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Thursday, February 15, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, February 15, 2018

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE BERT BROWN

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Opposition who requests, pursuant to rule 4-3(1), that the time provided for the consideration of senators' statements be extended today for paying tribute to the Honourable Bert Brown whose death occurred on February 14, 2018.

[Translation]

I remind senators that, pursuant to our Rules, each senator will be allowed only three minutes and may speak only once, and the period for Senators' Statements is limited to 15 minutes.

[English]

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I rise today in tribute to our former colleague from Alberta, the Honourable Bert Brown, who recently passed away.

Over 30 years ago, in 1984, Bert Brown caught the attention of Canadians when he plowed the words "Triple E Senate or Else" into his neighbour's barley field, which was quite interesting at the time. I do remember pictures throughout the media in Canada. While that action was bold, Bert Brown was also a kind and funny man who cherished his work as a senator. He will be greatly missed.

[Translation]

Before joining the Senate, Bert Brown worked in agriculture and also worked as a real estate development consultant, columnist, and director of the Calgary Chamber of Commerce. Despite having a diverse professional background, Bert Brown has always been a strong advocate for Senate reform, and was twice elected by his Alberta constituents as a senator-in-waiting. In fact, he came first in Alberta's 2004 Senate election, earning the support of more than 312,000 voters — an outstanding achievement.

[English]

Three hundred and twelve thousand voters voted for Bert Brown to be an elected senator. Following in the footsteps of the late Stan Waters, Bert Brown became just the second individual appointed to the Senate of Canada, subsequent to an election by

the people of his province. In announcing Bert Brown's appointment to the Senate of Canada in 2007, the Right Honourable Prime Minister Stephen Harper stated:

For more than 20 years, Bert has been a passionate and persuasive advocate for the democratization of the Senate. Selected by those whom he is set to represent, I have no doubt that he will serve Alberta and its interests well.

That he did. Senator Brown was truly dedicated as a member of this place, both in his work here in the chamber and at committee. He used his new position to continue speaking in favour of meaningful Senate reform across our country.

In his final statement upon retiring from the Senate in 2013, Senator Brown once again took the opportunity to make the case for an elected, equal and effective Senate.

Honourable senators here today who have had the honour of serving alongside Senator Brown no doubt will fondly remember both our former colleague and his late wife Alice. They were a great team and were always together.

Today, on behalf of all honourable senators — and I would hope the new senators will join in also because Bert was a true classic — I offer sincere condolences to his family, friends and the people of Alberta who have lost one of their greatest champions.

Hon. Yuen Pau Woo: Colleagues, I rise today to pay tribute to the Honourable Bert Brown.

I did not know Senator Brown and will leave others who were closer to him to more fully recount his contributions to Alberta, to the Senate and to Canada.

However, what I have learned about Senator Brown is that he was an independent-minded and strong-willed individual deeply committed to his province of Alberta and to this institution. He was, to use a fashionable term, authentic. We are grateful he brought these qualities to the work of the Senate.

On behalf of the Independent Senators Group, I extend my sincerest condolences to his family and friends.

Hon. Joseph A. Day (Leader of the Senate Liberals): Colleagues, I join with others in the Senate in paying tribute to Senator Bert Brown. I knew him, and I served with him here.

I was saddened to hear of his death. He was larger than life in Alberta politics. His call for the Triple-E Senate was certainly larger than life. No one can speak about the passion of Bert Brown without mentioning how he plowed "Triple E Senate or Else" into his neighbour's two-mile-long barley field.

His passion for Senate reform certainly struck a responsive chord in the minds of many of his fellow Albertans, especially those who felt disenfranchised from the decision making in Ottawa. It was not at all surprising to anyone in his province

when then Prime Minister Stephen Harper announced in April 2007 that he would appoint Mr. Brown to the Senate, which in fact he did.

Bert Brown served faithfully in this place for more than five years, enlivening our debate and bringing his unique perspective to many issues. He was always passionate and spoke with conviction when he participated in discussions whether at committee or here in the chamber.

Senate reform remained close to his heart even after he came to the Senate. At Mr. Harper's request, he visited all the provincial capitals and met with provincial legislators to push a provincially-based Senate election concept.

While he was intent on Senate reform, he nonetheless acknowledged — and this is important for us to all remember — the real value of the Senate as an institution, as a check against government overreaching, and its ability to promote regional interests. Indeed, he saw the value in providing a voice for smaller provinces that feared they would be ignored by the government.

There was never any doubt of Senator Bert Brown's love of country and his deep desire to improve the Senate. Voices like his are never soon forgotten, and I expect his legacy, particularly in Alberta, will live on.

• (1340)

On behalf of the Independent Senate Liberals, I would like to extend our deepest condolences to his family and friends.

Hon. Donald Neil Plett: Honourable senators, I as well would like to pay tribute to my very good friend Bert Brown.

Bert and I sat side by side in the Senate for a few years, and I really got to appreciate Bert and Alice. I met Bert and Alice before I was in the Senate when I was President of the Conservative Party of Canada. They were such great supporters, and my wife, Betty, and I had many good times with Bert and Alice. I want to assure Bert's daughter, Angela, that our thoughts and prayers are with her.

Bert did not quite reach the age of 80 years old; he passed away just three years after the love of his life, Alice. Bert had some struggles over the last years, and we are happy that he has been able to go on to a better place.

I had the privilege of speaking at Bert's retirement party in Alberta when he retired from the Senate, and I mentioned at his retirement that Bert and I had been appointed to the Senate in exactly the same way. And, of course, everybody wanted to know what I was talking about, because Albertans actually believe that they have elected people to this chamber, so I said to everyone at Bert's retirement that the only difference was in the numbers.

Bert had been nominated by 312,000 Albertans, and his name was passed on to the Prime Minister, who passed his name on to the Governor General, who appointed Bert to the Senate. I was nominated by one person, and that happened to be the Prime Minister, who put my name forward to the Governor General, and I was appointed to this august chamber.

To my Alberta colleagues, I respect the fact that you did a little more work to get here maybe than others in campaigning, but we were all appointed in exactly the same way.

Bert and I had words about that. When I chaired the Manitoba election campaign, he wanted me to put an elected Senate as the question on the ballot, and we didn't agree about that. We didn't agree on everything. Bert and I agreed on climate change, and I hope I won't be run out of here on a rail because of that. So, those of you who knew where Bert was on climate change now know where I am on climate change.

I thank you, colleagues, for the opportunity to remember a great Albertan, a great Canadian and a great senator. Please join me, as well, in wishing Angela all the best without either of her parents.

Thank you.

Hon. Betty Unger: Colleagues, I was saddened yesterday to learn that my friend and former colleague, Bert Brown, had passed away on February 3.

Bert studied civil engineering at the University of Oklahoma in the early 1960s, served as an adviser to Alberta's premier on the Charlottetown Accord, was a licensed realtor, a former newspaper columnist, a past director of the Calgary Chamber of Commerce, a farmer and a senator.

When I met Bert, his second passion — his lovely wife Alice being first, of course — was a meaningful Senate reform, which was his Triple-E Senate. I still have a pin at home which stood, of course, for equal, elected and effective. And that's what Albertans have wanted for more than four decades.

This was no passing fancy of Bert's. It came from a deep understanding that Canada is a federation of provinces, and that the Senate has a critical responsibility to represent and defend regional interests at the federal level.

And neither was this simply an academic exercise. Having lived through the tremendous devastation that the Liberals' National Energy Program inflicted on Alberta in the early 1980s, Bert was convinced that a reformed upper chamber would be the best protection of regional interests against the all-powerful executive branch at the federal level.

Bert ended up becoming a de facto spokesperson for the movement in 1984 when he plowed the words, "Triple-E Senate or else" into a neighbour's barley field. The reason they did that was that every airplane that either landed in or took off from Calgary could see that message from a higher level. He went on to spend more than three decades campaigning for Albertans and all Canadians to understand the need for a democratic, accountable Senate.

Bert and I and another friend, Link Byfield, who had all been elected in the 2004 Alberta Senate nominee election, travelled across Canada to meet with premiers and their ministers to share our vision of a Senate that would be accountable and responsive to the people. We travelled many miles together and shared many laughs.

It was 2007 when Bert was appointed as a senator, and that was after consecutive Liberal prime ministers ignored the individuals whom Albertans had overwhelmingly selected to be their Senate nominees.

That's my spin, Senator Plett.

He went on to serve honourably for five and a half years until he retired.

In that 2004 Alberta Senate election, Bert finished first with 312,041 votes — 77 votes ahead of me — so he was called in first.

I offer my heartfelt condolences to his daughter, Angie, and to all of his extended family and friends who are mourning his loss. May he rest in peace.

Thank you.

The Hon. the Speaker: Honourable senators, I would ask that you rise and join me in a moment of silence in honour of our former colleague, the Honourable Bert Brown.

(Honourable senators then stood in silent tribute.)

BLACK HISTORY MONTH

Hon. Nancy J. Hartling: Honourable senators, I rise today to honour Black History Month. This year's theme in Canada is Black Canadian Women: Stories of Strength, Courage and Vision. I am very enthusiastic to have the opportunity to recognize Black women who have contributed to our Canadian landscape and are sadly often forgotten in history.

In December 1995, the Parliament of Canada officially recognized February as Black History Month. Recently, the government announced that it will officially recognize the UN International Decade for People of African Descent. Hopefully, this decade will raise awareness, change attitudes and combat racism.

Growing up in rural Nova Scotia, I did not meet any black families as our community wasn't diverse, although there was, and still is, a vibrant African Nova Scotian community in the province.

In high school I read *Black like Me*, a non-fiction book about a white male who had his skin darkened and then chronicled his experiences as he travelled through the racially segregated southern United States. This was the beginning of my awareness of racism.

There are many Black women who have touched my life and helped me understand their oppression and experiences of racism. But today I want to focus on a civil rights pioneer who led the way for rights of Black people in Canada. On November 8, 1946, Viola Desmond, a businesswoman, went to the Roseland movie theatre in New Glasgow, Nova Scotia. After purchasing her ticket, she sat in a lower bowl section, and a manager informed her that this section was for white patrons only. She refused to leave, was forcibly removed by the police and spent the night in jail. It took 63 years for her to be pardoned.

• (1350)

In December 2017, Viola Desmond was chosen to be featured on our Canadian currency. She was the one chosen out of the final five shortlisted candidates. Viola will be the only solo woman, other than the Queen, on our \$10 bill.

Her moments of courage and dignity changed our lives forever. Viola must have suffered a great deal in order to stand up against oppression and injustice. Having her on our currency reminds us that racism and oppression still exist, and we must work together to eliminate them. A personal thank you to you, Senator Bernard, for being here. I stand with you as we celebrate this month and work for change.

I recognize, celebrate and encourage all Black Canadians, but particularly Black girls and women, to take your place. Stephanie Lahart wrote:

Don't be afraid to use your voice. Your thoughts, opinions, and ideas are just as important as anybody else's. When you speak, speak with boldness and purpose. Have courage, be confident, and always be true to yourself! Live your life fearlessly! Your voice has GREAT power; don't be afraid to utilize it when needed. You're NOT an angry Black woman; you're a woman who has something important to say. Your voice matters and so do YOU.

CAPTAIN WILLIAM JACKMAN

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF DEATH

Hon. Norman E. Doyle: Honourable senators, I rise today to pay tribute to one of Newfoundland and Labrador's most famous heroes, Captain William Jackman, proud son of Renewals, Newfoundland. His bravery was central to one of the greatest feats of heroism ever recorded in the annals of marine history, and it took place off of Spotted Island, Labrador, at the height of a raging storm, in October of 1867.

The drama unfolded as Captain Jackman and a friend took a walk along the shoreline to view the sea. As they approached a headland, Jackman saw a vessel that had been driven onto a reef about 600 feet from shore. The 30-year-old Captain Jackman quickly realized that the ship could not last much longer in these conditions and that all souls on board, later counted at 27, were facing certain death. Captain Jackman wasted little time. He sent his companion for help and, without hesitation, pulled off his heavy clothing, plunged into the icy waters and swam toward the stricken vessel. He boarded the *Sea Clipper*, took a man on his back and swam to shore. Eleven more times he braved the raging sea, and eleven more people from the wreck were brought safely back to shore. Then, men and ropes arrived to help in the rescue. Taking a rope, Captain Jackman tied it around his waist and again plunged in, 15 more times. In all, Captain Jackman rescued 27 people.

After that act of selfless bravery and enormous heroism, Captain Jackman was awarded the prestigious silver medal by the Royal Humane Society, in Britain, in 1868.

Other recognitions have been granted, and they include Captain William Jackman Memorial Hospital in Labrador City, the *W. Jackman* Canadian Coast Guard rescue vessel and the 1992 Canada Post Legendary Heroes series stamp that honoured Captain William Jackman.

For nine years after this heroic deed, Captain Jackman continued to command ships and men. Yet, the ordeal of 1867 had taken its toll, and on February 25, 1877, one of Newfoundland's greatest heroes died at the age of 39.

On the day of his funeral, all of the businesses of St. John's closed, and all of the flags flew at half mast as the hero from Renew's was laid to rest in Belvedere Cemetery.

The ceremony marking the one hundred and fiftieth anniversary of Captain Jackman's life will be held on February 25, 2018, in St. John's, and I congratulate the Captain William Jackman Heritage Society of Renew's for ensuring that his legendary heroism and bravery will always be honoured and serve as an inspiration for future generations.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. John Kearsey from the University of Manitoba. He is the guest of the Honourable Senator Bovey.

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

Hon. Senators: Hear, hear!

[Translation]

QUEBEC ENGINEERING COMPETITION 2018

CONGRATULATIONS TO L'UNIVERSITÉ DU QUÉBEC
À RIMOUSKI

Hon. Éric Forest: Honourable senators, I would like to take a few moments to publicly acknowledge the exceptional performance of the student delegation from the Université du Québec à Rimouski in the Quebec Engineering Competition, held in Sherbrooke on January 28. This competition, which brought together approximately 250 students from 11 Quebec universities, serves as a qualifier for the Canadian final in Toronto in March.

Students are presented with a number of challenges, which they must complete in just a few hours while meeting strict conditions. For example, they might be tasked with designing a robot or rethinking the Champlain Bridge interchange, while taking into account social, economic, and environmental factors.

Of the 250 students who participated, 40 were chosen to represent Quebec in Toronto. A total of 25 per cent of the 40 students who will make up the Quebec delegation will be from the Université du Québec à Rimouski, which is remarkable

considering that the number of engineering students at that university represents only half a per cent of the total number of engineering students in Quebec. I would like to sincerely congratulate the members of the delegation and the staff who supported these young people and helped them to excel.

I am reminded of Senator Tardif's speech on the importance of regional universities. Regional universities, like UQAR, play a key role in their communities by allowing young people across the country to grow and develop in their own community, often without having to move to larger centres. Investments in our country's post-secondary institutions are worthwhile and allow our young people to put down roots in their communities.

