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OFFICIAL REPORT
(HANSARD)

Tuesday, March 24, 2015

The Honourable LEO HOUSAKOS
Speaker pro tempore

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, March 24, 2015

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

Prayers.

SENATORS' STATEMENTS

AXEL BECKE

CONGRATULATIONS ON
2014 GERHARD HERZBERG PRIZE

Hon. James S. Cowan (Leader of the Opposition): Colleagues, it is with great pride that I rise to pay tribute to Dr. Axel Becke, a professor of chemistry at Dalhousie University, who last month was awarded the Gerhard Herzberg Canada Gold Medal for Science and Engineering — the highest honour that can be bestowed by our Natural Sciences and Engineering Research Council, and widely recognized as Canada's most prestigious prize in science.

Dr. Becke's research focused on what is called "density functional theory," or DFT. DFT is a theory developed in the 1960s by Walter Kohn. He later shared the Nobel Prize for his work. The theory looks at the motion of electrons — and, as Dr. Becke has described it, is "quite literally applicable to anything and everything, because all matter in our terrestrial world depends on the motion of electrons."

It began with conceptualizing a different way to predict how atoms will behave based on quantum physics. Scientists used to look at the motion of each individual electron. Kohn's conceptual leap was to look instead at the average number of electrons in a given point in space, that is, the density of electrons in that point in space.

The problem was that until the 1980s, DFT was not sufficiently accurate to be useful. Dr. Becke asked himself the quintessential question of a scientist: How can we make it better?

Thirty years later, the methods developed by Dr. Becke are today used, quite literally, by all scientists. Colleagues, that is not rhetorical hyperbole. His work has been cited 100,000 times to date — two of his papers rank among the top 25 most-cited scientific papers of all time.

Paul Ayers, a chemistry professor at McMaster University, has said that it is "difficult to overstate how monumental Becke's achievement was." Thanks to his work, computers can calculate how different atoms will bond with each other to form complex molecules, and how different molecules will interact with each other. His methods are used in biological chemistry, medicinal chemistry, self-assembling nanosystems, 3-D printing, solar energy conversion — and they affect our daily lives, playing a role, as one journalist at Dalhousie described, in things as basic as brushing our teeth, taking a multivitamin, turning on a flat-screen TV, and checking messages on an iPhone.

Dr. Hamdy Khalil, himself a pioneer in chemical research, said that Dr. Becke's work is "a journey in search of simplicity."

Colleagues, this is the second year in a row that a Dalhousie scientist has been awarded the Herzberg medal. Last year, as Senator Mercer told this chamber, it was given to molecular biologist Ford Doolittle. That was actually the first time the prize was given to an Atlantic Canadian, so it appears we are on a bit of a roll.

I invite you to join me in congratulating Dr. Becke for this recognition of his remarkable work, and congratulating Dalhousie University as well. Their scientists are blazing a trail from which the whole world is benefiting.

WORLD DOWN SYNDROME DAY

Hon. Tobias C. Enverga, Jr.: Honourable senators, I rise today, as I have every year since my Senate appointment, to mark World Down Syndrome Day this past Saturday, March 21. The focus on the tenth anniversary of the day is "My Opportunities, My Choices" - Enjoying Full and Equal Rights and the Role of Families."

Honourable senators, as the organization Down Syndrome International states, persons with Down syndrome should have choices, be able to make decisions and have control of their lives. To do this they need access to the support they may require to lead independent lives and to be accepted and included as valued, equal and participating members of their communities. The most important of these is employment — gainful and meaningful employment.

Honourable senators, less than two weeks ago I had the pleasure of meeting with representatives from the Canadian Down Syndrome Society. They were all members of the board of directors, one of whom has Down syndrome herself.

This young woman, Dewlyn Lobo, volunteers part of her time here on Parliament Hill, and her colleagues in the Member of Parliament for Brant, Ontario, Phil McColeman's office attest that "she is awesome!"

Honourable senators, the delegation I met with came with no request in hand. They came with one purpose only. They came to inform parliamentarians about their work, to show how they work with and not for their members, and they came with stories of how their members with Down syndrome, and other persons with different abilities, can contribute just as any other person, as a taxpaying, salary-earning, independently living person. One proof of this is the not-for-profit Avalon Employment Inc. which has ensured over one million hours of paid employment for their clients with various companies in Newfoundland alone.

Honourable senators, we have the opportunity in this chamber to do our own small part.

The Friends of the Senate program gives local high school students with different abilities some much-needed workplace experience by volunteering in senators' and Senate directorates' offices. I encourage you to take part in the initiative, to open your office doors and to ensure the Senate's commitment to people of all abilities.

TENELLE STARR

CONGRATULATIONS ON CBC FUTURE 40 AWARD

Hon. Lillian Eva Dyck: Honourable senators, Tenelle Starr, a 15-year-old member of the Star Blanket First Nation, was nominated in the third annual CBC Saskatchewan's Future 40 award. This award looks to recognize young people under 40 years of age who are making a difference in their communities and excelling in their fields.

Honourable senators will recall that I made a statement on Tenelle when her extraordinary courage and intelligence first made headlines on February 27, 2014.

In 2014, when Tenelle was in Grade 8, she objected to being sent home from her school in Balcarres, Saskatchewan, for wearing a hoodie bearing the words "Got land? Thank an Indian." Overnight, she became the centre of a national discussion around treaties, indigenous land rights, and racism in Saskatchewan. Internationally, requests for the hoodie skyrocketed and the Idle No More group launched a campaign supporting her actions.

In addition, Tenelle was invited as a guest by the Athabasca Chipewyan First Nation to the Honour the Treaties concert featuring Neil Young. In a CBC interview, Tenelle said of her experience: "I think of it as a teaching tool that can help bring awareness to our treaty and land rights. The truth about Canada's bad treatment of First Nations may make some people uncomfortable, but understanding is the only way Canada will change and start respecting First Nations."

• (1410)

Honourable senators, Tenelle is now selling "Got Land" gear to fundraise for missing and murdered indigenous women and suicide prevention programs in First Nation communities. Tenelle Starr is an extraordinary young role model, and her courage, wisdom and resistance in everyday actions serve as an inspiration for a better world.

Congratulations on your nomination, Tenelle. I wish you the very best in your candidacy for this special award.

THE SENATE

CONGRATULATIONS ON TENTH ANNIVERSARY OF APPOINTMENTS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I wish to draw your attention to a happy tenth anniversary. Ten years ago today, Prime Minister Paul Martin made a number of appointments to our chamber. We still have among us Senators James Cowan, Art Eggleton, Nancy Ruth, Lillian Dyck, Grant Mitchell, Elaine McCoy and Claudette Tardif.

[Senator Enverga]

Now, any time someone is given the great honour and privilege of becoming a senator, it is an occasion for happiness among us. It brings new blood here, and virtually without exception the people who are named to this chamber are interesting, accomplished people, who bring not just fresh blood but fresh perspectives to us and to our work.

I would suggest to you that that group of names I just read is a particularly fine collection, and I would draw to your attention that although Mr. Martin was and is a Liberal, they were not all Liberals. Senator Nancy Ruth, Senator McCoy and then Senator Dyck, although she has since seen the error of her ways, were not Liberals, but every last one of them has been an ornament to us, has given us pride and pleasure to have as colleagues.

I would suggest to you that if Frank Sinatra had been paying attention at the time, he would have said that 2005 was a very good year.

[Translation]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

CERTIFICATE OF NOMINATION TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the certificate of nomination and biographical notes of Joe Friday, the nominee for the position of Public Sector Integrity Commissioner.

