



DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 108

OFFICIAL REPORT
(HANSARD)

Friday, December 12, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker

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

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

THE SENATE

Friday, December 12, 2014

The Senate met at 9 a.m., the Speaker in the chair.

Prayers

[Translation]

Happy 50th anniversary to our Canadian flag, and happy holidays, everyone.

[English]

SENATORS' STATEMENTS

THE CANADIAN FLAG

FIFTIETH ANNIVERSARY

Hon. Pierrette Ringuette: Honourable senators, 50 years ago, on December 15, 1964, the House of Commons adopted a resolution — which was then followed by the Senate resolution of December 17, 1964 — whereby it approved the new flag of our great country: our Canadian maple leaf, a single red maple leaf on a white square on a red background. The flag was officially adopted on February 15, 1965.

The Speaker of the Senate at the time, the Honourable Maurice Bourget, said that the flag is the symbol of the nation's unity, for it, beyond any doubt, represents all the citizens of Canada without distinction of race, language, belief or opinion.

The selection process for the design we cherish today was quite lengthy. Committees were created in 1925 and 1946, but their work yielded no conclusive results. In 1964, Prime Minister Lester Pearson informed the House of Commons that Canada would need its own flag before the 1967 centennial celebrations.

A committee was tasked with finding a new flag design and a call for submissions was launched across all of Canada. Honourable senators, this responsibility was entrusted to a Senate committee.

At the end of the process, the Senate committee recommended the simple red maple leaf, and this was another important role played by this chamber in the edification of our magnificent nation. The new design was approved by the House of Commons and the Senate in the fall of 1964.

I would like to take a moment to honour our flag and what it represents. In the eyes of Canadians and people all over the world, the maple leaf is the symbol of freedom, equality and promise. The flag flies proudly and inspires respect both here and abroad. It is such a powerful symbol that, for years, travellers attached it to their backpacks, no matter their country of origin.

The maple leaf represents Canada throughout the world, and we display it with pride outside our homes — as I do in Edmundston — on our businesses, at the Olympics and on the uniforms of our soldiers, who help those in need. This flag unites us all from one ocean to the other, and we will defend it with dignity forever.

CHIEF KIMBERLY JONATHAN

FEDERATION OF SASKATCHEWAN INDIAN NATIONS

Hon. Lillian Eva Dyck: Honourable senators, I rise today to acknowledge the change in leadership in Saskatchewan in the Federation of Saskatchewan Indian Nations.

As I noted a couple of days ago, Chief Perry Bellegarde of the Federation of Saskatchewan Indian Nations has now been elected National Chief of the Assembly of First Nations. With that move, the First Vice-Chief of the Federation of Saskatchewan Indian Nations will now become the Chief of the Federation of Saskatchewan Indians, and that person is Chief Kimberly Jonathan. She will be the first ever female Chief of the Federation of Saskatchewan Indian Nations.

QUESTION PERIOD

EMPLOYMENT AND SOCIAL DEVELOPMENT

TEMPORARY FOREIGN WORKER PROGRAM

Hon. Jane Cordy: Honourable senators, my question is for the Leader of the Government in the Senate.

On November 6, I raised an issue regarding Grace Davidson, an elderly woman living in Alberta who found herself in a dire situation with finding care for her disabled son Tim, who is living with secondary progressive multiple sclerosis and requires full-time care.

As I mentioned in my question on November 6, the Davidsons have experienced a series of unfortunate events, leaving their son without full-time care since May of this year. They are in a desperate way. Mrs. Davidson has been forced to fill in as best she can with her son's care. She is 75 years old and has recently gone through cancer treatments and is having a prolonged recovery period.

In the course of caring for her son, Mrs. Davidson has injured her rotator cuff and has the beginnings of a frozen shoulder. She has also injured her ribs and her sternum from lifting her son in and out of bed and manoeuvring his wheelchair. You can understand the desperate nature of the Davidsons' situation.

Senator Carignan, on November 6 you said you would discuss this special case with Minister Kenney. I haven't received a delayed response, nor has Mrs. Davidson in her inquiries to the minister's office. It has been over a month since I raised the issue. I wonder if you have heard from the minister since that time.

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, as we always do when I make that sort of commitment, we informed the offices of Minister Kenney and Minister Alexander of the case that you raised.

[English]

Senator Cordy: Senator Carignan, I know that over a month may be a short period of time in terms of government agencies or departments or ministers finding answers, but in the case of Mrs. Davidson, every day is a long time. Every day is an extreme hardship for her and her family.

• (0910)

She sent me an email on December 4, and I'll quote from it.

She said:

I am in extreme pain from having to care for my son. I have not yet recovered from my cancer treatments . . .

She goes on to say:

. . . the position has been vacant since May 11, 2014.

As a bit of an update since my question on November 6, Mrs. Davidson's caregiver applicant is currently in Canada. She's already here. She was working as a temporary foreign worker, caring for another disabled person who passed away in September. So this isn't waiting for somebody to come from outside the country. This woman is already here. She has already been approved to be a caregiver for another client who passed away in September. It seems to me that it would be pretty easy to allow this to be fast-forwarded.

When the applicant filed for a new work permit to take employment with the Davidsons, she was told she would not have to go through the same interview process because she had recently gone through it with her previous employer. She made her application in early November and was told that the application process would take 30 days. We've now reached the 30-day timeline and still no decision has been made.

The Davidsons and the caregiver applicant were told it could take several more weeks. Several more weeks may not seem a long time to you or to me, but in this situation, for an elderly and ill mother looking for care for her son, every single day is emotionally and physically arduous.