Promoting these types of initiatives in our regions will allow us to give our younger generations the tools they need to meet the challenges they will face in life. That is what we are witnessing today. Successes like these build the confidence of our young people as well as that of the university employees whose task it is to prepare future generations to successfully undertake the major challenge of building a modern community. In order to do that, they need our support as legislators. My hat goes off to Antoine Côté, Marc-André Cusson, Jérémie Morneau, Martin Rioux, Simon Amiot, Anthony Gagnon-Proulx, Anthony Bisson, Marc-Antoine Lévesque and Guillaume Chouinard. I wish them the best of luck at the finals in Toronto in a few weeks. Gentlemen, you have done your region proud and served as a wonderful reminder of how important post-secondary education is in our regions.

MICHELLE OBAMA

Hon. Jean-Guy Dagenais: Honourable senators, I would like to say a few words about Michelle Obama's visit to my Senate division of Victoria in Montreal last week.

The Senate was sitting then, so I could not attend the event, which is a shame, but that's life.

I would nevertheless like to share a few observations about her visit with you.

The event itself was extraordinary. Some 10,200 people showed up just to hear a speech, which is remarkable. Paying \$395 plus tax to attend a live interview with the former first lady of the United States is kind of a big deal. Not everyone can afford that. A seat at that event cost more than tickets to a concert by an international superstar. I am sure you will agree that nobody in Canadian politics would draw that kind of crowd.

The event piqued my interest in Mrs. Obama's message. I was curious about why so many people wanted to hear her speak.

• (1400)

Clearly, her charisma cannot be attributed entirely to the fact that she lived in the White House for eight years. I sincerely believe that her political ideas are also not the only reason so many people listen to her. Michelle Obama is definitely blessed with something that transcends politics. She has an appeal that I would describe as populist. However, as she said that night, she has no intention of running for office.

Several months ago, Montrealers began calling for Mrs. Obama to be invited to speak before the Board of Trade of Metropolitan Montreal. She drew more of a crowd than the former president, which is saying something. Why is that? From what I can tell, I think people want to hear what she has to say simply because they feel as though she is one of them, because she is authentic, and because her convictions relate more to humanitarian causes, rather than political ones, which brings people together.

This event, which took place in Montreal, should also be a wake-up call for politicians here. Canadians want to hear something that doesn't sound like a broken record. They aren't interested in people that look like remote-controlled salespeople rather than actual public servants. Mrs. Obama's commitment to children's education, gender equality and her fight against poverty resonate much more loudly than I imagined, and that is a good thing. Those in need of help are well served when their spokesperson is someone like Michelle Obama.

I am just delighted that the former first lady of the United States chose Montreal for her first major public appearance since leaving the White House. It is also very nice to know that, if she had to live outside the U.S., she would choose to live in Canada.

Mrs. Obama certainly had a far greater role in President Obama's shadow than we might've suspected. We will definitely come to have a better understanding of it as history writes itself over the next few years. Behind Ronald Reagan there was Nancy Reagan, whose opinion was of the utmost importance. Behind Franklin D. Roosevelt there was Eleanor Roosevelt, whose commitment to human rights was noted before, during, and after her husband's presidency.

We hope that Michelle Obama will be able to achieve or move towards the dream she shared with the 10,000 people who gathered last week in Montreal.

[English]

LUNAR NEW YEAR

Hon. Victor Oh: Honourable senators, the Year of the Dog starts tomorrow. In the Chinese zodiac, the dog is the symbol of honesty, loyalty and justice.

Lunar New Year is celebrated by millions of Canadians including those of Chinese, Korean, Filipino, Vietnamese, Malaysian, Indonesian heritage. Today more than 1.7 million people of Chinese descent, over two thirds of a million of Filipinos and one fifth of a million each of Vietnamese and Korean Canadians live in Canada.

We have come a long way. As stated by Karen Cho, the filmmaker of *In The Shadow of Gold Mountain*:

Everything I knew about Chinese Canadian history fit into a heritage minute - literally. I remember seeing the heritage minute where the small boy goes into a train tunnel, an explosion happens, and we learn that there was one dead Chinese for every mile of track laid. Not one of my history

books or social studies classes mentioned anything about the Chinese in Canada. As far as I knew, my Chinese side was the most foreign and least Canadian thing about me.

The absence of the Chinese story is part of the "residue of the state-sanctioned Head Tax and Exclusion Act," which took effect the same day as the anniversary of Confederation. This day became known as "Humiliation Day" among Chinese Canadians. This community, which helped build the lynchpin of Canadian Confederation, felt compelled to reject the nation's birthday.

The formal apology for the Chinese Exclusion Act made under our previous Conservative government is an important step towards reconciliation and recognition of this community's contribution in the shaping of our country.

Canadians of Chinese, Korean, Filipino, Vietnamese and all other backgrounds are an integral part of our great country. We are all full and equal members of Canadian society.

Events such as Lunar New Year celebrations provide us with a wonderful opportunity to learn more about our cultures, traditions and beliefs that strengthen and enrich our country. In the coming new Year of the Dog, I encourage all Canadians to continue the quest for fairness and justice.

Honourable senators, I would like to take this opportunity to wish everyone a happy, healthy, prosperous new year, knowing that our diverse heritage is "the part whose history is woven into fabrics of our country and in many ways is part of what makes us Canadian."

Xin Nián Kuài Lè. Gong Xi Fa Cai. Thank you.

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

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

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

Thursday, February 15, 2018

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

NINTH REPORT

Your committee, which was authorized by the Senate on Thursday, December 15, 2016, to study the new relationship between Canada and First Nations, Inuit and Métis peoples, respectfully requests supplementary funds for the fiscal year ending March 31, 2018, and requests for the purpose of such study, that it be empowered to:

- (a) adjourn from place to place within Canada; and
- (b) travel inside Canada.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on June 19, 2017. On June 20, 2017, the Senate approved the release of \$2,600 to the committee.

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

Respectfully submitted,

LILLIAN EVA DYCK
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 3025.)

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

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

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

Hon. Senators: Agreed.

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

COMMITTEE OF SELECTION

SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Donald Neil Plett, Chair of the Committee of Selection, presented the following report:

Thursday, February 15, 2018

The Committee of Selection has the honour to present its

SEVENTH REPORT

Pursuant to the order of the Senate of January 30, 2018, your committee submits herewith the list of senators nominated to serve on the Special Committee on the Charitable Sector:

Independent Senators Group
The Honourable Senators Duffy, Griffin and Omidvar.

Conservative Party of Canada
The Honourable Senators Frum, Martin and Raine.

Independent Liberals

The Honourable Senator Mercer.

Your committee further recommends that, notwithstanding the order of the Senate of January 30, 2018, the committee be composed of seven members, as nominated by the Committee of Selection, and that three members constitute a quorum.

Respectfully submitted,

DONALD NEIL PLETT
Chair

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

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

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

Hon. Senators: Agreed.

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

• (1410)

[Translation]

THE ESTIMATES, 2018-19

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY INTERIM ESTIMATES

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Interim Estimates for the fiscal year ending March 31, 2019; and

That, for the purpose of this study, the committee have the power to meet even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

THE ESTIMATES, 2017-18

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY
SUPPLEMENTARY ESTIMATES (C)

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2018; and

That, for the purpose of this study, the committee have the power to meet even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE
WHOLE TO RECEIVE CAROLYN MAYNARD, INFORMATION
COMMISSIONER NOMINEE, AND THAT THE
COMMITTEE REPORT TO THE SENATE NO
LATER THAN TWO HOURS
AFTER IT BEGINS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I give notice that, later this day, I will move:

That, at 6:30 p.m. on Monday, February 26, 2018, the Senate resolve itself into a Committee of the Whole in order to receive Ms. Carolyn Maynard respecting her appointment as Information Commissioner;

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

That the provisions of rule 4-16(1) be suspended until the Committee of the Whole has reported to the Senate.

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

Hon. Senators: Agreed.

INFORMATION COMMISSIONER

NOTICE OF MOTION TO APPROVE APPOINTMENT

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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 Carolyn Maynard as Information Commissioner.

TRANS MOUNTAIN PIPELINE PROJECT BILL

FIRST READING

Hon. Douglas Black introduced Bill S-245, An Act to declare the Trans Mountain Pipeline Project and related works to be for the general advantage of Canada.

(Bill read first time.)

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

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

QUESTION PERIOD

VETERANS AFFAIRS

COMMENTS OF PRIME MINISTER

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Government Leader in the Senate and concerns an issue that was raised with him last week regarding the Prime Minister's recent comment that his government is fighting veterans groups in court because they are asking for more than the government is able to give right now.

For several days, a group of veterans has been camped out across the street from the Supreme Court, drawing attention to the homelessness among veterans and their frustration with the delivery of services. They are joined today by other veterans in protest outside of the Parliament Buildings, veterans who feel they have been left in the cold by this government. Similar protests are being held in other Canadian cities as well.

Will the Prime Minister take this opportunity to apologize to veterans for his regrettable comments, or does he continue to believe they are asking for too much?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable leader for his questions. I want to assure this house, as I have on other occasions, that the government holds the interests of veterans high in their priorities. That is why the government reinstituted the opening of offices

that had been previously closed and why the budgets of the government over the last two years have increased both spending on and the flexibility within the programming of the department.

The government and the Minister of Veterans Affairs have and continue to take initiatives to ensure that the veterans of Canada receive the kind of post-service support they deserve from all Canadians.

Senator Smith: Our veterans want and deserve respect. When the Prime Minister tells them that they are asking for too much from the government, this is not respect. When the Prime Minister chooses to resume a court battle that he promised veterans he would not, this is not respect.

Senator Harder, please help us: Will the Prime Minister show our veterans respect and will he keep his election promise, an election promise that no veteran would have to fight the government for the support and compensation they deserve and have earned representing our country?

Senator Harder: Again, colleagues, I would draw attention to the changes that have already been made in veterans programming to allow greater flexibility in the benefits so that some of the rigidities of the previous program have been overcome. The government and the minister continue to be vigilant in ensuring that the veterans of Canada receive the support and recognition that they deserve.

SUPPORT FOR VETERANS

Hon. Yonah Martin (Deputy Leader of the Opposition): Today there are veterans on the Hill, and I'm sure many of us in this chamber have met with them and with veterans' advocates.

A conversation I had today highlighted one very clear area of concern, and that is that the veterans who are going to see their caseworkers are sometimes met with individuals who may not have the sensitivities, the experience and perhaps even just a real understanding of the scope and complexities of issues that veterans face.

So number one, there's a shortage of caseworkers, but second, those who are working need to be the right kind of individuals with training.

Would you speak to the shortage and what sort of effort the government is making to ensure the right people are meeting the veterans to ensure the help is given?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and will undertake to ensure that the minister's attention is brought to the concerns you have raised. I know the minister is intent on ensuring that the services of networks that the department has are staffed in a sensitive way so that the needs of our veterans are dealt with appropriately but also that there has been an increase of staffing available. As I've indicated earlier, some offices have been reopened as a result of the commitments made by the government.

• (1420)

I'd be happy to report back at the appropriate time. I also look forward to the Minister of Veterans Affairs being one of the soon-to-be-coming ministers for Question Period here, because I know there's a broad interest by senators on these important issues.

Senator Martin: If you wouldn't mind finding out and reporting to us regarding the actual numbers of caseworkers and perhaps the ratio to the number of veterans cases.

SIXTY-FIFTH ANNIVERSARY OF THE KOREAN WAR PREPARATIONS

Hon. Yonah Martin (Deputy Leader of the Opposition): The other question I have, leader, is regarding the Korean War veterans, and you know I've asked you a number of times about them. One very important milestone this year is the sixty-fifth anniversary of the armistice. As you know, our chamber passed the Korean War Veterans Day Act to designate July 27, which is Armistice Day.

There is a new minister. I have been trying to meet with the minister to ensure that this file is at the top of his priorities for this year because it is such an important milestone. If we miss this, I don't know if the seventieth will give us an opportunity with very many veterans who may not be here to do this with us.

Would you check with the Minister of Veterans Affairs regarding plans for the sixty-fifth anniversary of the Korean War?

Hon. Peter Harder (Government Representative in the Senate): Thank you, senator. I will, of course, do that, and I will also undertake to work with you outside of this chamber to ensure that you are able to interact directly with the minister and raise the issues that the Senate as a whole has brought to the attention of the government.

Senator Martin: Thank you.

RESIDENCY OF SENIOR MANAGERS

Hon. Percy E. Downe: I'm wondering if the Government Representative could check with the Minister of Veterans Affairs as to why the government continues to allow 19 of the 60 senior managers of Veterans Affairs Canada to live and work out of Ottawa as opposed to the National Headquarters in Charlottetown.

I continue to hear complaints from employees of the Veterans Affairs Department that the department is run through Skype as opposed to interaction in the department on a daily basis. This is the only department in government where the deputy minister and the senior managers live outside the area that they're supposed to be reporting to. When will the government change that?

Hon. Peter Harder (Government Representative in the Senate): Again, senator, I'd be happy to raise the concern with the appropriate ministers and ensure that a response is provided.

Senator Downe: I look forward to that. We had a recent situation where there were numerous complaints about a major celebration in Europe, the Vimy celebration. The person running it works out of Ottawa. The people administering that work are in Charlottetown. There was a disconnect. According to ATIPs, hundreds of complaints were received, everything from buses to lineups to washrooms. It was a bit of a mess.

The department used to have an outstanding reputation for running these initiatives to inform Canadians about the sacrifice other Canadians made during all the conflicts in Europe. This is but another indication, as I'm advised by people in the department, of the disconnect between the people who are running the department, who weren't there, and the department trying to function without that day-to-day leadership. I hope the government can resolve that sooner rather than later.

Senator Harder: I will certainly bring the case you referenced to the attention of the minister.

FINANCE

REGULATORY FRAMEWORK OF CANNABIS SECTOR

Hon. André Pratte: My question is for the Government Representative in the Senate, and it concerns offshore investments in cannabis production corporations.

Bill C-45 provides that a company seeking a licence to produce cannabis must file financial information, including information about its shareholders or members and who controls it, directly or indirectly; that the minister may require any additional information, including financial information; and finally, that the minister may refuse to consider an application if any of the information required is not provided.

Would the Government Representative undertake in the name of the government to require from every company requesting a cannabis-related licence that it provide the full identity of each of its shareholders, including the ones that hide behind numbered companies or behind the banking secret laws of fiscal paradise countries?

Hon. Peter Harder (Government Representative in the Senate): I thank Senator Pratte for his question. As he references in the question itself, the proposed regulatory framework in Bill C-45, as described in Part 3, does permit and allow for the government to ensure disclosure and transparency.

With respect to his specific question of seeking my assurance, I will raise that with the appropriate ministers and report back.

Senator Pratte: Thank you. Yes, because it does require a firm commitment from the government to do that.

Yesterday, the Government Representative stated that the Minister of Finance recently reached an agreement with his provincial and territorial counterparts to ensure we know who

owns which corporations, which will help to prevent Canadians or international companies from facilitating tax evasion, money laundering and other criminal activities.

This agreement is not very well known, at least not from us. Would the Government Representative undertake to table this agreement in this house as early as possible so that honourable senators can have the opportunity to examine it?