[English]

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—TWELFTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Member of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, March 24, 2015

The Standing Senate Committee on National Security and Defence has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-27, An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members

of the Canadian Forces), has, in obedience to the order of reference of Thursday, December 11, 2014, examined the said bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Member of the Committee

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

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

CANADIAN SECURITY INTELLIGENCE SERVICE ACT

BILL TO AMEND—THIRTEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Hon. Daniel Lang, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, March 24, 2015

The Standing Senate Committee on National Security and Defence has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-44, An Act to amend the Canadian Security Intelligence Service Act and other Acts, has, in obedience to the order of reference of Thursday, February 26, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DANIEL LANG
Chair

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

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

[Translation]

THE ESTIMATES, 2015-16

MAIN ESTIMATES—SEVENTEENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the seventeenth report and first interim report of the Standing Senate Committee on National Finance on the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2016.

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

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table, in both official languages, the thirteenth report of the Standing Committee on Internal Economy, Budgets and Administration, regarding the functional review of communications.

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE JOE FRIDAY, PUBLIC SECTOR INTEGRITY COMMISSIONER NOMINEE, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, immediately following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive Joe Friday respecting his appointment as Public Sector Integrity Commissioner;

That the Committee of the Whole report to the Senate no later than one hour after it begins.

PUBLIC SECTOR INTEGRITY COMMISSIONER

NOTICE OF MOTION TO APPROVE APPOINTMENT

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with subsection 39(1) of the *Public Servants Disclosure Protection Act*, S.C. 2005, c. 46, the Senate approve the appointment of Joe Friday as Public Sector Integrity Commissioner.

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-2, An Act to amend the Controlled Drugs and Substances Act.

(Bill read first time.)

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

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

• (1420)

THE SENATE

NOTICE OF MOTION TO TAKE NOTE OF THE CASE OF SERGEI MAGNITSKY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate take note of the following facts:

- (a) Sergei Magnitsky, a Moscow lawyer who uncovered the largest tax fraud in Russian history, was detained without trial, tortured and consequently died in a Moscow prison on November 16, 2009;
- (b) No thorough, independent and objective investigation has been conducted by Russian authorities into the detention, torture and death of Sergei Magnitsky, nor have the individuals responsible been brought to justice; and
- (c) The unprecedented posthumous trial and conviction of Sergei Magnitsky in Russia for the very fraud he uncovered constitute a violation of the principles of fundamental justice and the rule of law; and

That the Senate call upon the government to:

- (a) Condemn any foreign nationals who were responsible for the detention, torture or death of Sergei Magnitsky, or who have been involved in covering up the crimes he exposed;
- (b) Explore and encourage sanctions against any foreign nationals who were responsible for the detention, torture or death of Sergei Magnitsky, or who have been involved in covering up the crimes he exposed; and
- (c) Explore sanctions as appropriate against any foreign nationals responsible for violations of internationally recognized human rights in a foreign country, when authorities in that country are unable or unwilling to conduct a thorough, independent and objective investigation of the violations.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Fisheries and Oceans have the power to sit at 5 p.m. on Tuesday, March 24, 2015, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

Hon. Joan Fraser (Deputy Leader of the Opposition): Before granting leave, I would like to know why it is being sought.

Senator Manning: We have witnesses this evening mostly from British Columbia: 'Namgis First Nation Chief Debra Hanuse; Gary Marty from the British Columbia Ministry of Agriculture; Alexandra Morton via video conference; Mr. Stan Proboszcz, Science Advisor from the Watershed Watch Salmon Society of British Columbia; and Mr. Ian Roberts from Marine Harvest Canada, British Columbia.

These people are in town, and I was afraid that we would be delayed here in evening. I wanted to make sure we would have the opportunity to meet with these guests who have travelled so far to present to our committee as we study aquaculture in Canada.

Senator Fraser: Your Honour, our side will give leave, should you wish to ask.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

PRIME MINISTER'S OFFICE

SENATE VACANCIES

Hon. Joan Fraser (Deputy Leader of the Opposition): This is a question for the Leader of the Government in the Senate, and it comes from Simon Potter of Montreal, whom the leader may know. He's an eminent lawyer, former head of the Canadian Bar Association, and he asks:

Why is it not a dereliction of constitutional duty for the growing number of Senate vacancies not to be filled?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, as you know, that is a constitutional power belonging to the Governor General on the recommendation of the Prime Minister. That power belongs to them and will be exercised at a time that they deem suitable.

[English]

Senator Fraser: Finally, Mr. Potter asks:

Can the Senate fill its intended role of ensuring regional and other representation if vacancies are allowed to pile up?

It is notorious that they have been allowed to do for some time now.

Senator Mitchell: That's an easy one.

[Translation]

Senator Carignan: It is quite clear to me that the constitutional requirement is being respected. As you said, the Constitution stipulates that appointments can be made from time to time.

[English]

Senator Fraser: This is my question, not Mr. Potter's: How far is the government prepared to let membership of the Senate decline? Would the government, for example, be prepared to allow a given province to have no members of this chamber?

[Translation]

Senator Carignan: You are aware of the exceptional calibre of the senators who make up this chamber. Personally, I have no concerns about the quality of regional representation.

[English]

Senator Fraser: This is my question, not Mr. Potter's: How far is the government prepared to let membership of the Senate decline? Would the government, for example, be prepared to allow a given province to have no members of this chamber?

[Translation]

Senator Carignan: Senator, if you have candidates to suggest, I invite you to send their CVs to the offices of the Prime Minister and the Governor General, as many Canadians do regularly.

I firmly believe that the Prime Minister will adhere to the existing constitutional process for appointments and make wise choices at a time that he deems suitable, or in other words, from time to time, as the Constitution stipulates.

[English]

EMPLOYMENT AND SOCIAL DEVELOPMENT

INTEGRATION OF PEOPLE WITH DISABILITIES INTO THE WORKPLACE

Hon. Jim Munson: Obviously my question is for the Leader of the Government in the Senate.

Mr. Leader, last week a contract between Library and Archives Canada and the Ottawa-Carleton Association for Persons with Developmental Disabilities almost expired. For decades this contract supported a paper sorting and disposal program designed to provide work for 50 people with developmental disabilities. These workers have been there for 35 years.

At the eleventh hour, in a public outcry in this city and in headlines in the *Ottawa Citizen*, the Honourable Pierre Poilievre, Minister of Employment and Social Development, reinstated the funding. It's a good thing, the three-year contract between Public Works and OCAPDD.

Mr. Poilievre claims he was shocked to learn of the crisis, but his department was aware of the situation well before the matter began to receive public attention last week. There was a lot of attention. At the last minute he did intervene, but why did your government not intervene earlier? The department knew about this. Why were the workers subjected to weeks of distress and uncertainty while your government did nothing?

• (1430)

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, our government has worked harder than any other to support the skills of all Canadians. In Economic Action Plan 2014, we renewed the labour market agreements for persons with disabilities to help them prepare to enter or reintegrate into the job market.

These agreements represent the government's largest investment in employment for persons with disabilities. In particular, we supported the Ready, Willing and Able initiative, which promotes the participation of eligible Canadians with disabilities in the labour market. We supported the CommunityWorks initiative with an investment of \$11.4 million over four years to fund the expansion of professional training programs for persons with autism spectrum disorder. Indeed, these are projects and investments made by our government that you supported. However, this did not stop you from voting against Economic Action Plan 2014.

