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OFFICIAL REPORT
(HANSARD)

Thursday, March 1, 2018

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Thursday, March 1, 2018

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

Prayers.

SENATORS' STATEMENTS

COMMISSION ON THE STATUS OF WOMEN

SIXTY-SECOND SESSION

Hon. Marilou McPhedran: Honourable senators, today I rise to speak about the importance of civil society engagement in decision making and global governance. On March 12, 2018, a delegation of parliamentarians from Canada, led by the Minister of Status of Women, the Honourable Maryam Monsef, as well as hundreds of Canadian non-governmental delegates, will attend the sixty-second session of the United Nations Commission on the Status of Women.

[*Translation*]

The Commission on the Status of Women meets every year at the United Nations in New York. It is the world's largest annual gathering of female leaders.

[*English*]

I have facilitated students coming to the CSW for almost 20 years. Some women spend their last penny getting themselves to New York to participate in bilateral meetings and to host their own parallel event showcasing major issues in their countries because word needs to get out beyond their borders.

This year's theme, "Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls," has inspired the Manitoba delegation, through the Institute for International Women's Rights - Manitoba, with 18 youth members, to host a panel on the mass incarceration of rural and Indigenous women in Canada. I'd like to thank Senators Kim Pate and Mary Jane McCallum, who will be joining us during this event to provide their expertise on the matter. I would also like to congratulate the Manitoba women and Indigenous leaders, including Grand Chief Jerry Daniels, Grand Chief Sheila North, Chief Marilyn Sinclair, Chief Karen Batson, Chief Vera Mitchell and Saskatchewan Vice-Chief Kim Jonathan for creating space in their very busy schedules for such an important dialogue.

Canada is back. Honourable senators, please follow the CSW and Canadian delegates in New York on social media as we engage in international global governance and women's rights as global citizens.

LUNAR NEW YEAR

Hon. Thanh Hai Ngo: Honourable senators, I rise today on the occasion of Lunar New Year, which was celebrated on February 16 and in the Senate last night.

I hope you will all join us to welcome the Year of the Dog — a year that symbolizes kindness, generosity, loyalty, bravery and principle.

Têt is also a wonderful occasion to gather friends and loved ones to celebrate our community achievements, our prosperity, our culture and its rich history.

These communities have made Canada a diverse and stronger country by contributing their talents, their skills and their determination to succeed.

[*Translation*]

Celebrated in the context of a cultural mosaic, the lunar new year is also known as Têt to the more than 300,000 Canadians of Vietnamese origin.

This is an important event celebrated from coast to coast in households and communities of Asian origin. It is always a great pleasure and an honour for me to join various communities across the country to express our gratitude for the past year's successes and look forward to the arrival of spring with optimism.

As the year of the rooster draws to a close and we usher in the year of the dog, I wish you and your families a year filled with prosperity, good health, peace and joy.

[*English*]

As we bid farewell to the Year of the Rooster and welcome the Year of the Dog, I wish to extend my warmest greetings to you all and to your families.

May the new Year bring you all health, peace and prosperity. *Bonne année*; Happy New Year; *Sebok-mani-baduseyo*, in Korean; *Gong-hei fat-choy*, in Cantonese; *Gong she fa-tsai*, in Mandarin; and *Chúc mừng năm mới*!, in Vietnamese.

Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of participants of the Parliamentary Officers' Study Program.

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

Hon. Senators: Hear, hear!

ANTIGONISH MOVEMENT

ONE HUNDREDTH ANNIVERSARY

Hon. Mary Coyle: Honourable senators, today I ask you to join me in celebrating the one hundredth anniversary of the Antigonish Movement. Let me start by asking you the following question: What might historical leaders Jimmy Tompkins, Moses Coady, Kay Desjardins and Irene Doyle have in common with our contemporary leaders, Membertou First Nations Chief Terry Paul, John Celestin of Haiti, Ela Bhatt of India and South Africa's Ruth Bhengu?

These effective leaders all share a connection to the tiny yet vibrant town of Antigonish — the highland heart of Nova Scotia, home to St. Francis Xavier University, and my home for the past 21 years.

In 1918, a group of priests gathered in that rural town to consider the severe social and economic deterioration of their communities. Fathers Jimmy Tompkins and Moses Coady, both faculty members at the university, started to reach out to people in the community. In 1921, Tompkins published his famous pamphlet, *Knowledge for the People*.

• (1340)

As priests, Tompkins and Coady heeded papal encyclicals addressing the ethical implications of the social and economic order of the day. They were also influenced by Rochdale Pioneers in England, Frederich Raiffaisen in Germany, Danish folk schools, and Alphonse and Dorimène Desjardins of Quebec.

In 1928, the university established the Extension Department to carry out the work of the social entrepreneurial priests. With Coady at the helm, the Extension team started people's schools, study clubs and kitchen meetings to achieve what they referred to as *The Big Picture*, a picture in which the people created, owned and managed their own economic institutions according to their own priorities and starting with their own talents and resources.

Ahead of their time, there was a women's division in that movement. The movement's results, which spread far beyond the region, included many successful credit unions and agricultural, fishing, consumer and housing co-operatives along with a heightened sense of community pride.

In 1939, Coady's book, *Masters of Their Own Destiny*, was published. Word of the movement spread throughout the world, and people establishing new nations in the global south came spontaneously to Antigonish, attracted by the movement's respectful philosophy and its practical, successful approach.

In response, the university created the Coady International Institute in 1959.

Since its inception, the institute has provided relevant, campus-based programs to over 7,000 community and organizational leaders from 130 countries. It has trained many tens of thousands overseas and has established key innovation partnerships reaching millions.

As evidence of the viral spread and durability of the Antigonish Movement, I returned this past Monday from South Africa where Coady Institute staff joined 170 of its graduates, partners and others from 23 countries at the ABCD Imbizo gathering, where we celebrated the centenary of the movement.

It was a joyful time in South Africa as the people welcomed their new president, Cyril Ramaphosa. South Africans are marking the centenary this year of the birth of Nelson Mandela and of Albertina Nontsikelelo Sisulu by renewing their commitment to building a democratic, just and equitable South Africa.

As Moses Coady said:

> In a democracy people don't sit in the social and economic bleachers; they all play the game.

Thank you.

PRIME MINISTER'S TRIP TO INDIA

Hon. David Tkachuk: Honourable colleagues, it was reported last week that Jaspal Atwal was invited to an event in Mumbai with the Prime Minister, which he attended. Pictures were taken at the event of him, Sophie Grégoire Trudeau and Minister Sohi.

Mr. Atwal was also invited to a dinner at the high commission but ultimately did not attend. The reason he did not attend the dinner at the high commission is that his invitation was revoked.

It came to light that Mr. Atwal, a longtime Liberal supporter involved in B.C. politics, was convicted in 1986 of attempting to assassinate an Indian politician who was visiting Vancouver Island.

The Prime Minister's story is that upon hearing of the invitation, he ordered it withdrawn immediately. He held one of his MPs, Randeep Sarai from Surrey, B.C., solely responsible for the invitation. Sarai agreed to accept full responsibility for the invitation, and as punishment the PM removed him as B.C. caucus chair.

Indian security forces asked to vet the invitations and were turned down. So were the RCMP and CSIS.

On condition of anonymity, one of the most senior civil servants in the Trudeau government tried to explain to reporters that rogue factions in the Indian government or security agencies planted Atwal there to embarrass the Trudeau government. The anonymous source turned out to be Daniel Jean, the Prime Minister's National Security Advisor.

Pressed on the veracity of this story, the Prime Minister evaded. Two days ago, Andrew Scheer asked the PM in the House of Commons directly if anyone in his office was involved in concocting this story and creating this blunder in India, the Prime Minister answered:

> When one of our top diplomats and security officials says something to Canadians, it is because they know it to be true.

In response to Mr. Trudeau's startling claim, the Indian Ministry of External Affairs issued this release yesterday:

> . . . the government of India, including the security agencies, had nothing to do with the presence of Jaspal Atwal at the event hosted by the Canadian high commissioner in Mumbai or the invitation issued to him for the Canadian high commissioner's reception in New Delhi. Any suggestion to the contrary is baseless and unacceptable.

This fiasco may signal the beginning of a slowly unravelling relationship between Canada and India.

And it's important to us because according to the Asia Pacific Foundation, our two-way trade with India is worth close to $5 billion. India is my home province of Saskatchewan's third-largest trading partner behind the United States and China.

And it's of particular interest to us because it is Saskatchewan's largest customer when it comes to pulse crops, generating $1.1 billion in 2016.

There are irritants in our trade relationship now, however. Saskatchewan exports to India in 2017 were down 21.2 per cent, well below 2016 levels because of a 33 per cent duty on lentils, a 44 per cent duty on chickpeas and a 50 per cent duty on peas.

These were the things we were hoping the Prime Minister would address during his trip to India. But instead, his baffling behaviour in India — and even now that he is home — is putting our trade relationship in serious jeopardy. We need to get to the bottom of this, and we need to fix it.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Alex Lowy and Julia Mustard. They are the guests of the Honourable Senator Gold.

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

Hon. Senators: Hear, hear!

THE LATE HOWARD DOUGLAS MCCURDY, JR., C.M., O.ONT.

Hon. Wanda Elaine Thomas Bernard: Honourable Senators, I rise today to pay tribute to Dr. Howard Douglas McCurdy, Jr., who passed away last Tuesday at the age of 85.

Dr. Howard McCurdy was a trailblazer in racial justice and inspired so many young Black men and women through his leadership.

Dr. Howard McCurdy was the first Black professor to be tenured at any Canadian university. He co-founded the National Black Coalition of Canada and was the second Black member of Parliament in Canada. He was the recipient of the Canadian Centennial Medal, the Queen's Silver Jubilee Medal, the Order of Ontario and the Order of Canada.

Dr. McCurdy had a long list of accomplishments, which is a pleasure to recognize; however, today I also want to honour his memory by sharing how he contributed significantly to my life and to my success.

In the late 1960s, when I was a university student, Dr. Howard McCurdy came to Halifax frequently and often engaged with local civil rights activists. He was a trailblazer in many ways through his academic achievements, his social activism and his political career. He was a leader in the civil rights movement and inspired so many young people like me. He influenced my path through his mentorship. Howard McCurdy's influence was transformative on my life. His leadership, his vision, his courage and his strength all had such a lasting impact on me as a young African Canadian.

This morning, I met with four high school students who are struggling to get through their year. I remember how Howard's confidence in my abilities planted seeds of success in my life, and how his memory continues to inspire me to plant those seeds of success for the next generation.

Honourable colleagues, I would like to take this time to remember Howard McCurdy for his contributions to our country and for his lasting impact on Black communities across Canada.

I offer condolences to his family and to all who mourn his loss.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 1st, 2018

Mr. Speaker:

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 1st day of March, 2018, at 1:06 p.m.

Yours sincerely,

Assunta Di Lorenzo
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, March 1, 2018:

An Act to amend the Motor Vehicle Safety Act and to make a consequential amendment to another Act (*Bill S-2, Chapter 2, 2018*)

An Act to amend the Holidays Act (Remembrance Day) (*Bill C-311, Chapter 3, 2018*)

• (1350)

[*English*]

ROUTINE PROCEEDINGS

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FOURTH REPORT OF COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Committee on Ethics and Conflict of Interest for Senators entitled *Consideration of an inquiry report of the Senate Ethics Officer*.

BORROWING AUTHORITY ACT

BILL TO AMEND—FIRST READING

Hon. Joseph A. Day (Leader of the Senate Liberals) introduced Bill S-246, An Act to amend the Borrowing Authority Act.

(Bill read first time.)

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

(On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.)

[*Translation*]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF THE COOPERATION AND DEVELOPMENT COMMITTEE, MARCH 2-4, 2017—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the *Assemblée parlementaire de la Francophonie* (APF) respecting its participation at the meeting of the Cooperation and Development Committee of the APF, held in Réunion Island, France, from March 2 to 4, 2017.

MEETING OF THE PARLIAMENTARY NETWORK ON HIV/AIDS, TUBERCULOSIS AND MALARIA, NOVEMBER 21-22, 2017—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the *Assemblée parlementaire de la Francophonie* (APF) respecting its participation at the meeting of the Parliamentary Network on HIV/AIDS, Tuberculosis and Malaria of the APF, held in Rabat, Morocco, on November 21 and 22, 2017.

[*English*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON THE STUDY OF THE IMPACT AND UTILIZATION OF CANADIAN CULTURE AND ARTS IN CANADIAN FOREIGN POLICY AND DIPLOMACY

Hon. A. Raynell Andreychuk: 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 Thursday, October 26, 2017, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on the impact and utilization of Canadian culture and arts in Canadian foreign policy and diplomacy, and other related matters, be extended from March 31, 2018 to December 31, 2018.

[*Translation*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO HEAR WITNESSES IN REGARD TO EVENTS SURROUNDING PRIME MINISTER'S TRIP TO INDIA—DEBATE ADJOURNED

Hon. Jean-Guy Dagenais: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, given serious potential implications for Canada's relations with India as well as for Canada's national security arising out of the recent visit by the Prime Minister to that country, the Standing Senate Committee on National Security and Defence be authorized to:
>
> (*a*) Invite Mr. Daniel Jean, the Prime Minister's National Security Advisor, to appear before the Committee to answer questions related to the issues arising from the recent visit by the Prime Minister to India;
>
> (*b*) Invite additional witnesses from the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, Global Affairs Canada and any other relevant agencies to explain how an individual convicted of serious criminal offences was permitted to attend official events involving the Prime Minister, Ministers and senior Canadian officials; and
>
> (*c*) Provide any recommendations that the Committee believes may be warranted as a result of this incident;
>
> That the Committee submit its final report no later than June 1, 2018, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Therefore, it is moved by the Honourable Senator Dagenais, seconded by the Honourable Senator Oh—

Hon. Senators: Dispense.

The Hon. the Speaker: On debate.

Senator Dagenais: As I explained at the beginning of the notice of motion, I think this is a very serious incident. I believe it would be in our country's interest, and in Canadians' interest, to clear up this matter as quickly as possible. That is why I am proposing that the Standing Senate Committee on National Security and Defence invite Daniel Jean, who, incidentally, is a regular guest, as well as representatives of the Royal Canadian Mounted Police. That way, we will get the explanations we need to resolve a situation that I think is compromising for our country.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Mr. Speaker, when you asked if everyone agreed, we said no.

[*English*]

The Hon. the Speaker: Honourable senators, I clearly asked if leave was granted. I did not hear a "no," so I proceeded to ask Senator Dagenais to enter debate. He has just made his statement. Does anybody else wish to speak, or are senators ready for the question?

Senator Tkachuk: Yes.

Senator Lankin: Where is the chair of the committee?

The Hon. the Speaker: Obviously, senators, if somebody wishes to adjourn the debate, they may, or they may wish to enter the debate.

Senator Tkachuk: Question!

Senator Bellemare: I would like to adjourn the debate in my name.

The Hon. the Speaker: It is moved by the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: 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 will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the nays have it. Do I see two senators rising?

Let me be very clear, honourable senators, I said — maybe it's my Newfoundland and Labrador accent coming on.

And two honourable senators having risen:

The Hon. the Speaker: Do we have a time?

Senator Mitchell: Thirty minutes.

The Hon. the Speaker: The vote will take place at 2:29.

Call in the senators.

• (1430)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	Hartling
Boniface	Joyal
Bovey	Lovelace Nicholas
Christmas	McCallum
Cordy	McPhedran
Cormier	Mégie
Coyle	Mercer
Dawson	Mitchell
Day	Moncion
Dean	Omidvar
Duffy	Pate
Dupuis	Petitclerc
Dyck	Pratte
Eggleton	Saint-Germain
Forest	Wetston
Gagné	Woo—35
Gold	

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	McIntyre
Beyak	Mockler
Boisvenu	Ngo
Carignan	Oh
Cools	Poirier

Dagenais
Doyle
Frum
Greene
Housakos
Maltais
Marshall
Richards
Seidman
Smith
Stewart Olsen
Tkachuk
Wells—25

ABSTENTIONS
THE HONOURABLE SENATORS

Downe
Lankin
White—3

THE SENATE

NOTICE OF MOTION CONCERNING INFRASTRUCTURE OF NEWFOUNDLAND AND LABRADOR

Hon. Norman E. Doyle: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Senate encourage the Government of Canada to work with the Government of Newfoundland and Labrador, the only province whose major population centres are not physically linked to the mainland of Canada, to evaluate the possibility of building a tunnel connecting the Island of Newfoundland to Labrador and the Quebec North Shore, in an effort to facilitate greater economic development in Canada's Northeast, and to further strengthen national unity, including the possibility of using funding from the infrastructure program for this work; and
>
> That a message be sent to the House of Commons to acquaint that house with the above.