Senator Harder: Again, as the question suggests, the Minister of Finance, on December 11, reached an agreement in principle with his provincial and territorial counterparts. The details of this agreement are presently available on the Department of Finance's website. I'd be happy to table that specifically.

But for the record, today, I thought it would be useful to identify some of the specifics of that agreement.

One, ministers agreed in principle to pursue legislative amendments to federal-provincial-territorial corporate statutes or other relevant legislation to ensure corporations hold accurate and up-to-date information on beneficial owners that will be available to law enforcement, tax and other authorities.

Two, ministers agreed in principle to pursue amendments to federal-provincial-territorial corporate statutes to eliminate the use of bearer shares and bearer share warrants or options and to replace existing ones with registered instruments.

Three, ministers agreed to work with respective ministers responsible for corporate statutes and through their respective cabinet processes to make best efforts to put forward these legislative amendments in order to bring these changes into force by July 1, 2019.

Four, ministers agreed to develop a joint outreach and consultation plan for coordinated engagements with the business community and other stakeholders.

Five, ministers agreed to continue existing work assessing potential mechanisms to enhance timely access by competent authorities of beneficial ownership information.

Six, ministers agreed to establish a federal-provincial-territorial working group to combat aggressive tax planning strategies that erode the integrity of the Canadian tax base.

I'll be happy to keep honourable senators informed of its development and its progress, and I know that the Minister of Finance is seeking to formally implement these said measures in the near future.

VETERANS AFFAIRS

COMMENTS OF PRIME MINISTER

Hon. Leo Housakos: My question is for the Leader of the Government in the Senate, and it relates to the Equitas court case this government has continued, despite promising otherwise during the last federal election.

I will not ask the government leader to comment on the court case directly, obviously, but I will ask him to comment on the Prime Minister's rationale for continuing this court case.

At a town hall meeting a couple weeks ago, when asked why his government is still fighting certain veterans groups in court, the Prime Minister responded: "Because they're asking for more than we are able to give right now."

Could the government leader please tell us, since all they are asking for is what was promised them during the last election, why the Prime Minister thinks that's more than our veterans deserve?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As I've responded in respect of similar questions — and he is right to acknowledge that it would be inappropriate for me to comment on the court case — the Government of Canada remains committed to introducing a pension for life which, in combination with benefits, provide recognition and income support to RCAF members and veterans.

As I also indicated, the government has increased the flexibility available to a number of programs, as well as the distribution of the network's offices to support our veterans who deserve our best efforts and program support for their outstanding contribution to Canadians.

Senator Housakos: Government leader, I appreciate your list of all the accomplishments the government has made on behalf of our veterans, but I think it's deplorable that they have to come and protest before Parliament Hill in order to get some basic rights they've earned and fought for.

• (1430)

How far is this Prime Minister willing to go to fight our veterans in court? Much will that cost taxpayers?

He rationalized handing over more than \$10 million of taxpayers' money to a convicted terrorist without even taking him to trial, so how does the Prime Minister rationalize fighting against Canadian veterans who simply want the benefits and support that he promised in the last election?

Senator Harder: As the honourable senator prefaced in his first question, it would be inappropriate for me to comment on actions that are before the court.

[Translation]

MONUMENT TO HONOUR AFGHANISTAN VETERANS

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. On November 1, 2017, I asked a question about the construction of memorials commemorating Canada's mission in Afghanistan and honouring Canadian recipients of the Victoria Cross. The Leader of the Government in the Senate said that he would ask the appropriate department to respond immediately, but unfortunately I have yet to receive a response.

I am once again asking the Leader of the Government in the Senate what the federal government has done in preparation for the construction of a memorial commemorating Canada's mission in Afghanistan and a memorial honouring Canadian recipients of the Victoria Cross.

Could the Leader of the Government in the Senate also tell us what the deadlines are for these projects?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and for bringing the delay in answering his previous question to my attention. I will look at it immediately.

[Translation]

BOOK OF REMEMBRANCE

Hon. Jean-Guy Dagenais: The Leader of the Government in the Senate will also remember that on November 9, 2017, I raised the question about a book of remembrance that honours the names of those killed in the War of 1812, but has yet to be placed on one of the altars of the Memorial Chamber of the Peace Tower. The book has been completed and contains the names of more than 1,600 Canadians and allied First Nations warriors who lost their lives during this war, including at least 250 people from my province of Quebec, which was then known as Lower Canada.

I have yet to receive a delayed answer to this question, so I will take this opportunity to repeat it. Could the Leader of the Government in the Senate explain why this book, which is now complete, has not yet been placed in the Memorial Chamber, and could he tell us when that might happen?

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, senator, I will look into it and get back to you as soon as possible.

[Translation]

SUPPORT FOR VETERANS

Hon. Pierre-Hugues Boisvenu: I would like to ask the Leader of the Government in the Senate about the delays in processing our veterans' applications for disability benefits. These delays

skyrocketed in 2017. In December, the Department of Veterans Affairs said there were about 29,000 disability benefit applications waiting to be processed at the end of November 2017. That is an increase of 50 per cent over the preceding 10 months. The wait time for applications to be processed also rose by about a third over those 10 months, so it now takes up to 16 weeks for disability benefit applications to be processed.

Despite all the measures this government claims to be taking for veterans, why has it let the disability benefits backlog soar over the past year?

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, let me repeat that the Government of Canada views the appropriate supports to veterans as a high priority. That is why the government took a number of initiatives in its first and subsequent budgets: to provide for greater support in regions where Veterans Affairs Canada offices had been closed. It's why the government increased payments and the features of certain programs, including greater flexibility in the lump-sum payment in pensions. It is why the Minister of Veterans Affairs continues to bring forward improvements to the program, and it's why the minister is very much engaged in listening to veterans and seeing how we can do better.

[Translation]

Senator Boisvenu: Mr. Leader, the Liberal government has been in office for almost two and a half years. A veteran has to wait an average of 26 weeks just to find out if he or she is eligible for disability benefits. That is a six-month wait. These veterans are waiting for benefits for all kinds of reasons, such as deafness and PTSD. During those 26 weeks, their condition is worsening.

Could the government leader in the Senate consult the government and report back to us on whether wait times have improved, at least over the past few months, and how many applications are still waiting to be received or processed?

[English]

Senator Harder: I would be happy to seek such information from the government.

I would again remind all senators that the government has invested in the front line of services to veterans to deal expressly with the issue of direct interface between veterans and where they can find and receive support.

Hon. Victor Oh: My question is for the Leader of the Government in the Senate.

During the last federal election campaign, the Liberal Party promised to increase the Canadian Armed Forces veteran survivor's pension from the current 50 per cent to 70 per cent of the veteran's pension so that surviving veterans' partners do not face a decline in their quality of life after the loss of their loved

one. This is also listed in the mandate letter from the Prime Minister as one of the priorities of the Minister of Veterans Affairs.

However, after presenting two budgets to Canadians, the Liberal government has yet to follow through on this particular election promise.

Government leader, does the Liberal government remain committed to this specific election promise?

Senator Harder: Again, senators, I would reference the announcements made by the Minister of Veterans Affairs that introduce greater flexibility to the pension entitlements to respond to the concerns that veterans raised with governments. Those actions continue to ensure that we provide the services and support to our veterans they so richly deserve.

NATIONAL REVENUE

OFFSHORE TAX HAVENS

Hon. Serge Joyal: My question is for the Government Representative in the Senate.

Senator Harder, there was a report today in the *Toronto Star*. My question is in the context of the budget of February 27. The article reported that, in Canada, 60 of the biggest companies on the TSX have more than 1,000 subsidiaries in tax havens. It states:

A Toronto Star/Corporate Knights investigation shows that Canada's 102 biggest companies avoid \$10.5 billion in tax each year.

As you will understand, there is no doubt that the credibility of the government to help the middle class is strongly attached to the effort that the government will make to fight tax evasion through those tax havens that Canadians keep being told about fairly regularly.

Will the Government Representative take upon himself to convey to the government the urgency and leadership that it has to take on this to reassure the Canadian taxpayer that everybody will have their fair share of the tax burden in this country?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for raising this important matter. I'm happy to give him that assurance, but in providing that assurance, I want to underscore how consistent that is with the determination of this government to ensure broader tax fairness across the tax regimes we have in Canada.

JUSTICE

STATISTICS OF CANNABIS USAGE

Hon. Leo Housakos: My question is for the Leader of the Government in the Senate.

During debate yesterday, there was some question as to the source of statistics cited by Senator Woo that Canada's youth cannabis consumption, by percentage of users, is the highest in

the world. Today, there seems to be no less confusion about that statistic. It has been pointed out to me by a reporter at *Blacklock's Reporter* that the statistic was highlighted in a UNICEF Canada 2013 report, *Child Well-Being in Rich Countries*. Senator Woo was referring to that particular study. That source ranked Canadian youth among the highest users of cannabis internationally, with 25 per cent of youth reporting that they used marijuana in the past year.

• (1440)

When UNICEF was asked where they got this information, UNICEF said, "The source for this data is the Department of Justice." It comes from the Department of Justice Canada. Imagine. The source was not really UNICEF; it was the Department of Justice Canada.

When this journalist, being an investigative journalist, called the Department of Justice of Canada and asked where the statistics came from, the Department of Justice of Canada said, "Given the time that's lapsed and the lack of specific context on the source, we're not sure where the 2008 statistics cited would have come from."

This is very serious. When ministers come before this chamber and cite statistical information, obviously trying to make a rational point and to convince senators on one side or another of a debate that is very important to the citizens of this country, they should not be misleading this chamber. Given the importance of what we are talking about and the fact that Senator Woo and I, and all of our colleagues, have been in good faith constantly using that statistic that was brought to us by the government, I would appreciate it if the government leader or the sponsor of the bill, Senator Dean — I see that he's not here — would check on the validity of these statistics and also bring to this chamber the validity of the statistics, the methodology that was used and how the Department of Justice Canada arrived at that conclusion.

Hon. Peter Harder (Government Representative in the Senate): I would be happy to do so.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

REPUBLICAN NATIONAL CONVENTION, JULY 18-20, 2016—
REPORT TABLED

Leave having been given to revert to Tabling of Reports from Interparliamentary Delegations:

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Republican National Convention, held in Cleveland, Ohio, United States of America, from July 18 to 20, 2016.

ANNUAL SUMMER MEETING OF THE NATIONAL GOVERNORS ASSOCIATION, JULY 13-15, 2017—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the annual summer meeting of the National Governors Association, held in Providence, Rhode Island, United States of America, from July 13 to 15, 2017.

ANNUAL CONFERENCE OF THE NEW ENGLAND GOVERNORS AND EASTERN CANADIAN PREMIERS, AUGUST 27-29, 2017

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the 41st annual conference of the New England governors and Eastern Canadian premiers, held in Charlottetown, Prince Edward Island, from August 27 to 29, 2017.

SPEAKER'S STATEMENT

The Hon. the Speaker: Honourable senators, before calling for Orders of the Day, I would like to take this opportunity to remind senators that parliamentary practice does not allow the use of exhibits and props. In November 6, 2012, the Speaker made this point when quoting from page 612 of the second edition of *House of Commons Procedure and Practice*, which states that "Speakers have consistently ruled out of order displays or demonstrations of any kind used by Members to illustrate their remarks or emphasize their positions. Similarly, props of any kind, used as a way of making a silent comment on issues, have always been found unacceptable in the Chamber." I encourage all colleagues to respect this prohibition.

[Translation]

ORDERS OF THE DAY

CANNABIS BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

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

Hon. Jean-Guy Dagenais: Honourable senators, I'm finding it particularly difficult starting my critique of Bill C-45 with equanimity, especially when the leader of the government is trying to limit debate and restrict our speaking time on such an

important bill. The leader is proposing to allocate ten times less time than was allocated to the debate on changing two words in the English version of Canada's national anthem.

The government is acting as though Bill C-45, which is the result of a foolish election promise, has no impact on our laws, our responsibilities, our workplaces, and on the health of Canadians. I think the government is showing total contempt and a flagrant lack of respect for democracy. Unfortunately, this lack of respect for democracy seems to be a trademark that the government's representative in this chamber is prepared to adopt to satisfy his leader. I find the situation unfortunate, and I hope things will change.

The whole debate on Bill C-45 has felt like a kind of circus, or a bad play starring three government ministers sent by their leader to spout nonsense and avoid giving any answers to my fellow senators' questions.

We have been hearing the same things over and over from the outset. We have been told repeatedly that the bill will solve an existing problem and prevent organized crime from profiting from the sale of marijuana. I hope that those present are not fooled by those kinds of arguments. To please 25 per cent of Canadians who already consume marijuana, the current government is putting at risk 75 per cent of Canadians, even though physicians, credible organizations working in the area of drug use, provincial governments, municipalities, and police representatives have all expressed reservations about legalizing marijuana. They have even expressed their concerns about what could happen to our young people and future generations.

Oddly enough and despite these clear messages, no one on the government side seems to be listening to these different stakeholders. As shocking as it may seem, it is clear that the message being sent is, "Welcome, marijuana producers, and to hell with ordinary citizens!"

Why is this government ignoring the harmful consequences of legalizing marijuana? Why is it ignoring the economic impact of this legislation and its impact on public health and police forces? Why are members of this government ignoring the fact that innocent victims will die because of drug-impaired drivers and the fact that police officers lack the necessary training and equipment?

I believe I have the answer to most, if not all, of these questions.

The haste we are being asked to make on this issue strangely resembles the panic that seizes the stock exchange when stocks are volatile. The most nervous investors sell at a loss that is often painful. I could not be more serious. It just so happens that several companies authorized to grow Canadian cannabis are publicly traded and exposed to the vagaries of the market. I believe we have already felt the effects of all this volatility. What will happen to these companies if the legislation is not passed soon? Some shareholders could get impatient and sell, causing a drop in share values.

Here is the big question: who exactly is taking such big risks to invest in these companies? There are former Liberal politicians, former Liberal organizers, and former and current Liberal

cronies. In short, members of the extended Liberal family are the ones directly and indirectly involved in the sanctioned growth and marketing of Canadian cannabis. I really feel like I am watching the current government play out a scene from the infamous sponsorship scandal, as though it is suffering from amnesia. We've seen this before, honourable senators, and it doesn't stop there.

Now I'd like to address the issue of organized crime, the heart of the other argument the Trudeau government players like to recite to try to sell us on Bill C-45. The reality is that recent reports indicate that \$297 million invested in Canadian companies authorized to grow marijuana comes from tax havens. Those are the same tax havens that the minister responsible for the Canada Revenue Agency is unable, by her own admission, to combat effectively.

• (1450)

This ministerial incompetence is compounded by the fact that this same government says it has no interest in identifying those who are investing under the cover of offshore companies. Is it worried it will see too many of its friends' names? I trust you are not naive enough to think that money that comes from tax havens is clean money. People who use tax havens are not the most honest of citizens. I would even go so far as to say that, in many cases, they are fully dishonest.

