committees about the merits of increasing the minimum age for marijuana use to reflect this reality.

There is no denying that the adverse effects of marijuana use on the developing brain continue until 25 years of age. This is not in dispute. So why would we set the minimum age so low at 18?

Again I remind my honourable colleagues of what is supposed to be the overarching purpose of this legislation, which is protecting young people and decreasing the use of cannabis amongst our youth. How does setting the minimum age of use at 18 do that when we know beyond a doubt that the age of

vulnerability continues until 25? Why do we care less about the crucial brain development that occurs in those last seven years? Why the arbitrary age of 18?

We have all heard about the negative impacts of marijuana use. Allow me to remind this chamber of just a few, keeping in mind that this legislation is legalizing the exposure of developing brains of young Canadian people to these risks.

According to the Pediatric Chairs of Canada, evidence suggests a direct link between significant mental health issues in youth who use cannabis regularly, such as dependency, psychosis and depression.

As we heard from the Canadian Paediatric Society at committee, scientific research over the last 15 years established that the human brain continues to develop into a person's early twenties. Concerns are rising that exposure to cannabis during this important developmental period causes greater adverse effects in adolescents compared with adults, whose brains are fully developed.

According to a study published in Deutsches Ärzteblatt International, between 17 per cent and 25 per cent of teenagers who use marijuana will progress to abuse or dependence.

Users of marijuana can develop marijuana use disorder, symptoms of which include tolerance and withdrawal. Marijuana withdrawal includes irritability, anger or aggression, anxiety, depressed mood, restlessness, difficulty sleeping, decreased appetite and weight loss.

Marijuana use has been found to contribute to anxiety and depression. Evidence suggests that using marijuana during teenage years is linked to the development of mood and anxiety disorders.

In a meta-analysis conducted by the American Medical Association in 2003, evidence of mental impairments in the ability to learn and remember new information was reported in chronic cannabis smokers.

Researchers are beginning to determine how it is that marijuana causes these effects and suspect that marijuana use during developmentally sensitive periods like adolescence could be responsible for the long-lasting deficits seen in mental functioning. That's from the Caballero K. Y. Seng Association.

That same research has established that people who begin to use marijuana in their early teens achieve poor test scores in tasks of executive brain functioning, working memory, abstract thinking and impulse control.

Then there are the physical effects.

Smoking harms your respiratory tract. Tar from a marijuana cigarette harms the lungs, and smoking it increases one's chance of developing respiratory diseases, including lung cancer.

Smoking marijuana is known to have negative effects on cognition. Effects include difficulties with attention, problem solving and impaired judgment, decision making and ability to learn.

And what about the impaired driving and the myth among young people that marijuana impairment is different from alcohol impairment?

While the effects of marijuana are different from alcohol, it similarly impairs reaction times and the ability to concentrate on the road. When a person consumes marijuana, his or her heart rate increases, short-term memory is impaired, and attention, motor skills, reaction time and the organization of complex information are all reduced. All of these impacts are crucial for driving a motor vehicle.

Yet you really think young people whose brains are not fully developed are going to take all of this into consideration when they get behind the wheel high? They think they're invincible at that age.

While I would like to see the minimum age set at 25, I agree with Dr. Harold Kalant, Professor Emeritus, Faculty of Medicine at the University of Toronto, who had this to say:

> I think there is very little possibility of expecting that Parliament will accept an age limit of 25. All I can say is that the later it is, the better.

Dr. Sharon Levy, Medical Director, Adolescent Substance Abuse Program, Boston Children's Hospital, and Associate Professor of Pediatrics, Harvard Medical School, said the following at committee:

> . . . increase the minimum age for purchasing cannabis to 21. Age restrictions can be effective at reducing substance use by youth. Brain development continues through the mid 20s. Setting a minimum age of 21 within federal law will not only push the average age of initiation higher, but the uniform standard will also ease enforcement.

Dr. Levy did go on to say that from a medical point of view, she thinks 25 would be better. She said:

> The suggestion to push the age limit higher is really one to protect the public health because the scientific data is so clear that the developing brain is really at risk from marijuana use. This age range from adolescence into early adulthood is when people become addicted to substances, particularly marijuana. The people who experience the greatest harms are those who are using in this age range. So anything you can do to delay that age of initiation is protective of the public health.

When asked about the advantage to increasing the minimum age, the committee heard the following:

> The sooner we can get people to shift the top of the bell curve over to the 21 marker as opposed to the 18 or the 15, the better off we will be in the residue that will become our permanent addicts and cost us a fortune.

That's from Glenn Barnes, Advisory Council Member, Drug Free Kids Canada.

> The use of cannabis in adolescents can cause irreparable damage to their developing brains, and we cannot ignore this. Setting quantity and potency limits of cannabis to those under the age of 25 is crucial to the mental health and well-being of our youth.

That's from Corey O'Soup, Advocate, Saskatchewan Advocate for Children and Youth.

> The earlier teens start using, the greater the impact on their brain and their risk for developing substance abuse disorders later in life.

That's from Margie Skeer, Associate Professor, Department of Public Health and Community Medicine, Tufts University.

Ms. Skeer went on to say that research has shown that:

> . . . each year . . . we can delay initiation of substance use, [it] has a long-term influence on the risk of developing substance use disorders over time for young people. This is a critical juncture we are in with respect to long-term disordered use of substances, including marijuana.

I don't want to bore you, colleagues, with my opinion, so I'm giving the opinions of experts. And finally, Dr. Philip Tibbo, Professor, Department of Psychiatry, Dalhousie University, put it quite simply when he told the committee:

> . . . the CPA continues to maintain that Canadians should not be legally allowed to use cannabis until the age of 21 . . . .

The witness testimony, colleagues, from all corners of public health professionals is clear. It's unequivocal. The higher the better when it comes to the minimum age.

I know some of my colleagues may argue that we set the age of consumption of alcohol at or about 18, depending on the province, and that we set the age for driving even lower. I've heard the arguments about deeming young people as adults well below the age of 25 or 21 on a host of other activities, so why should this be any different? To that, I would argue that that trend is starting to change. Only this past year, we saw in Ontario the provincial government implemented a prescription drug program that provides what it calls "young people" with free prescription drugs, at 25 and under. Clearly the Ontario government believes someone is a youth in need of special consideration well past the age of 18. They can't be responsible for purchasing their own medication, but let's let them use marijuana freely at any time.