POWER TO SUMMON AND CALL GENERAL ASSEMBLIES

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the great nation-builders of Canada and its constituting statute, the *British North America Act, 1867* and to this Act's single comprehensive and conceptual framework expressed in section 91, in the words "It shall be lawful for the Queen to make Laws for the Peace, Order and good Government of Canada"; and, to General Wolfe's 1759 conquest of Quebec, and to the October 7, 1763 Royal Proclamation, given by Britain's King George III, which proclamation gave the Governors of the colonies, later called Ontario and Quebec, the power to summon and call General Assemblies in such manner and form as was used in said colonies under British rule.

HISTORICAL FOUNDATION FOR FRANCOPHONE RIGHTS

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the great nation-builders of Canada and its constituting statute, the *British North America Act, 1867* and to this Act's single comprehensive and conceptual framework expressed in section 91, in the words "It shall be lawful for the Queen to make Laws for the Peace, Order and good Government of Canada;" and, to the British soldier-general Guy Carleton, later Lord Dorchester, the architect of the *Quebec Act, 1774,* which Act guaranteed the Roman Catholic religion, the French language and the French Napoleonic Civil Code to King George III's French-speaking subjects in British North America.

• (1440)

ANTI-BLACK RACISM

NOTICE OF INQUIRY

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to anti-black racism.

QUESTION PERIOD

FOREIGN AFFAIRS

PRIME MINISTER'S TRIP TO INDIA

Hon. Larry W. Smith (Leader of the Opposition): We might as well try to keep the excitement going, Your Honour. My question is for the Leader of the Government in the Senate, and it is a follow-up to questions I asked earlier this week about the Prime Minister's recent visit to India.

The Indian government has categorically denied that it had any involvement with the presence of Mr. Atwal in events with the Canadian delegation. India stated that "any suggestion to the contrary is baseless and unacceptable."

We know that a backbench Liberal MP was reprimanded for his role in the matter. We also heard the Prime Minister defend the allegations given to the media by the national security adviser that, somehow, India was to blame.

A simple question: How can both of these claims be true?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his contribution to excitement. Let me see if I can mellow that excitement by

reiterating what I said earlier and what has been repeated in the other chamber; that is to say, the invitation referred to Canada was extended through the office of a member of Parliament who has taken responsibility.

With respect to the senior national security adviser, he is a person who has the confidence of the Prime Minister and the government and is a long-standing professional whose advice and opinions are well regarded.

Senator Smith: As a follow-up, on Tuesday I asked the government leader why the Government of Canada denied the Indian government access to the guest list, as was reported by CTV News. I also asked if the PMO gave the direction to deny India access to the guest list. The government leader responded that he would undertake to find the answer.

Because of the pressing, I think, right of the public to understand some of these issues and questions, has the government leader received any answer to my questions? Why was India denied access to the guest list? Did the PMO issue instructions to not provide India with those names?

Senator Harder: If I had received answers, I would have already tabled them.

Senator Smith: Sir, again, if you had received an answer, I would ask. Given the urgency of the situation, could you actually try to accelerate the response? I think it is a national issue that people would like to have some information on.

Senator Harder: I will endeavour to do so.

Senator Smith: I thank you very much. Have a great afternoon.

Hon. Linda Frum: Leader, earlier this week Prime Minister Trudeau confirmed that he believes the Government of India was involved in a conspiracy to invite a convicted attempted assassin to dinner in order to embarrass the Canadian government. If this is true, it seems odd that the Member of Parliament for Surrey Centre, Randeep Sarai, claimed full responsibility for the invitation to Jaspal Atwal. Anyone who subscribes to this conspiracy theory would have to accept that Mr. Sarai was in on the scheme and acting on behalf of a foreign government.

If the Prime Minister of Canada believes that one of his MPs participated in a plot to undermine our country on the world stage, why is Mr. Sarai still a member of the Liberal caucus?

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

What I can indicate is that, as the Prime Minister has already said on several occasions, the member of Parliament in question has acknowledged his involvement and has taken responsibility for it, and I have nothing to add.

Senator Frum: So, leader, the member of Parliament takes responsibility, but at the same time, the Prime Minister says that he agrees that the Indian government conspired to embarrass him. Therefore, there had to be cooperation from MP Sarai and the Indian government, which suggests that MP Sarai is somehow working in tandem or in concert with the Indian government. That's the logic of his position. Can you please clarify that?

Senator Harder: I don't see the logic of the position that you've taken.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

JOB LOSSES IN ATLANTIC CANADA— FEDERAL PUBLIC SERVICE

Hon. Jane Cordy: Senator Harder, between 2008 and 2017, 1,513 federal public service jobs were eliminated in Atlantic Canada, and 1,383 of those jobs were lost in my province of Nova Scotia. That's over 90 per cent of Atlantic Canada job losses from Nova Scotia. During this same time period, federal public service jobs in Ottawa have increased by 4,924.

Senator Harder, historically, one third of the federal public service jobs were located in the National Capital Region, with the other two thirds of the jobs distributed throughout regions across the country. Over the last 10 years, the trend shows that the federal government has shifted jobs out of the regions and into the National Capital Region.

The loss of these jobs in Nova Scotia is significant, costing an estimated $830 million in lost wages to Nova Scotians over the past 10 years.

What is the reason for the disproportionate job losses in Nova Scotia while there are significant job increases in the National Capital Region? What considerations are being made by the government to ensure a fair distribution of federal public service job hires across the regions in our country?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It's an important one, not just for her province but for other provinces outside of the National Capital Region. I will obviously inquire of the minister responsible.

I should note, though, that the President of Treasury Board will be the minister before us for question period on our return. This is a responsibility, at least collectively, for the Government of Canada, by the member from Nova Scotia, who is also President of Treasury Board.

I do know that in the course of the last 10 years, there has been significant consolidation of certain services in departments like, for example, Veteran Affairs, and Fisheries and Oceans, which have been opened in the last couple of years to respond to the need to have workers in Canada where the community needs them.

Senator Cordy: I thank you very much. These would be good questions to ask Minister Brison because $830 million in lost wages to Nova Scotians over 10 years is huge for a small province. These are good-paying wages, and when you have

reasonably good-paying wages, they are wages that go to restaurants and to use the shops and services in small towns and cities.

The hiring trend is very troubling to me, and Nova Scotians are worried that as the federal government does continue to add federal public service jobs, they will continue to be concentrated in the Ottawa area.

In the budget this week, the government committed to increasing the number of employees working on the Phoenix pay issues at the pay centre and satellite offices to over 1,500. Would you also inquire when you're speaking with Minister Brison — or maybe we could ask him when he comes here — to provide this chamber a breakdown of where those employees will be located? Hopefully they will be located in the regions and not in Ottawa.

Will the government make assurances that a fair proportion of these new hires will be distributed to the regions?

Senator Harder: I'll undertake both to seek the answers to those questions but also to ensure that the minister is prepared should those questions arise when he is here when we next sit.

[*Translation*]

FOREIGN AFFAIRS

PRIME MINISTER'S TRIP TO INDIA

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate and picks up on an issue that was raised earlier this week, that is, the Prime Minister's recent trip to India. While the trip may have seemed a little bizarre at first, it is now turning into something of a diplomatic incident, one I believe to be threatening our relationship with India. The Indian government, a long-time friend to Canada, has even publicly contradicted the Prime Minister.

• (1450)

As my colleague Senator Frum mentioned, we heard that a Liberal MP was solely responsible for this mess. However, the Prime Minister also defended conspiracy theories put forward in a briefing session organized by his office, theories that lay the blame on India.

Senator Harder, is your government now saying that this Liberal backbencher was part of a plot by the Indian government to sabotage the Prime Minister's visit?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, thank you for the question. Honourable senators, I want to repeat that the trip that the Prime Minister and the senior ministers undertook was important for our bilateral relationship. I would also reference, as I did the other day, the memorandum of understanding that was signed with the Government of India with respect to a framework for cooperating on countering terrorism and violent extremism in our two countries.

The state of the relationship is improved as a result of the trip, and I think it's important for us to put the circumstances of the trip in the context of the good business and people-to-people relationships that have been strengthened.

[*Translation*]

Senator Dagenais: On another note, Senator Harder, do you think that the Senate should award Prime Minister Trudeau a 150th anniversary medal to help him remember that we celebrated the 150th anniversary of Confederation in 2017, not the 100th anniversary as he told business leaders in a speech he gave in India?

[*English*]

Senator Harder: I will take his representation as that.

[*Translation*]

INTERNATIONAL TRADE

EXPORT OF PULSE CROPS TO INDIA

Hon. Thanh Hai Ngo: My question is for the Leader of the Government in the Senate. The diplomatic conflict between the Prime Minister and the Government of India comes at a very bad time for our trade relationship with that country, particularly for our agricultural industry.

At the end of last year, the Indian government imposed new tariffs on imports of pulses from Canada. Our producers currently have to pay import duties of 33 per cent on lentils and 50 per cent on dried peas. Just a few days before the Prime Minister's trip, import duties on chickpeas rose to 44 per cent.

We are told that the Prime Minister raised this matter during his meetings in India. Those discussions were clearly fruitless, given that tariffs remain unchanged.

My question for the Leader of the Government is this: in his view, what impact might these accusations against India have on the lifting of these trade barriers?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. First of all, in the context of strengthening our economic relations, over 20 initiatives and six MOUs were signed and agreed to on the trip. As I indicated earlier, they were on a wide range of subject areas like intellectual property, civil nuclear science and technology, education, audiovisual production and sports.

With respect to the issue of the pulse tariff, which has been raised in this chamber before and was raised with the Minister of Agriculture when he was here, this is an issue of grave concern to Canada because of the importance of the pulse market to the people of the West, including, as Senator Tkachuk reminded us today, Saskatchewan.

What I am pleased to report is that in light of the trip, the two governments set up the objective of reaching an agreement in the course of this year.

Senator Ngo: Thank you for your answer, but what does the federal government say to Canadian pulse farmers and exporters when our trade relationship with India has gone from bad to worse? How can they be reassured that the solution will soon be found when the Canadian government is caught up in an escalating diplomatic dispute with one of their larger export markets?

Senator Harder: It is a misrepresentation of the state of the relationship to say that it is deteriorating. It is a misrepresentation of the relationship to suggest that the decision with respect to the pulse market was inspired by the Government of Canada. As the honourable senator will know, the issue for the Indian market in the pulse sector is that the Indian government has undertaken an initiative that is negatively affecting the Canadian market.

The Minister of Agriculture and his counterpart are working together. The two prime ministers indicated a desire to reach an agreement that would lead to a restoration of a normal export relationship with India.

I should also reference the fact, as the Minister of Agriculture did when he was here, that it is another example of the importance of ensuring that we have a broad range of markets in the event of these tariff issues, which we experience from time to time even with friendly countries, and that is why the Trans-Pacific Partnership is such an important initiative for the agricultural and agri-food sector in Canada.

FOREIGN AFFAIRS

PRIME MINISTER'S TRIP TO INDIA

Hon. Leo Housakos: My question is for the government leader in the Senate. Government leader, some serious questions have arisen from this trip to India, and Canadians have a right to know.

Once upon a time in this Parliament, there was such a thing called "ministerial responsibility." Clearly, we have a Prime Minister who was just sent on behalf of this Parliament and on behalf of this government on a diplomatic and political mission. If the results of what we've seen over the last little while are an indication, we certainly shouldn't be sending him on any peace missions to the Middle East or to Washington to negotiate important trade agreements.

Government leader, it's clear right now that there are clear connections between the Liberal Party and pro-Khalistani convicted terrorists and murderers who have attempted to murder Indian cabinet ministers and injure former Canadian cabinet ministers of the Crown. This is very serious.

The Prime Minister goes to a country where instead of creating rapprochement with that country he's created divisions like we've never seen before. He attempted to justify that by putting the blame at the feet of one of your Liberal members of Parliament on the other side, and that Liberal member has taken responsibility and has acknowledged this connection with this convicted murderer and has acknowledged the responsibility for this whole fiasco.

Then the Prime Minister comes back here to Canada and, instead of at least limiting the damage, now buys into some conspiracy theory when all indications seem to somehow connect the Prime Minister's Office.

We all know that senior bureaucrats do not give interviews — and Senator Harder knows this better than anybody else — without the permission of their political master.

I think these are important issues that need to be answered. One of the questions I have, and we all have, is why did the government, with all the Trudeau appointees in the Senate, shut down an attempt to bring the senior bureaucrat before a Senate parliamentary committee, the same shutdown exercise that has been carried out in the House of Commons to prevent Parliament from getting to the truth?

Would you, as a former important senior civil servant, justify the behaviour right now of using a civil servant to go out there and do the bidding of this Prime Minister?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his discourse. Let me pick up a couple of the themes.

First of all, I'd like to suggest that his early reference to the NAFTA is completely misplaced in that I think we would all agree that the Government of Canada and the Prime Minister are exercising significant leadership in ensuring all of the assets of Canada, including those of former prime ministers of various parties and persuasions, so to suggest the Prime Minister is not effective in this negotiation is, I think, an unfortunate distraction.

With respect to the other aspects of the intervention, let me say, at least for myself, the vote that we just had was to adjourn the debate on an issue that, yes, is important and has had absolutely no consultation or discussion with any of the various corners of this chamber. If it was serious and policy-oriented, I would have thought that would have been suggested in conversations either amongst leaders or amongst all of the parties that are involved in the committee that is referred to.

So please, senator, I think that it's incumbent upon all of us to be a little mature and calm in the face of these questions.

Senator Housakos: I accept your response, government leader. Maybe we should engage former Prime Ministers Mulroney and Chrétien to do some of the heavy lifting on behalf of this government, because clearly Prime Minister Trudeau is not capable of doing it.

In terms of your question, I think when any parliamentarian rises and puts a motion forward to have something questioned, which is of such serious concern to Canadians as this particular issue is, it doesn't require a discussion. It requires action on the part of parliamentarians.

• (1500)

What we saw today was an action on the part of Trudeau-appointed senators to shut down an attempt to investigate something of interest and concern to Canadians. Nonetheless, now it has become a full-blown diplomatic incident, government leader. The Prime Minister is doubling down and telling the House of Commons that he believes this ridiculous accusation being made.

Could the government leader please tell us, despite first saying the dinner invitation of this convicted terrorist was the fault of the high commissioner, when that didn't fly, we had to find another scapegoat, and it became a Liberal MP. That didn't fly, so the Prime Minister decided to lay the blame on a bureaucrat or at least use him as a shield.

If Prime Minister Trudeau truly does believe this conspiracy theory, will his member of Parliament be investigated and removed from caucus since the implication is that he was compromised by a former entity?

Senator Frum asked that question earlier, and you avoided the question. It is either the MP who is responsible or it isn't. If he is and there is a conspiracy here, according to the Prime Minister and his National Security Advisor, let's get to the bottom of it.

Senator Harder: Again, let me try to unpack the intervention by saying I cannot speak for how others voted, but I do believe there is a desire amongst a number of senators that we not act in an overtly partisan fashion on an issue that is as important as this.

Senator Housakos: Too late.

Senator Harder: The reaction I am getting only reflects the argument that I'm making.

With regard to the series of questions that are attendant in the discourse, let me reiterate: The Prime Minister of Canada has made it clear, as has the member of Parliament concerned, that the invitation was issued and ought not to have been, that when the high commission was aware of that invitation, it was rescinded, and the member of Parliament has taken responsibility.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: My question is along the same lines. I agree that "Indiagate" is problematic for our country.

Senator Harder, whether the government wants to admit it or not, it has been widely reported that the Prime Minister's Office used a senior official, the National Security Advisor, to level accusations at India in the media. In attempting to deflect from the embarrassment caused by Mr. Atwal's invitation, the PMO made matters worse. India publicly and directly contradicted what the Prime Minister said in the other place on Tuesday.

Senator Harder, is it now standard procedure in the government to use members of the senior public service to promote dubious theories on behalf of the Prime Minister's Office? Can Canadians expect a repeat of this and will the Prime Minister be using the public service in such a way going forward?

[*English*]

Senator Harder: It's not unusual for public servants who have responsibilities to provide advice. The Prime Minister has indicated the confidence that he rightly has in the National Security Advisor, and I can't add to the comments the Prime Minister has made with respect to the National Security Advisor's advice and actions on this matter.