Let us consider the following question: how clean is the \$297 million being invested in the companies authorized to grow marijuana? No one can tell us today whether that money represents, for example, profits from the activities of the mafia and biker gangs, being laundered as investments coming from tax havens. No one has the answer, and worse still, it seems to me that the current government does not even want to know the answer. Its attitude is a downright insult to the middle class, who work and pay taxes. It is an insult because the government is prioritizing legalizing marijuana over fighting tax evasion. Indeed, it has already given Bill C-45 priority over many of Canada's other policy priorities.

To come back to that poorly prepared and poorly written bill, you would have to be crazy to keep believing that legalizing marijuana is a way of fighting organized crime. To argue that is to wholly underrate the criminal intellect, especially in the case of white-collar crime. As the RCMP itself has stated, organized crime is already ready.

In reality, by legalizing marijuana, the current government will be supplying organized crime with a new way of laundering money. Furthermore, the current government will be creating future drug users who will turn to harder drugs, which they will have to get from — guess who — organized crime. Nice going. Everyone here should at least be aware that people who take cocaine and other, more dangerous drugs all started with marijuana. All organized crime has to do is wait.

Make no mistake: biker gangs will not just give up on the pot business. There will still be plenty of money to be made on the tax-free, anytime, anywhere black market. It is also in their interest to ensure client anonymity, which can be important, especially when people are buying insurance.

We know that Crown corporations, which will now be dealing drugs, do not offer consumers those particular benefits.

I have spent the last few minutes talking about some of the ramifications of Bill C-45 if we pass it before taking the time to fix a few things. The current government wants to legalize marijuana and will not be deterred. However, as senators, let us show that we have the backbone to amend and improve this bill to better protect Canadians and govern investment in these industries. Only someone living under a rock would be unaware of the consequences of legalizing marijuana.

If you know any business people and employers, ask them to tell you about the problems they will have to deal with when employees show up to work high. They will tell you about workplace accidents, absenteeism, and insurance for employees. The Trudeau government will certainly not be stepping up to help them.

If you own a transportation company that does business in the United States, imagine the problems you'll have if a sniffer dot detects the smell of pot on your clothes. The smell can linger for days. There are bound to be hours-long delays at the border. The Trudeau government will certainly not be compensating you for that.

The Americans will not go easy on people driving across the border and more searches will result in longer wait times, but the Trudeau government will not take responsibility for the time that you lose.

If you own a rental property and have to take steps to evict a tenant who does not respect the smoking ban — and we all know how fast the housing authority and the courts move on things like that — the Trudeau government is not going to cover your legal fees.

I could give many more examples that will affect people you know, but there's no point in continuing to talk about this if you're prepared to accept everything without saying anything.

This is not an urgent matter and corrections must be made to Bill C-45. The Trudeau government drafted a reckless bill and plans to offload all of the responsibility onto others, including the provinces, the municipalities, the business community, and Canadians.

We can only put up with so much recklessness. It is our duty as senators to act for the good of Canadians. In closing, let us remember that Justin Trudeau's three musketeers, who came to the Senate last week, never answered our questions about legal opinions and some very serious medical studies on the dangers of marijuana. When someone doesn't answer me, it is usually because that person is lying or trying to hide something from me. I'm not one of this government's lackeys, and I can stand up to politicians who are acting recklessly.

I hope you will be able to do the same.

[English]

Hon. Leo Housakos: Honourable senators, I would like to rise on a point of order to simply apologize to the chamber. During Question Period when I was addressing a question to the government leader, I referred to one of our colleagues, Senator Dean, as being absent from the chamber, which I just did again.

This is just to show that it is unparliamentary language. I do want to withdraw that from the record, with leave of the chamber. I apologize to the chamber for both occasions, yes.

Hon. Vernon White: Honourable senators, I rise today to speak to Bill C-45. I had not planned to speak at second reading, but having heard the heartfelt speeches and some of the questions to officials and their answers last week, I felt compelled to identify some issues and, as well, allow my experience to assist all of us in our knowledge gathering on this important piece of legislation.

Regardless of what we heard last week in the Committee of the Whole, we must be careful in what legislation we pass in this place and, in particular, on such a serious issue as expanded drug use.

To start, I will quote Minister Goodale when he said:

Right now, Canadians are among the heaviest and youngest users of cannabis in the world, to the great profit of criminals. Under the existing system, the illegal cannabis trade in this country puts at least \$7 billion — that's with a "B" — annually into the pockets of organized crime. Canadian law enforcement spends upwards of \$2 billion every year trying to enforce what is clearly an ineffective legal regime.

To break down the minister's comments, the first being "the heaviest and youngest users of cannabis," I have a couple of points.

Research shows that Iceland is the number one per capita user of marijuana, leading the U.S.A. and Nigeria, placing Canada 6 percentage points behind Iceland, at 12 per cent. I'm unsure whether he was speaking of youth or adults, as I would argue whether or not people are using marijuana is not the point. I hope he is not trying to suggest that legalizing it will result in fewer people using marijuana, since there is no evidence that greater access results in less use. Maybe the minister meant that marijuana sales under a legal regime would put more money into the pockets of government. True in part, but only in part. If he was referring to Canada's youth being the largest group of marijuana users in the world, then some would agree with him. But I would suggest he was speaking rather of the removal of marijuana sales money from the pockets of criminal organizations and that the government would instead become the largest marijuana traffickers in this country.

• (1500)

But therein lies the problem. Canadian youth under 18 cannot buy marijuana legally today, and it's remarkable because under this proposed legislation, they won't be allowed to buy it then, either. The black market will be alive and well as this will see the

trafficking of illegal, illicit product to people under the age of 18 years. Regardless of what happens, they cannot purchase marijuana legally now, and they will not be able to under the proposed system. Any suggestion that this removes the black market marijuana is blatantly untrue. The only way someone under 18 years of age can buy marijuana is illegal both in activity and in product. Clearly, the legalization of marijuana will have no impact on black market illegal trafficking among youth purchasers. Any suggestion here by the minister or the Prime Minister or this government is untrue. All I ask is that in this regard people stop making this a selling feature of this legislation.

Minister Goodale stated that the illegal cannabis trade in this country puts at least \$7 billion into the pockets of organized crime. I don't disagree with this statement on where the money goes, but any suggestion that this will end the illegal trade is wrong. As I explained, youth will have to purchase black market, illegal marijuana as they cannot purchase legal marijuana.

Senator Joyal pointed out that 35 of 86 companies that have received permits to produce and sell marijuana are financed through what he refers to as fiscal paradise, with over \$110 million coming from the Cayman Islands alone. In fact an article from yesterday stated that one hedge fund in the Cayman Islands has seen \$196 million invested in producers in Canada of an unknown origin of ownership. I'm not suggesting all the producers will be illegal entities. I would hope they would not be, but the legislation offers no assurances as to ownership of the entities or who invested. I believe Senator Joyal brought clarity to the reality of the funding of marijuana grow operations in Canada. Little or nothing is known about the source of funding. Hells Angels and traditional organized crime would absolutely want a piece of the pie. As the RCMP acting commissioner said in committee recently:

Given the involvement of organized crime in the illicit cannabis market, we do not expect that the legislation will eliminate organized crime's presence in the cannabis market

As an aside, it is probably the first time in Canadian history that an agricultural industry was not engaged by government in the future development of an agriculture product, but rather offshore corporations. Can you imagine Canada coming to an agreement on a new fish stock to be harvested and ignoring the fishers from across Canada? I would argue this pathway is scandalous.

Regarding the minister's statement that this legislation will remove organized crime and illegal products, we can look to the recent reports that identify that the price of marijuana is expected to be in the \$10 range and other reports that identify that the black market product is \$7. Yet we still think the impact will be that the public will purchase from a local bud store instead of their locally trusted dealer. I don't believe it, and although the minister said publicly that the public would rather buy it legally, I only need to say look no further than Ontario and a study from 2017 by the National Coalition Against Contraband Tobacco which identified that one third of all tobacco sold in Canada is illegal tobacco. Yet we should be so naive to think that because we legalize, we will see legal, more expensive and weaker

products overtake the illegal, black market, stronger product. If we decide to legalize this, do not do so because we believe people will buy only legal product.

For example, if my friend was a regular user and buying weed from his local dealer a couple of times a week for \$7 a gram at 16 to 20 per cent Tetrahydrocannabinol, and now legal marijuana is \$10 a gram plus taxes, with a tetrahydrocannabinol level of 6, 7, 8 or 9 per cent — by the way, he could order it by mail, which is a bit of a joke, really — we cannot be fooled or foolish enough to believe my friend — and he's not really my friend — would change drug dealers, legal or not. Why would he? It would be more expensive and less powerful. I come from Cape Breton Island, where there's a reason moonshine still preys upon Cape Bretonners. It's cheaper and more powerful. It doesn't work for tobacco because you can buy cigarettes anywhere and everywhere. For marijuana, locations of legal sales would be limited, while the illegal dealers are in every town, city, street, accessible 24 hours a day. They will bring it to your home cheaper and better. On the mail option we only have to look at jurisdictions where alcohol is limited to advance orders. The illegal market thrives. We can look to Nunavut, Northwest Territories and the Yukon as evidence.

In response to a question last week, the Minister of Public Safety stated:

Canadian law enforcement spends upwards of \$2 billion every year trying to enforce what is clearly an ineffective legal regime.

No money is expended directly by police officers in this country for simple possession of marijuana, and I'll explain my statement in a few moments. The police going forward will be very busy battling the black market industry of sales. Cheap marijuana sold to adults and all marijuana sold to youth will have to be investigated, as well as illegal grow operations. Where will the savings come from? We'll spend as much or more in the future than in the past. That's why the police chiefs and municipalities are saying they will need added resources, not less, under the proposed regime.

The minister commented on police investigations. The reality is the police have not targeted for simple possession of marijuana in a long time. In fact, I do not know one police officer I have ever worked with who believes anyone should have a criminal record for simple possession of marijuana. Most charges are as a result of secondary offences, incident to arrest, detention or other matters they have been called to. Teenagers in Canada use cannabis, I'm told, more than any other country according to this new study. In fact the Canadian Association of Chiefs of Police asks successive governments to bring in a ticketing scheme, thereby effectively removing the criminality of simple possession. The government has not even responded to that suggestion.

But if you understood the process needed and required by law to follow, you would quickly understand that the reality is that if an officer walks into a park where two people are smoking marijuana, in all likelihood their marijuana would be crushed under the officer's heel. The process is such that it is seldom efficient or effective for the law to be used beyond a warning unless another offence is being committed. Charging someone

with marijuana possession requires hours worth of work, seizure of the substance, often shipping the substance to Health Canada to prove it is actually marijuana, the pending criminal case and all of its requirements. The same two individuals having a beer will likely receive a ticket. In all likelihood, people smoking marijuana will receive a ticket in the future under provincial legislation. For most, that is far harsher than they receive now because not unlike public alcohol consumption, marijuana use is expected to be regulated publicly as well in most provinces.

I'm not arguing we should criminalize simple possession charges. I haven't believed that for 15 years. Rather, where we are going will not change what the police are doing, but rather change the result of what they are doing, often leading to a fine where today they are most often already receiving a warning.

How did we get here? The truth is that our current Prime Minister made a commitment to legalize marijuana. To be fair, I get it. It's popular. After all, we're frustrated that people have received criminal records for possession in the past. So the government strikes a task force, and on June 30, 2016, the Minister of Justice, the Attorney General of Canada, the Minister of Public Safety and Emergency Preparedness and the Minister of Health announced the creation of this nine-person task force on cannabis legalization and regulation. They had a mandate. The mandate was not to look at the current legislation and make recommendations to the government on challenges with the current legislation, but rather "to consult and provide advice on the design of a new legislative regulatory framework for legal access to cannabis, consistent with the government's commitment to legalize, regulate and restrict access."

In essence it was the implementation committee arriving to consult, as my deceased dad would say, a bit ass backwards. I'm not arguing that our current legislation works. I've been arguing that it doesn't work for 15 years. I'm not arguing that the results we see with the current legislation is what we should want. This task force was not given free rein to decide our future but rather asked to show a pathway to justify why the announcement of the government was right in the first place. Pave a path to legalization rather than challenge the status quo.

• (1510)

In fact, we should look at what was being said by the Prime Minister at the time:

... I can absolutely confirm that we are moving forward on a framework to regulate and control marijuana to protect our kids and keep our communities safer from organized crime ...

As I noted, this legislation will not limit illegal use of marijuana for youth. It will still be an illegal product used illegally by young people. I can honestly tell you that I know nobody who wants a young person to have a criminal record for use of marijuana.

Another statement by the Prime Minister was, "It was never about a money-maker, it was always about public health ... " Yet, all I hear governments talk about is taxes. The addiction we should be talking about is the addiction to taxes that governments

have at all levels. If it is not a money-maker, then why is it that the tax discussion surrounding marijuana sales has been dominant for seven months?

What I'm arguing now is that the police, medical specialists and scientific researchers do not feel we are ready. They disagree on the age being prescribed. Many disagree on the personal growth options for the public not being truly regulated. If it's regulated, don't allow personal growth. You'll be able to grow your own. That will absolutely bring black market potential. Think about multi-units, about university dorms, and you can think about some of the challenges.

As well, I remember that a previous opposition and third party called out the former government for not listening to science. I ask today: What is the government listening to?

I'm not allowed to pick up this 176-page report on my desk — you can come and look at it if you wish — because it might be used as a prop. But I do want to refer to a report from October 2017 entitled *The legalization of Marijuana in Colorado: The Impact*. A number of areas were touched on here.

The first is impaired driving. Marijuana-related traffic deaths when a driver was positive for marijuana more than doubled from 2013 to 2016. Marijuana-related traffic deaths overall increased 66 per cent in that same period.

In 2009, Colorado marijuana-related traffic deaths involving drivers testing positive for marijuana represented 9 per cent of all deaths. By 2016, that number was 21 per cent.

May I have five minutes?

The Hon. the Speaker pro tempore: Are my honourable colleagues agreed? Five minutes.

Senator White: Youth past-month marijuana use increased 12 per cent from the day they started legalization until 2015.

Among adult marijuana use, college-age past-month marijuana use increased 16 per cent during this same period. In fact, Colorado college-age past-month marijuana use for 2014-15 was 61 per cent higher than the national average.

Among emergency department hospital marijuana-related admissions, the yearly rate of emergency department visits related to marijuana increased 35 per cent over that same period. The yearly number of marijuana-related hospitalizations increased 72 per cent between 2009 and 2016.

Marijuana-related exposures increased 139 per cent over that period.

Highway interdiction seizures of Colorado marijuana being transported illegally increased 43 per cent.

Crime in Colorado over that same period from legalization to 2016 increased 11 per cent, while crime almost everywhere in North America has been going down.

I'm asking each of us to look carefully at the legislation as it's proposed. I'm a realist in that the government will do everything in its power to pass this legislation. But I want us to do everything in our power to ensure that whatever the legislation looks like, it is best for Canada and for Canadians.

To be clear, I do argue that the movement is too fast. The medical community argues that they're not being heard. The police chiefs argue they're not being heard. Organizations representing landlords argue they're not being heard. I don't believe the challenges facing youth are being heard.