Our Enabling Accessibility Fund helps improve the accessibility of buildings across Canada. We also enhanced the Opportunities Fund for Persons with Disabilities. Since 2006, we have helped more than 34,600 Canadians with disabilities. We also created the Registered Disability Savings Plan in order to help parents to save and ensure the financial security of their disabled children.

Our government is taking action by introducing concrete measures. With respect to the more specific issue of the workers' contract, a new three-year contract will be signed so that these workers can continue making their contribution to Canadian society with pride and determination. Honourable senators, these people, who are a source of inspiration, will do the same work at the same place.

[English]

Senator Munson: Of course, Mr. Speaker, these individuals are inspiring. Hopefully, one day — and I'm not sure about that — you will be able, Mr. Leader, to answer the question directly.

I think it was unfair of you to say something in your written notes there, "It did not stop you from voting against the 2014 Economic Action Plan." This has to do with people with disabilities in this country. I have supported publicly your government on what you talked about, Ready, Willing & Able, the works program, the registered disability tax breaks and so on. I've supported all of those things, but this hits close to home. This hits here.

In addition to the outrage, these folks are making \$1.15 each hour —

An Hon. Senator: Oh, oh.

Senator Munson: I was expecting this to happen, in terms of the intervention by the honourable member on the front bench. I'm making a point, and I have the opportunity to make this point. Thank you, Senator LeBreton.

The wage was intended as an honorarium, amounts to a mere \$2,000 a year and falls well short of a provincial minimum, so there are issues with the provincial government — the Liberal government — here as well.

The main part of this program was to provide workers with training and experience, but many of are unable to earn much more. They do receive provincial disability benefits of roughly \$800 to \$1,000 a month, but there are the clawbacks, as you know, Mr. Leader, if they earn more than \$200 a month.

Will the government examine how disabled workers can both earn a fair wage and continue to receive these other benefits?

[Translation]

Senator Carignan: Honourable senators, as I said in my previous answer, many programs are currently in place. As for the issue of wages, it is the organization that manages the service contract that is responsible for the pay.

[English]

Senator Munson: My goodness. I will try one more time, Mr. Speaker.

[Senator Carignan]

First of all, I would recommend the reading of André Picard in *The Globe and Mail* today. It's a brilliant piece of writing about disabled workers needing respect and not pity. He said in that column what these workers — who by all accounts do their jobs well — need is not pity, but respect.

You have a person here by the name of Laurie Larson, who is president of the Canadian Association for Community Living, and she said that people with disabilities deserve real jobs for real pay. As Mr. Picard says, referring to a report that was put out by that group:

In fact, the report notes, hiring people with disabilities is good for business because it results in higher productivity, less turnover (which leads to lower training costs) and better responsiveness for customers, who appreciate a work force that reflects their community.

Mr. Leader, will this federal government embrace, as André Picard has suggested in his column, the "employment first" concept?

[Translation]

Senator Carignan: Senator, as I said and as you know, various programs exist. Earlier I mentioned Ready, Willing & Able, a program that represents the largest government investment in employment for people with disabilities. The purpose of the program is to support Canadians with disabilities to help them get into the labour force when they reach the working age. These programs are in place, and to paint a complete picture of the situation, it is important to emphasize programs like Ready, Willing & Able.

With respect to the specific case you mentioned, a new three-year contract will be negotiated so that those workers can continue to contribute to the Canadian economy, and as I said, so they can do so with pride and determination. These individuals will be able to continue doing the same work in the same place. Given the circumstances surrounding the organization in charge of their pay, we need to look at the full picture. Furthermore, senator, you must recognize that our government is making a huge investment to support assistance and accessibility programs for people with disabilities.

[English]

Senator Munson: I will try one more time with a very brief question going back to the original story of these 50 people who are about to be kicked out of their job. This is a specific question and I would love to have a specific answer.

If the *Ottawa Citizen* hadn't broken this story, would these people still be working?

[Translation]

Senator Carignan: You want a hypothetical answer to a hypothetical question. I answer real, fact-based questions. What matters, senator, is that a new three-year contract will be granted so that these workers can continue to contribute to Canadian society with pride and determination. I encourage you to avoid speculating.

FINANCE

ECONOMIC GROWTH—EMPLOYMENT

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. I would have asked my question last week, but we weren't here.

The OECD has reduced its economic growth forecast for Canada, which tells us that all these economic action plans are doing nothing to provide Canadians with jobs and, according to most economists, including those at the OECD, our economy will not grow as much as once thought in 2015 and 2016.

Can you explain to the senators and to Canadians in general how we can achieve our economic growth and job creation objectives, and what will be done to fill the void created by the loss of 140,000 jobs during the economic crisis?

• (1440)

Hon. Claude Carignan (Leader of the Government): By continuing to implement our Economic Action Plan, creating wealth, lowering taxes and giving more money to families, we will help families set their own priorities instead of having those priorities dictated by bureaucracy.

I want to remind you that creating jobs is a top priority for our government and that it wants to help families make ends meet. Since the depths of the global recession, 1.2 million net new jobs have been created, and 85 per cent of those are full time. Nearly 85 per cent of these jobs are in the private sector, and nearly two thirds are in well-paying sectors. We have one of the top job creation records in the G7. When you ask me what we will do, my answer is simply that we will continue to do what we have been doing.

I have said this so many times, I feel as though I'm having déjà vu.

When we present our 2015 Economic Action Plan I encourage you to work with us, vote with us and join us in our efforts to increase economic growth instead of creating new taxes and increasing taxes for Canadians, as your leader Justin Trudeau would do if he had his way.

Senator Hervieux-Payette: I think you have been watching too much television and seeing so many ads that you're starting to believe them. Facts are facts. Talisman Energy, a Canadian company, will be cutting its staff by 10 per cent to 15 per cent. Other companies like ConocoPhillips Canada and Nexen — which, I should point out, was sold to the Chinese — will eliminate 200 and 400 jobs in Canada, respectively. We put all of our eggs in the same basket. However, all economists agree that that is not where jobs will be created. So where, exactly, will these jobs be created?

Measures that will put money back in the pockets of families are not measures that will promote job creation.

Job creation measures involve companies that will pay salaries. They have nothing to do with taxation. That is a whole other issue. Where will the new jobs be created in 2015 and 2016?

Senator Carignan: In Canada, senator.

Senator Hervieux-Payette: I would be happy to hear about it. I hope that the provincial premiers will see how this could help them.

We have focused our efforts mainly in the energy sector. Of course, we are aware that the projects that have been successful, namely the pipeline expansion projects with our American colleagues and other initiatives in both the United States and Canada, have been put on hold for all sorts of reasons. We cannot say that our communication and negotiation efforts with the various parties have really paid off.

However, I am looking at our American neighbour, which is making economic progress and investing in health, education, the biomedical industry, engineering, information technology, infrastructure, professional services and a number of other sectors. The United States is creating jobs in a wide variety of sectors. Where are you going to create jobs in Canada and where will this be set out in your action plan?

Senator Carignan: Senator, we have a diverse economy that creates jobs in various sectors. The most recent statistics have shown that to be true, and we will continue working to create wealth and foster economic growth. I know that you do not like to hear these statistics, but 1.2 million net new jobs have been created. A total of 85 per cent of them are full-time jobs, while 85 per cent are in the private sector. Furthermore, nearly two thirds of those jobs are in high-wage sectors. I believe that we are doing good work. We are going to continue in that direction so that we can give more money to Canadians. Canadians find it reassuring to have a Prime Minister who is a champion of the economy and job creation and who fulfills his duties in an effective and dignified manner while moving forward on issues.