On behalf of Grace Davidson and her son Tim, I beg of you to please request of the minister that this caregiver's application be given priority. We're not talking about a large company. We're

not talking about a multinational company. We're not talking about a huge agricultural operation that is short-staffed. We're talking about an elderly woman who is recovering from cancer. She's trying to find care for her disabled son. The quality of life of several people is severely hampered because of the lack of action on this file by the minister.

[Translation]

Senator Carignan: That is a very specific individual situation. If you want to write to me or ask the woman to send us a complete written account of her situation, I can send it directly to the offices of the two ministers concerned, Minister Kenney and Minister Alexander.

[English]

Senator Cordy: I appreciate that, and I will have my office send your office all the information and correspondence I have received from Mrs. Davidson, because she has tried to get help from the minister. She has received no response. She has tried to get help from her MP, Mr. Uppal. In fact, her MP copied her on a letter that he received. The letter says:

Under no circumstances can an application be expedited even though Mrs. Davidson's home situation is clearly urgent.

Senator, I know you would have to agree with me that this is an unacceptable response from the minister's office. I truly appreciate the fact that you are willing to take this on. I will quote from another letter that Mrs. Davidson sent to me. She is looking desperately for somebody to help her.

She said:

Thank you so much. I keep checking my email to see if there is any good news from anyone. Will Service Canada let you know if I can just start the lady without a work permit? I am so desperate. I just don't know what to do.

If you are willing to help, I will have my office send your office all the information within the next five minutes. Thank you very much.

[Translation]

PUBLIC SAFETY

CORRECTIONAL SERVICE OF CANADA— SOLITARY CONFINEMENT

Hon. Céline Hervieux-Payette: Mr. Leader, I have a rather delicate question. We saw in the papers that Justice Arbour, who sat on the Supreme Court, international courts and other courts, intervened to ask the government to come up with a policy that would reduce the number of days inmates spend in solitary confinement.

Is your government drafting a policy that would reduce the number of days inmates are required to spend in solitary confinement based on international standards? Right now, professionals see this practice as a cruel punishment that should not be used in a civilized country, particularly not under the Canadian Charter of Rights and Freedoms.

Hon. Claude Carignan (Leader of the Government): Administrative segregation is a practice that is commonly used by a number of western countries. The Correctional Service of Canada uses all of the tools at its disposal, including segregation, to ensure that the correctional system effectively addresses criminal behaviour.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, it's now nearly a year since the coroner's inquest reported on Ashley Smith, and we have at long last the government's response. I, too, wish to focus on its response in terms of solitary confinement.

The government has rejected the recommendation that solitary confinement be limited to 15 days at a time with a maximum of 60 days per year. Why?

[Translation]

Senator Carignan: You are referring to the case of Ashley Smith. What happened in that case was a tragedy. As you can imagine, our thoughts and prayers remain with her family.

The government has already implemented more than half of the coroner's recommendations and continues to follow up on other recommendations. Our government also developed a Mental Health Action Plan for Federal Offenders, which provides for timely assessments, effective management, sound intervention, ongoing training and development, as well as robust governance and oversight.

I want to reiterate what I have already said, which is that administrative segregation is a practice that is commonly used by a number of western countries.

[English]

Senator Fraser: I'm sure Mrs. Smith is grateful for your thoughts and prayers, but Mrs. Smith says that solitary confinement should be abolished, not just reduced.

Every expert outside the Correctional Service agrees that prolonged solitary confinement is dangerous to mental health. Even the government in this response says it accepts that:

... long periods in administrative segregation is —

— that's their grammar, not mine —

— generally not conducive to healthy living ...

There is, in the Correctional Service, a committee called the NLTSRC. That's the National Long-Term Segregation Review Committee and it's been around for five years. It suggests that

[Senator Hervieux-Payette]

long-term segregation, long-term solitary confinement is so entwined, so fundamental to the Correctional Service's manner of handling things that it has to have a committee to review it. The committee reviews cases of people who have been in solitary confinement for 180 days or more, or those with "significant mental health needs" at 120 days or more.

One hundred and twenty days is eight times the recommendation of the coroner's jury and, more important, it is widely known and acknowledged that solitary confinement in and of itself creates "significant mental health needs."

Why does this government persist in having recourse to this counterproductive, dangerous, damaging system of solitary confinement?

• (0920)

[Translation]

Senator Carignan: Senator, as I said, administrative segregation is a practice that is commonly used by a number of western countries.

Our government also developed a Mental Health Action Plan for Federal Offenders, which provides for timely assessments, effective management, sound intervention, ongoing training and development, as well as robust governance and oversight.

The action plan is based on measures. We have expedited mental health screening, created a mental health strategy for inmates, expanded mental health counselling and improved staff training.

Since coming to power, our government has passed over 30 criminal justice and public safety measures to help prevent crime. As I mentioned in my previous answer and as planned, the government will continue to follow up on the coroner's report on Ashley Smith's death and will examine the other recommendations.

[English]

Senator Fraser: It's all very well to have plans and strategies. I noticed with interest that the government was trumpeting with some glee that it has arranged for a grand total of two more mental health treatment beds for women inmates. That's really going to make a big difference.

We've all seen the statistics. The number of people in solitary confinement in Canadian prisons keeps rising; so, not coincidentally, does the number of suicides in Canadian prisons. I was not aware that when people were sent to prison the sentence included a strong likelihood of suicide.