• (1840)

At any rate, again I will say, notwithstanding my objection to legalization of marijuana altogether, in the interest of what is stated as the overarching purpose of this bill — protecting young people and decreasing usage amongst young people — I don't see how we can't adopt this amendment to increase the minimum age from the proposed 18 years of age to 21.

Honourable colleagues, we have an obligation to young people in this country. We have an obligation in passing government legislation and doing sober second thought, but we also have an obligation to the vulnerable. And the most vulnerable in this country, based on medical opinion and scientific opinion, are young people up until the age of 24.

If the Senate of Canada doesn't stand up and do the right thing and protect vulnerable people, then we are not doing our job as senators responsibly on behalf of people in this country.

Hon. Denise Batters: I am pleased to rise today in support of Senator Poirier's amendment on raising the age of access to marijuana to 21. Frankly, honourable senators, the fact is this: setting a minimum age of 18 will not protect young people. There are very serious mental health implications for teenagers and young adults consuming marijuana, and we have an obligation as parliamentarians to protect vulnerable populations, which includes youth. At the very least, we should "do no harm" to them with the laws that we pass in this honourable place.

Even though we generally view 18- to 20-year-olds as adults under the law, the fact remains that marijuana has detrimental impacts on the developing brains of youth, which don't reach maturity until around age 25. While the argument might be made about the emotional maturity and awareness of young adults in this age group, we cannot deny science, honourable senators. Experts have been very clear on this.

Medical professionals have testified that increased marijuana use before the age of 25 increases one's risk of developing mental illnesses by up to 30 per cent over those who had not used marijuana. And the earlier youth begin consuming the higher the risks. There is a strong association between daily marijuana use and depression in young people. The Canadian Medical Association has stated that the risk of dependence on marijuana almost doubles when marijuana use starts in adolescence. The Canadian Paediatric Society found that the risk of developing schizophrenia is doubled in heavy cannabis users, and schizophrenia is a mental illness that often begins late in adolescence or early adulthood.

Consuming marijuana can also contribute to the onset of psychosis in some youth. During our study on Bill C-45, the Senate Legal Committee heard from Dr. Karine Igartua of the Association des medicins psychiatres du Quebec. She had this to say about marijuana use and its impact on young people:

> . . . THC is the substance that provokes psychosis, and that will cause schizophrenia to appear 2.7 years earlier among those who consume it. THC worsens the prognosis.

Dr. Igartua indicated that it is difficult to predict which adolescent or young person will be affected:

> . . . the problem is that it's like Russian roulette, because we don't know in which adolescents the consumption of even a single joint will trigger psychosis. Others may be able to smoke daily for two or three years before they develop paranoia, or hallucinations, et cetera. But for certain people, a single joint will trigger all of that.

She went on to say:

> In terms of the function of the brain, we know that the memory and concentration are less. How it creates psychosis, we don't yet know. We don't know in whom it will create psychosis. We do know that, on average, people who smoked once in their lifetime have a 40 per cent increased risk of developing psychosis. People who smoke regularly and often in high quantities have a 390 per cent risk, or a four times risk of developing psychosis.

Because of the effects of marijuana on the developing adolescent brain, both the Canadian Psychiatric Association and the Canadian Medical Association recommended placing the age of access to marijuana at 21, with restrictions on THC potency and quantity for those under the age of 25. The age of 21 is a compromise.

One advantage I see in raising the age to 21 is that it would limit some access to marijuana by kids who are in high school. Sixteen- and 17-year-old kids are more likely to hang out with 18-year-olds rather than 21-year-olds.

A huge number of 18-year-olds are students in Canadian high schools. In fact, I asked Health Canada officials when they appeared before the Senate Legal Committee how many 18-year-olds are still in high school. Their eventual written answer was based on information from Statistics Canada, and they stated:

> Just over 4.75 million students are in regular programs in public elementary and secondary schools in 2015/2016. Of that number, 71,886 were 18 years old.

That sounded like a surprisingly low number out of 4.75 million students, so I took a closer look at those numbers. Then, the reason for the low number was clear. The data was collected in September of that year, when the vast majority of Grade 12 students would still be 17. If that survey was done in June for Grade 12 students, how many 18-year-olds would be in high school then? Honourable colleagues, I'm certain that number would be in the hundreds of thousands.

By leaving the age at 18, the federal government is effectively telling all those 18-year-old high school students that it's perfectly okay for them to use marijuana. And they are essentially putting that product directly into a high school environment. What message does that send to younger kids in that same school? If their 18-year-old friends can do it legally and can "socially share" it with them, it must be okay, right?

Obviously, we would have fewer of these problems if the age for accessing marijuana was 21. Clearly, almost all 21-year-olds are out of high school. Likely most of their friends would be too. It would be a better natural dividing line between kids in high school and young adults.

Honourable senators, please note also that in every single U.S. state where marijuana is legal, the minimum age for access is 21. I know that the federal government talking points on raising the age limit is that provinces are permitted to raise the age limit as they prefer. It must be at least 18 across the country, but the age for access might be higher in some provinces, as with alcohol. What is the outcome of differing ages on alcohol between regions, honourable senators? A patchwork application of ages in different provinces will mean that once again some provinces of the country will see the movement of marijuana over provincial borders in order to access marijuana in provinces with an age of 18. We often see this happen right here this Ottawa, where 18-year-olds traipse across the very nearby provincial border, steps from Parliament Hill, to the purchase alcohol from Quebec where the drinking age is 18. It is hardly a stretch of one's imagine to consider that similar circumstances would result with marijuana.

I know some of you may view marijuana as no big deal. Kids are going to smoke it anyway, we may as well make sure they do it safely, whatever that means. Yes, they probably are. But we, as the adults in their world, don't have to condone it for them. We don't have to just give up and give in, and we don't have to allow it legally into their high schools. What kind of message does that send to kids? It reinforces all the myths about marijuana not being harmful or addictive. If it's "no big deal," maybe it's no big deal to smoke up and drive, either. Lots of people, kids included, believe marijuana doesn't affect their driving, but, of course, we've seen the repercussions of that in accident statistics.