Senator Hervieux-Payette: I still do not know where you are going to invest, but I can still ask the question.

We always thought that a weaker Canadian dollar would help the manufacturing sector drive the economic recovery, which would in turn compensate for job losses in the energy sector. However, the statistics indicate that sales dropped 1.7 per cent at year-end, which represents the largest drop since last August.

These measures were of no help at all. On the one hand, there are job losses in the energy sector; on the other hand, exports abroad are not increasing even with our dollar hovering at 70 cents. Our dollar has not reached 80 cents in a long time. The manufacturing sector should have benefitted from a lower dollar. Despite all your free trade agreements, you have not managed to increase the balance of payments nor have you realized that we have a continuing trade deficit in export markets, not counting exports to our U.S. neighbour. Where will you create these jobs, Leader of the Government?

Senator Carignan: Senator, you surely know that the manufacturing sector employs almost 1.7 million Canadians, mostly in full-time jobs. In Ontario, manufacturing sales reached more than \$73.3 billion in 2014, which represents a 41 per cent increase since the recession ended.

Unlike Justin Trudeau, who is suggesting that we abandon the manufacturing sector, we will continue to support this sector and its workers. We are also working on measures that will lead to successful outcomes, including establishing a lower tax rate, fostering the growth of international trade, developing investment policies and ensuring we have a skilled labour force. It was our government that signed the largest number of free trade agreements — agreements that you criticized — in order to create wealth and open new markets. You often contradict yourself when you oppose policies and then make suggestions that undermine job creation measures.

[English]

ANSWER TO ORDER PAPER QUESTION TABLED

OFFICIAL LANGUAGES—PREVIOUS OFFICIAL LANGUAGES REGULATIONS RE-APPLICATION EXERCISE

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper by Senator Chaput.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 92, followed by second reading of Bill C-32, followed by all remaining items in the order that they appear on the Order Paper.

• (1450)

VICTIMS BILL OF RIGHTS BILL

BILL TO AMEND—ALLOTMENT OF TIME— MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of March 12, 2015, moved:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts.

She said: Honourable senators, I rise today to speak to the motion for time allocation. Motion No. 92 will ensure an efficient and timely debate on second reading of Bill C-32, an important government bill that aims to put victims at the centre of the judicial system and ensure they are treated with the respect and fairness they deserve.

First reading of Bill C-32 occurred in the House of Commons on April 3, 2014, by the Minister of Justice and Attorney General of Canada, the Honourable Peter MacKay. Second reading concluded on June 20, 2014, and the bill was referred to the Standing Committee on Justice and Human Rights. The committee report was presented on December 3, 2014. Concurrence at report stage was on February 4, 2015, and the bill received third reading on February 23.

First reading of Bill C-32 in the Senate occurred on February 24, 2015, and second reading on February 26, two days later.

The bill's critic has received a full briefing on the bill, and there has been ongoing communication with the Deputy Leader of the Opposition about the important timeline for Bill C-32. The timeline for this bill had in fact been adjusted to accommodate the critic's schedule and needs, and it was our expectation to conclude second reading today and refer the bill to committee for more in-depth study.

Today, during our discussion at scroll, the deputy leader opposite and I were not been able to reach an agreement on the allocation of time for Bill C-32. Therefore, this motion to allocate a maximum of six hours of debate for Bill C-32 is an important step we are taking today to avoid further delays, while still providing a maximum of six hours of debate at second reading.

Therefore, I urge all honourable senators to adopt Motion No. 92. Thank you.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, the government took about a year to study the bill at the other place. In light of last week's briefing, I think it's ridiculous to ask me for my specific stance on this for the good and simple reason that I am currently in consultation with the provinces.

One of the first answers I received was from my home province because I know people there pretty well. The fact is that the Province of Quebec was simply not consulted, the compensation programs are provincial, and the federal government will not spend a penny to compensate victims of crime.

After I take a good look at the bill, I might be able to tell you my opinion on it, and I might propose amendments. I would like to point out that, under the Liberal government, there was a program to compensate victims of crime. When the Conservative government of the day cancelled that program, the provinces picked up the slack. Right now, Ontario, one of the provinces that got back to me, is spending about one billion dollars per year on services for victims of crime.

All that to say that we are part of a federation, and we share a system of jurisdictions. We know that the provinces handle the administration and the federal government passes the legislation. We know that the federal government legislates and sets up the broad concepts, then leaves it up to the provinces to figure out how to solve the problem.

For example, under one of the measures in this bill, the victim will receive a photo of the attacker when the latter gets out of jail. In my humble opinion, I think the victim would prefer to enjoy better protection and get compensation rather than a photo. In my opinion, these measures are ridiculous.

What is more, according to this presentation, the government held extensive consultations. However, if the provinces were not consulted, don't expect me to be able to share my colleagues' views or to tell you what I think about Bill C-32, which I take very seriously.

The Liberal government at the time took victims very seriously because it compensated them. Therefore, allow me to finish my study; the six-hour time allocation set for study of the bill is ridiculous, since you took a year to study it in the House of Commons.

I can tell you I strongly oppose this limitation. I think it is inappropriate to limit debate on such a serious issue and, above all, not to allow us to consult all the players involved.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honestly, there seems to be no end to the bad precedents this government is willing to set.

I cannot recall any example of time allocation being moved before the critic on a bill had even spoken, and I certainly cannot recall any reason for doing so when there is no urgency about this bill. The deputy leader explained to us, and Senator Hervieux-Payette echoed it: This bill has been kicking around for a year. The House of Commons didn't seem to think it was that urgent. It has been before us for precisely one month, out of which two weeks were break weeks. In terms of Senate sitting times, this bill has been before us for two weeks, and here we are heading into time allocation one more time. What is the urgency?

I have, with respect, been given no explanation. I recall no explanation about why suddenly this bill is so urgent. The government wants it; well, governments always want their bills to pass through the Senate like a knife through butter, even if they have been kicking around the House of Commons for a year or more, but that's not really our job.

It does appear that a situation of some potential embarrassment for the government has been created in that the committee has scheduled the minister to appear tomorrow afternoon. Oops. The Senate has not referred this bill to the committee, and I draw to your attention, colleagues, that this is becoming all too common a practice. The committees take it upon themselves to schedule witnesses before they have received the bill. In particular, they

schedule ministers before they have received the bill and then, they explain, "Oh, but we have to pass the bill because the minister is coming." Well, that's putting the cart before the horse in an absolutely extraordinary way. It is the business of the ministers to accommodate themselves to our schedule and not the other way around.

What we are doing here today — because on our side we can count, and we know what the outcome of this procedure is going to be — is in a very real sense, in the plain meaning of the words, a contempt of the Senate. It is a shameful procedure, one of which we should all be ashamed and mightily embarrassed.

An Hon. Senator: Hear, hear!

Hon. James S. Cowan (Leader of the Opposition): I would have thought that as a matter of courtesy, if nothing more, the deputy leader would have explained to this house why it's necessary to proceed this way. She didn't do that. I listened carefully to what she said. She said this was a matter of urgency; that it was an important public issue. Well, I suppose every government bill, in the view of the government at least, falls into that category, but surely that's not the test. If that's the test, then why have any kind of parliamentary procedure at all, or any houses of Parliament, whether the Senate or the House of Commons?

• (1500)

To have time allocation imposed before the critic has even had an opportunity to speak, not only to the house but also to her colleagues, seems to be discourteous as well. Again, no reason is given as to why this is being done.