We put something like 7 per cent of our prisoners in solitary confinement. You may have seen the report the other day of an enterprising journalist who contacted the British prison system. Britain has a population nearly twice that of Canada. How many

people did they have in solitary confinement? Four. Not 4 per cent, four, compared to the Canadian total. I'm not aware that the Brits are considered lily-livered bleeding hearts in terms of penitentiaries.

Is the government not ashamed of its continued reliance on a system that may be in use in many countries but not normally countries that we wish to emulate?

[Translation]

Senator Carignan: Senator, as I said, administrative segregation is a practice that is commonly used in a number of western countries, and the Correctional Service of Canada uses all of the tools at its disposal, including segregation, to ensure that Canada's correctional system effectively addresses criminal behaviour.

The Mental Health Action Plan for Federal Offenders provides for timely assessments, effective management, sound intervention, ongoing training and development, as well as robust governance and oversight.

As for the coroner's report on Ashley Smith's death, we will continue to follow up on this report and examine the other recommendations.

[English]

Senator Fraser: I still don't hear an answer to my initial question. Why is this country so out of step with international norms and understanding of the best, most constructive practices, bearing in mind that most of these prisoners will eventually get out? Do we really want to send a bunch of mentally-destroyed individuals out and face the inevitable consequences?

Why do you keep on doing this?

[Translation]

Senator Carignan: Senator, I think I already answered that question when I said that our government believes that dangerous offenders should be kept behind bars, and prisons are not the ideal place for treating serious mental illnesses.

That is why we developed the Mental Health Action Plan for Federal Offenders, which, I repeat, is focused on five pillars to ensure that the correctional system can correct criminal behaviour while taking into account the mental health of these offenders.

[English]

Hon. Mobina S. B. Jaffer: I have a supplementary question, if I may.

Leader, it has been seven years since Ashley Smith died. It's been a year since the recommendations came down, and the government is still studying them. Meanwhile, people with mental health problems continue to be in solitary confinement. Is this not a barbaric act?

[Translation]

Senator Carignan: Senator, I would remind you that the government has already implemented over half of the 104 recommendations made by the coroner and will continue to work on and study the rest of the recommendations.

Some Hon. Senators: Hear, hear!

[English]

Senator Jaffer: I'm really very happy, leader, to hear that the government has put half of the recommendations in place. The other day, Ashley Smith's mother was on television, and she said that not one recommendation had been put in place. May I respectfully ask that you provide us with what recommendations the government has already put in place?

[Translation]

Senator Carignan: I will take your question as notice and get back to you later, given the technical aspect of the response.

[English]

FINANCE

ECONOMIC RECOVERY

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government. According to Bloomberg News yesterday, in a speech to the Economic Club of New York, the Governor of the Bank of Canada has declared that Canada's recovery is being slowed down due to a loss of exporting companies and that a full recovery is still two years away. He said:

The backbone of the economy has been damaged, and we have to go through a longer rebuilding phase.

After his speech, Governor Poloz stated that lower oil prices, which fell below \$60 yesterday, will further slow Canada's 2015 economic growth.

Given that the fall in oil prices is slowing us down, what is the government planning to do in this great plan of action scheme to help the Canadian economy through another two years of recovery?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, as you know, our government has shown its considerable skill at managing the economy by adopting a number of economic action plans.

As Minister Oliver said when he provided the economic update a few weeks ago, the Canadian economy is on the right track, even though we are not immune to what might happen abroad.

That is why we must continue to rely on the best possible manager and the best possible government to manage our economy. There is no question that the current Prime Minister is the best person for the job.

[English]

Senator Hervieux-Payette: During his speech, Governor Poloz also mentioned a subject matter that I'm dealing with regularly, that housing in Canada is overvalued between 10 to 30 per cent. In fact, the Bank of Canada, in its *Financial System Review* released last week, identified the high price of housing and consumer debt levels as two of the largest risks to the Canadian economy.

• (0930)

My question is: When will you address the question of housing and look at interest rates and costs that Canadians are enduring with their credit cards?

[Translation]

Senator Carignan: As you have seen from our policies and action plans, we certainly do not want Canadians carrying too much debt. We have taken concrete measures to help them manage their money better. We reduced the overall tax burden to its lowest level in 50 years and created the tax-free savings account to encourage Canadians to save for their future. We initiated credit card reforms. We tightened up mortgage lending rules to protect Canadians who buy a house. We designated a responsibility for financial literacy to oversee its progress. These are concrete actions that you should be highlighting. You should be congratulating us instead of criticizing us.

I also want to point out that the Canada Mortgage and Housing Corporation and the OECD said there is no housing bubble. Our government has acted prudently over the past few years to prevent taxpayers from being exposed to housing market risks by requiring a minimum deposit of five per cent and reducing the maximum mortgage amortization period to 25 years for government-backed mortgages. We also reduced the maximum amount that lenders can offer when refinancing mortgages to 80 per cent. These measures have helped to keep the Canadian housing market relatively stable. As you know, we are keeping a close eye on the housing market.

With respect to credit cards, our government welcomed the recent proposals from credit card networks. As you know, these changes will significantly reduce merchants' costs, and that should result in lower prices for consumers.

Senator Hervieux-Payette: Maybe you find this funny, but I don't. The Banking Committee is examining a bill introduced by Senator Ringuette that has to do with credit card fees and the fact that the banks are encouraging people to go further and further into debt. Once those people are no longer able to pay back their debts, they face more risk when they lose their jobs, which is what is happening in Alberta, for example.