[*Translation*]

Senator Boisvenu: Can the leader of the government tell us whether Global Affairs Canada has responded to the statement issued on Tuesday by the Government of India in which it says that the Prime Minister' position is unacceptable and unfounded? If so, what was Canada's response?

[*English*]

Senator Harder: I am unaware, and I will investigate and report back.

[*Translation*]

PRIME MINISTER'S OFFICE

COMMENTS OF PRIME MINISTER

Hon. Claude Carignan: My question is for my friend, the Leader of the Government in the Senate. Last week, Prime Minister Trudeau met with Captain Amarinder Singh, Chief Minister of Punjab. Allow me to read an excerpt from the press release issued by the Punjabi government following the meeting. I imagine you haven't had a chance to read it.

[*English*]

> Canadian Prime Minister Justin Trudeau on Wednesday assured Punjab Chief Minister Capt Amarinder Singh that his country did not support any separatist movement in India or elsewhere.
>
> The categorical assurance from Trudeau came when Capt Amarinder sought the Canadian Prime Minister's cooperation in cracking down on separatism and hate crime by fringe elements, constituting a minuscule percentage of Canada's population . . . .
>
> Citing the separatist movement in Quebec, Trudeau said he had dealt with such threats all his life and was fully aware of the dangers of violence, which he had always pushed back with all his might, the chief minister's media advisor Raveen Thukral disclosed after the meeting.

[*Translation*]

Can you tell us what threats of violence made by the Quebec sovereigntist movement has Prime Minister Trudeau had to deal with all his life, and what concrete action has he taken, as he seems to be saying, to push back these threats with all his might?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator, indeed my friend, for his question. It is obvious that this Prime Minister has had a distinguished role in the relationship that Canada has engaged in with those forces who would break up the country.

We still have a devoted separatist party at the national level, although that appears to be weakened this week. There have been occasions when this Prime Minister, and indeed, as a young person, quite apart from his role as a member of Parliament, has participated in those occasions which celebrate Canadian unity and diminish those who would wish to split the country.

[*Translation*]

Senator Carignan: If I correctly understand the Prime Minister's statements in response to this press release, it seems that you and the Prime Minister are accusing the Punjab leaders of lying in the press release summarizing this meeting.

Will the Government of Canada inform the Punjabi leaders in writing of its displeasure with the misrepresentation of the facts in this press release, and will this letter be made public? Finally, can you tell us what other parts of the February 21 State of Punjabi press release are incorrect?

[*English*]

Senator Harder: Let me again repeat that one of the important achievements in this visit was, in fact, to have an agreed framework at the highest level of the two governments on how we can better cooperate on counterterrorism and extremism. That is, obviously, a priority of Captain Singh in his region, as it is Prime Minister Modi in his role as the Prime Minister of India.

That was an important element of the agreements reached, and one that is very much in accord with the priorities this government gives to the national unity of India.

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am prepared to rule on the question of privilege raised by the Honourable Senator McPhedran on February 13, 2018. The senator argued that a communication to the media of information contained in confidential correspondence from the Subcommittee on Agenda and Procedure of the Standing Committee on Internal Economy, Budgets and Administration constituted a breach of her parliamentary privileges. In particular, she suggested that this breach affected her ability to perform her parliamentary functions without obstruction or interference.

Senator McPhedran explained that the information communicated to the media related to a letter from the subcommittee asking for additional information about a request for a service contract she had submitted. The correspondence from the subcommittee was marked "confidential". Senator McPhedran was of the view that the communication to the media included material contained in that letter and that its contents should not have been shared. The senator suggested that her privilege was breached, since this release of information had the effect of obstructing her aim of providing what she has referred to as a "safe and confidential setting to survivors of harassment within the Senate environment".

Senator Campbell, the chair of the subcommittee, argued that the information provided to the media followed requests for comment regarding Senator McPhedran's publicly expressed intentions to pay for these types of services from her office budget. He explained that the information shared was not confidential; it was a simple explanation of policy. He indicated that the label "confidential" was "administrative in nature", and that it was meant to "ensure that it would be dealt with privately within her office". Senator Campbell stated that the label "was not an indication that the letter contained any confidential in camera proceedings". It was his view that Senator McPhedran's privileges had not been breached. The subcommittee was simply being transparent regarding Senate rules and decisions concerning expenditures.

Other senators who intervened in the debate focused on the essence of the question of privilege and noted the seriousness and importance of the complaint. I thank all colleagues for their contributions.

I have taken the facts surrounding this question of privilege into consideration in evaluating the complaint in terms of the four criteria listed in rule 13-2(1). A question of privilege must meet all four criteria to advance to the next stage.

It is clear that the first criterion — that the matter be raised at the earliest opportunity — was indeed met.

The second criterion is whether the matter "directly concerns the privileges of the Senate, any of its committees or any Senator". As noted in *Senate Procedure in Practice* at page 224, "The term 'privilege,' in this context, does not refer to a special benefit, advantage or arrangement given to Parliament or its members. Rather, parliamentary privilege is 'an immunity from the ordinary law which is recognized … as a right of the Houses and their members.'" The purpose of privilege is to enable Parliament and its members to fulfill their legislative and deliberative functions, without undue interference. Not all activities undertaken by senators in the course of their work, no matter how valuable or commendable, are always covered by privilege.

In this case, and taking into account the information that was already publicly known, it does not seem that the material sent to the media directly concerned privilege. The second criterion of rule 13-2(1) has, therefore, not been met.

This is not to say that the communication does not raise concerns. Senators should expect that sensitive matters will be treated in confidence, at the very least until a final resolution is reached. Publicly revealing information about exchanges on the use of resources harms the bonds of respect and trust that must exist both between senators, and between senators and the administration that supports our work.

I also wish to raise a note of caution here. The Senate has been through a difficult period these past few years. Lessons were learned regarding the importance of conducting our business in a transparent and accountable manner, including being responsive to requests for information from the media and the public. We cannot, however, allow our eagerness to respond to such requests to override our obligation to respect our administrative processes. I am confident, however, that we can find an appropriate balance so that the interests of both the public and senators are well served.

Before concluding, let me also take a moment to address the issue of confidentiality. The term "confidential" is one that must be understood by senators and everyone working at the Senate, and it may not always be clear how certain confidential documents should be handled. This is a matter of which the Internal Economy Committee is already seized, and I am sure that the results of their work will be useful to the Senate as a whole.

Honourable senators, a question of privilege must meet all the criteria of rule 13-2(1) to be dealt with under the special procedures in Chapter 13 of the Rules. Since this question of privilege has not met the second criterion, there is no need to explore the other criteria, and the ruling must be here that there is no prima facie question of privilege.

• (1510)

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-70, followed by all the other items according to the order in which they appear on the Order Paper.

[The Hon. the Speaker]

[*English*]

CREE NATION OF EEYOU ISTCHEE GOVERNANCE AGREEMENT BILL

BILL TO AMEND—SECOND READING

Hon. Kim Pate moved second reading of Bill C-70, An Act to give effect to the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada, to amend the Cree-Naskapi (of Quebec) Act and to make related and consequential amendments to other Acts.

She said: Honourable senators, I am honoured to rise on the traditional unceded territory of the Algonquin people to speak as the sponsor of Bill C-70, which enacts an historic agreement giving new life to the right of self-determination of the Crees of Eeyou Istchee.

Specifically, this legislation gives effect to the agreement on Cree nation governance between the Crees of Eeyou Istchee and the Government of Canada. Bill C-70 also provides mechanisms to improve the internal governance of the Naskapi Nation of Kawawachikamach and creates a new role for the Cree-Naskapi Commission.

As such, Bill C-70 is a promising example of restoring a nation-to-nation framework between Indigenous people and the Government of Canada.

In the words of the Cree themselves, the process culminating in this agreement "was guided by the basic principle of respect for Cree treaty rights."

This agreement and the Cree Constitution contained within "represent another step in implementing Cree self-government" and they will provide the Cree First Nations and the Cree Nation government with important tools to assume greater autonomy and responsibility in the governance of category 1A lands. They mark another advance in Cree nation building.

For Canada, this agreement represents another step on our country's necessary path toward reconciliation. On July 14, 2017, the Government of Canada publicly released the principles respecting the Government of Canada's relationship with Indigenous peoples.

The first of these principles states:

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

Bill C-70 is a true nation-to-nation effort based on the principles of sustainable development, partnership and respect for the traditional way of life of the Cree and Naskapi people. This agreement reflects the important principles enumerated by the Truth and Reconciliation Commission's Call to Action, namely, it represents a new relationship based on the principles of mutual respect, mutual recognition and shared responsibility for maintaining this relationship into the future.

Bill C-70 will implement the Agreement on Cree Nation Governance, which was signed between the Crees of Eeyou Istchee and the Government of Canada on July 18, this past summer. It is supported by the Cree Nation of Eeyou Istchee as well as the Naskapi Nation of Kawawachikamach.

The Government of Canada took a major step toward reconciliation with the signing of this governance agreement. It will modernize the existing Cree governance regime and recognize the power of the Cree First Nations to make their own laws on a wide variety of local governance issues.

By this agreement, Canada affirms the right of the Cree to self-governance and recognizes their legislative authority. The Cree themselves are in the best position to determine how they should govern themselves. With this agreement, Canada recognizes and supports the law-making powers. Cree laws will be on their own; they will reflect Cree culture, priorities and aspirations, and very significantly, Canada will recognize them.

• (1520)

Bill C-70 also responds to the Naskapi Nation's aspirations to strengthen its internal governance by making important amendments to the Cree-Naskapi (of Quebec) Act and by eliminating discriminatory wording in federal legislation in compliance with the Canadian Charter of Rights and Freedoms.

This bill will lead to meaningful changes in these First Nations and their ability to manage their own affairs. Self-determination is recognized specifically for the Cree in this agreement. But also, for all Indigenous peoples, this agreement illustrates the sincerity and good faith with which Canada has promised to act as it reframes its relationship with First Nations. This step represents Canada's promise in action.

Let me now outline a few highlights of the legislation.

This bill modernizes governance models in Cree and Naskapi First Nations in northern Quebec. Under this legislation, Cree laws will now have the force of law in Canada, independent of any required review by the Minister of Crown-Indigenous Relations and Northern Affairs. The Cree First Nations and Cree Nation government will be fully responsible for their governance.

Equally important, the bill establishes a Cree Constitution. For the first time since the signing of the James Bay and Northern Quebec Agreement, and at the request of the Cree, their existing local and regional structures will be brought under one single agreement.

The Naskapi will see major improvements because of this legislation. Bill C-70 amends the Cree-Naskapi (of Quebec) Act to recognize the authority of the Naskapi. It facilitates political and administrative decisions and processes for the Naskapi.

I think it might be helpful to understand the historical context that led to today's legislation. This agreement was the result of seven years of negotiations, and it has been in the making for over 40 years. The Cree are a signatory to the 1975 James Bay and Northern Quebec Agreement, the first modern Indigenous land claim agreement treaty in Canada.

The Naskapi are a signatory to a similar agreement, the 1978 Northeastern Quebec Agreement. The Naskapi signed an implementation agreement in 1990 related to Canada's fulfilment of its obligations in relation to the 1978 Northeastern Quebec Agreement. However, the lack of an agreement with the Cree led to implementation challenges and two out-of-court settlements before they were addressed and now are being addressed by Quebec and Canada's corresponding obligations.

The first settlement was between the Cree and the Province of Quebec. Bill C-70 relates to the second settlement, reached in 2008 between the Government of Canada and the Crees of Eeyou Istchee. The settlement provided $1.4 billion and gave the Cree the responsibility to administer certain federal obligations for 20 years, until 2028. Of that amount, $200 million was set aside, pending the conclusion of a Cree Nation agreement on governance, which was achieved in July 2017, as I have mentioned.

Once Bill C-70 is given Royal Assent, the outstanding $200 million payment will be provided to the Cree within 30 days.

To ensure Canada fulfils its obligations under this agreement and to ensure funds obligated to the Cree are received in a timely manner, Bill C-70 will need to have Royal Assent before the end of the current fiscal year. We must act expeditiously, as was the case in the other place, where Bill C-70 passed all stages of proceedings in two days, by unanimous consent.

Indeed, the Crees of Eeyou Istchee have asked that all parliamentarians do whatever we can to work cooperatively, regardless of affiliation, to pass this bill on an expedited basis.

With Bill C-70, the Cree and Naskapi Nations will have the control to determine the needs of their members and to ensure their needs are met.

The legislation also illustrates a renewed relationship between the Government of Canada and Indigenous peoples, a relationship founded on recognition of the inherent rights of Indigenous people to self-governance, respect, collaboration and partnership. Bill C-70 represents but one example of such renewal. I hope many senators will join me in expressing to the government that we will be looking for many more examples. As senators, we will do so with vigilance, but I hope we will also do so with the spirit of optimism that Bill C-70 represents.

Honourable senators, the bottom line is that this bill will facilitate the ability of the Cree and Naskapi First Nations to continue to successfully build their governments. This is in the best interests of all Canadians, and it is something to celebrate.

Thank you, *meegwetch*.

Hon. Dennis Glen Patterson: Honourable senators, I am pleased to rise to today as critic to speak to Bill C-70, An Act to give effect to the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada, to amend the Cree-Naskapi (of Quebec) Act and to make related and consequential amendments to other Acts.

There is a history to this bill. In 2008, under the Honourable Chuck Strahl, then-Minister for Aboriginal Affairs and Northern Development, the Conservative government signed the agreement concerning a new relationship between the Government of Canada and the Cree of Eeyou Istchee, setting out a process for negotiations that would eventually lead to a Cree Nation governance agreement and a Cree Constitution. Senators, $1.4 billion was set aside as capacity development and support for the Cree who were given responsibility to administer some federal obligations for 20 years, with $200 million set aside, pending the conclusion of a Cree Nation governance agreement. That agreement was signed on July 18, 2017.

All this has led us to the bill before us today.

Currently, Cree self-governance is limited by the continued supervision of the Minister of Crown-Indigenous Relations and Northern Affairs. This bill, if passed, would enable the Cree to make laws, as opposed to the by-laws they are currently empowered to make, to govern all Cree community lands, also known as category 1A lands, while maintaining their rights to land management and determining access.

The Cree Constitution was adopted by resolution by all nine Cree communities, following extensive consultations with Cree citizens, Cree First Nations and other interested Cree parties in Eeyou Istchee. It sets out arrangements regarding the exercise of the Cree right of self-government in relation to the administration and internal management of the Cree First Nations and the Cree Nation government on Cree category 1A lands.

These internal governance arrangements are currently set out in the Cree-Naskapi (of Quebec) Act and will be transferred into the Cree Constitution. The arrangements cover such subjects as procedures for making laws and resolutions, elections, meetings and referenda, financial administration and amendments of the Cree Constitution.

Finally, this bill would establish more stable, long-term fiscal arrangements with Canada. As we have heard time and time again, this type of funding is necessary for proper project and program planning, and helps to ensure that valuable time and resources are spent on project implementation and program delivery as opposed to funding applications.

Colleagues, I support this bill. I support it because it is the next step to implementing Cree self-governance as outlined in the James Bay and Northern Quebec Agreement, the first modern Indigenous land claim agreement and treaty in Canada, spearheaded, as we all remember from our tributes yesterday, by our own Senator Charlie Watt.

I also support this because it enshrines in law rights and powers for the Cree already granted to Inuit for Inuit-owned lands in Nunavut. The removal of federal oversight in these matters is something that Nunavut is also seeking through devolution. It is a key component of true self-government.

This bill passed all stages in the other place in one day because the belief that Indigenous people have a right to self-determination transcends political party lines, I believe. Though we may not always agree on the path, the common goal of empowering Indigenous people in Canada to become less reliant on Ottawa is one shared by many, regardless of affiliation or ideology.

Therefore, I would respectfully ask that honourable senators support sending this bill expeditiously to committee. Thank you.

Hon. Joseph A. Day (Leader of the Senate Liberals): I would like to join in the debate on this particular matter. I thank Senator Pate for the history and the background. It's quite complicated and takes some time to understand the background that led to Bill C-70. I thank Senator Patterson as well for that

• (1530)

I'd like to focus on a point that Senator Patterson has just made, and that is the process that brought us here.

Bill C-70 was introduced and given first reading in the House of Commons on Wednesday, February 14. That is this year, two weeks ago.

As is the practice, there was no debate or explanation of the contents of the legislation. That would have to wait until second reading stage began. And that's our usual practice here as well.