There is no urgency. There are no people who are going to be out of work or whose jobs are going to be in jeopardy or whose pensions are going to be impacted in some way if this bill isn't passed "the day before yesterday," as the government undoubtedly had wished.

So surely, deputy leader, when you ask this house to provide an accommodation like this on a piece of public business, you owe it to us — you owe it to this institution — to explain why it's necessary for you to move forward this way.

I listened carefully, and my colleagues have both mentioned this, namely that this bill was introduced in the House of Commons in April of 2014, almost a year ago. However, it didn't leave there until, I think you said, February 23. So it has been here a month. Why was it not so critically important to have the bill rammed through the House of Commons, and yet now it is so critically important to have it rammed through here without those of us on this side of the chamber even having an opportunity to hear from our colleague who has taken on the responsibility of critic? My understanding is that she received the briefing a week ago last Thursday. Then, as is her thorough nature, she said, "There are some issues," and then she went on to describe some of them. We often find that we pass legislation at the federal level that impacts on our provincial counterparts, and she — quite properly, it seems to me — is reaching out to the provinces to get their views. I think she indicated that she had heard from

four provinces. So why would we not allow her to complete that consultative process, allow her to present her initial impressions to all of us here in the chamber and then have a proper debate at second reading? We're not talking about delay. There's no suggestion, I hope, that we have been delaying in any way consideration of this bill, which, as Senator Fraser has pointed out, has been here less than a month and was in the other place for almost a year.

Now you want to bring down the hammer. That seems to me to be, at the very least, discourteous and, I think, a very bad precedent. I would invite you, as you wind up the debate, to share with us your research on this issue. If you're not intending to do it, perhaps you could ask one of your colleagues to do so. Perhaps your leader would like to intervene in this debate to point us to another occasion when this has been done in such circumstances by any government at any time. I think it's a very bad practice.

Hon. Claudette Tardif: Honourable senators, I would like to voice my objections to the time allocation motion that has been moved by the Deputy Leader of the Government on behalf of the government. It is unnecessary and very troublesome.

I find it difficult to believe that a government that prides itself on defending freedom of expression is quite willing to use everything in its power to limit the rights of senators to express themselves on a particular bill or motion. As the Deputy Leader of the Opposition has stated, there is no precedent for a time allocation motion to be passed before the critic of a bill has been given an opportunity to speak.

The bill received second reading in the Senate on February 25, less than a month ago, of which two weeks were break weeks.

Honourable senators, what is the rush? No adequate explanations have been given.

Honourable colleagues, as you well know, the Fathers of Confederation conceived of this chamber as a chamber of sober second thought. It is our duty to conscientiously study bills and motions in depth and in a manner that is often not possible in the other place. The Senate must take the time to comprehensively examine the issues. We must seriously consider and debate all legislation that is before us. It is my understanding that this is a fairly complex bill, making this in-depth investigation even more necessary.

This time allocation motion that would disallow the critic from taking the time to consult with the different regions of the country on this particular bill is very, very troublesome.

Honourable senators, there are serious ramifications for the functioning of this chamber when time allocation motions become the rule and not the exception, and we keep seeing this with this government and even more so now that they have a majority.

Honourable colleagues, it is a disservice to the institution of Parliament and a disservice to Canadians who expect their representatives to carefully study proposed legislation.

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

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: All those in favour of the motion, please signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those against the motion please signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the yeas have it.

And two senators having risen:

The Hon. the Speaker *pro tempore*: Traditionally, there's a one-hour bell in time allocation. Do we have agreement otherwise?

Hon. Jim Munson: A one-hour bell is sufficient.

The Hon. the Speaker *pro tempore*: So we have a one-hour bell. Let's call the senators in for 4:08.

• (1610)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Batters
Bellemare
Beyak
Black
Carignan
Dagenais
Doyle
Eaton
Enverga
Fortin-Duplessis
Frum
Gerstein
Greene
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin

McInnis
McIntyre
Meredith
Mockler
Nancy Ruth
Neufeld
Ngo
Oh
Patterson
Plett
Poirier
Raine
Runciman
Seidman
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Wallace
White—42

NAYS
THE HONOURABLE SENATORS

Campbell	Hervieux-Payette
Charette-Poulin	Joyal
Cools	Merchant
Cowan	Mitchell
Dawson	Munson
Day	Ringuette
Downe	Sibbeston
Dyck	Smith (<i>Cobourg</i>)
Fraser	Tardif
Furey	Watt—20

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Mockler, for the second reading of Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would like to put on the record that our side does not intend to put up any speakers on this bill today. As was earlier stated, this procedure is being railroaded through even though our critic has not had the chance to conclude her research. Out of respect for our critic, our senators will not speak on this matter today.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: All those in favour of the motion please signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those against the motion please signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the “yeas” have it.

Senator Fraser: On division.

(Bill read second time, on division.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

(On motion of Senator Martin, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Before we go further, I would like to draw the attention of honourable senators to the presence in the gallery of former member of Parliament Mrs. Pauline Browes, P.C.

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

Hon. Senators: Hear, hear!

THE ESTIMATES, 2014-15

SUPPLEMENTARY ESTIMATES (C)—SIXTEENTH
REPORT OF NATIONAL FINANCE
COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on National Finance (Supplementary Estimates (C) 2014-2015), tabled in the Senate on March 12, 2015.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, I commend to your reading this particular report that has been prepared by the Library of Parliament and reviewed by our Standing Senate Committee on National Finance as a result of the various meetings that we had in relation to the Supplementary Estimates. Supplementary Estimates (C) is the final appropriation supporting document for the fiscal year. This fiscal year will be ending next week, at the end of March.

We get the Main Estimates and we look at them. We'll be talking about those in the next few days, as well. We have the new Main Estimates for April 1 onward.

The fiscal cycle is the Main Estimates, an interim supply, and then we do full supply at the end of June, before we adjourn for our summer break. There is sometimes a Supplementary Estimates (A) that will be forthcoming in May-June. That's in

addition to the Main Estimates that we've seen in March. The Supplementary Estimates (A) typically picks up initiatives in the budget that the government wishes to move on very quickly. We understand that and we deal with it as expeditiously as we can within our committee.

Then there is Supplementary Estimates (B) when we come back in the fall. These are further items that weren't fully developed when the Main Estimates came out. Supplementary Estimates (C), that we're dealing with now, is typically the final document that supports the estimates process for the year. So we have the Main Estimates and Supplementary Estimates (A), (B) and (C).

• (1620)

The Supplementary Estimates (C) that we're looking at has a budgetary amount of \$1.8 billion, rounded off. That's the voted portion of this particular supplementary estimates. We'll see that in the forthcoming bill, and it's often referred to as a "supply bill" or an "appropriation bill." The supply bill will be forthcoming in the next day or so, based on the supplementary estimates.

Our practice is not to send the bill to a committee but rather to deal with it at second reading and then a day later at third reading. Why do we do that? We do that because we've already studied what is in the bill. We do that study by this supplementary estimates document that was referred to us, and then a report on that supplementary estimates document forms the basis for informing all honourable senators of what's in the particular supplementary estimates.

That's where we are in the process, and we will be expecting to have one other bill before the end of this month, before next Thursday, and that will be interim supply for next fiscal year starting April 1. I filed that report today, and I expect I'll be speaking on that tomorrow.

What I'm recommending to you, honourable senators, is to look at the sixteenth report based on the supplementary estimates forming the basis for supplementary supply.

I will touch on some of the points in the report, but, obviously, I can't touch on all of them in the time I have available.