You shouldn't ignore what the Governor of the Bank of Canada said by telling stories about the OECD. The Governor of the Bank of Canada is the one who advises your government, and

[Senator Carignan]

you should follow his advice. There are two main risks here. It is not about 5 per cent or 80 per cent changes. Those measures are still too liberal, and coming from me, I'm sure that will make you smile. At this time we need to tighten up credit on the real estate side.

Senator Carignan: Speaking of smiling, I imagine you are referring to the smiles of your colleague on your side. I would like to reiterate that our government took action to protect Canadians who use credit cards by banning the distribution of unsolicited credit card cheques, by requiring that increases in interest rates and fees be communicated in advance, and by eliminating expiry dates for prepaid credit cards. We also introduced clear rules about disclosure and the terms and conditions of credit card agreements. Once again, you should be focusing on the positive action our government has taken.

[English]

AGRICULTURE AND AGRI-FOOD

SUPPLY MANAGEMENT SYSTEM

Hon. Jim Munson: Mr. Leader, I know you have great admiration for prime ministers who came from Quebec, particularly Conservative prime ministers. There are some in Conservative quarters who would praise former Prime Minister Mulroney for free trade, the GST, and fighting apartheid. He is considered a visionary in many of his decisions. I'm curious to know whether the Leader of the Government in the Senate agrees with the vision of our former Prime Minister Mulroney, who said in a speech last week:

That is why in anticipation of either a regional or multi-lateral consensus on serious reductions of practices that distort agricultural trade, I believe we should give some thought to the consideration to the careful, innovative and generous phase-out of our supply managed programs for dairy and poultry.

Would you agree with the vision of former Prime Minister Mulroney?

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senator, our government has always been clear when it comes to protecting the current supply management systems.

[English]

Senator Munson: Briefly then, you see no change whatsoever in the government's plan. You're ignoring, I guess, what the former Prime Minister had to say.

By the way, when he made those comments to what was described in the news report as cautious applause prompting Canada's eighteenth prime minister to joke, "I can tell there are not many Quebecers here."

Just to be curious again, you are not going to change anything with regard to supply management; is that correct?

[Translation]

Senator Carignan: Our position on supply management has always been very clear. This is evidenced by the results of the negotiations we have conducted, particularly in order to conclude the free trade agreement with Europe. Our position will not change.

[English]

ORDERS OF THE DAY

IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Salma Ataullahjan moved third reading of Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

She said: Honourable senators, thank you again for giving me the chance to participate in this important debate on Bill S-7, the proposed zero tolerance for barbaric cultural practices act, which will help to ensure that no young girl or woman in Canada becomes a victim of early or forced marriage, polygamy, so-called “honour-based” violence or any other form of barbaric cultural practices.

In contrast to what was suggested by Senator McCoy, as a Canadian of Pakistani origin and as an immigrant to this country, I do not consider my culture or any other cultures to be barbaric. It is these acts — acts that perpetuate violence against women — that are barbaric. These issues touch across all cultures and all religions.

This bill sends a clear message to those coming to and residing in this country: These practices are unacceptable in Canada and will not be tolerated. Because this bill proposes amendments to the Criminal Code in addition to the Immigration and Refugee Protection Act and the Civil Marriage Act, some honourable senators thought that it should have been referred to the Standing Senate Committee on Legal and Constitutional Affairs. However, after meeting with witnesses and hearing excellent testimony in the Standing Senate Committee on Human Rights, it is evident that the underlying themes of this bill are human rights issues. By amending the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code, Bill S-7 would provide more protection and support for vulnerable individuals, primarily women and children.

Honourable senators, I would like to share with you some of the compelling testimony we heard. With regard to polygamy, the Committee on Human Rights heard from Craig E. Jones, Professor of Law at Thompson Rivers University and lead counsel for the Attorney General of British Columbia in the polygamy reference. The polygamy reference re: the constitutionality of section 293 of the Criminal Code, the provision dealing with polygamy. Mr. Jones stated that while he initially thought of polygamy as “a personal choice, something that the state should not take any official interest in,” he also said, “I no longer believe that to be true.” He quoted to us directly from Chief Justice Bauman’s judgment, who cited the polygamy reference as “the most comprehensive judicial record on the subject ever produced.” Justice Bauman’s judgment stated:

• (0940)

Women in polygamous relationships are at an elevated risk of physical and psychological harm. They face higher rates of domestic violence and abuse, including sexual abuse.

Competition for material and emotional access to a shared husband can lead to fractious co-wife relationships. These factors contribute to the higher rates of depressive disorders and other mental health issues that women in polygamous relationships face. They have more children, are more likely to die in childbirth and live shorter lives than their monogamous counterparts. They tend to have less autonomy, and report higher rates of marital dissatisfaction and lower levels of self-esteem. They also fare worse economically, as resources may be inequitably divided or simply insufficient.

Children in polygamous families face higher infant mortality They tend to suffer more emotional, behavioural and physical problems, as well as lower educational achievement than children in monogamous families. These outcomes are likely the result of higher levels of conflict, emotional stress and tension in polygamous families. In particular, rivalry and jealousy among co-wives can cause significant emotional problems for their children. The inability of fathers to give sufficient affection and disciplinary attention to all of their children can further reduce children’s emotional security. Children are also at enhanced risk of psychological and physical abuse and neglect.

Early marriage for girls is common, frequently to significantly older men. The resultant early sexual activity, pregnancies and childbirth have negative health implications for girls, and also significantly limit their socio-economic development. Shortened inter-birth intervals pose a heightened risk of various problems for both mother and child.