As a personal note, I understand the late Mauril Bélanger raised millions of dollars to open two drug treatment centres here in Ottawa, one for francophones and the other for anglophone youth. We also had over 800 youth go to those programs. That same program called STEP, Support Treatment Education Prevention, today provides counselling in all 58 high schools in this city. We're the only city in Canada that does that. Yet, the reality is across Canada it's a minimum of five months to get your 16-year-old into drug treatment.

Instead of talking about legalizing something, we should be talking about helping young people. Having spoken to youth at those two local facilities and at the high schools in the area, they tell me the impact marijuana use, and, of course, other drugs, has on their lives. Yet, instead we're talking about who gets the taxes. I would argue that this cannot be what is apparently an easy tax grab but, rather, what makes us a healthier country.

Hon. Victor Oh: Honourable senators, I rise today to speak at second reading of Bill C-45.

Marijuana is the most commonly used illegal drug in Canada. Its use is most prevalent among youth aged 15 to 25. Criminal prohibition has not discouraged or decreased the use of the drug. Instead, it has worsened our health and social outcomes.

In response to calls for reform, the federal government introduced legislation which, if passed, would legalize and regulate recreational marijuana for adults, but this approach is not without its own risks.

The federal government has said that protecting children and youth is a central pillar of this legislation. Indeed, it has proposed a number of rules, including prohibiting the selling of marijuana to youth. But there are a number of gaps in the legislation that

will need to be addressed to ensure that the health and safety of children and youth is not in danger. Today I want to focus on four issues that require our attention.

The first issue I want to discuss relates to the failure to introduce an early public education and awareness campaign. This legislation has the potential to normalize marijuana use among young people, who already hold misconceptions about this drug, including the perception that it's harmless. They are also confused about the conflicting federal and provincial rules and by the presence of dispensaries in their communities.

The federal government has set aside \$46 million over five years for a nationwide public education and awareness campaign focused on the risks and harms associated with marijuana use. However, it will only launch it this spring.

Given that the federal government is committed to legalizing recreational marijuana by July 2018, it is incomprehensible — even reprehensible — that such a short amount of time has been allotted to informing the public about the negative health effects of marijuana. This exact same point was made last year by Deputy Chief Mike Serr, from the Canadian Association of Chiefs of Police, when he told the Health Committee in September that:

• (1520)

The lesson we learned from Colorado and Washington state was that you need to start —

— public education —

— now. We needed to start a year ago, quite frankly.

Simply put, public education and awareness campaigns must be at the forefront of this legislative shift. We need more time to prepare before opening the floodgates. It is better to set out a strong legislative and regulatory framework now than to attempt to repair the damage caused later. As the Bar of Quebec has argued:

... awareness, education and prevention are the best ways to keep young people from consuming cannabis. It should not be a matter of turning to the criminal justice system to make up for an inadequate prevention and education system.

I could not agree more. The federal government has done little to empower children and youth to make informed decisions about their well-being and future. For this precise reason, I worry that political promises are being given greater importance than the health, safety and rights of our children and youth. The federal government wishes to plow ahead full steam to legalize recreational marijuana, but it has yet to provide Canadians with the resources and tools to mitigate harm and risks. This, to me, is simply unacceptable. We cannot cut corners while examining legislation with such a profound impact on our society.

This brings me to my second point, which relates to the need to fund prevention and treatment programs. I am very concerned that this legislation does not clearly allocate taxes collected from the sale of recreational cannabis to funding research and services focused on preventing and delaying the onset of recreational use of cannabis by youth.

The Canadian Coalition for the Rights of Children has specifically emphasized the need for funding for the services that will be needed on an ongoing basis, such as harm reduction and dependence treatment. Similarly, the Canadian Psychological Association has called for investments in harm reduction approaches to the treatment of problematic use of marijuana, which remain inadequately resourced. Colleagues, there is strong evidence that cannabis is harmful. The Canadian Paediatric Society has noted that use during youth can cause functional and structural changes to the developing brain, leading to lasting damage.

It has also been linked with dependence and other substance-use disorders: the initiation and maintenance of tobacco smoking, an increased presence of mental illness, and diminished school performance and lifetime achievement, among other issues. We need to carefully consider how this legislation will impact our society. Already, children and youth in Canada are struggling to access basic care for mental health and addictions.

What will happen if more children and youth start to experience mental health issues that are specific to marijuana use? Are our police officers, firefighters, paramedics and other emergency first responders ready? What about our doctors and nurses? Do they have the training needed to treat cases of intentional and unintentional ingestion of cannabis products and other cannabis-related health problems? I worry that the services and support needed will not be in place before this legislation comes into effect, and that children and youth will not have comparable access across the country.

Now to my third point. Under this legislation, it would be legal for adults to grow up to four plants per household and to prepare varying types of products. This is of great alarm to me.

The Canadian Association of Chiefs of Police has recommended that any provisions related to personal cultivation be removed. The association maintains that this practice would place a greater strain on law enforcement because of overproduction and the manipulation of growth patterns. It would, furthermore, undermine the objective of establishing a highly regulated and controlled system and would run counter to the objective of protecting children and youth due to the risk of increased exposure and consumption. I share the same opinion.

There are serious health effects associated with growing marijuana at home, including exposure to mould, carbon monoxide and chemicals. There is also the issue of parents who will smoke marijuana in the presence of children and youth and risk exposing them to the dangers of passive smoking. One study found that children aged one month to two years old who had been exposed to second-hand smoke or vapour at home had traces of marijuana chemicals in their urine. The authors suggested that such exposure may lead to an increased risk of viral infections, asthma and other respiratory illnesses, as well as to developing chronic conditions later in life.

Another issue that concerns me is edibles. Adults will be able to legally prepare them at home as soon as this legislation comes into effect. In my opinion, not only should edibles be dealt with in a separate piece of legislation, but education will be central to preventing misuse. It will be very difficult to ensure that homemade products are regulated and to maintain storage, potency and quality control procedures in place.

These products pose serious health risks because users tend to overeat to compensate for long absorption times. Some users may experience serious anxiety attacks and psychotic-like symptoms as a result. Researchers have also found an increase in the rates of acute medical care and hospitalization in jurisdictions that legalized marijuana. In Colorado, the number of emergency department and urgent care records for 13- to 21-year-olds increased from 146 in 2005 to 639 in 2014. Moreover, the rates of unintentional ingestion in children 9 years and younger increased by 34 per cent from 2009 to 2015. Edible products were responsible for 51 per cent of exposures.

This leads me to my final point. It is estimated that the level of THC content has increased tenfold to thirty fold since the 1970s. These trends raise concerns that the consequences of marijuana use may be worse today. There is still a lot we do not know about the health impact of high-potency marijuana. However, there is evidence that it is more harmful than weaker strains. One study found that using high-potency marijuana, also known as skunk, can damage the white matter nerve fibres responsible for communication between the two sides of the brain.

• (1530)

Another study found that the risk of having a psychotic disorder was three times higher in users of skunk-like marijuana compared with a person who had never used marijuana. Why, then, does this legislation not limit high-potency marijuana products? I would argue that this would be more conducive to advancing public health and safety.

In conclusion, the legalization of recreational marijuana will have a negative impact on the health and welfare of our present and future generations. This means we need to be especially careful to make sure that this legislation will achieve its stated objectives, including the protection of children and youth.

Colleagues, we will, after all, be held accountable for the decisions we take today, especially if these decisions prevent current or future generations from becoming healthy, productive and engaged citizens of Canada.

(On motion of Senator Petitclerc, debate adjourned.)

**CRIMINAL CODE
DEPARTMENT OF JUSTICE ACT**

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Murray Sinclair moved second reading of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

He said: Honourable senators, I have been asked to be the sponsor of this bill in the Senate and I'm pleased to do so.

Bill C-51 is a legislative proposal that is part of the Minister of Justice's ongoing criminal justice system review.

I will tell you, quite frankly, that I was contemplating introducing an amendment to this bill in order to remove the provision in the Criminal Code relating to peremptory challenges as a result of the recent debate going on in society. But in view of the Prime Minister's announcement yesterday and my discussions with the minister, who, I am told, is contemplating making such a change in time to come, I will hold back to see what the government does.

However, I do want to make it clear that the issue of jury selection and the provisions of the Criminal Code continue to remain a huge issue for me, and one that calls for action.

Bill C-51 is an important piece of legislation that deserves our careful consideration because it will make our law clearer and fairer.

This bill proposes a number of changes to modernize the Criminal Code, including clarifying certain aspects of sexual assault law. Some of those changes implement recommendations made by the Senate in its 2012 report of the Standing Senate Committee on Legal and Constitutional Affairs entitled *Statutory Review on the Provisions and Operation of the Act to amend the Criminal Code (production of records in sexual offence proceedings)*.

The report reviewed the application of the Criminal Code's third party records regime. Senators, these are welcome and long overdue changes stemming from our own work that I'm happy to see reflected in this bill.

According to the minister, the ongoing review of the criminal justice system is guided by a number of objectives, including using the criminal law to keep Canadians safe and to ensure that offenders are held accountable in a way that is fair; ensuring that the criminal law is compassionate towards victims; responding to the needs of vulnerable populations to ensure that the criminal justice system does not worsen the challenges that they may already face; and working to strengthen links between the justice system and other social systems to address the underlying social causes of crime. These are commendable objectives that can be seen in the changes proposed in this bill.

Bill C-51's proposed amendments can be divided into four main areas. The majority of them relate to the Criminal Code, but there is also a significant change proposed to the Department of

Justice Act that seeks to promote transparency concerning the Charter effects of legislation that the government introduces before Parliament.

The first broad set of reforms seeks to clarify and strengthen the law of sexual assault.

Second, Bill C-51 seeks to build on the proposed changes included in Bill C-39, which the Minister of Justice introduced on March 8 and is currently under consideration in the other place, by repealing or amending provisions that have been found unconstitutional by the courts or that raise avoidable Charter risks.

The third area of reform, reflecting the principle of restraint, involves amendments that would remove a number of obsolete or redundant criminal offences.

Finally, amendments to the Department of Justice Act would create a new statutory duty for the Minister of Justice to table in Parliament a statement for every government bill that sets out the bill's potential effects on the rights and freedoms guaranteed in the Charter.

I would like to start with discussing the sexual assault reforms.

Recently, there has been increased public concern voiced about the manner in which our sexual assault laws are being interpreted and applied in court, and the treatment of victims by the criminal justice system.

It is generally agreed that the Canadian laws around sexual assault are robust and comprehensive. Yet, sometimes the courts have improperly relied upon myths and stereotypes about sexual assault complainants that are not valid in Canadian law. The proposed amendments are therefore aimed at clarifying the law to assist in avoiding this misapplication.

For example, the changes would clarify that no consent is obtained if the complainant is unconscious. This would codify the 2011 Supreme Court of Canada's decision in *R v. J.A.* Some witnesses in the other place expressed concern that the bill as introduced had not fully codified *J.A.* because that decision stood for the broader principle that consent must be contemporaneous to the sexual activity in question.

In response, I would point out that Bill C-51 was amended in the other place to also make clear that consent must be present at the actual time and throughout the sexual activity that takes place. I believe this is an important improvement.

The amendments would also clarify that a complainant may be incapable of consenting for reasons other than unconsciousness, thereby making it clear, for example, that a person need not be intoxicated to the point of unconsciousness to be incapable of consenting.

This is clearly the state of sexual assault law with regard to consent, but these amendments would make it absolutely clear that incapacity to consent can take many forms.

The changes would further clarify that the accused cannot advance the defence of mistaken belief in consent where there is no evidence that the complainant expressed voluntary agreement.

Put simply, passivity or silence is not consent, and the accused cannot presume consent to sexual activity. This amendment would codify the Supreme Court of Canada's 1999 decision in *R v. Ewanchuk*.

Similarly, the proposed changes would make it clear that a defence could not be advanced where the accused's belief in consent is based on a misunderstanding of the law. For example, the defence cannot be raised where the accused believed they could obtain valid consent for the sexual activity from someone other than the complainant, or because the accused believed that valid consent can be obtained even when the complainant expresses lack of consent.

Additional amendments would expressly provide that the rape shield provisions never allow an accused to adduce evidence of a complainant's prior sexual activity to support either of the "twin myths" — that is, to show that the complainant was more likely to have consented to the sexual activity in question or to show that they are less worthy of belief. This change simply reinforces the current state of the law and will help to reduce any potential misapplication of these provisions.

• (1540)

Further changes to the rape shield provisions would make clear that sexual activity includes communications made for a sexual purpose or whose content is of a sexual nature. This would include emails or text messages that involve sexualized texts or images, sometimes referred to as "sexting."

I believe this is an important change in light of the prevalence of this activity in modern society and would, as I understand it, reflect a practice already occurring in some Canadian courts.

Additional changes in this area would enact a new regime that would apply to the admissibility of a complainant's private records that are in the possession of the accused, a change that, as I have already said, would implement a 2012 Senate recommendation.

Honourable senators, you may recall that in 2012, our Standing Senate Committee on Legal and Constitutional Affairs conducted a statutory review of the existing third-party records regime. That regime covers the circumstances under which an accused may seek to obtain private records concerning a complainant or a witness that are in the hands of a third party, like a counsellor.

During the committee's review of this regime, a concern was expressed regarding a situation where an accused has already lawfully come into possession of the complainant's personal records and seeks to rely upon them in court. It was noted that such a situation could significantly impact on the privacy rights of the complainant.

It was thus recommended by the Senate committee that a regime be enacted to govern the admissibility of such records in the hands of the accused and that such a regime seek to balance the fair trial rights of the accused, on the one hand, with the privacy interests of the complainant, on the other. Bill C-51 does that.

Before I leave the sexual assault reforms, let me briefly acknowledge that while many have applauded the government for introducing these changes, others have expressed concerns. In particular, the defence bar has argued that these changes will erode the fair trial rights of the accused and amount to a codification of defence disclosure.

I note that the Minister of Justice is aware of these concerns, and she has responded to them. For example, she has explained that the proposed changes to the rape shield provisions do not create a right for the Crown to receive evidence, nor do they obligate the defence to hand evidence over.

Indeed, the proposed changes will not impede in any way the admission of evidence that is relevant to an issue at trial. The changes reflect the importance of balancing the varied interests at play in a criminal trial, namely, the rights of the accused; the truth-seeking function of courts; and the privacy, security and equality interests of a complainant.

I would also note that courts are well equipped to manage these issues in a way that does not adversely impact upon the fair trial rights of an accused.

I will now move on to Bill C-51's other Criminal Code amendments, which were aimed at modernizing it to ensure it's consistent with the Charter.

One set of amendments proposes to repeal parts of the criminal law that have been found unconstitutional by the Supreme Court of Canada or at the appellate level. This would include the provision that prevents sentencing courts from giving enhanced credit to persons detained prior to being convicted and sentenced because they had breached a condition of bail. This was found to be unconstitutional by the Manitoba Court of Appeal in 2016 in a case called *R. v. Bittern*. This change would build on a similar amendment proposed in Bill C-39, which would remove the restriction on the granting of enhanced credit for those detained due to their criminal record.