It is a myth that marijuana is not harmful, honourable senators, particularly to young people. Marijuana has real and negative impacts on developing young brains, and it can have lasting mental health repercussions. Given all the work I have done for mental health advocacy in Canada over the last several years, I cannot condone any measures that would make it more easily accessible to kids based on that alone.

Bill C-45 will make it easier for kids to access marijuana. It will mean they can get it from their 18-year-old friends or siblings who can now buy it legally. If the "social sharing" provisions passed at the Social Affairs Committee are maintained, those friends and parents can share it with them with lesser consequences. Their parents and siblings are now legally allowed to grow four plants in their own homes. You can't tell me that these provisions will keep marijuana out of the hands of kids. If anything, these legalization measures will make marijuana more widespread among adolescents, especially when you consider that legalizing it in the first place is understood by kids as tacit approval.

Honourable senators, it's all well and good to post tweets about mental health once or twice a year on social media, or to participate in glossy communications campaigns encouraging those suffering with mental health issues. But this — right here — is where the rubber hits the road. You either stand on the side of protecting kids' mental health or you don't.

As a senator, right now, you have the opportunity to keep kids from something that puts their mental health at incredible risk. Please join me in supporting Senator Poirier's amendment to raise the age of access to marijuana to 21. Let's keep marijuana out of our high schools and keep Canada's young people safer.

• (1850)

Hon. Tony Dean: I will be responding to the motion. First, I thank Senator Poirier for her constructive commentary alongside this motion, and I can absolutely say there was no reefer madness rolled into your presentation.

For the record, like Senator Housakos, I'm a big fan of Dr. Amy Porath and share admiration for her expertise. Here's an exact quote from the transcript of the Senate Social Affairs Committee:

> I think the age of 18 strikes a nice balance. We know from the medical literature that 25 would be best, but we know that youth under the age of 18 are using. We know that for those youth who are using, there can be criminal sanctions. We really need to minimize harms with this bill, and I think the provinces and territories have the latitude to increase the age. If we can emphasize the importance of public education, this will really help to get the message out for young people that they need to delay use as much as possible to protect their brain health.

That's what we heard from Amy Porath at committee.

I rise to speak against the motion and these are my reasons. We haven't heard about the provinces and territories in the debate so far. We know that Bill C-45 sets out a minimum age of 18 for cannabis consumption, purchase, possession and cultivation and acknowledges that the provinces and territories have the authority to increase this minimum age. That was a recommendation from the task force. So we're not stuck with the choice of 18 or 19. Provinces and territories can adjust upwards if they want. We know that each province and territory explicitly chose not to raise the age of legal consumption higher than this, but they may do that later, based on experience with the legislation.

Proponents of this amendment argue that there is emerging evidence that the human brain continues to develop to age 25 and that cannabis use before this age will have detriment effects on brain development. That evidence is not entirely conclusive. We were advised by Dr. Bernard Le Foll at the Social Affairs Committee that the risk of harms from cannabis drops off sharply in the later teens, and that kind of makes intuitive sense, doesn't it? We would expect the brain of a 19-year-old to be far more developed than a 13-year-old's, and I suppose that's why we allow 19-year-olds to take on all the other markers of adulthood in our society.

We did hear absolutely conclusive evidence that the greatest risk of harms is for heavy and frequent cannabis users in their early teens, not at age 18, 19 or 20 but in their early teens, and that's where our focus should be.

So here are some considerations.

First, this debate isn't a new one. The Task Force on Cannabis Legalization and Regulation surfaced this at the outset. The report acknowledged that:

> . . . current science is not definitive on a safe age for cannabis use, so science alone cannot be relied upon to determine the age of lawful purchase.

The task force concluded:

> There was broad agreement among participants and the Task Force that setting the bar for legal access too high could result in a range of unintended consequences, such as leading those consumers to continue to purchase cannabis on the illicit market.

And we know there are a number of cannabis consumers in this age range. We know that 30 per cent of people aged 20 to 25 use cannabis, and we also know from Statistics Canada that the median age of initiation is 17.

So, honourable senators, raising the age of legal access would have the effect of driving the largest cohort of cannabis consumers to remain in the illegal market. This obviously detracts from one of the key purposes of the bill, which is to protect the health and safety of those Canadians who continue to use cannabis by encouraging safer consumption and warning about the risk of harms associated with the drug.

We have had extensive debates in this place about the importance of health warnings and potency labelling. I remind you that we concluded the other day in here that one of the best places to do this for adult consumers is at the point of sale. Consumers will not have these protections in the illegal market nor will they be protected by the quality controls required in the legal and regulated market.

I know that driving young adults to the illegal market is not the intention of this amendment. I understand that, but I'm suggesting that this is what its impact will be. Most provinces and territories have chosen to align the minimum age of cannabis consumption with alcohol consumption in their respective jurisdictions — either 18 or 19 — while some have left alcohol at 18 and moved to the more precautionary age of 19.

Each province and territory explicitly chose not to raise the age of consumption higher than age 18 or 19, and most have enshrined this in their own jurisdictional legislation, having all the information that is available to all of us in this place.

I'm respectfully going to suggest that it's not the role of the Senate to second-guess elected provincial and territorial governments. It's one thing to be paternalistic in wanting to tell 25-year-old Canadians what they can and can't do, but doing this with elected legislators is a touch excessive.

Medical and health associations and educators in Canada have thought about this, too. The following organizations support age 18 or 19 as the entry point for legal access to legal cannabis: the Canadian Paediatric Society; the Canadian Association of Paediatric Health Centres; the Paediatric Chairs of Canada; the Institut nationale de santé publique; the Centre for Addiction and Mental Health; the Canadian Public Health Association; the Canadian Mental Health Association; the Registered Nurses' Association of Ontario; Educators for Sensible Drug Policy; and Canadian Students for Sensible Drug Policy. And we have already heard Dr. Amy Porath's advice on age 18.