The sex ratio imbalance inherent in polygamy means that young men are forced out of polygamous communities to sustain the ability of senior men to accumulate more wives. These young men and boys often receive limited education as a result and must navigate their way outside their communities with few life skills and social support.

Another significant harm to children is their exposure to, and potential internalization of, harmful gender stereotypes.

Polygamy has negative impacts on society flowing from the high fertility rates, large family size and poverty associated with the practice. It generates a class of largely poor, unmarried men who are statistically predisposed to violence and other anti-social behaviour. Polygamy also institutionalizes gender inequality. Patriarchal hierarchy and authoritarian control are common features of polygamous communities. Individuals in polygynous societies tend to have fewer civil liberties than their counterparts in societies which prohibit the practice.

Polygamy's harm to society includes the critical fact that a great many of its individual harms are not specific to any particular religious, cultural or regional context. They can be generalized and expected to occur wherever polygamy exists.

Honourable senators, this judgment demonstrates the physical, psychological and social harms associated with the practice of polygamous marriages.

Under current legislation, permanent residents or temporary residents who come to Canada may bring one spouse with them, so they would still be practising polygamy in Canada.

Many, such as in the case of Shafia, may attempt to bring their other spouses to Canada under the guise of a cousin or other relative. For permanent residents, only a criminal conviction or misrepresentation under immigration law would make them inadmissible to Canada.

By amending the Immigration and Refugee Protection Act, Bill S-7 would provide immigration officers with more tools to prevent polygamy and take enforcement action where evidence comes to light. Temporary or permanent residents who want to practise polygamy in Canada would be inadmissible on that basis alone. The new provision would require that persons in polygamous relationships come to Canada alone, without any spouses.

Bill S-7 also amends the Civil Marriage Act to require that any previous marriage be dissolved prior to a new marriage.

Honourable senators, two primary concerns came out of our meetings. One was whether this bill would have any effect on the community of Bountiful, in British Columbia, a prolific polygamist settlement. As stated by Minister Alexander, there is, in fact, a direct correlation with Bountiful and immigration flows, where the new wives are recruited from the United States.

The second major concern was that these provisions regarding polygamy would increase the vulnerability of sponsored spouses, specifically the two-year conditional permanent resident status for certain spouses.

These women may be reluctant to seek help out of fear that it will negatively affect their status in Canada.

Our government, however, has made an exemption to this measure in instances where there is evidence of any abuse of a physical, sexual, psychological or financial nature. The exemption also applies in situations where there is evidence of neglect, such as a failure to provide the necessities of life. This ensures that women are never put in dangerous situations as a result of regulations laid out by our immigration system.

Honourable senators, the government has been committed to combatting early and forced marriage at home and abroad. This bill would complement existing Canadian initiatives.

According to UNICEF, "Worldwide, more than 700 million women alive today were married before their 18th birthday. More than one in three (about 250 million) entered into union before age 15." When accepting the Nobel Peace Prize a few days ago, Malala spoke in great sadness of her friend who wanted to be a doctor but was married off at 12 and a mother at 14.

Honourable senators, how many more dreams will be crushed by early or forced marriage?

One of the witnesses who appeared at the Human Rights Committee was the South Asian Legal Clinic of Ontario, which in 2013 did a study on forced marriages of 30 agencies, the majority of which are in Ontario and 2 in Quebec. SALCO found that these 30 agencies had served 219 forced marriage clients since January 2010. Of those cases, 44 per cent of the survivors were Canadian citizens, 43 per cent were forced marriages that happened in Canada, and 41 per cent were taken out of country. These are disturbing statistics.

While an overwhelming majority of these cases were comprised of women, SALCO also found that 6 per cent of the cases were comprised of men. This goes to show that some young men are also affected by this issue.

Bill S-7 would codify, in the Civil Marriage Act, the legal requirement for free and enlightened consent to marriage for all Canadians.

It would also amend the Criminal Code to make it a criminal offence to remove a minor from Canada for a forced or early marriage, as well as officiate or actively participate in an early or forced marriage ceremony. This would implicate officiants who knowingly conduct an early or forced marriage, or those who engage in an action intended to help the marriage take place — such as being a witness or driving the bride or groom to the ceremony.

In the Civil Marriage Act, this bill would also set a national minimum age for marriage at 16 years old.

Senator Jaffer had asked why we were lowering the age to 16 when, in fact, many provinces or territories already have marriage ages at 18 or 19. These provincial or territorial ages, however, do not provide for a minimum age of marriage, other than in the province of Quebec. There is uncertainty in Canadian common law about the minimum age, which may be as young as 12 for girls and 14 for boys, although it could be as low as 7 years old.

This amendment would set a national minimum age below which no one can marry, even with parental consent. Such legislation is consistent with like-minded countries such as the U.K., Norway, New Zealand, Australia and others.

One concern that came out of our meetings in the Human Rights Committee was that criminalization of those aiding in an early or forced marriage would require victims to prosecute family members for a criminal offence, something they might not want to do. Bill S-7, however, also proposes a peace bond in the Criminal Code that was specifically designed to address these concerns.

• (0950)

The peace bond can be issued by a provincial court judge if there is reasonable fear that a person intends to commit an offence related to early or forced marriage or remove a child for that purpose. With the peace bond, the court could prohibit specific conduct of family members, such as making travel arrangements, requiring the surrender of passports or obligating them to participate in a treatment program like family violence counseling.

Many of the witnesses, who were front-line workers, thought it was a good measure.