But, the following day, before any debate whatsoever could take place, the Honourable Bardish Chagger, the Leader of the Government in the House of Commons, rose and said:

> Mr. Speaker, there have been discussions among the parties and if you seek it, you will find unanimous consent for the following motion. I move:
>
> That, notwithstanding any Standing Order or usual practice of the House, Bill C-70, An Act to give effect to the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada, to amend the Cree-Naskapi (of Quebec) Act and to make related and consequential amendments to other Acts, be deemed read a second time and referred to a committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

The Speaker then asked whether there was unanimous consent for the government leader to propose the motion. There was unanimous consent given. The Speaker said:

> The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

The motion was subsequently adopted and the following observation then appeared in Hansard:

> (Motion agreed to, bill deemed read the second time, considered in committee of the whole, reported without amendment, read the third time and passed.)

Colleagues, there was not one word of debate in the other place, no explanation, no debate, nothing other than that procedural information that I've just given to you, a series of "deemed."

There is not even a legislative summary available from the Library of Parliamentary on this, which I tried to obtain to give me some background.

Ordinary Canadians interested in the work of this Parliament would see that Bill C-70 had been adopted by the House of Commons, but, unless they took it upon themselves to examine the bill, they would have no idea of what had just been passed by their elected representatives in the other place.

In my view, deeming the passage of bills through all stages without a word of debate and a word of explanation is a questionable way to bring government closer to the people. I have criticized this process in the past, as many honourable senators here will know, particularly with respect to matters in finance.

When a piece of legislation is dealt with in such a rapid and cursory fashion in the other place, there is all the more reason to ensure that we faithfully do our job here in this chamber of sober second thought.

Unlike the other chamber, we have not waived our normal rules in this particular matter, and we have not waived our procedures with respect to Bill C-70 because those rules of procedure protect us all and help us to do our job properly.

However, as has been explained by Senator Pate and Senator Patterson, there are good reasons to expedite our consideration of this bill so that important benefits can flow to the Cree people in northern Quebec in the next fiscal year.

Consequently, I hope that we can give this legislation second reading today so that our Committee on Aboriginal Peoples will have an opportunity to hear from the government representatives and, importantly, representatives of the Cree Nation and the Naskapi Nation. It's very important that we get this on the record.

In this way, even if there is absolutely no information on the public record in the other place about Bill C-70, there will be substantive information available to Canadians in our public records. I think we all have reason to be proud of that.

Colleagues, as we have heard, Bill C-70 is another important step forward in self-governance for Aboriginal peoples. This bill actually flows from the historic 1974 James Bay and Northern Quebec Agreement. Only yesterday, we heard of the instrumental role that our colleague Senator Watt had played in relation to those negotiations. The Cree Nation of northern Quebec was a signatory to this first modern land claims agreement and treaty in Canada's history.

In July of last year, Canada and the Cree Nation signed the Cree Nation governance agreement that Senator Patterson referenced. This Act of Parliament will ratify that agreement.

Bill C-70 also enhances self-governance for the Naskapi Nation of Kawawachikamach. The Naskapi are a signatory to the 1978 Northeastern Quebec Agreement, which was another major land claim agreement, in this case entered into between the Naskapi and the Government of Canada.

In short, Bill C-70 modernizes the 1974 and 1978 land claims agreements by bringing a stronger measure of self-government to both of these Aboriginal nations. It deserves to be supported. It also deserves to be debated, and it also deserves to be examined by our Standing Senate Committee on Aboriginal Peoples so that we can be assured that it does enjoy the support of the Cree and Naskapi peoples, as we're told it does.

I ask honourable senators to support this bill in principle at second reading so that we can send it to committee for further study.

Hon. Serge Joyal: I do not want to delay the adoption of this bill at second reading, but there are some reflections that I would like to share with you, honourable senators, because this bill, as Senator Day has mentioned, was not debated in the other place at all. It reminds me of another bill that we debated here — and I'm looking at the other side, and some senators will remember it — the bill to assent to the amendment to the law of succession to the throne, in 2013. Senator Tkachuk might remember it. It was adopted in a similar fashion in the other place. There was not even a statement issued by the responsible minister to explain the bill because, of course, the bill related to the status of the Crown. As you know, Canadians are very lukewarm to the mention of anything in relation to the Crown or the debate of anything related to the Crown.

When it arrived here in this chamber, I and other senators stood up, and we were asked to adopt the bill in an afternoon because, of course, nobody wanted to ruffle feathers in relation to the Crown.

• (1540)

With the consent of the house, the bill was sent to the Legal and Constitutional Affairs Committee. We heard experts and witnesses, we received briefs from expert witnesses, and guess what happened? The bill was adopted at third reading, but in the next year the constitutionality of the bill was challenged in the court. We're still in the courts in relation to that bill, as a matter of fact. Some of you know that I was in the Court of Appeal in Quebec last week to stand by the constitutionality of that bill because I strongly felt that what we did, in studying this bill at second reading and at committee, was most helpful for the court to understand the substance of the bill and the very important implications that are underlying the principles of that bill.

That being said, I totally concur with Senators Day, Patterson and Pate to have this bill sent to the Aboriginal Affairs Committee, but I want to share with you the principles that are at stake in this bill, in my humble opinion.

We're talking about self-government. What does it mean? Self-government means the capacity to rule yourself by yourself and to have the financial support to give effect to your legislation. That's why we have self-government in Canada, because we have a federal and provincial governments, and each is competent in their sphere of jurisdiction, allocated under the constitution, for instance, Indian affairs. Section 91.24 of the Constitution states quite clearly that "Indians, and lands reserved for the Indians" fall under the responsibility of the federal government in the same way that local affairs and education and health fall under the jurisdiction of the provincial government. It's easily understood by each and every one of you that Canada is sovereign as a whole, as a country.

If we are to allocate self-government on Indian lands, and we have recognized status on Indian lands — we have mentioned it, and Senator Patterson mentioned it — section 35(1) of the Constitution Act, 1982 recognized quite clearly that:

> The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

In other words, we are a country with a federal government, with a provincial government and with Indian lands. According to section 35, the Indian nation has sovereignty on those Indian lands. That's the notion of self-government.

What is the extent of their sovereignty on those Indian lands? In other words, on which subjects can they legislate for themselves, by themselves and through themselves? That's the fundamental question that is at stake in the bill now under consideration.

An agreement has been entered into by representatives of the Cree and the Naskapi, as we have heard Senator Pate and Senator Patterson, but we have to be mindful that when we approve this bill, the principle that we approve is the principle of self-government, that is the capacity for those Indian groups, those Indian nations, to legislate for themselves as much as it is recognized under the distribution of powers between the federal and the provincial governments because we are creating, we are recognizing another level of government.

Once we have passed this legislation, we will entrench, for the years to come, the sovereignty of those Indian nations on those sections of land that are covered by the agreement. And we not only do that. It's not enough to say you're competent to make legislation; you have to have the money to pay for it.

Because if we recognize that — and when I say "we," I mean the Parliament of Canada — under its jurisdiction, on the whole of Canada, we recognize that Aboriginal nations have the right to legislate in relation to, for instance, education or local services like the supply of water, water treatment, sewage, where is the fiscal capacity to be autonomous?

You understand it very clearly in relation to cities, towns or villages. If you say that you are competent to rule on sewage, on the supply of water, you have to have the money to provide for it. Where does the money come from in relation to municipalities? It comes from land taxes.

In relation to the Aboriginal nations that are referred to in the act, the question to ask is this: How far is the autonomy in having the supply of money necessary to be able to assume the responsibility of self-government? Because what we're doing here, as a template, could serve as a model solution for other agreements that might be entered into through representatives of other Aboriginal nations in other areas of Canada.

We have to be very mindful of what we are doing. I'm not against what there is in this bill. I want to be very clear that the members of the Aboriginal Affairs Committee will be able to look at the implications of the self-government that we are recognizing in Bill C-70 and the fiscal autonomy that we are recognizing to allow them to assume the total responsibility and their capacity to adopt legislation, regulations to rule the life of their community.

Otherwise, what are we doing? In fact, we are maintaining tutorship if they are not able to be totally autonomous in terms of having the money necessary to implement the legislation that they feel is appropriate to adopt for the benefit and the good of their own people.

I plead to the members of the Aboriginal committee to understand well the principles at stake here. Because it's going to be very helpful to us in future years on the path of reconciliation to understand what we are doing in Canada in relation to recognizing — and I'm looking at Senator Forest — the capacity of the Aboriginal nations on their territory to rule their affairs as much as a municipality has the autonomy to decide for itself but being always dependent on the provincial government to approve their plan, their project, and to be constrained by the financial context under which they operate.

In my opinion, we have to be very mindful of the reflection to bring about, in that proposed legislation, if we really want to know the way that Canada will evolve in relation to recognizing the right to self-government that the Aboriginal nations will finally conclude with the Canadian government, through peaceful and lengthy negotiation and sometimes through court cases — As Senator Pate referred to, there were court cases in relation to this — so that we understand what, in the long run, we will create in Canada, the space of fiscal autonomy and responsibility for the Aboriginal people within the whole of our two levels of government, provincial and federal.

• (1550)

I tried to be as descriptive as possible and to present those principles in a way that is simple to understand. As much as the other place has done this in a fraction of seconds, I think that in this chamber of sober second thought we must fully understand the implications for the future, and the capacity of the Aboriginal Affairs Committee, with the help of experts — professors from the University of Saskatchewan and the Aboriginal law

faculty — so that when we vote on this bill we are not just putting an envelope in the mail but are truly understanding, for the future of the negotiations that are presently under way.

I'm sorry if I have taken too much time this afternoon on this matter, but I think it is very helpful, in terms of what is to follow, to understand what is at stake with Bill C-70. I certainly support sending this bill to the Aboriginal Affairs Committee.

Hon. Lillian Eva Dyck: Honourable senators, I wasn't intending to speak; however, having listened to the previous speakers, I feel that I should say a few words.

This agreement has been undertaken for a number of years. Of course, in any self-government agreement, the concept of being fiscally responsible and independent is deeply embedded. The idea that they have to be economically self-sustaining is part of any self-government agreement that I have seen. Of course, I haven't seen them all.

Over the years, our committee has dealt with a number of agreements, and I was trying to remember them as I was sitting here listening to you. We had the Westbank First Nation, Tsawwassen First Nation, Maa-nulth First Nation and Yale First Nation — all from B.C. Those were the only ones that came to my mind. There may be others. Perhaps Senator Patterson's mind is clicking away trying to remember which ones we dealt with.

Always we have followed the Senate procedure. Always we have had second reading. Sometimes we have made it more expeditious because, again, there was a need for it to receive Royal Assent before the expiration of an agreement between the Crown and the appropriate First Nation. However, we've always sent it to committee, called in witnesses and asked questions.

In particular, I remember that with the Yale First Nation agreement there was a difference of opinion between the First Nations involved. I think it's important to get those differing opinions on the record because, as our former colleague Senator Baker would say, the Senate is quoted many times in court proceedings.

I concur that we need to follow the normal procedure, but we should expedite it because this has to be done before the end of the fiscal year. Definitely, the committee has had a lot of experience in dealing with self-governance agreements.

The only other thing I want to say is that you did mention the idea of templates. I would say that that would probably not be a popular idea. I hate to use the word "colonial," but First Nations, Inuit and Metis people have been under a colonial government for 150 years. Each one has a different concept or world view as to how their self-governance should evolve. The idea of a template contradicts the idea that they are the ones who decide how they will self-govern; therefore, a template would not, in my opinion, be a popular way to go. That is what I wanted to put on record.

Senator Joyal: Honourable senators, when I mentioned the word "template," it was to say this is an example of a way to address the issue. That is what I had in mind.

Would you recognize that is in fact the kind of reflection we have undertaken in the past with these agreements in order to determine the principle under which other agreements can be entered into based on the precedents those agreements teach us in terms of how to approach it?

Senator Dyck: To some extent I would agree with that. Because we're now entering a new era of recognizing Indigenous rights and inherent self-rights, I don't think the previous agreements will necessarily apply to what we see in the future. Now we're seeing that Indigenous peoples' different concepts of what their rights are do not necessarily fit with what the colonial government thinks. What has been done in the past may not apply to the future.

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

Hon. Kim Pate: Honourable senators, first I would like to extend a heartfelt thank you to Senators Patterson, Day, Joyal and Dyck for their thoughtful, important and helpful contributions to this discussion, and especially for their appreciation of the contributions of our former colleague Senator Watt.

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

(On motion of Senator Pate, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

SALARIES ACT
FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Wetston, for the second reading of Bill C-24, An Act to amend the Salaries Act and to make a consequential amendment to the Financial Administration Act.

Hon. Elizabeth Marshall: Honourable senators, I rise today to speak to Bill C-24, An Act to amend the Salaries Act and to make a consequential amendment to the Financial Administration Act.

This bill does five things:

It authorizes the payment of salaries for eight new ministerial positions; three of these eight positions are unnamed.

It removes six regional development ministers.

It creates a framework within which the eight new ministers can be supported by existing departments and are authorized to exercise financial authorities in carrying out their responsibilities.

It replaces the Minister of Infrastructure, Communities and Intergovermental Affairs with the Minister of Infrastructure and Communities.

It replaces any reference to the Minister of Infrastructure, Communities and Intergovermental Affairs in the Salaries Act and the Financial Administration Act with a reference to the Minister of Infrastructure and Communities.

Honourable senators, this authority to pay the salaries of ministers and ministers of state was raised at the Senate National Finance Committee last year when Supplementary Estimates (C) were being discussed.

The Salaries Act is the statute that authorizes the payment of ministers' salaries and the salaries of ministers of state who preside over a ministry of state. That is the key phrase: "ministers of state who preside over a ministry of state."

Under the existing Salaries Act, there is no authority to pay a minister of state who does not preside over a ministry of state.

When the Prime Minister increased the salaries of ministers of state who do not preside over a ministry of state in 2015 to that of a "full" minister, the Salaries Act was not amended to provide for that salary. The salary, instead of being provided for in the Salaries Act, was — and still is — provided as part of a supply bill.

Some members of the Senate National Finance Committee, including myself, found this to be quite unusual.

In summary, this can be explained as follows: The salary of a member of Parliament is a statutory payment under the Parliament of Canada Act. The salary of a cabinet minister is a statutory payment under the Salaries Act. The salary of a minister of state who presides over a ministry of state is also a statutory payment under the Salaries Act. Yet, the salary given to the ministers of state who do not preside over a ministry of state is not a statutory payment but, rather, a voted payment under a supply bill.

In its report on the 2016-17 Supplementary Estimates (C), presented in the Senate last March, the Senate National Finance Committee expressed concern about the recurrent practice of using supplementary estimates to pay the salaries of the ministers of state prior to the enactment of amendments to the Salaries Act, raising the question in the context of this bill, Bill C-24, which was already on the Order Paper in the House of Commons, and had been there for quite a while.

At the time, the Senate National Finance Committee strongly encouraged the adoption of a practice that more closely followed *Beauchesne's Parliamentary Rules and Forms*.

Bill C-24 intends to correct this so that all salaries paid to all ministers will be authorized by the Salaries Act as statutory payments.

• (1600)

The government, in its news release, stated that Bill C-24:

> . . . formalizes the equal status of ministers by adding to the *Salaries Act* five ministerial positions that are currently minister of state appointments . . . .

The five new ministerial positions are as follows: Minister of La Francophonie; Minister of Small Business and Tourism; Minister of Science; Minister of Status of Women; and Minister of Sport and Persons with Disabilities.

In addition to these five new ministers, the bill also adds another three ministerial positions which will be filled and defined at the pleasure of the Prime Minister.

I remind my colleagues that in August of last year the Prime Minister announced the dissolution of Indigenous and Northern Affairs Canada and the creation of two new departments: Indigenous Services Canada, under Minister Jane Philpott, and Crown-Indigenous Relations and Northern Affairs Canada, under Minister Carolyn Bennett.

The two new departments are not referenced in Bill C-24 and it is unclear at this time as to the authority under which the salaries are being paid. I expect this to be addressed during the committee's study.

Bill C-24 also removes six regional development ministerial positions. Prior to 2015, each regional development agency had its own minister, so this bill will remove the following six positions: Minister of Western Economic Diversification; Minister of Atlantic Canada Opportunities Agency; Minister of the Economic Development Agency of Canada for the Regions of Quebec; Minister of the Federal Economic Development Initiative for Northern Ontario; Minister of the Federal Economic Development Agency for Southern Ontario; and Minister of the Canadian Northern Economic Development Agency.