Honourable senators, as sponsor of the bill, I have thought a lot about this question over the last year. I have listened to evidence on harms and age. I've read and reread the task force report. I've watched the response of provincial and territorial legislatures. And I was particularly influenced by Dr. Christina Grant of the Canadian Paediatric Society, who appeared at the House of Commons Health Committee as a witness and, most recently, as a panel member for an event organized by Senator Oh in January, here in the Senate, who stated in her testimony to HESA that:

> Aligning the legal age for cannabis use with that of other legally controlled substances, notably alcohol and tobacco, would help ensure that youth who have attained age of majority have access to a regulated product with a known potency.

On the same question, the expert task force landed on the age of majority as a well-established marker of maturity in Canada, noting that any age-related risks can be mitigated for 18- to 25-year-olds by encouraging governments to do all they can to discourage and delay cannabis use through measures such as restrictions on advertising, and public education.

This seems to me to be a sensible balance. Senators, age 18 is generally considered the age of majority, at which young adults can make risk-informed decisions about potentially hazardous activities such as driving vehicles, joining the Armed Forces, fighting in foreign wars, buying and using legal weapons, and buying and consuming alcohol and tobacco, which is arguably more harmful than cannabis.

So today, honourable senators, let's listen to the advice of the task force and the medical and health associations I just mentioned. Let's respect the thoughtful and informed decisions made by provincial and territorial legislators across the country, and let's respect the rights and autonomy of young adults to make informed decisions about what they do and don't do, while ensuring that we will support them with useful and sensible public health information.

I will not repeat these remarks in the event that there is a later amendment also related to age. These remarks will stand, potentially, in relation to the two amendments.

Thank you very much.

Some Hon. Senators: Hear, hear.

[*Translation*]

The Hon. the Speaker: Senator Maltais, Senator Dean has one minute remaining if you wish to ask him a question.

Hon. Ghislain Maltais: Thank you.

In your speech, you said that you read and reread the debates from provincial and territorial legislative assemblies. The National Assembly of Quebec is gearing up to vote on Bill 157. What do you think of that bill?

[*English*]

Senator Dean: I will readily admit that I can't tell you about that bill. What I said was I have read and reread the Task Force Report on Cannabis Legalization and Regulation, but I would be happy to provide that information to you once I look at my notes. I will send that to all senators in this place, as has been my practice, namely, one of transparency and information sharing, whether I'm right or I'm wrong or I've got something in between. Thanks for the question.

• (1900)

The Hon. the Speaker: Your time has expired, Senator Dean.

On debate on the amendment, Senator Pratte.

Hon. André Pratte: Honourable senators, briefly, I would invite my honourable colleagues to do what I did during part of the last weekend. I googled "youth alcohol brain development." If you do so, you will find tons of research showing that young people under 21 who drink, especially those who indulge in binge drinking, which is very popular at that age, run a high risk of brain development issues.

For instance, one such study directed by Dr. Silveri of the Harvard Medical School concludes:

> Discouraging alcohol consumption until neurobiological adulthood is reached is important for minimizing alcohol-related disruptions in brain development and decision-making capacity, and reducing the negative behavioral consequences associated with underage alcohol use.

"Underage" here means in the U.S. and it is under age 21.

I suspect if we asked many of the experts quoted today whether it would be a good thing to have people start drinking after the age of 21 they would have said yes. Yet we've decided as a society in Canada that young people could start drinking at 18 or 19, even though alcohol is a very dangerous product if you start early or if you abuse alcohol.

So why would we have a different age for cannabis even though we know, for instance, that alcohol kills over 5,000 people in Canada each year? We have no such data for cannabis, yet we know that alcohol is extremely dangerous and we have an age of 18 or 19. I suspect there are two reasons for this. The first reason is we know from experience that prohibition for alcohol is totally futile.

The second reason is that we trust young Canadians to make the right choices if we educate them and if we engage in a dialogue with them. We trust young Canadians to make the right choices, and that's exactly what this bill is about — it's about trusting young Canadians to make the right choices.

So if we don't trust young Canadians to make the right choices, we prohibit, which is exactly what this amendment is about. And if we don't trust young Canadians to make the right choices, then we should be logical and we should have the same attitude for alcohol. We should have a minimum age of 21 for alcohol and we should have a minimum age of 21 for driving, which is extremely dangerous and kills. Alcohol-impaired driving kills between 600 and 1,000 Canadians each year, and the large majority of these accidents involve young people who are impaired by alcohol.

So the minimum age should be 21 for driving, and it should be 21 for joining the army, and for buying a weapon, a firearm, which is extremely dangerous if you don't know how to use it. But we don't do that in Canada because we trust young people, young Canadians, to make the right choices. I trust that young Canadians, if we educate and engage in dialogue with them, will make the right choices regarding cannabis. That's why I will vote against this amendment.

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

Senator, I don't agree with you that it's not about trusting youth. When the science, the evidence and the Canadian Medical Association appear before the committee talking about evidence of the importance of brain development until age 25, I don't understand some of the other examples you gave about keeping the age at 18 for cannabis. It's based on the science that we have been told by so many experts. How would you respond to that?

Senator Pratte: Two things. First, the science says exactly the same thing about alcohol, exactly the same thing. Yes, it does. Google what I said. Google "brain development, alcohol, young people." You'll get the same results.

Second, the choice is not between young Canadians, young adults, consuming cannabis or not consuming. They will consume it anyway. So that's not the choice. They will.

The choice is between making it legal and giving us the opportunity to engage in a dialogue with them about how to use it and not to use it, or use it reasonably if they choose to use it. That is the choice because they will use it anyway. For Canadians aged 20 to 24 years old, 33 per cent of them use it now and it is illegal.

Senator Martin: Do you then trust that the 18-year-olds will be more responsible and will not be sharing marijuana with 16- and 17-year-olds?