Megan Walker of the London Abused Women's Centre said it best:

Our basic premise of work with women is that it's a women-centered organization, so we provide women with choices. We explain to those women what the consequences of their decisions might be. Every woman that comes into our office — and we served 3,300 last year and responded to 5,500 phone calls — is given a safety plan. We talk about whether they want to go to the police. Whatever choice she makes is the choice that we will support for her.

If you don't criminalize it, you are actually taking away a woman's choice to go through that process.

Honourable senators, this bill would provide women with a choice. Whether they want to pursue criminalization or a peace bond, this bill would make the tools and options available to them.

The last measure in Bill S-7 targets honour-based violence, which is limiting the defence of provocation in the Criminal Code.

Honourable senators, in our Human Rights Committee, while meeting with officials from the Department of Justice, I was interested to learn the origins of the defence of provocation.

I will quote Joanne Klineberg, Senior Counsel in the Criminal Law Policy Section at Justice Canada:

The common law origin of the defence of provocation dates back to the 1600s, from a time when the law considered women to be their husband's property. In fact,

one of the main categories of provoking conduct from that period of time was a man coming upon another man in the act of adultery with his wife, and the courts referred to adultery as the highest invasion of man's property. This is the history and origin of the defence of provocation. In fact, I would also say that, in the early common law, it was an honour-based defence. It was not a defence based on lack of self-control. It was a defence that said if a man killed in certain circumstances, that killing was understandable as a way of restoring his honour. That is the origin of the common law defence of provocation.

At some point in the common law history, the defence came to be about the notional loss of self-control triggered by the provocation as opposed to the killing being an adequate response to conduct that violated a man's honour, but nonetheless, if you read the cases, you will still see references to notions of male honour and male pride.

Honourable senators, it is interesting that the defence of provocation was initially designed to protect the honour of men, and it is still doing the same thing to this day.

Ms. Klineberg went on to say, "they did a study of 50 appellate cases." She continued that they:

... found, between 2000 and 2014, appeal cases that dealt with the defence of provocation. Of those 50 cases, 20 of the accused were men who had killed their current or former wives. It is rarely successful, but it is sometimes successful by men who kill their wives when the conduct that provoked them to kill was mere insults. ... This is just to say that there is a violence against women issue, which is the driving force behind the legislation in terms of barbaric cultural practices, but it is also an issue that affects all Canadians every day.

Currently, under the defence of provocation, a person who admits to committing murder could seek a lower conviction of manslaughter because they lost control due to a sudden "wrongful act or insult" by the victim. In cases of honour killings, the defence of provocation could be raised where the victim was killed in the "heat of passion" because of the victim's conduct or personal choices.

Aruna Papp, a nationally- and internationally-recognized educator and advocate of human rights, who also spoke to the UN on honour killings last year, told us in committee that:

Honour killings are usually done by parents, and they usually kill their daughters. Honour killings are premeditated. ... Honour killings happen because they have brought shame to the family by their behaviour. They have become westernized. That is the reason honour killings happen.

Bill S-7 would limit the circumstances for provocation. It would have to amount to conduct by the victim that could be a criminal offence punishable by at least five years in prison, such as assault or harassment. The amendment sends a clear message: It is contrary to Canadian values for lawful behaviour, no matter how it may be perceived as insulting, to excuse murder.

Honourable senators, the witnesses we heard from in the Human Rights Committee were pleased overall with the attention this bill was giving to the issue of violence against women and girls.

We gathered from many witnesses the importance of prevention and support services in addressing such harmful practices. The committee shared the view that, in conjunction with legislative action, these measures are necessary to address the problem.

Our committee report made observations, which were agreed upon by all members, that Canadians, regardless of gender, would benefit from culturally-appropriate public awareness campaigns that explain Canadian values and laws with respect to gender equality, family violence and harmful practices. We observed that service providers such as police, teachers and social workers would benefit from additional culturally-appropriate education and training, including how to respond effectively to these issues.

All of these measures together would help ensure that vulnerable women and girls are positioned for success in Canada.

As much as I would be delighted to report that this bill is no longer necessary, the fact is that these practices are occurring on Canadian soil, with potential for severe and sometimes fatal consequences for the victims of these violent acts.

The full participation of women and girls is essential in our democracy. Women seeking a better life for themselves and their families in Canada should never be subject to constant fear and threat of violence or death simply for living their lives and seeking out better opportunities for themselves.

These harmful practices also have a very negative impact on families and society in general and seriously affect all those involved, from influencing immigration outcomes to breaking down opportunities for integration and success.

In the most recent Speech from the Throne, the government committed to ensuring that barbaric cultural practices do not occur on Canadian soil and is working on ways to support these women in every way that it can.

Both Canada's citizenship study guide, *Discover Canada*, and the *Welcome to Canada* orientation guide were recently updated to reflect the fact that Canada's openness and generosity do not extend to harmful cultural practices such as forced marriage or other forms of gender-based family violence.

Status of Women Canada has invested millions of dollars for community-based projects that address harmful cultural practices such as so-called honour-based violence and forced marriage.

Justice Canada and Status of Women Canada co-chair an interdepartmental working group on early and forced marriage, so-called honour-based violence and female genital mutilation. Since 2009, Justice Canada has held six sector-specific workshops on forced marriage and so-called honour-based violence with police, Crown prosecutors, victim services, child protection officials and shelter workers to assist in front-line capacity-building.