The bill here would also remove certain evidentiary presumptions. Evidentiary presumptions exist in order to assist the prosecutor in proving an element of an offence by instead proving a different but related fact. Provisions of this nature are problematic when they can lead to convictions in cases where a reasonable doubt as to the guilt of an accused exists but is overcome by the presumption. Such a result is antithetical to the principles upon which our criminal justice system is based and which are reflected in our Charter of Rights and Freedoms.

One area where presumptions would be repealed relates to those used to prosecute gambling offences, for example. The courts have found these to be unconstitutional, and so Bill C-51 proposes to remove them.

There are also amendments proposed to remove certain reverse onus provisions. These reverse onus provisions are found in a number of offences and require an accused to prove, on a balance of probabilities, that they have a lawful excuse which, if established, would exonerate them and result in a not-guilty finding. However, as drafted, those provisions could result in convictions, even in cases where a reasonable doubt as to the accused's guilt was established.

Indeed, an accused may succeed in raising a reasonable doubt about their guilt but may not be able to prove a lawful excuse on the higher threshold of balance of probabilities. On the current drafting of these provisions, an accused in this situation would be found guilty. This is contrary to the presumption of innocence and inconsistent with the fundamental principle that the Crown bears the onus of proving all elements of an offence and the unavailability of a defence raised by the accused beyond a reasonable doubt.

For these reasons, Bill C-51 would remove the reverse onus provisions.

It is important to note, however, that these changes would not undermine public safety, the police's ability to investigate these crimes or the Crown's ability to prosecute them. Taken together, the advantages associated with these reforms make a clear and compelling case for supporting these changes.

Bill C-51 also proposes to repeal offences that are outdated and that no longer reflect the values and concerns of present-day Canada.

The bill proposes to repeal offences such as alarming Her Majesty, currently found in section 49 of the Criminal Code.

Challenging someone to a duel, currently found in section 71. There goes partisan politics in the Senate.

Posting a reward for stolen property with no questions asked, currently found in section 143 of the Criminal Code.

Possessing crime comics will no longer be an offence, currently found in paragraph 163(1)(b) of the Criminal Code.

Setting off a stink bomb, currently found in section 178, will no longer be an offence. And Senator Mitchell, don't ask me what a stink bomb is.

Publishing a blasphemous libel, found in section 296, will no longer be an offence after this bill.

Many of these offences are rarely charged. To the extent that they touch upon blameworthy conduct, however, that is deserving of a criminal sanction, there continues to exist a range of other Criminal Code offences of general application that could be used.

In my view, it is inappropriate for any law to exist in the Criminal Code if it is no longer relevant or reflective of modern-day reality. Indeed, it is a fundamental principle that the criminal law be used with restraint and only employed when other means are ineffective or inappropriate to respond to particular conduct.

Some commentators have joked about these reforms, and while I, too, recognize the humour in some of these antiquated offences, we should also recognize that their removal is to be taken seriously and demonstrates that the criminal law must always be clear and relevant to society.

Another group of amendments involves the repeal of offences that are redundant in that they are overly specific and unnecessary because there are other, more general offences that equally and adequately address the behaviour in question.

One such example is the offence of impersonating someone during a university exam, currently found in section 404 of the Criminal Code. This covers conduct that is already covered by the general identity or forgery-related offences. Other examples include the offence of fraudulently pretending to practice witchcraft, found in section 365 of the Criminal Code, which is also captured by the general law of fraud.

• (1550)

The last amendment I wish to discuss is to the Department of Justice Act. It would require the Minister of Justice to table in Parliament a "Charter statement" when introducing a government bill. These Charter statements would highlight key Charter rights and freedoms that are engaged by all future government legislation.

I am sure that you have noted the Charter statements that the Minister of Justice has made a practice of tabling on the bills that she has introduced. And as you know, the Government Representative, Senator Harder, has been tabling these Charter statements in this chamber for some time now.

The Minister of Justice has tabled a statement in relation to all bills that she has introduced. Charter statements on legislation introduced by other ministers have also been prepared, including for Bill C-59. The proposed amendment would turn this practice into a statutory duty for the minister, and for all future Ministers of Justice, and expand it to cover all bills introduced into Parliament by the government.

The proposed amendment would serve several important purposes. It would promote transparency in relation to the effects of government legislation on the fundamental values protected by the Charter. It would provide additional information to parliamentarians to further inform our important legislative debates on behalf of Canadians and also provide additional information to Canadians to help them participate in those debates through their representatives.

Finally, it would demonstrate the government's commitment to respecting and promoting the Charter as an integral aspect of the good governance in Canada.

I am pleased to support Bill C-51, and I am certain that all honourable senators can see the value in this legislation. Updating and modernizing the Criminal Code is long overdue, and Bill C-51 will help to ensure that the Criminal Code reflects the Charter and a modern Canada. Therefore, I ask that this bill be sent to committee upon your consideration.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have one question for the senator before I take the adjournment. Would you take one question, senator?

Senator Sinclair: Yes.

Senator Martin: With respect to the final remarks you made regarding the Charter, which came into effect in 1982, I'm just wondering, what about a statement regarding the Canadian Bill of Rights, which has been in place since 1960?

Senator Sinclair: Thank you, senator, for the question.

I'm sure that during the course of debate we will be able to discuss this and other issues related to the Charter statement; for example, the fact that it doesn't apply to private members' bills or to private bills that are introduced in the Senate as well.

But there is no provision in this particular bill that deals with the issue of compliance with the Bill of Rights that was introduced in the 1960s. Primarily, my presumption is because it is seen that the Charter provision is a constitutional requirement provision that overrides the Bill of Rights or at least supersedes it in many respects.

(On motion of Senator Martin, debate adjourned.)

CANNABIS BILL

CERTAIN COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER—MOTION IN MODIFICATION ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of February 13, 2018, moved:

That, notwithstanding any provisions of the Rules, usual practice or previous order, in relation to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts:

1. without affecting the progress of any proceedings relating to Bill C-45:
 - 1.1. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the subject matter of those elements contained in Parts 1, 2, 8, 9 and 14 of the bill;
 - 1.2. the Standing Senate Committee on Aboriginal Peoples be authorized to study the subject matter of the bill insofar as it relates to the Indigenous peoples of Canada; and

- 1.3. each of the above committees submit its report to the Senate pursuant to this order no later than April 19, 2018; and
2. if Bill C-45 is read a second time, it be referred to the Standing Senate Committee on Social Affairs, Science and Technology, in which case that committee be authorized to take any reports tabled under point 1 of this order into consideration during its study of the bill.

He said: Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to modify the motion so that it reads as follows:

That, notwithstanding any provisions of the Rules, usual practice or previous order, in relation to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts:

1. without affecting the progress of any proceedings relating to Bill C-45:
 - 1.1. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the subject matter of those elements contained in Parts 1, 2, 8, 9 and 14 of the bill;
 - 1.2. the Standing Senate Committee on Aboriginal Peoples be authorized to study the subject matter of the bill insofar as it relates to the Indigenous peoples of Canada;
 - 1.3. the Standing Senate Committee on Foreign Affairs and International Trade be authorized to study the subject matter of the bill insofar as it relates to the Canada's international obligations;
 - 1.4. the Standing Senate Committee on National Security and Defence be authorized to study the subject matter of the bill insofar as it related to Canada's borders; and
 - 1.5. each of the above committees submit its report to the Senate pursuant to this order no later than May 1, 2018; and
2. if Bill C-45 is read a second time, it be referred to the Standing Senate Committee on Social Affairs, Science and Technology, in which case that committee be authorized to take any reports tabled under point 1 of this order into consideration during its study of the bill.

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

Hon. Senators: Agreed.

(Motion agreed to, as modified.)

ADJOURNMENT

MOTION AS MODIFIED ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 14, 2018, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, February 26, 2018, at 5:00 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

That rule 3-3(1) be suspended on that day.

She said: Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to modify the motion so that it reads as follows:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, February 26, 2018, at 6 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

That rule 3-3(1) be suspended on that day.

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

Hon. Senators: Agreed.

(Motion agreed to, as modified.)

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE CAROLYN MAYNARD, INFORMATION COMMISSIONER NOMINEE, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN TWO HOURS AFTER IT BEGINS ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of earlier this day, moved:

That, at 6:30 p.m. on Monday, February 26, 2018, the Senate resolve itself into a Committee of the Whole in order to receive Ms. Carolyn Maynard respecting her appointment as Information Commissioner;

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

That the provisions of rule 4-16(1) be suspended until the Committee of the Whole has reported to the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—SIXTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Ogilvie, seconded by the Honourable Senator Patterson, for the adoption of the sixteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (*Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics), with amendments*), presented in the Senate on October 5, 2017.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

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

PARLIAMENT OF CANADA ACT

BILL TO AMEND—TWENTY-SECOND REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

The Hon. the Speaker: On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Joyal, P.C., for the adoption of the twenty-second report of the Standing Senate Committee on Social Affairs, Science and Technology (*Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate), with amendments*), presented in the Senate on December 14, 2017.

(On motion of Senator Martin, debate adjourned.)

BAN ON SHARK FIN IMPORTATION BILL

BILL TO AMEND—NINTH REPORT OF FISHERIES AND OCEANS
COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Fisheries and Oceans (*Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins), with amendments*), presented in the Senate on February 13, 2018.

Hon. Fabian Manning moved the adoption of the report.

He said: Honourable senators, I'd like to make a few comments. I had a 45-minute speech prepared, but I'll summarize it in short order.

• (1600)

First, I'd like to thank the members of the Standing Senate Committee on Fisheries and Oceans for their due diligence in dealing with Bill S-238. I certainly want to make special mention of committee member Senator MacDonald, who brought this legislation to the chamber.

As most pieces of legislation before our committee, honourable senators, we take on a whole new world when dealing with it, and interesting facts have come forward. We completed our review of Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins).

The committee devoted six meetings to the study of the bill and heard from 15 witnesses. I'd like to begin by thanking all the committee members for their great work on this piece of legislation. During clause-by-clause consideration of Bill S-238, Senator Gold, a member of the committee and the deputy chair, proposed four amendments which were adopted. The amendment

to clause 3 of the bill is to ensure that trade between Canada and its partners is fair. For this reason, the ban on shark fins that are not attached to the rest of the carcass applies to both imports into and exports from Canada.

This amendment also ensures that the trade ban also applies to any derivatives of shark fins. The amendment to clause 4 proposed by Senator Gold is to admit the imports into Canada and the exports from Canada of detached shark fins for the purpose of research and conservation purposes.

The amendment to the long title and the amendment to clause 1 are consequential amendments that change the long and short titles to reflect that the ban on shark fins that are not attached to the rest of the carcass applies to both imports and exports.

Once again, I want to thank all members of the committee for their work on this bill and I look forward to Royal Assent.

Hon. Michael L. MacDonald: Colleagues, it's a pleasure for me today to speak at the report stage of Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins), which I tabled here in the Senate Chamber last spring. Perhaps I can provide some clarity and explain the rationale behind the amendments included in the committee's report.

I'd first like to begin by thanking the members of our Standing Senate Committee on Fisheries and Oceans for their hard work and thorough consideration of the bill. I'm thrilled to have Bill S-238 returned to the Senate with amendments that I believe strengthen this important piece of legislation. I want to especially thank Senator Gold for his work in carrying the amendments during the clause-by-clause reading of the bill.

I'll speak further to the amendments in a moment, but for context I'd like to remind colleagues of the purpose of Bill S-238. With only a handful of clauses, the bill is relatively short and simple. As originally tabled, Bill S-238 proposes to ban the importation of shark fins into Canada that are not attached to a shark carcass. It would also legislate the ban on the act of shark finning here in Canada. As we heard from expert witnesses, sharks are one of the most critical species on the planet. Unfortunately, however, an estimated 100 million sharks are killed each year, the vast majority of which are solely for their fins to satisfy the demand for shark fin soup.

It is a global phenomenon and an ecological disaster in full progress.

Seventy-four shark species are now listed as "threatened," with another 67 listed as "near-threatened," and 14 of the most targeted shark species for the fin trade can be found on that threatened list. Regrettably, Canada has to wear some of this responsibility. As we heard at committee, Canada is the largest importer of shark fins outside of Southeast Asia.

The committee heard from numerous experts, including leading scientists and marine ecologists, activists and conservation organizations, a Toronto city councillor, and federal government officials who appeared twice to answer additional questions. We were also fortunate enough to hear from Brian and Sandra Stewart, the parents of the late filmmaker Rob Stewart, who delivered impassioned testimony on the urgency of the issue and the legacy of their son.

With that said, colleagues, I'll provide some context on the amendments being presented to the chamber today. I'll say at the outset that I'm completely in favour of the amendments and I believe there was broad consensus among all committee members to proceed with the bill in this manner. It truly was a collaborative effort with several senators providing input and direction in drafting the amendments. What we have today is a series of amendments that seek two objectives. First, Bill S-238 was amended to ensure that parts and derivatives of shark fins are captured under the scope of the bill. The question was raised at committee as to whether processed shark fin as an ingredient, for example, would be captured under the original wording. Witnesses also recommended amendments to this effect.

To address this concern and avoid any potential loopholes, amendments were adopted to add language relating to parts and derivatives of shark fins to clauses 3 and 4. Clause 3 details the specifics of the ban, while clause 4 provides for exceptions to the ban by ministerial permit if it is for the purpose of scientific research or benefits the survival of the species.

The second group of amendments extend the ban to exportation from Canada, and not only importation as originally drafted. Although the committee heard that Canada does not currently export shark fins, this was done to ensure Canada is in full compliance with our trade obligations under the World Trade Organization.

The committee came to this decision following the appearance of government officials from DFO and Environment Canada, who are supportive of the objective of the bill but had concerns regarding Canada's trade obligations. The officials indicated that the inclusion of the exportation would address those concerns.

In brief, the amendment to add exportation was done to ensure a level playing field for imported foreign products and any potential exported domestic products. Since we don't export fins anyway, this really has little effect other than to ensure there is no perceived discrimination between foreign and domestic products.

My office consulted with stakeholders regarding these amendments, all of whom were highly supportive.

Specifically, clauses 3 and 4 were amended to add exportation to the language while the remaining amendments simply served to alter the bill's titles, renaming Bill S-238 as the ban on shark fin importation and exportation act.

In my view, the amendments in the committee's report serve only to strengthen Bill S-238.

Also, to be clear, I'd like to note that there is nothing in the bill or the committee's amendments that prohibits the trade or consumption of shark fin within Canada, so long as the product is imported as part of a whole shark, or landed whole within Canada in accordance with Canadian regulations. Shark meat and sharks as a whole, including fins attached to the carcass, could still be imported and exported.

As sponsor of Bill S-238, I support the committee's report and recommend its adoption.

Again, I'd like to thank all members of the committee for their hard work as well as the numerous witnesses for their time and expertise.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

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

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Leave having been given to revert to Other Business, Senate Public Bills, Third Reading, Order No. 1:

Third reading of Bill S-213, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators will see that this item is on the fifteenth day and if I didn't ask for the matter to be adjourned, it would fall off the Order Paper as of today.