Senator Pratte: I'm not sure I see the relationship with this amendment, but, again, I think it's a matter of engaging in a dialogue with young people, which you cannot do if you simply prohibit them or forbid them from doing something. You know that as a parent. When a young person becomes older, you cannot simply prohibit. You have to discuss with them — at least that's been my experience with my kids. When they're 17 or 18, you can't just tell them to go in their room and they can't do that. That's not the way you raise kids.

The Hon. the Speaker: Honourable Senator Martin, other senators want to ask questions and we're running out of time. If I have more time, I'll come back to you.

Hon. Frances Lankin: Senator Pratte, following up on that, I'm wondering if you are aware that the latest research that has come out, which was produced and published while we were hearing evidence in committees, refutes what some of the experts said about the science on this, and that wasn't the entire testimony that we heard, senator. I wanted to ask you if you're aware of that. It was published in the GEMA psychiatric report and is a meta-analysis of all the research that's been done on youth and brain development. It shows that there's very little correlation, and only in particular circumstances, which is the reason why I think we need the public education. Are you aware of that study?

Senator Pratte: Yes, I did see this research, but I think research evolves and will be evolving, so I will not try to put one study against another. Frankly, I'm not an expert, so I accept the fact that some research shows that there is some impact.

Again, my point is there is lots of research that shows the damage of consumption of alcohol by young people is also extremely risky, and I think that education is the key, not prohibition.

The Hon. the Speaker: We still have two minutes left, Senator Martin.

An Hon. Senator: You don't have to use it.

Senator Martin: I know that we've heard that there are 30 years or decades of research and there's overwhelming evidence, even though there may be some emerging studies that may show some other evidence.

In any event, in terms of raising the age, do you think raising the age, let's say even to 19, but to 21, could eliminate the complications that I described in high schools, where we have 18-year-olds with underage students? Do you think that having at least the students who are in high school, all being under the age limit, would potentially reduce the risks, the exposure and the access to cannabis that I raised yesterday?

Senator Pratte: I think the solution in high schools is high school policy. Most high schools that I know of already have a zero-tolerance policy. Yet, I also know that around most high schools, marijuana is easily available, at least — and, again, I'm sorry to refer to my experience and my kids and their friends, but marijuana was easily available and they could find ways to get it, again, very easily. Education was in this case the key again, not prohibition.

Senator Housakos: Senator Pratte, you keep referring to the faith you have in young people. Stat after stat, you put forward that young people are the highest users of marijuana. As you get older, the use of marijuana starts going down. Don't you think that shows the wiser people in our society, as they get wiser, will use it less and less, for good reason? Isn't it incumbent on those older, wiser people to protect those young people who are clearly in danger when they show bad judgment?

• (1910)

Senator Pratte: I don't think young people get wiser by prohibiting things. I think young people learn by themselves. They learn by example and they learn by being treated as adults. When they're 18, 19, 20, they're young adults. Again, in my experience, it is by engaging with them, by treating them like adults and by reflecting with them. I think that's the way they become adults. That's the way they learn. That's the way they gain experience. It is not by prohibition. Prohibition, in my experience, is not the way they learn. If you prohibit things, they will try to learn things by themselves. That's my experience.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Poirier, seconded by the Honourable Senator Marshall, that Bill C-45 be not now read the third time but that it be amended — may I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have a 15-minute bell? The vote will take place at 7:25 p.m.

Call in the senators.

• (1920)

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

YEAS
THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Beyak
Boisvenu
Carignan
Dagenais
Doyle
Duffy
Greene
Housakos
MacDonald
Maltais
Marshall
Martin
McInnis
McIntyre
Mockler
Neufeld
Ngo
Oh
Patterson
Plett
Poirier
Richards
Seidman
Smith
Stewart Olsen
Tannas
Tkachuk
Wells—31

NAYS
THE HONOURABLE SENATORS

Bellemare
Black (*Ontario*)
Boniface
Bovey
Boyer
Campbell
Christmas
Cools
Cordy
Coyle
Dawson
Day
Deacon
Dean
Downe
Dupuis
Dyck
Eggleton
Forest
Gagné
Galvez
Gold
Griffin
Harder
Hartling
Lankin
Lovelace Nicholas
Marwah
Massicotte
McCallum
McPhedran
Mégie
Mercer
Mitchell
Moncion
Munson
Omidvar
Pate
Petitclerc
Pratte
Ravalia
Ringuette
Saint-Germain
Sinclair
Wallin
Wetston
Woo—47

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1930)

The Hon. the Speaker: Resuming debate on the main motion.

Hon. Denise Batters: Honourable senators, I'm disappointed that the chamber has chosen not to endorse the amendment to raise the age of access to marijuana to 21. I still maintain that it is important to keep marijuana out of the hands of youth and, as much as possible, out of their peer environment. For this reason, I will soon move an amendment to compromise on raising the age of access instead to age 19.

I feel very strongly that we must consider the impact marijuana has on developing young brains and that we need to do whatever we can in the Senate of Canada to mitigate that before this bill is passed into law. Raising the age of access to marijuana to 19 years would at least elevate it somewhat out of school-age kids. In my last speech, I outlined some of the concerns that the medical community has expressed regarding marijuana and brains of young people and the impact of marijuana on youth mental health. There is significant evidence showing links between marijuana use and psychosis and the onset of schizophrenia, as well as problems with depression, anxiety and addiction.

I also wanted to speak briefly about the message that the legalization of marijuana in Bill C-45 sends to our young people. The Canadian Pediatric Society position statement of 2017 on marijuana and youth stated that:

> A concerning inverse relationship exists such that, as the perceived harm related to cannabis use decreases, the frequency of cannabis use increases.

This should give us reason to pause, honourable senators. When the Trudeau government makes marijuana legal, young people hear the message that marijuana is not harmful, that it's no big deal. We do not want youth access to marijuana to become even more widespread than it already is. The State of Colorado, a jurisdiction with legalized marijuana, has experienced the highest state prevalence for use in marijuana at a time when most other states have seen their rates decline. The more normalized something is, the more ubiquitous it becomes. This influences young people's choices to a certain extent. Studies have shown that young people are more likely to try marijuana if key individuals in their lives, either family or friends, use it around them.