With regard to forced marriage, Justice Canada is adding names of organizations that provide support to victims to the Policy Centre for Victim Issues' database of victim services. Justice Canada also has public legal education and information documents called *Abuse is Wrong in Any Language*, which is available in 12 languages, and *Child Abuse is Wrong: What Can I Do?*, which makes specific reference to forced marriage and honour-based violence.

Through Citizenship and Immigration Canada, our government has made it much harder for people convicted of crimes that result in bodily harm against members of their family — or other particularly violent offences — to sponsor any family class member to come to Canada.

• (1000)

Family violence will not be tolerated in Canada, under any circumstances, and individuals who don't respect Canadian law and commit serious crime, regardless of the victim, will not benefit from the privilege of sponsorship.

I mentioned that our government has also brought in new measures in recent years to deter foreign nationals from entering into marriages of convenience to gain permanent resident status in Canada. This includes two-year conditional permanent resident status for certain sponsored spouses. Because of concerns that conditional status could increase the vulnerability of sponsored spouses who are in abusive relationships, our government put in an exemption to this measure in instances where there is evidence of any abuse of a physical, sexual, psychological or financial nature.

Our government has also put in place better guidelines and training to assist front-line workers in processing requests for exemptions based on abuse or neglect, and in handling sensitive information related to abusive situations.

Citizenship and Immigration Canada's settlement program provides further funding to a variety of organizations that offer programs and services which respond to the specific needs of permanent residents, including immigrant women and their families, who may find themselves in vulnerable situations. These settlement services are flexible and designed to meet the diverse needs of newcomers, including women, who may be facing multiple barriers, such as low literacy skills, lack of child care help and limited transportation.

While overseas, newcomers can access programs that help them understand their rights and responsibilities in Canada so they can make informed decisions prior to their arrival. Once in Canada, women also have access to a range of supports that help them build their skills to enter the workforce and/or advance their careers.

Honourable senators, despite all of our government's best efforts and intentions, we know that more needs to be done to protect women in our immigration system. That's why it's so critical that the measures in Bill S-7 are enacted.

Over the past year, government officials, including the Minister of Citizenship and Immigration, have met with victims and advocates across the country to find out how to stop violence and abuse from occurring in our communities.

Before Bill S-7 was introduced, the minister spent a considerable amount of time meeting with representatives of organizations that provide services to immigrant women, as well as with victims of abuse, at a number of roundtable discussions across the country in Vancouver, Winnipeg, Toronto and Montreal. These important discussions focused on domestic violence, polygamy, forced marriage and the immigration process, and how we can strengthen the protection of vulnerable women and girls. They revealed many ways in which the government can help address the problems stemming from harmful cultural practices.

These discussions led to the introduction of Bill S-7 that we are debating today. Once passed, its measures would strengthen our laws to protect Canadians and newcomers to Canada.

In the words of Aruna Papp:

The government's "Zero Tolerance for Barbaric Cultural Practices Act" recognizes the plight of these women. In presenting this bill, the government of Canada has said, in effect, "As a Canadian citizen, you, too, deserve to live a life free of violence and coercion." For this, I am grateful.

The bill sends a clear message to anyone coming to Canada that such practices are unacceptable. It says, in no uncertain terms, to those in this country and to those who wish to come here, that we will not tolerate practices in Canada that deprive individuals of their human rights.

Bill S-7 stands up for immigrant women and girls who have come to Canada for a better life. It makes clear to anyone who may doubt how seriously Canada takes this issue that Canadians do not, under any circumstances, accept or allow the propagation, support or enactment of barbaric cultural practices on Canadian soil.

As legislators, we must stand up for all victims of violence and abuse, and take necessary action to prevent these practices from happening on Canadian soil.

To those who have questioned the short title of this bill, I point out what human rights lawyer Taima Al-Jayoush had to say:

When we describe a crime as "barbaric" we are simply calling it what it is. No one should identify with it except the ones who have committed such a crime. It is not directed at any certain community.

Honourable senators, I strongly encourage all of you to join me in enthusiastically supporting Bill S-7, and I thank you very much.

Some Hon. Senators: Hear, hear.

Hon. Jane Cordy: I know that you read a quote that the short title, zero tolerance for barbaric cultural practices, was not directed at any cultural group, but I actually find the short title very troubling. I think "troubling" would probably be an understatement. I'm actually flabbergasted that the wording of this title would find its way into any Canadian legislation.

Senator Jaffer brought forward an amendment at committee to remove this short title and I know that all of the Conservatives, except for Senator Nancy Ruth, voted against her amendment to remove the title. Can you explain to me why you support that short title?

Senator Ataullahjan: It's not that we are naming any communities or anything. What we're saying is that violence against women is barbaric. It sends a clear message to anyone coming to Canada and those who are already part of Canadian society that such practices are incompatible with Canadian values or, for that matter, with any values.

I think no culture or religion supports violence against women in any form.

Some Hon. Senators: Hear, hear.

Senator Cordy: I guess I find it troubling because I know that the UN wants Canada to take in more refugees from Syria, but they haven't yet come to an agreement. I've heard that Canada will only take members of minority groups of Syrian refugees, and that would include Syrians who are Christians, but it would exclude the Sunni Muslim groups. Canada will not accept Sunni Muslims from Syria.

When I hear that and I hear about the cultural groups, are you talking about the Scottish cultural group in Nova Scotia that is barbaric? Are you talking about the Irish cultural group in Newfoundland and Labrador? Are you talking about the Icelandic cultural group in Manitoba? What cultural group specifically are you talking about? What cultural practices and what cultural groups?

Senator Campbell: Not the Scottish, that's for sure.