Bill C-24 eliminates all regional development ministers. The Minister of Innovation, Science and Economic Development is now responsible for the six regional development agencies.

The elimination of the six regional development ministers has met with controversy as the Minister of Innovation, Science and Economic Development is the member of Parliament for a riding in Ontario.

For example, ACOA is the economic development agency for all of Atlantic Canada, including Newfoundland and Labrador. Given that there are 32 Liberal members of Parliament from Atlantic Canada, one of them could have been appointed minister responsible for ACOA.

Last year, the Liberal Atlantic Caucus subcommittee reported that they have had a threefold increase in processing times at ACOA since the appointment of the Minister of Innovation, Science and Economic Development as minister responsible for ACOA.

Bill C-24 also adds a new section to the Salaries Act to provide support for the eight new ministers. Specifically, the Governor-in-Council will be authorized to designate one or more departments to provide support to each of the eight new ministers. The eight new ministers will be authorized to use the services, facilities and officials of designated departments. The Financial Administration Act and the Department of Public Works and Government Services Act will be amended so that a minister whose department has been designated to support another minister can delegate to that minister certain financial and procurement authorities.

Honourable senators, this concludes my comments on Bill C-24 and I look forward to the committee's study of this bill. Thank you.

(On motion of Senator Martin, debate adjourned.)

CANNABIS BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

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

Hon. Rose-May Poirier: Honourable senators, I rise today to speak at second reading on Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, also known as the "Cannabis Act."

As per our Rules, debate at second reading focuses on the principle or merits of the bill and to raise general issues from the bill. Therefore, I will not be addressing specific details of the bill, but talk about the intent of the bill and whether this is the best course of action to protect our youth and their health.

Like a lot of Canadians, I do have my share of concerns and doubts when it comes to Bill C-45 and its possible consequences if it is to receive Royal Assent.

According to a *Globe and Mail* Nanos survey from last September, only 7 per cent of the respondents said they believe that legalizing cannabis will lead to a decrease in consumption among Canadians younger than 18.

Not only from various surveys, but also from Canadians who took the time to either write me, call my office or stop by while I'm out on errands, all expressed their concerns. This is clearly a question that touches a lot of Canadians from coast to coast to coast and that could have a lasting impact.

The first concern which comes to mind for me from moving a drug from being illegal to legal is the perception of cannabis now being risk-free.

I first experienced this perception last spring after visiting high schools in New Brunswick. As honourable senators can imagine, the first topic they wanted to discuss was the legalization of cannabis. After a brief exchange, their perception was clear; now that it will be legal, there are no harms to its consumption.

Also, a survey conducted by the Canadian Centre on Substance Abuse published last year found that a majority of youths were unaware that cannabis can be addictive and lead to withdrawal symptoms.

Furthermore, according to a study published in 2015, evidence indicates that perception of harm associated with cannabis use is inversely related to rates of use among youth.

There is also the risk of mixed messaging by our government to our youth. On one hand, we are tightening the rules to prevent and minimize tobacco smoking by introducing plain packaging, social campaigns on its risk and discouraging Canadians by increasing the tax on tobacco. Quite honestly, that approach has worked well. But right now, on the other hand, we are legalizing cannabis, which is mostly smoked, and sending the message that smoking cannabis is okay. Smoke cannabis but don't smoke tobacco. It's almost like discouraging junk food like pizza with the help of a cheeseburger. Don't eat pizza because it's bad for you, but you are making cheeseburgers more available for Canadians.

And the mixed messaging was increased in yesterday's budget. On one page, the government proposes to advance inflationary adjustments for tobacco to protect young people by making adjustments yearly instead of every five years. On the other page, the government proposes to have lower taxes for cannabis to protect kids and dismantle the black market. Lower taxes for cannabis is supposed to keep it out of the hands of youth, but the experience with tobacco shows higher taxes achieve it. It's another mixed message for Canadians.

The risk of legalizing cannabis, which is still illegal, is that it ends up being normalized. Once the substance becomes normalized, the obvious effect is increased use. As I read research or heard people talk about cannabis, there is already a general assumption that Canadians smoke marijuana from the black market, so we might as well legalize it to eliminate the black market and to improve public health. That approach in itself, I fear, will be a step closer to cannabis being normalized in Canadian society, hence why I believe it is even more important to ensure that we have strong education campaigns, tools and resources available several months prior to the legalization.

Furthermore, the risk of normalizing cannabis in Canadian society could very well be heightened by allowing Canadians to grow up to four plants in their homes. If the goal of the bill is to protect young Canadians from the harms of cannabis, how is exposing kids to cannabis plants in their homes protecting them? Having cannabis plants in their homes will just further normalize cannabis as a harmless substance.

I was happy to see Quebec going forward by banning cannabis plants in homes, and I hope other provinces will follow that step.

Again, this is another situation where the federal government lacks leadership. The minimum age required for cannabis in Quebec has been set at 18, while their neighbouring provinces of Ontario and New Brunswick will be set at 19. It's already an issue with alcohol having different age requirements, and I have seen this in my own province, especially in northern New Brunswick. Now, with the age difference in one province and not allowing personal home growth, it's another loophole risking kids being exposed to cannabis at a younger age. In the process, the federal government washes its hands of it by forcing the provinces to make the hard decisions in creating an unbalanced approach throughout the country.

• (1610)

There is clearly a lot of work to do on the issue of perception. For example, a Health Canada survey from last December showed that many cannabis users are not convinced that it can cause impaired driving. According to the Canadian cannabis survey, only half of the respondents who had consumed cannabis in the last year felt that cannabis use affected driving, compared to 75 per cent of all respondents. Another 24 per cent said it depends, while 19 per cent said cannabis doesn't affect driving.

And what was most concerning is, again, during my visit to the local schools, I also questioned the students on driving under the influence. I asked them: If the driver had had two beers, would they get in the car with them? They all said no. But when I asked about cannabis, the answer was overwhelmingly yes.

So time and time again, honourable senators, the challenge of perception is clearly present. These types of surveys and reactions are concerning. Yes, the government has invested some funds in public education, but is the amount enough? We're talking about $46 million over five years for the whole country which, by province and territory, amounts to $2 million per region, which is less than the ice rink now outside on our front lawn.

Is it enough for the message to reach Canadians, especially our youth? And is there enough time before cannabis becomes law for the message to be received and clearly make Canadians aware of the dangers and risk of cannabis?

In today's society, we are bombarded everywhere and at all times: Facebook ads, YouTube ads, TV, radio, tweets, Facebook feeds from what our friends and families are up to, general interest, et cetera. It will take even more time and persuasion to reach Canadians in 2018 than it did when the tobacco campaign started in the late 1990s.

Now I'm aware that the government proposed to provide $62.5 million over five years starting in 2018-19 for public education initiatives in Tuesday's budget. But in all fairness, when will that money be made available for its purpose? And so close to the projected date of the bill becoming law, how effective will the funding really be?

The second concern for me, as it is for a lot of Canadians, honourable senators, is on the health implications of cannabis. First and foremost, the health risks for our younger population are a huge concern not only for myself and members of this chamber, but also for the experts out there.

As I am not an expert on the matter of brain development, I will not go into the gritty details of what can happen to the brain when cannabis is consumed by people under the age of 25. But I have read what the experts have been telling us and there is a clear link on the brain development when cannabis is consumed by people under 25.

And that impact is greater the younger the user is. The younger the user, the more he or she becomes vulnerable to developing mental health issues.

According to a poll conducted by the Association des médecins psychiatres du Québec, 89 per cent of psychiatrists believe that legalization will lead to an increase in the use among legal-age young adults as well as among underage youth, and 79 per cent of the psychiatrists think that the legalization of cannabis will hinder the functionality and recovery of their patients.

To go beyond the statistics, honourable senators, please allow me to share part of an article from *Maclean's* magazine titled *The teenage brain on weed*. It talks about a young man who started smoking cannabis at the young age of 14. As time went by, he started using more and more. His parents tried to stop him but they eventually gave up, content that their son wasn't using harder drugs. The young man said, "That kind of told me that it's okay, so I started using every day."

After five years of heavy use, he noticed his short-term memory was starting to fray. He avoided talking to people. Worse, festering feelings of anxiety and depression were growing. He tried to mask them with weed, deepening his dependency. He quit his job and broke up with his girlfriend, trying to find the source of his depression.

After a minor argument with his sister at a family cabin, the young man fled and barrelled back to the city in tears. He called a friend to take him to a mental health clinic. The young man, who had been prescribed antidepressants a couple of weeks earlier, spent two hours with the doctor and was told what he had already suspected: He had a dependency on marijuana that was affecting his mental health, and he had to quit.

This young man's story ends well, where he has stopped smoking cannabis. His depression and anxieties are gone and he is more outgoing socially. Unfortunately, his short-term memory has suffered. At work he has to make sure to write everything down. He did smoke at least once since he quit habitual use, although "It was eye-opening," he says. His anxiety came back and he broke into a nervous sweat. "It was direct evidence that I'm okay, I can do without this."

Not only for mental health issues, but there needs to be more research done to measure the impact for physical health. Yes, there is some risk to consuming cannabis during pregnancy as several studies have shown. But are Canadians knowledgeable on this, and have our health care professionals had these conversations with their patients?

According to the results of a survey in France, only 51 per cent of health care professionals asked their pregnant patients about drug use and approximately 68 per cent did not feel sufficiently informed about the risk of cannabis use during pregnancy.

I am aware the survey was made in another country, but these are questions to which we need answers before it becomes legalized to make sure our health professionals have the proper tools and proper knowledge to protect Canadians.

What was more troubling for me, honourable senators, was the government ignoring the call by certain groups, like the Paediatric Chairs of Canada, that we need more research. On one hand, we have the experts on the matter of pediatric health calling for more research, a moderate approach and a warning of the grave consequences for public health due to a gap in public education. On the other hand, the government wants this bill to be adopted quickly in the name of public health.

Why is the government not listening to the experts on this matter? It is baffling that the experts who are asking for a moderate request to have more time for public education are being ignored by the government.

Furthermore, my office had a chance to meet with the Canadian Nurses Association, and they too shared their concerns. A new national survey revealed that only 62 per cent of nurses consider themselves knowledgeable or very knowledgeable about the risks associated with recreational, non-medical cannabis. These numbers are problematic since the nurses are the front line and backbone of our health care system.

In the spirit of Bill C-45, where the goal is to improve public health, how can we do so if only two thirds of the nurses feel they have the required knowledge to effectively tackle this new reality? We need to give them the resources and the time to improve the knowledge for the current nurses, as well as to adapt the curriculum for future nurses.

However, honourable senators, as I have read more and more on cannabis, whether it be by health care stakeholders, medical researchers, municipal leaders or studies on the experiences in Colorado and Washington, it all came to a similar recommendation: Don't rush it through.

Yes, I acknowledge we have some of the highest rates of cannabis use in the world, and that is a problem. But according to a new study released by Statistics Canada last December, older Canadians, including senior citizens, are using cannabis, but fewer minors consume the substance. I will quote the analyst Michelle Rotermann:

> This study and others have shown recently that use of cannabis among youth has either remained stable or has declined whereas use among older individuals has increased.

To wrap up, honourable senators, we have the facts in front of us. Perception: What message are we sending to Canadians? As we are cracking down on smoking tobacco, we are legalizing smoking marijuana.

Pediatric and mental health representatives are concerned about the risk for our youth, especially for brain development and mental health.

The Hon. the Speaker: Senator Poirier, your time has expired. Are you asking for more time?

Senator Poirier: Can I have five minutes more, please?

Hon. Senators: Agreed.

Senator Poirier: There is a gap in education for the Canadian public, especially our youth, but also for occupations like nurses, who will deal with the possible consequences of the bill. We need to better assist them so that they, in return, can be more effective and, therefore, our public health will be better.

• (1620)

Allow me, honourable senators, to read a letter I received from a concerned mother, which demonstrates the real risk behind cannabis consumption.

> Dear Senators from New Brunswick,
>
> I am writing to you to express my concern about Bill C-45, which deals with the legalization of cannabis, and ask that you would vote against this Bill or at the very least, stall its passing.
>
> I have firsthand experience as to why I have such concerns over this bill being passed.
>
> I almost lost my 20 year old son after a well-meaning doctor gave him a prescription for marijuana, to help with some depression symptoms.
>
> He became suicidal and tried to take his life more than once. He then went into a full blown drug induced psychotic episode which required a full month on a psychiatric ward.
>
> It was a nightmare to say the least.
>
> After much support and prayer, I am happy to say, my son is doing very well, and with no more marijuana. He is just about to graduate from Firefighter school.
>
> Our story has a happy ending but what about all the youth who are also at risk for increased depression, increased suicide tendencies and psychotic episodes through marijuana usage?

> Please do not pass this Bill. Marijuana is not as safe as many assume it to be. There needs to be more study and more time given to such a huge decision.
>
> Respectfully,
>
> A concerned mother from New Brunswick.

And I have left the name out.

In my opinion, we are going too far, too fast. Fully legalizing to meet an artificial and, quite frankly, a political deadline is not in the best interests of Canadian public health. All stakeholders and all the research have emphasized the importance of having strong education and awareness campaigns for all Canadians prior to legalization. We need to ensure we're not sending mixed messages to our youth; we need to ensure our health professionals are knowledgeable and well equipped to meet these new challenges, and we need to communicate clearly to all Canadians, especially the parents and our youth, about the real risks behind cannabis use. If not, honourable senators, we won't feel the consequences of our decision on this bill. It will be our grandchildren and great-grandchildren who will have to deal with the consequences, to which I ask: Are we doing them a service or a disservice by going too fast into a barely chartered territory?

Thank you, honourable senators.

Hon. Frances Lankin: Honourable senators, I'm delighted to have the opportunity to participate in this discussion on Bill C-45 at second reading. And like Senator Poirier, I intend to speak to this bill in principle and raise the issues of concern that I would hope the committee will spend some time delving into and hopefully providing their thoughts on back to the Senate as a whole when they report out on this bill.

I also want to take a moment at the beginning and thank those senators who, in doing research, have shared that research with all of us in this chamber. The sponsor of the bill, Senator Dean, has done a phenomenal job in pulling together a lot of information and making it available to any senator who wishes to do that, and far beyond government and the Library of Parliament, from different symposia and seminars. I have to say it has taken over my reading completely, but it is very, very helpful. For example, there are a couple of things Senator Unger has distributed to all of us, putting forward a particular point of view and some research evidence that supports that point of view that she holds on it.

I have found this a very engaging opportunity. And if I may comment on the nature of the debate, the fact that we are speaking with each other, each day, and with two or three speakers, I find helps me really understand the perspectives around the chamber, and I'm learning from everyone that speaks. We all bring different understandings, perceptions, experiences and evidentiary facts to the table. I think that's helpful.

I started my thinking about this from my position in principle going into second reading. I will admit, if I have a bias, it is a bias from years of working in community health and public health. I understand the concepts behind those issues, particularly as they intersect with discussions around controlled drugs. I started looking at this from the perspective of being open to what the government was arguing the purpose of the bill was in terms of a public health approach. Of course, it raised a question for me that the debates often contrasted public health with the "war on drugs."

I didn't realize how much I didn't know about the "war on drugs" and the history of that until I started doing research. As a kid of the 1950s and 1960s, I thought that at least the colloquialism of the war on drugs came about from President Nixon in 1971 and the Shafer Commission, and I will come back to that in a moment. That's where I assumed it started.

As I looked, I found that Canada has a very long record of having been part of and having led on the war on drugs. I looked back and found that around 1908, 1909 then Minister of Labour King went out to Vancouver after race riots took place in the Chinese community, primarily in the storefront areas where there were Chinese and Japanese business owners whose shops were destroyed and windows smashed. I had never heard of this. I didn't understand this early intersection between drug policy and race. There are a number of places where it plays out in its history. It's interesting. I'm not going to spend a lot of time on that except to say it's very interesting reading for people.

Minister King came back from Vancouver and brought in the Opium Act in 1908 or 1909. In 1911 it was amended. It became the Opium and Drugs Act. In 1923 cannabis was added. In 1929 it became the Opium and Narcotic Drug Act. For a long time that was Canada's mainstay approach towards controlling of drugs and its approach to drug policy.

In 2011, the Safe Street and Communities Act brought forward amendments to the Controlled Drugs and Substances Act with mandatory minimum sentencing. I raise that because it was interesting that this Senate at the time weighed in on that issue as it had impacts on Aboriginal communities, which is one of the focuses that we often talk about and the lens and the filter that we bring to examining bills.