Similarly, increased opportunity to access marijuana will contribute to it as well. Given that Bill C-45 allows for retail sales, online purchasing with postal delivery and especially home cultivation of marijuana, this will undoubtedly be an issue.

In its January 2017 study, the Canadian Centre for Substance Abuse outlined adolescent attitudes and myths about marijuana that many young people hold. One is that, if a substance is legal, it must be safe. Another is that it is impossible to overdose on marijuana and that ingesting too much marijuana would not result in hospitalization. Yet another was that, because marijuana was derived directly from a plant, it was natural and, therefore, not harmful. Further, many young people with mental health issues may self-medicate with marijuana in place of seeking professional diagnosis and treatment, which may compound their mental illness and lead to even bigger issues down the road.

One significant belief held by a lot of young people is the myth that marijuana is not addictive. It certainly can be, honourable senators.

As many of you know, I first became a mental health advocate when my own late husband, MP Dave Batters, fought issues of anxiety, depression, addiction and, ultimately, tragically, suicide. At one point, Dave had been in an inpatient treatment centre, and I remember him telling me that a number of people in that facility were there solely to treat an addiction to marijuana. It is simply not true that it is not addictive.

Given the significant impacts marijuana can have on the developing adolescent's brain and mental health, it is critical that such harm is mitigated. How do we do that, honourable senators? I don't agree that the answer is making marijuana more available to kids under a social-sharing clause or approving home cultivation. You don't tell your kids not to drink and drive and then give them a beer in one hand and your car keys in the other. Raising the age of possession and consumption to 19 would at least help to limit the opportunity for young people to consume marijuana.

Dr. Robert Milin, a University of Ottawa psychiatrist and professor specializing in child and adolescent psychiatry testified before the Senate Social Affairs Committee that the early young adult years over 18 are increasingly vulnerable to negative outcomes from marijuana use. He said:

> We know from studies recently that. . .the area of highest growth [in] cannabis use disorders was in that age group of 18 to 21, college-age kids or university-age kids, depending on your source. We know that it has changed. . . .
>
> We also know that's also the age with a likelihood of the onset of many substance use disorders. . . .

He then went on to advise:

> . . . I can tell you that if you're trying to bring it out of the most vulnerable, you're looking at least at 19 years of age.

If the age of access for marijuana remains at 18, we can expect increased use among young people. That will come at an enormous cost to the mental health of Canadian youth, and it will put tremendous pressure on an already much-overburdened mental health care system.

The Trudeau government has claimed time and again that the purpose of Bill C-45 is to keep marijuana out of the hands of young people. If that's really the case, it's time to prove it. The medical community has strongly advocated for an increased age of access to marijuana because it recognizes the very serious implications marijuana can have on the brain development and mental health of young people.

While the Canadian Medical Association and the Canadian Psychiatric Association have advocated raising that age to 21, this Senate Chamber voted against that. I therefore propose the age of 19 as an alternative so that we can at least try to diminish the availability of marijuana among hundreds of thousands of Canadian high school students.

MOTION IN AMENDMENT NEGATIVED

Hon. Denise Batters: Therefore, honourable senators, in amendment, I move:

That Bill C-45, as amended, be not now read a third time, but that it be further amended

(*a*) by replacing "18" with "19"

(i) in clause 8, on page 7, in line 2,

(ii) in clause 9,

(A) on page 9, in line 16, and

(B) on page 10, in lines 7 and 13,

(iii) in clause 10, on page 11, in lines 10, 11, 18 and 25,

(iv) in clause 12, on page 13, in lines 13, 21 and 28,

(v) in clause 17, on page 18, in lines 18 and 33, and

(vi) in clause 32, on page 24, in line 15;

(*b*) by replacing "a young person" with "an individual who is 12 years of age or older but under 19 years of age"

(i) in clause 8, on page 7, in line 9, and

(ii) in clause 12, on page 14, in line 2;

(*c*) in clause 9,

(i) in page 9, by replacing line 14 with the following:

"than 30 g of dried cannabis if the individual is 19 years of age or older or to more than 5 g of dried cannabis if the individual is 18 years of age,", and

(ii) on page 11, by replacing subsection (5.1) (added by decision of the Senate on June 5, 2018) with the following:

"**(5.1)** Despite paragraph (5)(a), a charge arising out of a contravention of subparagraph (1)(a)(ii), in respect of cannabis of one or more classes of cannabis the total amount of which, as determined in accordance with Schedule 3, is equivalent to 5 g or less of dried cannabis, is not to be prosecuted by indictment if the accused is less than two years older or less than one year younger than the individual referred to in that subparagraph.";

(*d*) in clause 12, on page 14, by replacing line 16 with the following:

"(4), (5), (6) and (7) or any organization that contravenes sub-";

(*e*) in clause 32, on page 24,

(i) by replacing line 12 with the following:

"to sell a cannabis accessory to an individual who is under 19 years of age.", and

(ii) by replacing line 14 with the following:

"that the accused believed that the individual referred";

(*f*) in clause 51, on page 29,

(i) by replacing line 15 with the following:

"the contravention of any of paragraphs 8(1)(a), (b) and (c) or any of", and

(ii) by replacing paragraph (a.1) (added by decision of the Senate on June 5, 2018) with the following:

"**(a.1)** proceedings in respect of an offence arising out of a contravention of subparagraph 9(1)(a)(ii), in respect of cannabis of one or more classes of cannabis the total amount of which, as determined in accordance with Schedule 3, is equivalent to 5 g or less of dried cannabis, if the accused is less than two years older or less than one year younger than the individual referred to in that subparagraph;";

(*g*) in clause 62, on page 37, by replacing line 11 with the following:

"**(i)** an individual who is under 19 years of age,"; and

(*h*) in clause 69, on page 40, by replacing line 26 with the following:

"**(b)** they may not sell cannabis to individuals who are under 19 years of age;".

• (1940)

Thank you, honourable senators. I ask for your support.

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Batters, seconded by the Honourable Senator Oh, that Bill C-45 be not read a third time — shall I dispense?

I'm sorry, senators. We have one minute and 23 seconds left. Who would like to ask a question?

There are people who want to speak on debate. On debate, Senator Stewart Olsen.