Our committee heard from eight federal departments and agencies to understand what they were asking for, and for your interest, I'll tell you who the departments were: Treasury Board; Employment and Social Development Canada; National Defence; Foreign Affairs, Trade and Development Canada — Development Canada is now part of the Foreign Affairs group; Aboriginal Affairs and Northern Development Canada; Public Health Agency of Canada; Shared Services Canada, which is a growing department or agency; and Public Works and Government Services Canada.

They are the different departments and agencies we had the opportunity to meet with, and we looked at the Supplementary Estimates (C) and chose the largest requests. We tend to bring in the departments and agencies that requested the most, unless

there's something peculiar about a request from a department. We bring them in to tell us why they're asking for funds in the supplementary estimates.

They explained some of the major voted appropriations. Any changes in statutory funding are there as well, but those are only highlighted for our interest. You will not be requested to vote on those.

There's another area that we've talked about, and that is from Treasury Board. We brought Treasury Board in to talk about not only the funds that they need to operate Treasury Board but also the funds that they disperse to other departments, particularly horizontal items, such as advertising, government advertising and a number of different departments. That is shown in the Supplementary Estimates (C). You can see those horizontal items, which are sometimes pension items and other items like that. Maternity leave for employees is one of those horizontal items.

Treasury Board itself plans to spend \$646 million more than they were able to tell us about previously. The majority of the \$646 million being allocated through Treasury Board is for various departments and agencies for the payment of accumulated severance benefits. Now, in the past, severance benefits were negotiated with public servants, and I believe they got one month for every year that they worked, and when they left, for whatever reason, they got their severance, depending on how many years they worked for the federal government. That has been discontinued. They get other programs, but that particular program is discontinued, and, as was negotiated with the public servants, they can take those funds at any time. They don't have to wait until they're leaving. They can take it now. It's a contingent liability of the federal government to pay that to all of the public servants who had earned that that severance benefit. They can take it and continue to work. Some took it immediately. Others left it within the government, said, "I'll take it later, when I really need it." The Treasury Board anticipates that it should amount to about \$646 million for those who will claim it this year, but that is not the total liability.

Employment and Social Development Canada is another department that we had talk to us. The department said that they didn't need all the Old Age Security that they had set aside and asked for earlier in the year, so we were interested in that, because we would have thought an aging population would have needed more. But they indicated that there were lower average monthly benefit rates than anticipated because there was not the inflation that had been anticipated a year earlier. There wasn't the increase in the benefit under the old age pension cheque that they had anticipated. It's shown as a saving, but it's just an expenditure that didn't have to take place. There were fewer beneficiaries for whatever reason, fewer people were claiming old age benefits, and the government is also forecasting a large amount to be recovered.

Honourable senators will know that if you have taxable income that reaches a certain threshold, around \$60,000 to \$70,000, the old age benefit that you're entitled to by virtue of age is clawed back. They anticipate significantly more clawback or recovery in that regard as well.

That is the explanation behind what you see in the supplementary estimates in relation to Employment and Social Development Canada.

Unrecovered student loans are another interesting area. This year, the government is anticipating that 65,540 student loans will not be recoverable.

The last time we wrote off student loans was in 2012. These are non-budgetary loans, but in order to write them off, we have to bring them in, so what is taking place here is that \$294 million of student loans are being written off when you vote for this particular bill. That's a significant amount of money. Why do student loans become unrecoverable? The student has gone bankrupt or died, and there's a regulatory scheme as to when they can be put into unrecoverable and then written off. But it's important that they are brought back, and our Senate Finance Committee pointed out to Treasury Board that there should not be a writeoff without a vote by Parliament to write these particular matters off, even though they were non-budgetary previously. We hadn't voted to send the money out because it was a loan, not an expenditure.

• (1630)

The Department of National Defence has a number of interesting items listed there, with \$142 million more in the supplementary estimates. Defence is looking to basically cover their operations that weren't anticipated at the beginning of the year.

Foreign Affairs, Trade and Development Canada, the new DFATD, is requesting an additional \$297 million for various activities, with \$52 million of the funds for Ebola response, and \$36 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. All of these millions of dollars are typically given to organizations like the International Committee of the Red Cross. We vote the money, Foreign Affairs handles it and gives it to the Red Cross to use.

We have also been focusing on Aboriginal Affairs and Northern Development because we're very concerned about the housing situation, and additional money is being requested. A tremendous amount of money is spent in that particular department. They want an additional \$115 million, which they're requesting. It's primarily for on-reserve emergency management and on-reserve response and recovery activities. The First Nation Infrastructure Fund is requesting an amount. The department is also requesting \$11.3 million to help fund the Nutrition North Canada program. This will be of interest to our honourable senators from the northern part of Canada. This program is intended to subsidize perishable foods for residents of Northern Canada. That is in the supplementary estimates.

The Public Health Agency of Canada is requesting \$23 million for funds that go to organizations like the World Health Organization in relation to the epidemic and public health emergencies like the Ebola situation. We also donated 800 vials of an experimental vaccine. We had before us the scientist from Winnipeg working with the Public Health Agency of Canada who

helped develop the vaccine for the current virus, and we were able to thank him and his group for the fine work they did in that regard.

Shared Services Canada, as I mentioned to you, is an organization set up to provide computer support for all government departments as opposed to each department having its own, doing its own work.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable Senator Day that his time has expired.

Senator Day: I wonder if I might have a short extension.

Hon. Senators: Agreed.

Senator Day: Thank you, honourable senators. I don't think I will use the five minutes.

Shared Services' mandate is to streamline information technology services. They are asking for an additional \$34 million, and \$32 million of that is going to the National Research Council to establish or improve their communication system. You will appreciate that with threats and actual evidence of cyberattacks and penetration of our computer technology from outside of Canada, the work of Shared Services is a very significant contribution to security in Canada and will require additional funding for equipment and technology in the future; I have no doubt.

Public Works and Government Services is the final department that we dealt with at this particular stage on Supplementary Estimates (C). It's an interesting department with very broad activities. They are requesting an additional \$51 million through these estimates. The largest portion of the funding is going to initiatives whereby the Receiver General now accepts bank cards and credit cards. They need funds to pay for the bank card fees and the bank fees. They indicated to us that the bank had asked for 2 per cent of everything that went through on these credit cards and bank cards, and they negotiated a better deal, which the Honourable Senator Ringuette will be pleased to hear about. They negotiated a contract for 1.5 per cent that they're paying to the banks and the credit card companies in that regard.

The department is also requesting the ability to reinvest revenue that has accumulated from the sale or transfer of 13 properties. These are real estate properties sold because they were surplus in this fiscal year. That money was brought in and just put into general revenue, but the practice has developed, even though it's not kept separate, that they could ask for the funds for other purposes.

It's interesting that the funds will be used to cover costs, such as materials and labour costs. We're taking capital funds and using them for labour costs and management fees, et cetera. I think that's a worrisome trend if we start seeing capital funds being used for operating purposes. That is what they're asking for in this particular instance.

That, honourable senators, is a brief outline of what you can expect in Supplementary Estimates (C) when you read the report. As I indicated, we anticipate that we will have the bill within the next day or two. We will be asked to vote on \$1.8 billion. Thank you, honourable senators.

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

(Motion agreed to and report adopted.)