With leave of the Senate, I ask that consideration of this item be postponed until the next sitting of the Senate, in Senator Mercer's name.

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

Hon Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

• (1610)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-fifth report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Senate Budget for 2018-19*, presented in the Senate on February 8, 2018.

Hon. Larry W. Campbell moved the adoption of the report.

The Hon. the Speaker: On debate, Senator Housakos?

Hon. Leo Housakos: Senator Campbell hasn't spoken yet on the report, so I will grant him the privilege.

The Hon. the Speaker: Do you wish to add anything on debate, Senator Campbell?

Senator Campbell: Honourable senators, I'd like to answer the question of why I'm doing this report on a Thursday afternoon: It's to carry on the tradition of the previous chair of CIBA, Senator Housakos. It's a tradition.

Senator Housakos: You're lucky Senator Ringuette is not here.

Senator Campbell: I looked.

Colleagues, the report before you deals with the Senate budget for 2018-19. The anticipated budget is \$109,080,103 and is based on the recommendation of the Subcommittee on the Senate Estimates. The amount represents an increase of 5 per cent.

There are two parts within the budget; one is statutory, and the other is voted. The statutory portion deals with monies allocated for legislation. This includes senators' basic and additional allowances and pensions, senators' travel and living expenses, telecommunications and employee benefit plans. Any shortfall in these categories at the end of the year is covered by the Treasury Board. The total amount of the statutory budget is \$34,928,881.

The voted items are for the inner workings of the Senate. They cover senators' office budgets and the Senate Administration. The total financial envelope for the voted portion is \$74,151,222.

The report, in determining the Senate budget, rests with the Subcommittee on the Senate Estimates. It began its work in October and held four meetings. The members met with each of the Senate Administration executive committee members, plus each director. Any funding increases for the departments required

detailed documentation and a presentation before the subcommittee to justify the new spending. They were questioned on the need for funds and the impact on staffing. All directors were also asked to identify any risk to the directorate's operations and to address how any new funding would mitigate the identified risks.

This year's review of Main Estimates was interrupted by the reorganization of the Standing Committee on Internal Economy, Budgets and Administration. As a result, the subcommittee's membership was substantially changed mid-review. As the Chair of the Internal Economy Committee, I would like to thank Senator Wells for his strong stewardship as the Chair of the Subcommittee on the Senate Estimates. I would also like to thank Senator Moncion for stepping into the position as the new chair. Both of them have been excellent leaders.

The Senate has greatly changed the way it conducts business, and that change is ongoing. The majority of the overall new expenditures are related to changes that we are making. The funding for the operation of senators' and house offices is seeing an increase of 4 per cent. The budget for senators' offices will increase to \$225,372. That increase is by the rate of inflation of 1.3 per cent.

The voted part of the budget also includes funding for the Audit and Oversight Committee, if the Senate adopts the Internal Economy Committee's twenty-first report.

In the legislative sector, there will be an 8.8 per cent increase to create additional support for the operations of this chamber and the committees. The Chamber Operations and Procedures Office will receive an increase of \$302,400 to hire additional parliamentary reporters. These are the individuals who transcribe our debates here in the chamber and in committee. Additional personnel will be added to the Debates and Publication office, and some temporary staff will be made permanent.

Also included is a pay increase for our Senate pages.

Some Hon. Senators: Hear, hear!

Senator Campbell: Three new clerks will be added, two within the Committees Directorate and another within the Clerk's office.

The Senate will also fund its share of three international parliamentary conferences: ParlAmericas, the Fifteenth Plenary Assembly, in Victoria, British Columbia, my province, September 9 to 12, 2018; the NATO Parliamentary Assembly, Sixty-Fourth Annual Session, November 16 to 19, 2018; and the fifty-sixth regional Commonwealth Parliamentary Association conference, July 22 to 28, 2018.

The arrangement is that the Senate will provide 30 per cent, and the other place will pay for 70 per cent of the overall conference budget. The total funding for international conferences for the Senate is \$608,182.

The Legal Services sector, which includes the Human Resources Directorate, will receive an overall increase of 9.1 per cent. It includes an increase in the form of temporary funding of \$306,330 for the transformation and restructuring of the Human Resources Directorate. The Office of the Law Clerk will add an additional parliamentary counsel.

In the Corporate Sector, the anticipated increase of the budget is 11.8 per cent. A large amount is dedicated to the introduction of a new financial computer system. The budget for Broadcasting will see an increase of \$100,000 for additional equipment, infrastructure and services in the new Senate chamber and committees, following the move to the Government Conference Centre.

The upcoming move to the Government Conference Centre and the ongoing rehabilitation of the Parliament buildings has a financial impact on the Senate. The Property and Services Directorate is structuring to support the work of our long-term vision and planning team. Some new positions are being created, including a Director of Building Operations and Assets, and a Senate Curator.

Finally, the Senate is looking at acquiring two new shuttle buses and additional drivers. New routes will be added to transport senators between the Government Conference Centre; Wellington Street, which will house the new committee offices; senators' offices in the Victoria Building; the Chambers Building; and the East Block. Our buses will travel longer distances, have more complex routes and deal with additional traffic lights. The costs for transportation will be \$291,293.

• (1620)

Honourable senators, to conclude, I must signal to you a change in the report that you have before you. During the preparation of the report, a miscalculation was noted. Although the totals are accurate, a reclassification is required on Appendix B. Senators' indemnities and pensions should be increased by \$67,000, while administration and corporate account needs should be reduced by the same amount. Simply put, the \$67,000 was included in the incorrect section. The overall numbers in this budget have not changed.

I'm seeking leave of the Senate to modify the report in Appendix B by replacing the following numbers under the heading Main Estimates, 2018-19: \$19,105,530 be replaced with \$19,172,530; and \$38,904,054 be replaced with \$38,837,054. All subtotals and percentages will be adjusted accordingly.

If anybody has any questions, I would be happy to answer.

The Hon. the Speaker: Honourable senators, is leave granted to make the necessary changes as outlined by Senator Campbell?

Hon. Senators: Agreed.

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?

An Hon. Senator: On division.

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

ABORIGINAL PEOPLES

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

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Aboriginal Peoples (*Supplementary budget—study on the new relationship between Canada and First Nations, Inuit and Métis peoples—power to hire staff and to travel*), presented in the Senate on February 15, 2018.

Hon. Lillian Eva Dyck moved the adoption of the report.

She said: This report outlines the budget for the Aboriginal Peoples Committee to be able to travel related to our mandate to look at the new relationship between Canada and the First Nation, Metis and Inuit peoples of Canada. We will be travelling to Western Canada to various locations. We've based the budget upon eight senators travelling with ten staff. We will be holding public hearings and fact-finding missions in the various locations. We intend to travel the week of the 19th and we will be including some videotaping of what we're calling "sharing circles."

The total budget we're asking for is \$216,978, though we anticipate there will be some savings possible because we've budgeted for eight senators and it's likely that we will have five or six. With that, we will be able to hire smaller charter planes and be able to book better airfares on commercial airlines. So I hope that everyone agrees that it's an acceptable budget.

Hon. Joseph A. Day (Leader of the Senate Liberals): The honourable senator mentioned that you intend to travel the week of the 19th. Could you say what month that is, just for the record?

Senator Dyck: Thank you for that question. That would be March.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

COMMITTEE OF SELECTION

SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Committee of Selection, entitled *Nomination of senators to serve on the Special Committee on the Charitable Sector*, presented in the Senate on February 15, 2018.

Hon. Donald Neil Plett moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO ENCOURAGE THE GOVERNMENT TO TAKE ACCOUNT OF THE UNITED NATIONS' SUSTAINABLE DEVELOPMENT GOALS AS IT DRAFTS LEGISLATION AND DEVELOPS POLICY RELATING TO SUSTAINABLE DEVELOPMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Munson:

That the Senate take note of *Agenda 2030* and the related sustainable development goals adopted by the United Nations on September 25, 2015, and encourage the Government of Canada to take account of them as it drafts legislation and develops policy relating to sustainable development.

And on the motion in amendment of the Honourable Senator Bellemare, seconded by the Honourable Senator Petitclerc:

That the motion be not now adopted, but that it be amended by:

1. adding the words “Parliament and” after the word “encourage”; and
2. replacing, in the English version, the words “it drafts legislation and develops” by the words “they draft legislation and develop”.

Hon. Kim Pate: Honourable senators, I rise today to speak to Senator Dawson’s motion on Agenda 2030 and the Sustainable Development Goals. I thank Senator Dawson for bringing these goals to the chamber’s attention and Senator Bellemare for her words in favour of this motion. I too support this motion.

Both senators did an excellent job of explaining Agenda 2030 and the Sustainable Development Goals. Although I will not outline them in detail, it is important to understand what these goals are and how we, as Canadian lawmakers, can ensure they are implemented in this country.

Agenda 2030 is an international action plan for eradicating poverty worldwide. Adopted by the United Nations in 2015, its 17 Sustainable Development Goals and 169 targets are the result of intensive global consultation. The agenda’s goals are grounded in the principle that sustainable development requires a commitment to ending poverty, protecting the environment, equitable and accessible education, gender equality and access to justice. Ultimately, the agenda envisions healthy persons, healthy nations and a healthy global environment.

Canada has signalled its commitment to Agenda 2030 by creating the Federal Sustainable Development Strategy. The 2016 to 2019 strategy focuses on addressing climate change, promoting environmental health and building clean, sustainable and healthy communities. According to the fall 2017 update to the strategy, Canada has made progress towards these goals, but acknowledges that we still have a long way to go.

Canada is one of the richest countries in the world, yet one in seven Canadians continues to live in poverty. For marginalized individuals these statistics are more pronounced. One in five, or 20 per cent, of indigenous people live in houses in need of major repairs. One in four individuals with disabilities are low income, and persons with disabilities account for 41 per cent of the low-income population.

Sixty-two per cent of women aged 25 to 34 who did not finish high school have at least one child. One in five of those women are single parents.

The median income for most households is \$70,336, and individuals are considered low income if they earn \$23,861 or less.

By comparison, in 2010, the Parliamentary Budget Officer calculated that it costs \$348,000 per year to keep one woman in a federal prison. Correctional Service Canada does not include all costs, but nevertheless still pegs the cost at more than \$210,000 per year, per woman.

For too many women in prison and for those living in poverty everywhere, including the students I met during my visit to their school last month in Thunder Bay, their experiences of poverty, discrimination and victimization contribute to their criminalization. In fact, they’re inextricably intertwined.

Agenda 2030 acknowledges that eradicating poverty means eliminating inequalities. Solving discrimination, criminalization and poverty in Canada means addressing these inequalities head on.

In this regard, I want to commend the work of the All-Party Anti-Poverty Caucus, led here in the Senate by Senator Eggleton. The caucus has worked to raise awareness and generate discussion of the concept of guaranteed livable income and other poverty reduction and elimination initiatives, recognizing what can be achieved by investing in equality for all, whether it be improved mental and physical health, lower health care costs, lower crime rates, lower costs of courts, police and correctional services, and increased public safety.

Addressing these issues requires a most critical examination of the lack of investment in communities and the seemingly endless dedication of resources to constructing or renovating prisons. For example, the federal government is willing to look at spending at least \$76 million to build a new penitentiary in Nunavut rather than addressing the fact that one quarter of Inuit live in houses in need of major repair.

The Standing Senate Committee on Aboriginal Peoples in its northern housing study, entitled *We can do Better: Housing in Inuit Nunangat*, talked about this and sent a clear message about one of the most pressing public health emergencies in this country when they reported that “if we are serious about providing young Inuit with the ability to participate fully in the life of their communities, investments in housing must be a priority.”

The 2017 Sustainable Development Goals Index and Dashboard Report assesses how close all participating countries are to achieving the 17 Sustainable Development Goals. Canada is ranked seventeenth.

• (1630)

The four countries closest to achieving the Sustainable Development Goals are Sweden, Denmark, Finland and Norway. It is no coincidence that they also have far lower victimization, criminalization and incarceration rates than Canada.

Agenda 2030 emphasizes that its goals cannot be achieved without a partnership amongst all countries, stakeholders and people. Indigenous nations must form an integral part of this partnership both in Canada and internationally. Agenda 2030 is an opportunity for the federal government to respect the rights it committed to protecting in the United Nations Declaration on the Rights of Indigenous Peoples.

Including indigenous nations in the global partnership ensures the voices of those affected by poverty have input in how best to eradicate it. The Sustainable Development Goals Report indicated that Canada has high rates of obesity, incarceration and people living below the poverty line. Compared to other Canadians, indigenous people are acutely impacted by these issues. The calls to action by the Truth and Reconciliation Commission provide a road map to achieving the Sustainable Development Goals. For example, the TRC's calls to action relating to child welfare and access to education, sport and health, chart for Canada a path toward a fairer and more equal society for generations to come.

Eradicating poverty in Canada requires a serious commitment to the nation-to-nation relationship. The Senate has an essential role to ensure the government embarks on the reconciliation path and respects indigenous rights.

Doris Young, a member of the Indian Residential School Survivor Committee, identified as a key facet of reconciliation that indigenous values must be:

... respectfully acknowledged and included in the Senate's analysis of government policies and programs. In particular, that the Senate acknowledge the Aboriginal world view of the land, what it means ... what culture means ... what language means ... what our ancestors and spiritual connections to the land means ...

Committing to Agenda 2030 can help us fulfill our promises to indigenous peoples.

Including indigenous nations in the partnership also embraces the purpose of the Sustainable Development Goals. Canada is doing poorly at achieving goals directly related to our relationship with First Nations, Inuit and Metis peoples in Canada. The 2017 Sustainable Development Goals Report gave Canada a red grading for goals related to pollution, ocean and environmental health. Indigenous legal systems have robust mechanisms regarding our relationship with the environment. Canada can learn a lot about how to protect this land from these legal systems and traditions.

In its preamble, Agenda 2030 recognizes that poverty eradication is both “the greatest global challenge and an indispensable requirement for sustainable development.” Eradicating poverty and protecting our planet are necessary to build a sustainable future for all Canadians. In highlighting the importance of these goals, I do not mean to diminish the difficulties involved in realizing them.

Eradicating poverty is not a simple task and should not be treated as such. Achieving this goal in Canada will require a concerted effort by all governments, stakeholders and communities. No one person, no one organization, no one government can solve climate change on their own.

As senators, we have a responsibility to hold the federal government to account for their commitments. We must all remember to fulfill our mandate in a way that makes Canada a better place for all who inhabit it. I cannot think of a better way to meet our responsibilities as senators than by helping to eradicate poverty and protect this planet.

Thank you, *meegwetch*.

(On motion of Senator Plett, debate adjourned.)