Hon. Carolyn Stewart Olsen: I want to add my support for this amendment. It's based on something we've heard a lot about in the Senate and discovered through our debates and committee hearings: what's happening in our provinces.

Saskatchewan doctors, through the Saskatchewan Medical Association, said the minimum age ought to be set at 25, but they were willing to compromise at 21. Alberta Health Services, which manages the Albertan health system, called for a legal age of 21. In New Brunswick, the New Brunswick Medical Society recommended we adopt a minimum age of 25, and I will quote from their report:

> From a medical perspective, we believe cannabis should not be sold to young adults under 25, but balancing societal access and preventing illicit purchase by young adults may necessitate an age of legal sale at 21.

Bill C-45 sets the minimum age for cannabis at 18. From a medical perspective, an evidence-based perspective, this is far too low. From a legislative perspective, it's problematic. Most of the provinces have adopted the minimum age of alcohol consumption as their benchmark for cannabis. As you are aware, the age for alcohol consumption varies by province. The same is now true with cannabis.

The conflict between provincial legislation and federal legislation, and under other provincial legislation, is not simply my opinion; it comes directly from the New Brunswick Working Group on the Legalization of Cannabis. In their 2017 report, they stated:

> The federal government and the Canadian Task Force on Cannabis Legalization and Regulation have recommended that the national minimum age for cannabis use be 18. This is younger than New Brunswick's minimum legal age for the purchase of tobacco and alcohol and lower than the legal age of majority (age 19). This would make it difficult to implement and enforce. Medical experts would not support this minimum purchase age because of the health risks for youth.

A previous amendment reflecting the advice of Canada's doctors was rejected, and this is unfortunate, but we still have time to improve this bill. Setting the legal age at 19, as the amendment before us does, sets a new benchmark that all provinces can follow. Bill C-45 had more than 50 drafting errors pointed out before it got to this point. So let's work together to eliminate another and by doing so ensure better enforceability and fulfill a key goal of public policy — the better protection of our youth.

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

In amendment, it was moved by the Honourable Senator Batters, seconded by the Honourable Senator Oh, that Bill C-45 be not now read a third time — shall I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: The vote will be at eight o'clock. Call in the senators.

• (2000)

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

YEAS
THE HONOURABLE SENATORS

Andreychuk	Mockler
Ataullahjan	Neufeld
Batters	Ngo
Beyak	Oh
Boisvenu	Patterson
Carignan	Plett
Dagenais	Poirier
Doyle	Richards
Housakos	Seidman
MacDonald	Smith
Maltais	Stewart Olsen
Marshall	Tannas
Martin	Tkachuk
McInnis	Wells—29
McIntyre	

NAYS
THE HONOURABLE SENATORS

Bellemare	Hartling
Black (*Ontario*)	Lankin
Boniface	Lovelace Nicholas
Bovey	Marwah
Boyer	McCallum
Campbell	McPhedran
Christmas	Mégie
Cordy	Mercer
Coyle	Mitchell
Dawson	Moncion

Day
Deacon
Dean
Downe
Duffy
Dupuis
Dyck
Eggleton
Forest
Gagné
Galvez
Gold
Greene
Harder
Munson
Omidvar
Pate
Petitclerc
Pratte
Ravalia
Ringuette
Saint-Germain
Sinclair
Verner
Wallin
Wetston
Woo—47

ABSTENTION
THE HONOURABLE SENATOR

Griffin—1

The Hon. the Speaker: Resuming debate on the main motion.

Hon. Rosa Galvez: Honourable senators, I rise to speak at third reading of Bill C-45.

Bill C-45 must promote the health and safety of Canadians. It must be based on facts, evidence and research findings. Many issues were raised during the time we have had to analyze the bill. In its original form, Bill C-45 was far from perfect, as demonstrated by the 44-plus amendments, including the 29 technical ones that have so far been adopted. We have progressed.

I wish to recognize the diligent work of the Standing Senate Committee on Social Affairs, Science and Technology for their scrutiny of Bill C-45 and the complementary work done by the other committees that have studied the bill. I also want to thank the sponsor, Senator Dean, for his work in shepherding Bill C-45 through the Senate.

We are in our last days of the review of the bill. Today the theme of discussion is public health, consumption and Indigenous issues. I will make remarks with regard to risk exposure of vulnerable populations, namely, young people and First Nations and Aboriginal people.

The existing regime of prohibition and criminalization of cannabis use for recreational purposes presents a high level of risk for youth — criminality, organized crime, health risks. The regime proposed in Bill C-45 moves recreational cannabis to a legalized substance, widely available under some controls. The new regime creates a profit-seeking industry, companies are chomping at the bit to sell cannabis on the licit market. The jump from total prohibition to legalization and the creation of a new commercial sector, including the creation of a cannabis lobby that we can reasonably expect will push to loosen regulations — will present challenges in implementation, public education and enforcement. According to policy experts and officials speaking to their experience in other jurisdictions where cannabis has been decriminalized or legalized, the new regime poses equally high risks to youth.

To say that, once legalized, the societal and health problems related to cannabis use will be solved is to ignore what we heard during the study of Bill C-45.

I cannot hide that I am apprehensive of this major shift which will happen without a logical, stepwise transition. My instinct is to proceed cautiously and to make every effort to reduce risk to vulnerable populations. I still believe that decriminalization and limited sales points where strictly controlled cannabis products are available would be a better way to achieve government objectives and reduce harms and risks associated with cannabis use and abuse. To ensure that fewer young people use cannabis, it is vital that profit-seeking corporations are prevented from advertisements and promotions that appeal to youth as with alcohol and tobacco.

• (2010)

In my mind, we should logically expect companies to aim to increase consumption of the substance they are selling to the public. Legalization and availability of cannabis on the licit market will likely increase consumption of cannabis at least for an initial period. To claim the contrary is dishonest.

If the taxes collected from cannabis sales will pay for infrastructure, controls, services, education, health programs and scientific research, a lot of cannabis will have to be sold and consumed. However, adults will also be allowed to cultivate and produce their own cannabis. By my evaluation, the numbers don't add up. I have yet to see a realistic estimate of the costs versus revenue, or estimates of how much cannabis will have to be sold per capita to pay for the legalized regime and still beat organized crime.