The following year, the Supreme Court ruled on this issue. They made it very clear that with respect to the sentencing of Aboriginal offenders:

> . . . courts must take judicial notice of . . . the history of colonialism, displacement, and residential schools and how that history continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and of course higher levels of incarceration for Aboriginal peoples.

So the Supreme Court set out the necessity for courts and the justice system to continue to understand, at least in the case of Aboriginal peoples, the societal, cultural and justice circumstances that bring Aboriginal peoples to courts in these circumstances. It was interesting that, again, this Senate played a role.

I'll go back to the States for a moment and talk about where I thought the war on drugs started with President Nixon. In 1972, he set up the Shafer Commission. It was former Pennsylvania Governor Raymond Shafer who chaired that. I believe from my

reading that the President expected that it would be a rather straightforward and hard-hitting report that would continue to support the approach of the war on drugs.

In fact, the Shafer Commission came back and they did not argue legalization, but they did argue for decriminalization. They argued for an end to prohibition. That was the context in which they were looking at it. They were looking at whether the policies they had in place in the United States worked. What's the impact of cannabis and what should they do going forward? They made a recommendation to end prohibition, and in this case back in 1972 the measure they suggested was decriminalization.

Nixon wasn't very happy with this. I thought one of the most interesting things was I found myself, as I was going through websites, landing on a section of the tapes from the Oval Office as they become publicly accessible over the years. The tapes were there. And President Nixon was hopping mad about the Shafer Commission. In fact he called them something. I can't tell you what because it seemed to be redacted from the article that I read. At least, it was dot, dot, dot. I think that there must have been some profanity involved in that, but he was determined that in fact that was wrongheaded and that it would continue with respect to the war on drugs.

• (1630)

Previous to that, in 1988, France had undertaken a major study as well. The health minister had proposed a study and a commission was brought together. It was headed by a renowned researcher, Bernard-Pierre Roques. They focused on characterizations and classifications of drugs — that is, low impact, medium impact and high impact. They made suggestions, which weren't followed through on either, that alcohol be moved up to very high impact and that marijuana be moved down to low impact. Interestingly, that's where the evidence took them. Once again, the political response was we're not going to touch that; we're not going to go there.

In 2014, the New York Academy of Medicine issued a statement saying that "In the long run, marijuana legalization appears to hold the greatest promise for effective and intelligent control of marijuana use."

The New York Academy of Medicine made that statement in 2014 in the context of a 70-year look back to the LaGuardia commission. The commission, issued by the mayor of New York at the time — someone who was very small "L" liberal in his views around these things; he may have been large "L" liberal, too, but not in his views around drugs — made it into almost a personal war between him and Harry J. Anslinlger, the first commissioner of the Federal Bureau of Narcotics. They had very different views, but the LaGuardia commission came up with some radical statements like this is not a gateway drug, it doesn't lead to use of heroin and it is not a cause of juvenile delinquency — things we hear talked about now and that are still being debated. It's not that the research doesn't land anywhere or doesn't congregate to a certain opinion in its majority, but there's so much available that is of such low quality — not because of the work that was being done but because there has been an inability to do wide-ranging research with a controlled substance. Researchers can't do it because it's illegal to grow. The kind of research agenda that has existed has been limited by the war-on-drugs approach that we have had.

I looked at the history of this. I looked at the race impacts, whether it was Aboriginal peoples and who has been mostly negatively impacted by the war-on-drugs approach. I found that it is people of poverty and people of colour largely in the U.S. Those questions of what the impact of that policy has been, who pays the most for that policy and how it relates with other issues, like race and our overall history on prohibition and other things, are all important context setters for how this debate comes to us.

Where I end up today, before we have the opportunity to examine this bill in committee, is to say that I support the public health approach. Therefore, in principle, I will support this bill, but first I want to raise a number of issues of concern.

I want to thank other senators who have done that. Yesterday, Senator Neufeld gave a moving presentation of the issues as he's seen and experienced them in his life and in his hopes and aspirations for his grandchildren. Sharing his own personal experiences with us was powerful and bold, and I appreciate it.

Senator Batters, in questions that she's asked here — on this issue and on other issues —points to the importance of resources for mental health and treatment for mental health. She brings a tragic life experience to that.

Honourable senators, it's important that we hear each other as we talk about these things from the experiences that we all have and bring.

Senator White and others who are from policing background bring a particular perspective. I'm from a public health background. I bring a particular perspective.

There are reasons why we say the things that we do. I believe that none of us want to move into this debate on the basis of moral opinions or ideological opinions. We want it to be evidence-based, but we have a problem in that the evidence can take us different places and we have to try not to be led only to look at the evidence that supports the incoming assumptions.

I don't think I'm wrong to say that the majority of opinion scientifically actually comes to the point that the war on drugs as a policy is a failed public policy and that a public health approach is the better way to go. However, in that there are a whole lot of things that we don't have the answers to that people have raised as concerns.

I hope the committee takes its time to look at things like where we need more research. A lot of dollars in research has been announced. Where do we need the research? How do we get the people on the ground, the provinces and the federal government to collaborate and to define that focus and get research that's going to help us move a public health approach forward?

Concerning black market eradication, there are lots of issues around that. Have they got the pricing and tax policy correct or not? It's a policy choice for them to make where they're going to set it. What's the evidence that supports them to set it where it is? It's worth looking at that and understanding it.

With respect to home growing, is that part of what they are putting forward as a way to eradicate the black market? It raises questions in and of itself. How do you have quality control on the product if it's being grown in people's homes? That's a very important question. On the other hand, if someone can grow four plants and not go to the street corner to buy it from the black market, does that help eradicate the market? I don't know the answers, but I would like those questions to be raised.

There is also the parents' role. We've heard a lot about if we have these plants growing in the home, children will have access to them. I see it the same as if children are in a home where someone is brewing beer or making wine. Those substances are there and you could have access to them as well in someone's home. The role of how we educate and equip parents, I think, is really important. Work has begun on that. Those kits are being distributed and more work needs to be done.

Regarding prevention and education, we have seen how powerful it has been over the years with tobacco. I had the opportunity to be part of banning the sale of tobacco in drug stores in Ontario and the banning of vending machines. Kids used to be able to walk in foyers of restaurants and bars and not go inside, but go in and get cigarettes from the machine. Those kinds of moves, along with that kind of education, has had a profound impact. We need to do the same in this area.

I don't disagree with people who say that it would have been better if we started this three years ago, however.

May I ask, Mr. Chair, for another five minutes?

Hon. Art Eggleton (The Hon. the Acting Speaker): Five more minutes? Is it agreed, colleagues?

Hon. Senators: Agreed.

Senator Lankin: Thank you.

People have mentioned youth consumption and Indigenous communities. Obviously, prevention information is critical. Those things have been covered.

I want to talk for the last three minutes about the intersectionality between youth, mental illness, cannabis and employment. These things are all connected. I spent a bit of time in 2011-12 reading OECD reports about mental illness and the impact it was having on our economies, on workplaces, on employers, on accommodation costs, on lack of accommodation and the costs of that and the connection now to young people.

Research is being done at places like CAMH on the aspiring workforce where they're working with former patients and clients and looking at the connection to work as part of the treatment modality for mental health. There's so much that we don't know. On youth mental health and youth brain development, there's a lot of stuff swirling around. Most of it will tell you it's different for every person. Once again, we have to give information and ammunition to individuals.

The Pine River Institute north of Toronto is a treatment resource. They, and many others, are suffering from having 29 funded beds for youth with mental health and addiction problems and 200 people on the waiting list. Every one of us could give those examples of organizations that we know.

Honourable senators, I believe we need to be calling on the federal and provincial governments to a fed-prov process of developing a youth mental health framework and resources for the interventions and treatments that need to happen. Only one of the reasons is cannabis and what we have yet to know about how to determine safe levels of cannabis use, if there is such a thing.

• (1640)

The last thing I would say, I've looked at this and wondered what all those questions mean and where they lead. Do they lead to potential amendments? All of that is to be determined. But I look at this also from the basic principle of supporting a public health approach, and I will also look at the Salisbury Convention, that this is a bill and a public policy approach that the government campaigned on, they put forward and people have voted on. Where there are choices to be made, I'll question them on those choices. If I think there's a better choice, I'll try to convince them.

But I would suggest that in most of these situations what we would see as an appropriate way forward is for the committee to attach significant observations on these issues and really try to engage the government in doing something like a fed-prov strategy on youth mental health and resources for treatment and research focused on that.

So I'll leave my comments at that for second reading. I appreciate all those who have contributed to my thinking on this as I've been listening. Thank you.

Some Hon. Senators: Hear, hear!

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

Senator Lankin: Yes.

Hon. Dennis Glen Patterson: Thank you for your speech. You said there's been a lot of research done. Parliamentary Secretary Blair announced last-minute research money very recently, $1.4 million to fund 14 research projects across Canada. Do you think that's a lot of research funding for a subject of this magnitude?

Senator Lankin: $1.4 million? No, I don't think that's a lot of money, but I don't think that's all the money that has been earmarked for research, either. I think the budget just put forward another $20 million yesterday.

I think this whole area needs to have a large focus on what we need in the early days to answer these research questions. There has to be a coordinated approach, not only driven by the research interests that are applying for these grants. There has to be, from a public policy point of view, some things we really want to know that we should, collaboratively with the provinces, direct that research towards.

[*Translation*]

Hon. Chantal Petitclerc: Honourable senators, it is a privilege for me to join the debate on Bill C-45. I would like to begin by thanking the bill's sponsor, Senator Dean, for his outstanding work and collaboration, as well as all senators who have contributed to the debate.

[*English*]

I love this country, and like every one of you, I have a vision of where I want to see our country going. I have a vision for the future I want for my little boy and for generations to come.

These visions that we all have, of course, come from who we are: our backgrounds, experiences, values and choices. So as a small-town girl turned high-performance athlete, it will not surprise you that my dream for our youth is very ambitious. I see a country where our kids are healthy, active, thriving, with no limits on what they choose to accomplish. And that's not really what's happening right now.

Now, I'm not naïve, and I know that building a country is not that simple, but you see where I'm coming from. And you can understand that when it comes to Bill C-45 — and I've said this to Senator Dean a couple of times — let's just say that I'm struggling. I can't shake the feeling that we are taking a big leap of faith, with a lot of unknowns and some serious risks ahead of us.

[*Translation*]

I am well aware that our role is not to make a value judgment on the relevance of a government bill, especially since 65 per cent of the population supported this initiative during the campaign. However, I also know that, as legislators, it is our responsibility to protect the most vulnerable, and that includes our youth. What we know is that, once Bill C-45 becomes law, adults will be able to access regulated legal products if they so wish.

[*English*]

But apart from that, there are many question marks that still remain, as has been mentioned. What will the impact be on the illicit market? How will the personal culture of cannabis be possible to regulate and monitor? How can we make an informed review of legislation when the data we have access to is so recent, with little baseline on an illegal product? It is complex, and I don't even want to think about one year from now, where someone will have to answer the very important question that no one has yet dared to ask: How on earth will we baby-proof a muffin?

But the questions that keep me up at night when I think about Bill C-45 and our youth are the "whys." A figure of 21 per cent of youth reported using cannabis in 2015 and 30 per cent of young adults have said they are using it. Why is that? Why does Canada have one of the highest rates of cannabis use among developed countries? Surely we cannot be comfortable with that kind of record. Is legalization how we intend to respond to this alarming situation?

I have some doubts and questions. In fact, I'm puzzled. We have been told by many and often how Bill C-45 is intended to answer a health crisis and is all about harm reduction. If it is a question of health protection — and I do hope it is — if it is a public policy answer to an already existing health problem, then why are the health professionals and scientists not listening, to the extent that I believe they should be, on so many levels? I lack seeing coherence between the declared intention of the bill and the measures that are proposed. For example, when it comes to packaging, the McLellan report has advocated strongly for plain packaging, yet the government is not going in that direction.

Some have stated that Bill C-45 will not have an impact on the normalization of cannabis. Like many, I have my doubts and I'm not sure I agree. In fact, I would argue that when we look at the high figures of consumption, especially in our youth, it is already normalized, and I'm not sure legalization will fix it. Listen to the conversations around you; I think on some level it's already happening. Only last week, an 8-year-old in my presence, knowing what I do here, asked me: "So does this mean I will be okay to smoke a joint in 10 years?" I do hope these comments are exceptions and not a reflection of conversations happening all around this country. In fact, I have a really hard time becoming convinced that young kids consuming cannabis will change their ways.

In the small town where I grew up, like thousands of little towns similar to it in Canada, things were quite simple. If you were into it and your parents could afford it, you played hockey or you did figure skating. If not, well, you hung out, and you hung out a lot, and you got bored. Some kids got into trouble. We all knew exactly where the local dealer hung out — not too far from the school — and I know for a fact, because I called a former teacher, that there is still someone at exactly the same place. We all know, if we are being honest, that he will still be there after Bill C-45 comes into force.

The Canadian Psychiatric Association, like many medical scientists, has warned us that the brain remains vulnerable to cannabis in unique ways until the age of 25. Senator Woo and others raised this concern thoroughly in their second reading speeches, and I will not repeat them, but I wanted to say that I do share those concerns.

The medical science is not in dispute, yet while our government says that Bill C-45 aims for public health and harm reduction, it does not seem to listen to its own medical community by protecting our youth properly until 25 years of age. Yes, I understand and I hear the logistical reasons to go for age 18, but should harmonization with the alcohol and tobacco legal age be a priority on a bill that is supposed to be all about harm reduction? I'm not too convinced.

• (1650)

I know that we have to be realistic. Kids and young adults will always want to experiment, push boundaries and try new things. This is normal and, for the most part, harmless. But we need to make sure that no one goes from experience to waste of potential, talent, life and addiction.

With the many concerns that I have, I am strongly convinced, as advised by many organizations, including the Canadian Medical Association, that the key to protecting our youth will be education, awareness and information.

Washington has committed to invest a little bit over $1 per person per year. Colorado goes for $1.64 per person per year. Our government has decided so far to invest on average 20 cents per person per year.

Very little has been done to date to increase public education about the risks of cannabis. The government readjusted its financial commitment yesterday, when it tabled the budget allocating an additional $62.5 million over five years in addition to the $46 million already committed. This certainly is good news that we welcome. But we are still only at an average of 60 cents per person per year. So how will this be enough, if I may ask?

Cultural and social change is long, slow and arduous. Think about how many years after legislation it took for individuals to start using their seatbelts when driving, and how many years it took to get the behaviours of drunk drivers to improve? Perhaps the best example is tobacco. Even after we knew it was killing Canadians, it took decades and massive investments in education and awareness for our tobacco rate to go to the now historical low of 16.9 per cent.

My point is we can't afford to wait and react or readjust down the road. We have to be cautious, aggressive and proactive from the start. I'm not too sure we are doing this.

[*Translation*]

Why did the awareness campaign not start months ago, well before the act came into force? The minister's answers to this question were not very clear in committee of the whole, even after repeated questions from the opposition leader, Senator Smith.

There have been some initiatives; we are all familiar with them. In March 2017, Health Canada, in collaboration with Drug Free Kids Canada, launched a digital campaign and created the "Cannabis Talk Kit" brochure, 180,000 copies of which have been distributed so far. We also know that an extensive national information and awareness campaign will be launched in March 2018 — so any time now.

[*English*]

I am not a communications expert, but allow me to doubt that 180,000 traditionally printed pamphlets distributed on demand is the optimal way to reach our youth. In this day and age, one could hope for something a little more creative and dynamic.

I, for one, have not been reached by any awareness message. Maybe I'm just too old for that. May I remind honourable senators that in the panel organized by Senator Oh, with leaders from the pediatric community, I was amazed at the end that they did not even know that some awareness campaigns or education had been even done? So that really says something about efficiency.

If Bill C-45 is about health policy and harm reduction, health must be the priority. Legislation alone will not address the challenges of our youth being among the highest consumers of cannabis in developed countries. Education, awareness and de-normalization of cannabis is, I believe, the only way to do it.

Before I conclude, allow me some latitude to go a little bit out of scope and share what deep down really troubles me. At some point, we as a country will need to take a step back, look at our youth challenges, not only in silos but as a whole, and really decide how important it is to tackle those challenges in a more comprehensive manner. Think about this: Our youth, as we learned with Bill C-45, are among the highest consumers of cannabis in developed countries. To add to the statistics, here are a couple more that paint a sad picture.