ANTITERRORISM BILL, 2015

BILL TO AMEND—NATIONAL SECURITY AND DEFENCE COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of March 12, 2015, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Security and Defence be authorized to examine the subject-matter of Bill C-51, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts, introduced in the House of Commons on January 30 2015, in advance of the said bill coming before the Senate;

That, for the months of March, April and May 2015:

- 1) the committee be authorized to meet for the purposes of this study, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;
- 2) notwithstanding rule 12-18(2)(a), the committee be also authorized to meet for the purposes of this study, even though the Senate may be then adjourned for more than a day but less than a week;
- 3) pursuant to rule 12-18(2)(b)(i), the committee be also authorized to meet for the purposes of this study, even though the Senate may then be adjourned for more than a week; and

That, notwithstanding usual practices, the committee be authorized to deposit with the Clerk of the Senate its report on this study if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

Hon. Daniel Lang: Honourable senators, I want to take a few minutes of your time to report to the house the purpose of this particular motion. There have been discussions in concert with both sides of the Senate here in respect to moving ahead with a pre-study of Bill C-51. As you know, it's an active debate in the House of Commons as we sit, and we feel it is imperative that we take this opportunity, given the time frame and schedule we have for our Standing Committee on National Security and Defence, to study this bill in concert with the other side.

I should point out that we have gone ahead and set up a schedule for our hearings, and it will be a more detailed examination than the other side in that we're looking at it from a more technical perspective. I think it would be a good move for the Senate to proceed with this. I would ask members for their support.

Hon. Grant Mitchell: Honourable senators, I find myself agreeing with my colleague, the Chair of the Defence Committee, as I do often, more often — I sometimes surprise myself, actually. We're both short people.

But I want to qualify it a little bit. We on this side — and I know that one day when and if the other side becomes the opposition, and in the past — do always have a concern about pre-studies. I did say when and if; I'm not being arrogant about that, nor am I being presumptuous.

• (1640)

It is a concern, particularly for the opposition side, often to permit or agree with pre-studies. Often there are good reasons given. One reason is the pressure of time. That is the least good reason and often that's because the House of Commons didn't show the Senate adequate respect and just dumped the bill on us at the last minute. This doesn't happen to be the case here.

There is a strong reason why we feel there is an advantage to a pre-study in this case, one that on balance gives us the ability — and I'm speaking in particular for myself — to support this motion and that is that the minister has indicated openness to the possibility of amendment.

We have had an experience in the not-too-distant past where a Senate pre-study of the Fair Elections Act did result in amendments being accepted by the house, before the bill got out of the house, because they were done in parallel. With that in mind and with the minister establishing an open mind, that's a very positive argument for a pre-study.

We have had some good discussions among the leadership of the two sides and between me and the chair. We get a sense that there will be a broad and balanced range of witnesses. At least at this point, it appears to be about 14 hours of hearings. Of course, we will come back once the bill arrives officially to a committee stage where some wrap-up testimony might be possible.

With those things in mind, we are supporting this motion and the pre-study of the bill.

Some Hon. Senators: Question.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Patterson, for the second reading of Bill S-225, An Act to amend the Criminal Code (physician-assisted death).

Hon. Donald Neil Plett: Honourable senators, I rise today to speak to Bill S-225, An Act to amend the Criminal Code, physician-assisted death. This is an issue that has been the subject of debate in Canada for several years. Often when these discussions arise, Canadians talk about the well-known cases of Sue Rodriguez or, more recently, Kay Carter. Both of these cases involve women of completely sound mind with severely debilitating and unrelenting painful diseases. Then the question arises: How do we deal with cases like this? To what extent can a medical professional ethically intervene?

Colleagues, when considering game-changing legislation like this, we need to be extremely cautious when we implement legislation that crosses ethical and legal divides, legislation that, as Andrew Coyne put it, embraces “the idea of suicide, not as a tragedy we should seek to prevent, but a right we are obliged to uphold.”

When taking a life has been converted from a crime into a publicly funded service, we need to consider such policies vigilantly and ensure that stringent restrictions and safeguards are in place. While many of us have been affected by the heartbreaking cases of unbearable pain we have seen in the media, we need to look at the reasons why people are seeking assisted suicide and the impact legislation has had in other jurisdictions.

Bioethicist, Ezekiel Emanuel, who has studied doctor-assisted suicide extensively, wrote in *The New York Times*:

A multitude of studies based on interviews of patients with cancer, AIDS, Lou Gehrig’s disease and other conditions have demonstrated that patients who desire euthanasia (in

which a doctor administers a lethal drug) or physician-assisted suicide (in which the patient himself takes the lethal drug prescribed by the physician) tend not to be motivated by pain. Only 22 percent of patients who died between 1998 and 2009 by assisted suicide in Oregon — one of three states, along with Washington and Montana, where it is legal — were in pain or afraid of being in pain, according to their doctors. Among the seven patients who received euthanasia in Australia in the brief time it was legal in the ’90s, three reported no pain, and the pain of the other four was adequately controlled by medications.

As Mr. Emanuel noted:

Typically, our response to suicidal feelings associated with depression and hopelessness is not to give people the means to end their lives but to offer them counseling and caring.

Debating this bill now, after the Supreme Court of Canada has made their ruling striking down the Criminal Code ban on assisted suicide, gives this discussion a new dynamic. However, in light of the ruling, there are several reasons why I believe this bill should not pass.

First, what many are forgetting is that the Supreme Court of Canada only set aside the Criminal Code ban on assisted suicide because of the fear that some terminally ill individuals, who are in significant and unrelenting pain and in fear of losing the ability to commit suicide later in their illness, might kill themselves sooner than they would if they had confidence that they could get assistance from a physician. In the court’s opinion, this was a section 7 Charter violation. Therefore, these circumstances are the only circumstances under which there is a Charter right to physician-assisted suicide: if the individual is unable to do so by his or her own hand.

Second, and perhaps the most obvious reason, is that the Supreme Court stated that the prohibition against physician-assisted suicide would remain in place until February 6, 2016, so that Parliament has the opportunity to bring in a complex regulatory system with stringent limitations. The Supreme Court also said that any complex and stringent system of limitations passed by Parliament will be upheld by the court. Nothing about the bill we have before us is limited, stringent or safeguarded. In fact, it is highly subjective and widely open to interpretation.

First, the bill will add section 241.1(3)(a) to the Criminal Code which will require that the individual be 18 years of age or more. While the language in this proposed section is clear, many are concerned that this is only a temporary safeguard. It could very likely be considered a form of discrimination to deny assisted suicide to someone because of their age, if the person claims to be physically or psychologically suffering.

Belgium has already taken this step and has extended the right to die to children who meet the criteria and request it.

• (1650)

Subsection (3)(c) of the proposed legislation reads that a person must

(c) have been diagnosed by a physician as having an illness, a disease or a disability, including a disability arising from traumatic injury,

(i) that causes the person physical or psychological suffering that is intolerable to that person and that cannot be alleviated by any medical treatment acceptable to that person, or

(ii) that results in the person being in a state of weakening capacities with no chance of improvement;

First, the criteria of having an illness, disease or disability will be widely interpreted. Many of us have an illness, disease or disability of some capacity. The UN Convention on the Rights of Persons with Disabilities recognizes that disability is, in fact, an evolving concept. Where the bill reads “physical or psychological suffering that is intolerable to that person and cannot be alleviated by any medical treatment acceptable to that person,” this subsection leaves the door open to unrestricted access to assisted suicide. This section is completely subjective. What is most concerning is that this subsection would clearly encompass depression.