First Nations and Aboriginal communities will face greater risks from cannabis legalization. They already struggle with problems such as alcohol and drug abuse and high suicide rates. To ignore these facts is irresponsible.

Some communities want the possibility of an opt-in/opt-out system where they can decide whether to ban or allow cannabis. Some communities want to claim excise tax and revenues to fund education and social awareness programs. Surely the tax revenue will be proportional to the sales and proportional to consumption. To me, this is like spinning in circles.

In the last few decades, hundreds of medical and psychological studies have been conducted revealing the negative impact of cannabis use on the developing brain. Besides short-term impairment, cannabis may affect cognition in the longer term via various brain mechanisms and at various degrees of irreversibility if cannabis use is stopped.

Cannabis use may affect brain function in young people, handicapping planning, reasoning, inhibitory processes, self-monitoring and problem-solving. Medical research has found that these effects may be linked to potency, frequency and modes of intake of cannabis compounds. Recent research studies have

found a relationship between cannabis use and psychotic events. We must monitor these effects to fully understand the effects of cannabis on the developing brain.

Thus, I am strongly supportive of the observation made by the committee urging that the federal government fund an ongoing research initiative on the impact of cannabis use on the developing brain. By collecting data on the demographics of which age groups are using cannabis, what form of cannabis, how it is ingested and the potency of cannabis use, scientists and public health officials will hopefully be able to assess, using an unbiased scientific method, the effect of cannabis use on Canadians.

A high percentage of young Canadians are already using cannabis and a majority of senators seem sure that Bill C-45 will reduce these sad statistics. I really hope so. I will never get tired of repeating that young people are our intellectual and social capital and we must protect them. Otherwise we fail as a society.

I share the concerns raised by my colleagues about making cannabis widely available to Aboriginal youth. I support the recommendations made by the Aboriginal Peoples Committee to ensure that the development of educational programs and materials as well as funding for mental health and addiction programs are culturally adapted to their specific needs.

As smoking can lead to serious health problems, Canadians have a right to a smoke-free environment, whether it is from tobacco or cannabis. It's vital to monitor the use of cannabis in schools and safety-sensitive workplaces.

While I am not completely satisfied that the issues raised by Bill C-45 were addressed through amendments, it is my view that the amendments as well as observations and recommendations raised at committee and in this chamber do strengthen the bill. Bill C-45, with these amendments, is now more robust than its initial form. I am looking forward to hearing back from the government and learning that they took into consideration the observations and recommendations made by the Senate. The government must focus on continuing education to young people and vulnerable populations about the risk of using cannabis.

With these considerations in mind, I will vote in favour of the motion for third reading of Bill C-45.

Honourable senators, by this time next year I will be asking about the outcome of Bill C-45 and the results and challenges of the implementation of a legalized cannabis framework. I will request government accountability if this legislation fails to attain the desired public health outcomes. Thank you.

The Hon. the Speaker: Debate on the main motion, Senator Mégie.

[*Translation*]

Hon. Marie-Françoise Mégie: Honourable senators, I rise today to add my voice to that of my colleagues in the debate on Bill C-45, the cannabis act.

I would like to begin by quoting the motto attributed to Dr. Ambroise Paré, the father of modern surgery:

Cure sometimes, relieve often, comfort always.

I am going to apply this quote to the context of our debate this evening. Allow me to explain.

"Cure sometimes." When it comes to curing an illness, the word "sometimes" highlights the humility needed to practice medicine. Physicians must accept that they cannot make a difference for some of their patients; they cannot save their lives. The same is true for parliamentarians. Unfortunately, the existing cannabis legislation has not managed to maintain the health of all our fellow citizens. Will Bill C-45 let us work miracles? I doubt it.

However, let's save what we can while we still have time. It is clear that a total ban among teenagers is unrealistic. We need a harm reduction strategy that takes into account the quality and integrity of the lives of the people concerned. We need to tread carefully and find the right balance between the social harm experienced by offenders and the adverse effects of early cannabis use on young people's cognitive development.

"Relieve often." When legalizing a potentially dangerous substance, we must consider harm reduction. Let's not forget the adverse effects that can stem from cannabis use such as psychoses, schizophrenia, paranoid delusions and hallucinations. Harm reduction measures such as plain packaging, proper labelling and warnings will support the government's regulation of cannabis use. Whether through legislation or regulation, we must ensure that the product that may be legalized is controlled from production to consumption. This approach is essential and will help to delay the age of introduction to cannabis use and support informed, responsible and safe consumer choices.

"Comfort always." Honourable senators, I would like to focus on the third part of this motto. The word "comfort" usually means to care for someone in order to relieve physical affliction. I would like to stress a few key issues in this regard. Prevention is one of the few areas of consensus in this debate. Serious effort must be made so that young people are informed about the dangers of using cannabis, as they are for tobacco. Parents also need reliable options to protect their children from the damaging impacts of cannabis. This work must be done in cooperation with educators, health care professionals, youth centres and community agencies.

• (2020)

Additional resources must also be allocated to help people deal with the mental health problems underlying their cannabis use.

However, beyond Bill C-45, public health and safety are everybody's concern. We must encourage educational outreach at every level. Furthermore, a long-term plan is needed with ongoing and sustainable activities.

One thing is clear: cannabis regulation requires a comprehensive strategy with all of the components I have just discussed. A responsible policy must take into account that we are legislating a substance that has been prohibited for almost a century, and we now have to develop the proper education programs. We can obtain reliable data by conducting rigorous studies on the effects of cannabis and on consumption patterns.

Indicators will certainly emerge, from which we can offer treatments that meet clients' specific needs. This would be the basis for accountability.

Honourable senators, these are the public health issues we must consider when we vote on Bill C-45 tomorrow and after the vote. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Bellemare, debate adjourned.)

[*English*]

ACCESS TO INFORMATION ACT
PRIVACY ACT

BILL TO AMEND—SECOND READING

On the Order:

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

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Ringuette, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

(*At 8:25 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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