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF
CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL
LANGUAGES ACT WITH CLERK DURING ADJOURNMENT
OF THE SENATE

Hon. Ghislain Maltais, pursuant to notice of February 13, 2018, moved:

That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than February 28, 2018, an interim report relating to its study on Modernizing the Official Languages Act: the views of young Canadians, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, I move the adoption of the motion standing in the name of Senator Cormier.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

THE SENATE

MOTION TO INSTRUCT SENATE ADMINISTRATION TO REMOVE
THE WEBSITE OF THE HONOURABLE LYNN BEYAK FROM ANY
SENATE SERVER AND CEASE SUPPORT OF ANY RELATED
WEBSITE UNTIL THE PROCESS OF THE SENATE
ETHICS OFFICER'S INQUIRY IS DISPOSED OF—
DEBATE ADJOURNED

Hon. Kim Pate, pursuant to notice of February 14, 2018, moved:

That the Senate Administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator until the process undertaken by the Senate Ethics Officer following a request to conduct an inquiry under the *Ethics and Conflict of Interest Code for Senators* in relation to the content of Senator Beyak's website and her obligations under the Code is finally disposed of, either by the tabling of the Senate Ethics Officer's preliminary determination letter or inquiry report, by a report of the Standing Committee on Ethics and Conflict of Interest for Senators, or by a decision of the Senate respecting the matter.

She said: Honourable senators, the intention of the motion before you is to sever all links between the Senate of Canada and the content of Senator Beyak's personal website pending the outcome of the Senate Ethics Officer's process relating to this site.

The request for investigation submitted by our colleagues to the Senate Ethics Officer raises serious concerns that Senator Beyak's posting of comments widely considered to promote bigoted and racist views "reflect[s] adversely on the position of Senator or the institution of the Senate contrary," to section 7.1 and 7.2 of the *Ethics and Conflict of Interest Code for Senators*.

Indigenous peoples and non-indigenous peoples alike, including our colleagues and members of the public, have informed us, clearly and in no uncertain terms, that the letters posted on Senator Beyak's website are hurtful and intolerable, and many express concerns that encourage and reinforce racist and discriminatory attitudes.

Honourable senators, this is not a simple question of free speech. This is about the impact of harmful and discriminatory stereotypes regarding indigenous peoples appearing on a web site bearing the name of the Senate and the coat of arms of Canada. The ethics officer will determine whether Senate resources may be spent to advance the same stereotypes underlying abhorrent and appalling government policies such as those historically used to justify residential schools, to try to cast doubt on indigenous peoples' lived experiences, of Canada's racist and colonial past, a past that this country has only recently begun to acknowledge, frankly, and work to remedy.

As we await this decision, however, we must reflect on the harm being caused by allowing such information to continue to be circulated. We know that not all messages to Senator Beyak are displayed on the website. Those who disagree with her comments about residential schools have not made it to the website. Letters that are displayed include such message as:

I'm no anthropologist but it seems every opportunistic culture, subsist[ence] hunter/gatherers[,] seeks to get what they can for no effort. There is always a clash between an industrial/ organized farming culture that values effort as opposed to a culture that will sit and wail until the government gives them stuff.

To fail to challenge the display of such attitudes and ideas on a Senate website is to leave the impression with many Canadians that the rest of us endorse such biased and misleading perspectives. With the events of this week surrounding the *Stanley* case, we have seen the consequence of individuals in our society receiving mixed messages from a government institution, Canada's judicial system, messages that some receive as encouragement to be emboldened to hate and to hurt.

The acquittal by an all-white jury of Mr. Stanley for the killing of Colten Boushie, a young indigenous man, has occasioned a truly dangerous rise in racist vitriol targeting indigenous peoples, particularly on social media.

• (1640)

In Dr. Marie Wilson's remarks to the Aboriginal Peoples Committee last night, she responded to the question of why things are getting worse, why this week we had an all-white jury acquit a white man for shooting an indigenous man in the back of the head as though this is the United States in the 1950s.

The views aired and therefore implicitly promoted on Senator Beyak's website are important, powerful reasons why. When a senator openly allows First Nations people of this country to be disparaged and dehumanized, it gives licence for others to do the same. By not interfering with this, we perpetuate ignorance and intolerance and give permission to others to behave in the same manner. If we do nothing and allow this to continue, we are not merely part of the problem. I would argue that we are actively encouraging the same ideas and attitudes that created the problem in the first place.

This is not what this country, never mind this place, represents. Senator Beyak's website reflects poorly on all of us in the Senate, and by extension all Canadians. We only need look south of the border to see the impact of giving licence to racists in America.

The stakes are incalculably high for the credibility of Canada's commitment to the reconciliation process charted for us by the Truth and Reconciliation Commission. The same can be said for our credibility as senators, as representatives of the public, and particularly of minority groups.

In the words of our colleague, Senator Sinclair, speaking of those who continue to ask him why indigenous people don't get over it, get over the residential school experience, I quote:

My answer has always been: Why can't you always remember this? . . . We should never forget, even once they have learned from it, because it's part of who we are. It's not just a part of who we are as survivors and children of survivors and relatives of survivors, it's part of who we are as a nation. And this nation must never forget what it once did to its most vulnerable people.

We don't ask it of our Jewish colleagues that they or their families or communities forget the horrors of the Holocaust, and nor would we accept it if any one of us tried to blame those who lost their lives for their circumstances.

Colleagues, we have an opportunity to practise the "how" of reconciliation. To some it may seem like an insurmountable task, but with opportunity such as this unfortunate and embarrassing one provided to us we can take a step forward, an easy first step. In fact, we are obligated to do so not only because of our duty to all Canadians, but also because of our duty to uphold the duty of each other, of our offices, of ourselves. We can do better and we must do better.

In her open letter addressed to Senator Beyak, our colleague Senator McCallum reminded us that as senators we give voice to all Canadians. As senators, we have the privilege and the responsibility to ensure that freedom of speech does not generate hate, racism or anger against any persons. From my discussions with Senator McCallum, I'm aware that two weeks ago she sent a

private letter to Senator Beyak in which she invited her to hear the perspectives of residential school survivors and publish all letters she had received on the subject and in response to her statements. We must be aware of the responsibility and the privilege that she speaks of and not allow it to be undermined.

Senator McCallum has identified for the Senate a duty, grounded in the principle of sober second thought, to lead a dialogue with and on behalf of Canada. This dialogue includes the art of listening, knowledge translation and expansion and compassion.

Colten Boushie's family, present in this and the other place this week, also impressed upon us the importance of every Canadian making an active effort to fight discrimination against indigenous peoples. Jade Tootoosis Brown, Colten's sister, has emphasized that the conversation:

. . . has to continue in the classroom, It has to continue at the dinner table. It has to continue at the workplace. It has to continue at the coffee shop.

It also has to continue in the Senate.

The consequences of our actions as senators are incredibly far-reaching. I was reminded of this when I visited students at Dennis Franklin Cromarty High School in Thunder Bay last month. Young indigenous students gave me letters they had written to Senator Beyak. They wanted to explain to her the stark difference between their and their families' experiences and the views she expressed and others on her website have promoted. To read from one I quote:

. . . you only talked about the good parts of some peoples' experience in the residential school, but are ignoring the bad experiences about residential schools. . . . Some died trying to escape and many children died at the residential schools. Some children in the residential schools were alone and scared. . . . An Elder of mine told me her story was terrible being in the residential school. . . . She also still has terrifying dreams of being in that place. She has scars on her body. Her culture was almost stolen. Her life has changed so much.

Dear colleagues, this is a school where an inquest into the deaths of seven children was just tabled in the last year. As I told those students, my life's work has been about giving people second chances, about educating and re-educating, about challenging discriminatory and hurtful ideas, attitudes and actions, and also about promoting opportunities for those whose histories and life circumstances mean that they often start in a far less than equal position. But when those with power and privilege use their positions and resources in ways that oppress or diminish the lives and experience of others, I also consider it our duty to act and challenge such behaviour. In fact, I think not to do so is to be irresponsible.

The third principle outlined by the Truth and Reconciliation Commission is that:

Reconciliation is a process of healing of relationships that requires public truth sharing, apology, and commemoration that acknowledge and redress past harms.

Yesterday Colten Boushie's mother, Debbie Baptiste, reminded us that:

Our children should not live in fear. Our children should be able to walk this earth this freedom and not worry about being shot or coming up missing.

It is nearly one year since the views being promoted on Senator Beyak's website were first questioned. I do not challenge the right of Senator Beyak or others to express their opinions, but I absolutely do challenge the promotion of such racist and discriminatory attitudes and ideas in my name. It is for these reasons that I move that the Senate administration be directed to remove the website from Senate servers pending the decision of the Ethics Commissioner vis-à-vis the allocation of Senate resources for the site.

Thank you. *Meegwetch.*

Hon. Anne C. Cools: Would the honourable senator take a question?

The Hon. the Speaker: Senator Bovey is taking the adjournment. Senator Pate, are you prepared to take a question?

Senator Pate: Yes.

Senator Cools: You speak and obviously feel very strongly about some of these questions. I have always understood that the residential schools were not initiated and administered by the Government of Canada in any way. I have always understood that they were initiated and run by the churches. Am I wrong in that?

Senator Pate: I would say yes, you are very wrong in that. The churches may have been in the administration, but it was with the sanction of the government.

Senator Cools: I was asking you if it was done at the initiative and the administration of the government. There is a difference.

Senator Pate: Yes.

Senator Cools: Could you give me a source for that I could explore with some thoroughness?

Senator Pate: I will certainly find you a source. I do not have it immediately at my fingertips. I will happily provide it.

Senator Cools: I would assume that something you are speaking about so confidently that you would have sources before you begin to speak.

Senator Pate: I do. I just don't happen to have them with me at this moment.

Senator Cools: Thank you.

Hon. André Pratte: Would the honourable senator take another question? Thank you.

I certainly share the intent of your motion, and I find the comments in some of the letters on this website absolutely despicable. But I feel somewhat uncomfortable with the idea of taking the whole website down. Because, from my exploration of this website, not all of it is in the same tone.

I was wondering whether you had explored a more surgical treatment to this because Parliament is supposed to protect freedom of expression even if we might disagree very strongly with some of these views, but if they are not hate speech, then we should protect freedom of expression. Have you explored other ways rather than to take the whole website out?

• (1650)

Senator Pate: Thank you very much for that question because I asked the same question and explored a number of options.

Part of the difficulty was one of the options I explored was whether we could just have the letters removed. But there were other things, namely, statements, press statements in other areas. Rather than put the responsibility on Senate administration to have to go through and make decisions, with respect, my reading of the rules is that's not something that we could then ask the Senate administration to do but it is something the Senate can do. It is a temporary measure until such time as the Senate Ethics Officer rules. Basically, it would not expect the administration to try and excise all of the different pieces that would need to come out.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator, I'm just trying to wrap my head around this motion and the wording in terms of what we all uphold and defend, which is due process. I'm wondering how this motion is asking the Senate to do something while a process is undertaken. It seems sort of backward with respect to what we stand for here in this chamber because due process is so important.

Could you explain how to wrap our heads around this sort of incongruous or, I think, hypocritical wording?

The Hon. the Speaker: Senator Pate your time has expired. Are you asking for five minutes to respond to questions?

Senator Pate: Yes, please.

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

Hon. Senators: Agreed.

Senator Pate: I'm sorry if it looks hypocritical. If it does, that is in no way the intent. I have huge respect for due process and the process that needs to be taken.

This issue was first raised more than a year ago. Many efforts have been made, including by your own caucus, to try to address this issue. Measures have also been taken by your caucus, which I presume followed due process and allowed people to be heard and understood.

At this stage, it is before the Senate Ethics Officer. We do not know how long that will take. We know the Senate Ethics Officer has many other issues to contend with. I did wait to see if the matter could be fast tracked. It was not. We have then had intervening factors. I've had calls and a week that has been — I can't imagine what it has been like for our indigenous colleagues because I know what it has been like for me in trying to address the hurt, anxiety and fears that are being felt right across this country.

That's why I gave notice. That's why I'm saying it's a temporary measure until the Senate Ethics Officer responds and until it is in the purview of the Senate to make a decision on what is done with our resources and what is done in our name. It is in that spirit that I'm requesting this.

Senator Martin: I should correct myself. I used the wrong word. I was searching for a word. I didn't mean to use the word "hypocritical." I meant contradictory or backwards because there is a process being undertaken and then you're asking us to vote on a motion that is doing something before the process is concluded. That is what I was trying to convey. I didn't mean to say "hypocritical;" that was the wrong word.

Hon. Leo Housakos: I want to reiterate Senator Martin's point of view and question. What the senator is doing here, with all due respect — unless you can convince me otherwise — is bringing into question the arm's length process with our Senate Ethics Officer and code. I'm proud to say that our ethics code is probably one of the most rigid and effective one in the Commonwealth — certainly compared to any Parliament in this institution. We have recently seen how effective it is because this place has taken unprecedented steps based on that code. We have three colleagues who sit on our Ethics Committee who are distinguished colleagues and also have a mandate to exercise that code. In essence, you are infringing upon an independent, arm's length ethics process and ethics code that this chamber has put into place now for a number of years and has worked really well. So that's disturbing.

The second thing is equally disturbing, and we're going down a slippery slope. In fact, there are two questions. First, does the honourable senator respect the ethics code and the Senate Ethics Officer's work? That's a clear question. The other question is: Who has appointed any senator in this place the power of censorship? As much as I might find appalling the comment on the website of Senator Beyak — because I certainly don't support those views — who am I to censor those views and where do we draw the line? Perhaps, senator, your website might articulate certain points of view that I and thousands of other Canadians might find offensive. I would never fathom taking away your right to express your views on that issue or any other.

Senator Pate: Thank you for your comments and your question.

I absolutely do respect the Senate Ethics Officer. If ever I put something on the website that would be promoting the kinds of myths and stereotypes that could lead to the kinds of promotion of hatred that exists, I would absolutely hope that I would be challenged. That is exactly your role as one of my colleagues and it's the role of the Senate.

With respect, this is not an issue of freedom of speech. Nor is it an attempt to supplant or undermine the role of the Senate Ethics Officer. It is an opportunity for us as a body to show that we do trust and want the Senate Ethics Officer to do the job the Senate Ethics Officer has. In the meantime, though, there are things happening in this country and we have an obligation to represent the minority interests of people in this country. It is in that interest that I am suggesting and bringing this motion to this body that we should take action at this time, pending the decision of the Senate Ethics Officer. This is not in any way an attempt to supplant that jurisdiction.

The Hon. the Speaker: Senator Pate, your time has expired again but I noticed at least one other senator who looked to be wanting to ask a question. Are you going to ask for more time?

Senator Pate: I would.

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

An Hon. Senator: No.

The Hon. the Speaker: Sorry, but I hear a no.

(On motion of Senator Bovey, debate adjourned.)

[Translation]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS

Hon. Jean-Guy Dagenais, pursuant to notice of February 14, 2018, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to conduct a study on how the value-added food sector can be more competitive in global markets. More specifically, the Committee shall be authorized to examine:

- (a) the comparative advantage of the Canadian value-added food sector;
- (b) the food sector's capacity to generate value-added products in order to meet global consumer demand while remaining competitive in the Canadian market;

- (c) the support that should be provided to industry stakeholders in such areas as technology, marketing, environmental certification and intellectual property; and

That the committee submit its final report to the Senate no later than December 21, 2018, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(At 4:58 p.m., the Senate was continued until Monday, February 26, 2018, at 6 p.m.)