In the Netherlands, the term “psychological suffering” enabled a healthy 63-year-old man to die by euthanasia because he could not face the prospect of retirement. The clinic’s evaluating psychiatrist, Gerty Casteelen, said the man

... managed to convince me that it was impossible for him to go on. He was all alone in the world. He’d never had a partner. He did have family but he was not in touch with them. It was almost like he’d never developed as a person. He felt like he didn’t have the right to live. His self-hatred was all consuming.

Another individual meeting the psychological suffering criteria in Belgium was a 54-year-old woman with a pathological fear of germs. Even Boudewijn Chabot, an advocate of the Dutch euthanasia movement for many of the same reasons proponents of assisted suicide in Canada are referencing, stated, “The legislation is off the rails.” The language in (3)(c) of the bill that results in the person being in a state of weakened capacities with no chance of improvement is so overly broad that it can apply to nearly any individual who has started to see the first signs of aging.

Subsection (3)(d) requires that the person be of sound mind and capable of fully understanding the information provided to him or her in subsection (6). How do we ensure that a person who is experiencing severe psychological suffering is of sound mind? How is “sound mind” defined? As we know, people experiencing feelings of depression are four times more likely to request euthanasia, while people suffering depression will understand the information provided to them. Are they in the right frame of mind to be making this type of decision?

Subsection (3)(e) requires that the person must be acting voluntarily, free from coercion or undue influence. We know that elder abuse is one of the most under-reported types of abuse as it often encompasses manipulation, emotional abuse and exploitation. There would be no way to determine that each assisted death would be completely voluntary and free from coercion or undue influence. Like the other criteria in this bill, this condition is nearly impossible to prove. However, as the reporting

system only requires the physician to report the death 30 days after the person has died, if an abuse of the law occurs it will be too late. This is in no way a safeguard. Why would we assume that a physician would self-report abuse? If the physician is accused of failing to meet even one condition outlined in this bill, the physician and the hospital or clinic could be sued for wrongful death. A physician is not trained to interpret the Criminal Code. This irresponsible reporting system is the most troubling element of this proposed legislation, for both the lack of judicial oversight in determining a patient meets the legal criteria and the legal risk for medical professionals administering the requested death.

Colleagues, when the Netherlands and Belgium introduced right-to-die legislation, it was to be under tightly controlled circumstances with careful oversight and in close consultation with the patient and family doctor over an extended period of time. As Margaret Wenthe noted:

It hasn’t quite worked out that way. Physicians are now killing people they have barely met. Some of these people have psychological and psychiatric disorders, such as anorexia or depression.

These are the very clear problems with the assisted suicide bill that lacks stringent limitations and safeguards.

We need to take a step back and evaluate what the Supreme Court of Canada asked Parliament to do. They ruled that the existing outright ban of physician-assisted suicide violated section 7 of the Charter, the right to life, liberty and security of the person, because of the risk that a person could end their own life by their own hand earlier than necessary because the individual believed they would not be physically able to do it on their own as their illness progressed. Those meeting that standard would make up a small fraction of those who could request physician-assisted suicide under this bill. Parliament could consider, then, restricting physician-assisted suicide to those incapable of taking their own life and would still be compliant with the Charter according to the Supreme Court’s decision in *Carter v. Canada*.

To address the inadequate reporting system, Parliament could also consider that a system be created in which those that fit the court’s criteria and wish to die would apply to a judge for a warrant, which they would then provide to the physician, thus exempting the physician from criminal responsibility.

Honourable senators, whether you support or oppose physician-assisted suicide, we need to follow the Supreme Court’s instructions and implement legislation with a stringent set of guidelines, restrictions and safeguards. This bill does not do that. We are crossing into new ethical and legal territory and we need to be extremely cautious before moving forward. Colleagues, while I believe that the government will come up with comprehensive legislation following a thorough study and consultation process with a strict set of limitations, as we have been asked by the Supreme Court of Canada, I believe that all proposed legislation deserves due consideration. For that reason, and that reason alone, while I have serious problems, I will not oppose the bill going forward to committee if it comes to that point.

Hon. Larry W. Campbell: Senator Plett, thank you very much for your discussion on this. Obviously you think Mr. Coyne and Ms. Wentz are some sort of experts. I think they're observers and commentators rather than experts.

My question is: What do we say to the 78 per cent of Canadians who favour physician-assisted suicide? As of February 2015, that's up 60 per cent from 2011. How do we answer them? Clearly, a majority of people believe we should be going in that direction. What do you say to them?

Senator Plett: Thank you, Senator Campbell. What I would say to them is in the 12 pages of my speech I just read. I believe that assisted suicide, as I said, is something that we are going into that, in Australia for example, clearly didn't work. They had it in the 1990s and took it out.

• (1700)

As Belgium has clearly indicated, this is one step towards something that people are not considering.

I haven't done the poll. I haven't read the poll. I haven't done the question, but I would suspect, Senator Campbell, that those people have been asked "if you have a disease so that you are in excruciating pain; you will have no chance of recovering, and this will only get worse," as was the case for Sue Rodriguez. They say, "I should have the right to take my own life with the help of a doctor," and that is a very small percentage.

I would suggest, Senator Campbell, that people would not say that, if you're 63 years old and can't accept the fact that you're retiring, that is a good reason to take your own life and they would not want to have people help them in doing that.

The Hon. the Speaker *pro tempore*: Senator Plett's time has expired.

An Hon. Senator: Five more minutes.

The Hon. the Speaker *pro tempore*: Senator Plett, would you take more questions and ask for five minutes?

Senator Plett: Yes, I'll take five more minutes.

The Hon. the Speaker *pro tempore*: Does the chamber grant Senator Plett five more minutes?

Hon. Senators: Agreed.

Senator Campbell: First of all, the question was: Do you support the Supreme Court's ruling on legalizing physician-assisted suicide? Pretty simple question.

Second, I don't know; for some reason I don't think I live in Belgium. I don't think I live in Australia. I don't think I live in any of these other countries, nor do I want to. I live in Canada, where we can take a look at the best in the world. We can take a look at all of these places and figure out what went wrong, if something went wrong. But I don't think that we should be comparing ourselves to these countries.

Again, it's not a small number of Canadians who are in support of this or are concerned about it.

I have to tell you that I do thank you for your comment of letting this go forward. I think that that's nice. That's as good as I can go on that, I'm afraid. I think it's nice that you let it go forward.

I think that we have to start listening to Canadians. We have to start listening to the broad range of Canadians and not narrow it. Would you agree that, when we do go forward on this, we should have as many possible witnesses and as many possible views as we can get at committee to review this?

Senator Plett: Thank you, senator. I find it strange. I think that, as a chamber of sober second thought, it is our absolute duty and responsibility to check with as many jurisdictions as we can around the world to see whether they have this law. I suspect — and you put words in my mouth — that, if Australia still had this and were saying, "My word, this is a wonderful system here," then you would say, "Well, let's look at Australia." Now that they have done away with it and that Belgium has done away with it, you say that we don't want to look there.

Be that as it may, you did have a question.

First of all, yes, if this goes to committee, Senator Campbell, I would support having a broad range of witnesses coming in so that we can indeed study. I have always suggested that, and I do not want my comments that I wouldn't oppose this going to committee to be in any way construed as my finding some areas of this legislation that I would support.

I do believe that is where we do our best work, at committee, and I do believe that we should get as many people as possible, if it goes to committee, to come in and tell us exactly how they feel. They should make their points, either for or against. Of course, I have no way of knowing until if and when it goes there, but I suspect that we will have many people on both sides of this issue speaking to us.

(On motion of Senator Meredith, debate adjourned.)

(The Senate adjourned until Wednesday, March 25, 2015, at 1:30 p.m.)

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