[*Translation*]

Statistics Canada's recent figures warrant our attention. Forty-five per cent of people aged 18 to 34 are overweight or obese. Just one in six youth are getting their 150 minutes of physical activity each week. Only 25 per cent of young men and 37 per cent of young women aged 18 to 34 consume the recommended five servings of fruits and vegetables per day. One in four youth aged 20 to 29 ranks as having poor heart health. Our youth suicide rate is among the highest in industrialized countries, especially in certain communities, as we know. The school drop-out rates also remain quite high.

We might ask ourselves what is going on with our youth. Why are we seeing so many worrisome, even alarming, figures in so many areas?

[*English*]

Why should we as a country settle for that? Do we not have higher expectations for our youth?

[*Translation*]

Furthermore, what are we doing to fix this in a structural way, rather than taking measures here and there, in silos?

[*English*]

I don't have the answers, but I know that a very strong, quantifiable commitment from our leaders to social changes, education and awareness will be part of the solution. While we are going to study this bill in various committees, I do hope that we keep in mind that we have a role to play in that bigger picture.

Bill C-45 is addressing only a small part of the landscape when it comes to the challenges facing our youth, but it is an important one, and we can't afford to get it wrong. Thank you.

(On motion of Senator Martin, debate adjourned.)

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals) moved second reading of Bill C-50, An Act to amend the Canada Elections Act (political financing).

He said: Honourable senators, I rise today to speak to Bill C-50, An Act to amend the Canada Elections Act (political financing). This bill proposes amending the Canada Elections Act to bring enhanced openness and transparency to federal political fundraisers.

I am particularly interested in this bill as my experience with political fundraising is well known to most. As a certified fundraising executive and active member of the association of fundraising professionals, I've spoken extensively on ethical fundraising techniques. As a past national director of the Liberal Party, a large part of that job had to do with fundraising at that time.

As the minister pointed out to our colleagues in the other place, this legislation is designed to encourage more transparency in our public institutions and our political parties.

Before I begin, I'd like to congratulate Minister Gould on the upcoming birth of her child. The minister will now be on maternity leave.

Honourable senators, section 3 of the Charter of Rights and Freedoms guarantees every citizen the right to vote. Our right to vote is probably the most important right we have, to freely choose how we want to be governed. Canada is also an example to other countries in the world struggling to attain or defend that right.

• (1700)

The Charter also enshrines the freedoms of association and expression. Section 2 has been interpreted to include the right of Canadian citizens and permanent residents, subject to reasonable limits, to make a donation to a political party and to participate in fundraising activities.

Political parties are vital to our system of governance. They unite people from different regions and with a variety of different perspectives, backgrounds and experience. Citizens are free to join or donate to a political party of their choice. I could recommend a certain party to them, of course. Voting in an election or for a candidate for the political party is one of the ways Canadians play an active role in society.

To help Canadians decide for whom to vote, fundraising activities fund the party's ability to operate its internal structures, which helps to expose the party's policies to the general public. This is partly done through hosting events. Events also provide the opportunity to say "thank you" to its donors. Some fundraising events are really friend-raising events, and we would do well to remember that.

Stewardship is a very important aspect of donor relations. It is what an organization does to ensure that donors experience a certain level of encouragement and gratitude in order for them to start donating, but more important, to keep them donating. I am sure if my old friend and fellow fundraiser, albeit for the Conservatives, Senator Gerstein were here, he would wholeheartedly agree that fundraising activities are at the very heart of how political parties operate. Raising money for a party or donating money to a party is not a bad thing. We shouldn't treat it as such.

For many Canadians, making a donation to a political campaign is a meaningful way to play a direct role in our democracy. I have done that for many years, and I'm sure that many of you have. We must continue to uphold and protect the right to financially support a political party, because donations help make the work of Parliament possible.

Indeed, as professional fundraisers, we are guided by principles with respect to ethics and transparency. For example, the Donor Bill of Rights was created by the Association of Fundraising Professionals, the Association for Healthcare Philanthropy, the Council for Advancement and Support of Education, and the Giving Institute — all leading consultants to non-profits.

It has been endorsed by numerous organizations, including, by the way, the Liberal Party of Canada. I believe it still is the only political party in the world to do so. It was created:

> To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support . . .

It includes such things as information sharing, organizations' board structures, access to financial statements and how a donation is handled by an organization. There are structures, guidelines and laws out there to protect organizations and donors.

What we see here today with Bill C-50 is designed to improve upon already existing structures in place to guide political parties in their activities. While we as senators may not be elected, we do understand through past or current experience with our political parties, and donating and volunteering, how fundamental it is to be able to participate in the electoral process however we see fit. Every Canadian enjoys this, too, of course.

Honourable senators, Canada is known around the world for its diligence when it comes to our political fundraising rules.

I would remind everyone that in 2003, Bill C-24, an Act to amend the Canada Elections Act and the Income Tax Act (political financing), was introduced by the government of Prime Minister Jean Chrétien. I had the opportunity to be involved in that process. The bill made sure that rules surrounding political fundraising were clear and transparent. It restricted contributions and contribution limits, and also introduced a per-vote subsidy.

Some didn't like the bill at the time. Indeed, the per-vote subsidy introduced in the bill was phased out by the Harper government in 2015. Sometimes it's good to remember our history, honourable senators.

From some research I was given by the department, I note that in 2016 there was an OECD report called *Financing Democracy*. It focused on the risk that public policy-making can be captured by private interest. OECD Secretary-General Angel Gurría warned that the consequences include the erosion of democratic governance, social cohesion and equal opportunities for all, as well as the decline of trust in democracy itself.

Of the member countries surveyed, just under half had no donation limits. Of the rest, some were higher than Canada's. There is only one country, Belgium, which had a lower limit than Canada's, although it is important to note that in Belgium, public funding covers 85 per cent of the funding going to political parties.

It is also important to note that while we may have rebates available during elections and tax receipting for donors who contribute to parties, we no longer have a per-vote subsidy, which I mentioned earlier.

This reminded me of an interesting fact. In the United States, there are spending limits for political parties but not really for candidates. It is quite a complicated system. In Canada, we have limits for both parties and candidates.

To illustrate this, let's take a look at the election of 2000 for the Senate seat in the state of New York. Democratic candidate Hillary Rodham Clinton and Republican candidate Rick Lazio spent approximately $70 million. It was one Senate seat, one state — $70 million.

By comparison, in the 2000 Canadian general election, the then six major political parties in Canada spent a combined total of $35 million — six parties across the whole country. And they spent $70 million in the state of New York alone. That's about half for the entire country versus one state.

Some other research I have seen was from Transparency International's 2016 *Corruption Perceptions Index*. This annual study measures perceptions, because it is impossible to accurately measure the actual incidents of bribery and other forms of corruption around the world. The 2016 report reviewed 176 countries and placed Canada as one of the least corrupt countries in the world. This is good news. Among the G20 countries, Canada was number one, topping the Americas in the charts by a considerable margin.

I am not surprised by this. Our history of expanding and improving upon laws that make political donations more transparent is quite clear. Improvements have been made by both Liberal and Conservative governments.

Honourable senators, political parties need funding to operate in order to pay for staff, office space, advertising, et cetera, and we all need strict rules to govern the funding of these parties. We do face a balancing act. We need to respect the constitutional rights of Canadians to participate in our system while ensuring that all Canadians are able to exercise these rights equally.

This was also clear when Parliament was debating Bill C-24 many years ago. As a review, in Canada, donations from corporations and unions are prohibited under the existing legislation. There are strict limits on the contributions an individual can make. Canadian citizens and permanent residents can contribute a maximum of $1,550 annually to each registered political party. That's cumulative; you can't give that amount to each party. That's a cumulative total. They can donate $1,550 to leadership candidates in a particular contest. Again that's a cumulative number, not individual.

• (1710)

In addition, they can donate $1,550 to contestants for nomination and/or candidates in a riding association for various political parties. Again, that's a cumulative number.

Contributions are reported to Elections Canada, and the name, municipality, province and postal code of those who contributed more than $200 are published online. Please note that fact as we continue. It's online; you can go and have a look at it.

Bill C-50 builds on this. When a fundraising event requires an attendee to contribute or pay a ticket price totalling more than $200, the name and partial address of each attendee, with certain exceptions, will be published online. The exceptions, so you will be clear, are youth under 18, volunteers, event staff, media, someone assisting a person with a disability, or support staff for a minister or party leader in attendance. They don't need to report.

Bill C-50 aims to provide Canadians with more information about political fundraising events in order to continue to enhance trust and confidence. If passed, Bill C-50 would allow Canadians to learn where and when a political fundraiser that has a ticket price or requests a contribution above $200 is happening and who attended. This legislation would apply to all fundraising activities attended by cabinet ministers, including the Prime Minister, party leaders and leadership contestants that meet the criteria.

This provision also applies to appreciation events for donors to a political party.

I would point out here that if a donor has given $200 to their party of choice, that information will be published already by Elections Canada, so by publishing the names again after an event is held may seem like a moot point. What it does is allow Canadians to see exactly who attended what political event in order to show that the event and, in particular, the party has nothing to hide.

Honourable senators, Bill C-50 requires parties to advertise fundraising events at least five days in advance. Canadians would know about political fundraisers before the event takes place, giving them an opportunity to inquire about the ticket if they wish. The legislation would apply only to parties with a seat in the House of Commons.

Bill C-50 would also give journalists the ability to determine when and where fundraisers are happening. At the same time, political parties would retain the flexibility to set their own rules for providing media access and accreditation. Parties would be required to report the names and partial addresses of attendees to Elections Canada within 30 days of the event. That information would then become public with the exception of fundraisers that occurred during an election period. Fundraisers for an election period have similar rules with different timelines for publication.

The bill would also introduce new offences in the Canada Elections Act for those who didn't respect the rules and require the return of any money collected at that event. These sanctions would apply to political parties and event organizers.

At this point, I would like to thank everyone who participated in the bill review process in the other place. The government accepted several amendments to the legislation in committee. I look forward to reviewing those and the bill when we get the bill to committee here in the Senate.

As mentioned by the minister in the other place — and I think this bears repeating — Stéphane Perrault, the Acting Chief Electoral Officer, endorsed Bill C-50, stating the following:

> Generally speaking, the bill increases the transparency of political fundraising, which is one of the main goals of the Canada Elections Act. It does so without imposing an unnecessary burden on the smaller parties that are not represented in the House of Commons or for fundraising events that do not involve key decision-makers.

Honourable senators, while we know that Canadians do have confidence when it comes to political financing and donating, I believe there is always room for improvement. Improving upon how fundraising activities operate builds on our already strong system for political fundraising in Canada. Some say, "Why bother then?" Some may say we already have enough in place to protect the system.

I say it's never a bother when we can improve it, as long as it does not overburden that same system with regulations that make no sense. Fundraising is already hard enough without putting more pressure on it. I do not believe this bill adds more burden, and I look forward to discussions further here and in committee. Thank you, honourable senators.

(On motion of Senator Frum, debate adjourned.)

[*Translation*]

EXPUNGEMENT OF HISTORICALLY UNJUST CONVICTIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Marilou McPhedran: Honourable senators, I rise in support of Bill C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

I agree with many of the arguments made by Senator Pate, Senator Cormier and Senator Gold in their speeches, but I wanted to add a few brief comments myself regarding the bill and its scope.

[*English*]

I support this bill as a significant step in a good way as part of Canada's journey in becoming a more civilized society, a more inclusive democracy, with parliamentarians capable of the empathy and respect required to express remorse for harms done, for rights denied, and to take action beyond words of apology — as necessary and welcome as those words were when Prime Minister Justin Trudeau stood in Parliament on November 28, 2017, and said them out loud.

In acknowledging decades of what he termed "state-sponsored, systemic oppression and rejection," the Prime Minister spoke to members of the LGBTQ2+ community alive, and perhaps he was heard in some way by those who have passed.

Bill C-66 allows for posthumous expungement on behalf of a deceased individual. I want to acknowledge the crucial contributions made by LGBTQ2+ civil society leaders through their persistent and sophisticated advocacy that preceded the apology and recommended expungement legislation that we are now considering.

To those who suffered unjust prosecution and persecution made possible by discrimination on the basis of sexual orientation, as prosecuted under the Criminal Code of Canada and the National Defence Act, the Prime Minister said:

> You are professionals. You are patriots. And above all, you are innocent. And for all your suffering, you deserve justice, and you deserve peace.

Public Safety Canada has advised that there are more than 9,000 records of conviction for gross indecency, buggery, and anal intercourse in RCMP records. I also stand to speak in support of this bill because it does not lose sight of an essential component of legal sexual interactions: consent.

In some cases, expungement of records will not be possible because consent will not have been confirmed. While I may wish for an age of consent that was higher than 14 years of age, to be fair, to be consistent, the same standard should be applied to sexual partners of the same sex as was applied historically to heterosexual partners.

• (1720)

Expungement is recognition that these convictions, many from decades ago, are unjust; the offences should never have existed, the convictions should never have occurred, and they should not continue to exist. After meeting the criteria for expungement in this bill, a person so convicted is deemed by expungement never to have been convicted of that offence.

Senators Pate, Cormier and Gold have given examples of how this bill is not perfect, and I share in their desire to see this bill examined closely in committee at the earliest possible opportunity.

To the argument that the criminal records should not be destroyed but retained in some way as a historical record, I speak as one who has chaired several independent inquiries with private and public hearings. Confidentiality, when requested, was respected. I would say to the committee, the objectives of Bill C-66 can be met and, in this age of digitization, historical records that serve research and scholarly purposes can be redacted and retained without compromising confidentiality.

At this juncture, it is our responsibility to debate the bill in principle, and so I suggest that we see this bill as an essential next step along our collective path to, in the words of Egale Canada, a "just society," reminiscent of the Right Honourable Pierre Trudeau, the first Minister of Justice to take action to begin decriminalization of homosexuality.

We are still in the relatively early stages of correcting historical wrongs and ameliorating the damage done to LGBTQ2+ generations, present, past and future.

And as the proud mother of Jonathan, a non-binary queer activist, I wish to acknowledge that even when Bill C-66 becomes law in Canada, we will still be left with the disproportionate burden of discriminatory laws on members of the LGBTQ2+ community; for example, in some cases of migration, criminalization of HIV and exposure to the punitive side of our prosecution law, in part due to the fact that the gender pay gap is much worse for trans women and racialized people.

Senator Thomas Bernard spoke to us on the importance of February as Black History Month, this year with a focus on women leaders. I quote the late Black lesbian activist and poet Audre Lorde in relation to this bill and our approach to it:

> To acknowledge privilege is the first step in making it available for wider use. Each of us is blessed in some particular way, whether we recognize our blessings or not. And each one of us, somewhere in our lives, must clear a space within that blessing where she can call upon whatever resources are available to her in the name of something that must be done.

So, colleagues, let's call upon our resources in this place to take the strongest step we can with Bill C-66, and as with the transgender rights bill, let's plan to celebrate an accomplishment in our work as legislators, but pause only briefly, then look ahead and stay on the path of justice with courage and empathy, continuing to take responsibility for changing unjust and discriminatory laws that remain.

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

INFORMATION COMMISSIONER

MOTION TO APPROVE APPOINTMENT ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That in accordance with subsection 54(1) of the *Access to Information Act*, R.S.C., 1985, c. A-1, the Senate approve the appointment of Caroline Maynard as Information Commissioner.

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

Some Hon. Senators: Agreed.

Senator Martin: On division.

(Motion agreed to, on division.)

[*Translation*]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON MARCH 20, 2018, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 28, 2018, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, March 20, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

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

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 28, 2018, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 20, 2018, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

BUDGET 2017

INQUIRY WITHDRAWN

On Government Business, Inquiries, Order No. 2, by the Honourable Peter Harder:

That he will call the attention of the Senate to the budget entitled *Building a Strong Middle Class*, tabled in the House of Commons on March 22, 2017, by the Minister of Finance, the Honourable Bill Morneau, P.C., M.P., and in the Senate on March 28, 2017.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, pursuant to rule 5-10(2), I ask that Government Notice of Inquiry No. 2 be withdrawn.

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

Hon. Senators: Agreed.

(Inquiry withdrawn.)

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Carolyn Stewart Olsen moved third reading of Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics), as amended.

She said: Honourable senators, today I rise at third reading of Bill S-214, the cruelty-free cosmetics act.

Thank you, colleagues, for supporting the principle behind the cruelty-free cosmetics act at second reading, and also the members of the Social Affairs Committee for supporting my amendments and sending the bill, as amended, here where we will discuss it now.

In Canada we are still debating the basics of animal welfare, a topic where I can say I walk in the footsteps of past New Brunswick senators.

Some of you may remember Senator John Bryden, who left the Senate in 2009. Like me, he represented the rural communities in southeastern New Brunswick. Senator Bryden championed the welfare of animals in his repeated attempts to pass legislation increasing penalties for those who would deliberately inflict cruelty on animals.

I mention Senator Bryden with respect. He lived down the road from me, and I miss him. I see his wife frequently.

Going further back, I follow the efforts of Senator Frederic McGrand of Sunbury County. Senator McGrand was a founding director of the Canadian Federation of Humane Societies, a key stakeholder which appeared before the Social Affairs Committee in support of the bill.

Senator McGrand dedicated his life to animal welfare and left a charitable trust which continues to benefit humane societies and SPCAs all over Atlantic Canada.

Bringing the issue back to the present, certain questions were raised at report stage about aspects of the bill's implementation. Specifically, senators are concerned that the bill will impact imported cosmetics, which admittedly capture 75 per cent of the Canadian market.

I can reassure senators that cosmetics currently being sold will remain on the shelf. Bill S-214 prohibits newly manufactured or developed animal tested cosmetics, but even so, not immediately.

As we learned at report stage, the bill was amended at committee to include a four-year phase-in after Royal Assent.

The phase-in, as proposed in Bill S-214, would provide the cosmetic industry with four years to work with Health Canada, to create a model both sides can live with. This approach was developed to mirror that of the European Union, which introduced a testing ban in 2009 and, four years later, a sales and marketing ban.

• (1730)

Aside from my remarks about past New Brunswick senators, I fundamentally view the Cruelty-Free Cosmetics Act as a business and science model for Canada to follow. It is not a piece of animal rights legislation. There is no intention in this bill to unfairly penalize our vibrant cosmetics manufacturers or to suggest that Canada is especially guilty or enthusiastic about animal testing on the global market. That said, Bill S-214 represents real change for Canada and a chance for the country to be a moral leader in the world's cosmetics industry.

The federal government has stressed Canada's progressive trade agenda in its meetings with our allies and trade partners around the world. The bill before us would help the government to make this case, and the effort is not only sincere but very workable.

Animal testing is cruel and unreliable. No company that conducts animal testing for cosmetics purposes or allows it to be conducted offshore will defend this practice on the record. I cite to you the many companies that we asked to appear before committees who did not want to appear and instead sent their representative.

When Bill S-214 came before the Social Affairs Committee, we did have a struggle getting witnesses who opposed it. The steering committee, which I was a part of at the time, was keen to avoid any appearance of bias in our study of the Cruelty-Free Cosmetics Act. We invited several large producers that are not certified cruelty free or, in other words, are known to use animal testing, and each of them declined to appear. By way of contrast, there were large manufacturers that were enthusiastic about appearing in support of the legislation but could simply not be accommodated as we attempted to maintain a balance of views.

Animal testing is presented by its proponents as a necessary evil to substantiate product safety. This argument misrepresents the advances that have been made in alternative testing. Simply put, it is no longer necessary to appeal to the cruelty of animal testing to disprove usefulness or effectiveness.

In the Canadian context, the University of Windsor has recently opened the groundbreaking Centre for Alternatives to Animal Methods. The centre is the first of its kind in Canada, which should be shocking considering that other centres exist in countries like China, Brazil, Japan, South Korea, the European Union and the United States.

In a presentation on Parliament Hill, scientists from the centre described how animal testing is expensive, time consuming and unreliable. Animals are not humans. They don't feel the same way as we do, and they don't react the same way. At the presentation, we were told that the research and development path from animal studies to human trials has a 95 per cent failure rate.

When a product succeeds, it is not always a solid guarantee that the product is actually safe. Vioxx is a drug that was marketed for alleviating arthritic pain. Preclinical Vioxx studies in six different species showed no cardiovascular toxicity. Post-marketing testing on African monkeys showed no cardiovascular effects. Senators, the drug was deemed safe. In hindsight now, we know it wasn't safe at all; 60,000 Americans and 140,000 people worldwide died of heart attacks, strokes and heart failure associated with Vioxx. The drug was finally withdrawn from the market in September 2004.

Conversely, we should consider the case of common Aspirin. This product is widely used. It is safe in humans and at all stages of pregnancy. When tested on animals, it produces birth defects in mice, rats, guinea pigs, rabbits, cats, dogs, sheep and monkeys. This common pain relief medication, used in various forms for thousands of years, would be proven unsafe if we relied solely on animal testing to substantiate safety.

Thomas Hartung, Director of the Centre for Alternatives to Animal Testing at Johns Hopkins University said:

> Mice predict the effect on humans with about 43 per cent efficiency, so sometimes it would seem that tossing a coin would give a better result.

Tossing a coin is not good enough for me when it comes to protecting Canadians from harmful products, especially when we are discussing items like cosmetics.

I understand why companies are reluctant to innovate and replace animal testing. Testing on animals has been the conventional approach for over 100 years, and some regulators, like Health Canada, have been slow in validating new tests. In some cases unrelated to cosmetics, animal testing is required by the regulator.

I was advised, in drafting this bill, to keep the focus solely on cosmetics, as the cumbersome nature of how Health Canada approaches safety substantiation makes it a challenge to legislate change effectively.

The Food and Drugs Act has an unwieldy regulatory structure, which frustrates the cosmetics industry, the pharmaceutical industry, the consumer health products industry and many other stakeholders that I've heard of over the years, both in relation to Bill S-214 and regarding Health Canada in general. Counsel for Cosmetics Alliance Canada noted their difficulty in distinguishing the regulation of cosmetics, which one would use, and the chemical preservatives that are added to make those products shelf-stable.

As I have stated in media interviews, Bill S-214 has a mechanism within it that empowers the Minister of Health to exempt products or their constituent ingredients if required. I am sure that, once the bill is passed, the ministry will be able to work with stakeholders over the four-year phase-in to ensure our industry is not penalized.

The issue of preservatives is complicated and reaches beyond the cosmetics industry into pharmaceuticals and foods. That will be the case for years to come, regardless of this legislation. Regulators around the world are actually taking action on preservatives and this discussion should not be used as an argument against Bill S-214.

As a matter of record, it should be noted that not all cosmetics manufacturers rely on chemical preservatives when creating new products. This is a cross-industry issue, and I am confident the market will find a solution. Large jurisdictions are moving forward to limit or prevent animal testing. The European Union is the world's largest beauty market and has successfully defended their model, which dates back to 2009 and before, in court. In America, Francis Collins, Director at the U.S. National Institutes of Health, notes:

> I predict that 10 years from now. . . human biochips. . . will mostly replace animal testing for drug toxicity.

Dr. Warren Casey from the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods notes that the intention in the United States is to develop a strategic plan to phase out all vertebrate animal testing by June 2018. In Canada, the discussions have hardly begun.

It is urgent and timely that we have this debate. The Canadian public is firmly on the side of cruelty-free cosmetics. Past polling shows that more than 81 per cent of Canadians support a national sales ban on cosmetics and cosmetic ingredients that have been tested on animals.

I introduced Bill S-214 after consultations with several organizations tied to the Be Cruelty-Free campaign. More than 100,000 Canadians have signed the Be Cruelty-Free petition, and I regret, but know, that you have all received thousands of emails and letters in support of the legislation.

The bill we debate today responds to Canadians who have implored their representatives to end the practice they find so disturbing. We have moved, as a society, beyond just accepting *a priori* that animals need to be tortured to establish safety. The debate before us today is nothing new. It goes back to the 19th century, with Charles Darwin noting in a letter:

> I quite agree that it —

At that point it meant vivisection.

> — is justifiable for real investigations on physiology… but not for mere. . . curiosity.

The issue is relevant today as curiosity, from Darwin's words, is what we deal with when we speak about cosmetics testing. There are tens of thousands of already proven chemicals and chemical formulations available for producers to use and reuse, combine and recombine, as far as necessary, for creating these new products.

The requirement for animal testing comes from a desire to test new chemicals and chemical combinations to experiment in the hopes of creating the next new fad or trendsetting scent.

• (1740)

Representatives from Canada's Cosmetics Alliance have told me repeatedly that they are committed to eliminating animal testing as alternative methods become validated and accepted by Health Canada.

The Cosmetics Alliance has noted publicly that 99 per cent of safety evaluations related to cosmetic products or their ingredients are done without animal testing.

Like Canada, the global cosmetics industry is moving in a cruelty-free direction. Some of North America's best known brands have become extremely wealthy without need for animal testing. Companies like Lush, the Body Shop, H&M, Paul Mitchell and Urban Decay strongly oppose animal testing and through the process of introducing this bill I am happy to say I have the full support of Lush and the Body Shop.

I also have the support of smaller manufacturers such as 7 Virtues Beauty, whose work has been presented to senators on multiple occasions by our colleague Senator Martin. Some of you may have seen their award winning film *Perfume War*.

Companies which continue to use animal testing outside of those cases where some countries require them to do so risk a future of economic consequences as science makes it clear that obsolete cruelty cannot compete with innovation.

With the implementation of the Canadian-European Union Free Trade Agreement, Canada has a strong incentive to align our practices with the European market. The EU beauty market is the largest in the world, and as I have noted, the EU explicitly bans animal tested products.

Honourable senators, it is 2018. It is time to join the international community and place Canada on the map as an ethical leader in the cosmetics industry.

I urge you to support this bill and help to get this discussion into the House of Commons where it belongs. Thank you.

(On motion of Senator Mercer, for Senator Dyck, debate adjourned.)

CRIMINAL CODE
IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs).

Hon. David Richards: Honourable senators, I move the adjournment of the debate on this item in my name.

(On motion of Senator Richards, debate adjourned.)

[*Translation*]

NATIONAL MATERNITY ASSISTANCE PROGRAM STRATEGY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mégie, seconded by the Honourable Senator Dupuis, for the second reading of Bill C-243, An Act respecting the development of a national maternity assistance program strategy.

Hon. Marie-Françoise Mégie: Honourable senators, with International Women's Day just a few days away, I am proud to speak to you about Bill C-243, An Act respecting the development of a national maternity assistance program strategy. Before I begin, I would like to acknowledge the outstanding work of MP Mark Gerretsen and his team. Our efforts through this parliamentary initiative will help end discrimination, which has both a social and economic impact on our society.

As you know, women play a vital role in Canada's development. They contribute to the success of our governments, institutions and businesses. However, existing legislative measures that deal with pregnancy fail some of them. Unfortunately, those who work in non-traditional occupations, skilled trades or physically demanding jobs must needlessly bear a heavy financial burden that can even lead to severe psychological distress. For example, at the federal level, an employee who has worked for the same employer for at least six months is entitled to 17 weeks of maternity leave. During her leave, she can collect maternity benefits for 15 weeks.

This works for women in less hazardous jobs such as lawyers, accountants and assistants. However, those who work in environments that pose a risk to their health or their future child's face a different reality. If the employer is unable to assist with accommodation or reassignment, before the benefit period begins, the pregnant employee can take leave without pay. This unfortunate situation can take a serious financial toll on mothers, especially on single parents.

As you can imagine, some women who are involved in construction, mechanical work or the manufacturing sector must leave their jobs, even before receiving financial support from the government, because their tasks are too dangerous. For example, in the first weeks of pregnancy, welders cannot be at their workstation because of the toxic fumes created by a complex mixture of oxides, silicates and metal fluorides. Not all pregnant sales clerks and cashiers can stand for long hours. Sometime after pregnancy, it becomes very difficult for a heavy equipment mechanic to continue working. The same goes for refrigeration technicians, cabinetmakers and some other women who work in skilled trades. In certain environments where the risk of contagion by viruses or bacteria is present, the pregnant woman must stop working very early on.

Unfortunately, not all plans across Canada cover the realities these women face. However, there is a solution. In Quebec, the "Safe Maternity Experience" preventive program aims to keep pregnant or nursing women working. An employer who cannot provide a safe work environment for a pregnant employee is required to assign her other tasks that she will be able to perform safely. If the employer is unable to eliminate the hazards, adapt the position, modify certain tasks or reassign the employee, the pregnant employee is entitled to preventive leave. Basically, she will be withdrawn from her workplace and receive benefits according to the legislative arrangements in place. This reduces the risks of complication for women in Quebec and eliminates any risk to the health of the future child.

In this light, Bill C-243 proposes holding consultations on developing a national program to support women who are unable to work due to pregnancy and whose employer is unable to accommodate them by providing reassignment. The consultations will include assessing the adequacy of existing programs and the different types of workplaces. Within a year of the bill's coming into force, the federal government will work with the provincial and territorial governments to discuss the implementation of a national maternity assistance program. Then, within three years of the bill's coming into force, the federal government will report on the consultations' conclusions.

Concerns have been raised about the scope of the bill. As drafted, Bill C-243 is the first step in a broad national dialogue that will take into account the jurisdictions of the different levels of government. This means many stakeholders will be able to work together to examine the solutions that will allow us to have a positive influence on the lives of these women who actively participate in this country's development. We have removed some barriers to women's participation in Canada's economic development in many sectors. However, we need to recognize that more must be done. According to the latest statistics, more than a quarter of working women work in the primary sector or in the construction or transportation sectors.

• (1750)

Honourable senators, we now have an excellent opportunity to ensure equality in employment, equality for women and equality for family rights. The consultations that will be conducted across the regions should lead to concrete solutions that must be put in place as soon as possible. The consultations aim to increase the awareness of employers, employees, unions and governments on what needs to be done to ensure everyone has equal employment opportunities. Let's remember that pregnant women have the right to respect and dignity in the workplace.

In this regard, the discussions should focus on the information that female workers need to provide in order to receive accommodation. Other employees need to be aware of pregnancy-related harassment. The most common are comments about weight, taunting about marital status or unwanted belly touches. Let's also think about educating managers on how to inform pregnant women about training and development opportunities. These opportunities should not be denied because a woman is pregnant or because she plans to take maternity leave. Let's not forget that union representatives will also need to be made aware of the realities of pregnancy and how they might be involved in representing employees.

All stakeholders need to be invited to the table to come up with relevant solutions in order to create a supportive work environment for pregnant employees. Best practices to explore include variable hours, alternative uniforms, preferential parking, modified tasks, and so on.

Honourable senators, let's support our female electricians, masons, carpenters, heavy equipment operators and welders. To do this, government policies and programs need to be adapted to the realities faced by these women and their families. Don't forget that more women in the workforce means greater prosperity for the country as a whole, especially when some sectors are struggling with labour shortages. That said, let's make sure that a pregnancy does not interfere with a woman's working life. Although the federal government announced new measures on February 27 to make parental leave more flexible and shareable, we must continue our efforts to promote better maternity assistance practices. Let's put aside our political differences and work together for the well-being of Canadian families by supporting Bill C-243. Thank you.

(On motion of Senator Marshall, debate adjourned.)

[*English*]

THE SENATE

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

On the Order:

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

That the Senate call upon the government of Canada:

(*a*) to recognize the genocide of the Pontic Greeks of 1916 to 1923 and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity; and

(*b*) to designate May 19th of every year hereafter throughout Canada as a day of remembrance of the over 353,000 Pontic Greeks who were killed or expelled from their homes.

Hon. Elizabeth Marshall: Honourable senators, this item is at day 15. I'd like to take the adjournment in my name.

(On motion of Senator Marshall, debate adjourned.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO AGRICULTURE AND FORESTRY

On the Order:

Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Forest:

That the Standing Senate Committee on Agriculture and Forestry, in accordance with rule 12-7(10), be authorized to examine and report on such issues as may arise from time to time relating to agriculture and forestry; and

That the committee report to the Senate no later than June 30, 2019.

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

Hon. Senators: Agreed.

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Art Eggleton, pursuant to notice of February 27, 2018, moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology have the power to meet on Tuesday, March 20, 2018, at 7:00 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, I move the motion standing in my name.

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.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE ACQUISITION OF FARMLAND IN CANADA AND ITS POTENTIAL IMPACT ON THE FARMING SECTOR WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Diane F. Griffin, pursuant to notice of February 28, 2018, moved:

> That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between March 2 and March 9, 2018, a report relating to its study on the acquisition of farmland in Canada and its potential impact on the farming sector, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

She said: Honourable senators, I move the motion standing in my name.

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.)

(*At 5:59 p.m., the Senate was continued until Tuesday, March 20, 2018, at 2 p.m.*)