Senator Ataullahjan: When you talk about Canada bringing in minorities, I think that's just a news report that has not been verified, so I don't think I would like to comment on that.

Every society has its culture, and we're talking about an act of barbaric behaviour against women. That's what we're talking about.

Senator Cordy: I know there are many cultural groups that are very upset by the wording in this bill, but I will go on to something else.

You spoke about honour killings and the honour-based defence. I have not heard of any honour-based defence being accepted in any court in Canada. Could you give me an example

of a case where it was accepted? I'm curious to know why it would be put in a bill if it's not accepted in the judicial system in Canada.

Senator Ataullahjan: I would have to get back to you on that. I can't claim to know everything. I will have to get back to you on that.

Hon. Art Eggleton: If I may ask again about the title and, well, first of all, let me say it's a most unparliamentary kind of title —

Senator Tkachuk: Oh, really?

Senator Eggleton: — to see this “zero tolerance for barbaric cultural practices act.”

Senator Tkachuk: What would you call genocide? Just a capacity problem?

Senator Eggleton: You can get up and speak later, if you like, senator.

• (1010)

Senator Eggleton: You've got the word “barbaric” with the word “cultural,” and the word “culture” in the *Merriam-Webster* dictionary, for example, refers to “a particular society that has its own beliefs, ways of life, art, etc.” It goes on to say that “the customary beliefs, social forms, and material traits of a racial, religious, or social group;”

The *Oxford Dictionary*, something similar, says: “The customs, arts, social institutions, and achievements of a particular nation, people, or other social group.”

The fact that the word “cultural” comes after “barbarian,” given the definition, does risk that many communities will consider that it covers them in a more general way. It's something that the people who came before our committee also expressed a concern with. Almost everyone that came before our committee and spoke on this was concerned about this title.

This title, indeed, can cast aspersions on your community too. Don't you think that putting the word “cultural,” given the definition of it, does risk that interpretation?

Senator Ataullahjan: We're talking about “cultural” in terms of acts of violence, barbaric acts that are committed against women. We're talking about the acts.

Senator Eggleton: Well, if you would have taken out the word “cultural,” you wouldn't have had a problem with answering it in the way you just have, but you didn't take it out.

Let me also ask you about what this is really doing for women and children. UNICEF Canada has, in fact, said that this bill will criminalize children. They're concerned about the protection of children in this regard. Another entity, the Barbra Schlifer Commemorative Clinic, deals with some 4,000 women every year through legal counselling and interpreter services, and many of

these issues that this bill is attempting to cover are ones that they deal with daily. What do they say? They say that this bill will result in increased criminalization and deportation of certain racialized communities in Canada and will re-victimize women and children who are the survivors of violence. They add that it will create further institutional barriers where already marginalized communities report violence and receive support.

You mentioned the South Asian Legal Clinic. They also are opposed to this bill, and they deal with many different people in these circumstances. They say that criminalization of forced marriages creates barriers for victims who need access to justice and that first victims will be more unlikely to report forced marriages because of their internal struggle with placing their family at risk. Calling their parents barbarians, for example, or barbaric, will not go over well in trying to implement this.

Second, due to the increased stigma, perpetrators of forced marriage will be more skilled at hiding their attempts at forcing marriage. The unfortunate result of creating these barriers is that victims will go deeper underground instead of seeking support.

An Hon. Senator: Question.

Senator Eggleton: You've already got a fair bit of criminal law that deals with these cases now. With this further advance, what makes you think this bill is going to work to the benefit of the vulnerable people, the women and children, when these front-line organizations in our society say it isn't?

Some Hon. Senators: Hear, hear.

Senator Ataullahjan: We're talking about acts that are barbaric. As a member of the committee, Senator Eggleton, you must have heard that the RCMP said that they were very happy because it gives them extra tools to deal with this problem.

You will also remember that we heard about early enforced marriage and that girls in the U.K. were told by teachers that if they are suspected of being taken out of the country for a forced marriage, they should put spoons in their underwear. This became known as “spoons in their underwear,” and in one month they stopped 1,800 young girls who were being taken out of the country for forced marriages.

We are just giving the authorities, the justice system, extra tools.

Some Hon. Senators: Hear, hear.

Senator Eggleton: You mentioned the U.K. Well, the U.K. doesn't create criminalization for children or for women, as you're doing in this bill. They have a forced marriage unit. They do the kinds of things that you're talking about in terms of the spoon program, et cetera. Why aren't you proposing something more along those lines that will assist people rather than constantly relying on the criminal system?

Senator Ataullahjan: We are Canadians, and we will stick with what is acceptable in Canada.

Some Hon. Senators: Hear, hear.

Hon. Joan Fraser (Deputy Leader of the Opposition): Senator Ataullahjan, I'm puzzled by the implication in your remarks that by fighting polygamy you are somehow fighting violence. Thousands of women in this country and others are beaten by their spouses in monogamous marriages. It does not necessarily follow that a polygamous marriage is going to be any more violent than a monogamous marriage.

I happen to agree that polygamy is a most undesirable practice in general, but that's my cultural view. Polygamy is legal and practised in something like 50 countries around the world. Just to name a few: South Africa, Kenya, India, Afghanistan, the Philippines and Pakistan. Do we say that all those countries are barbaric, that everybody who follows the law in those countries is automatically barbaric?

Senator Ataullahjan: Senator Fraser, once again, I will say that it is the acts themselves that are barbaric. Any violent behaviour towards women and children is barbaric, whether it happens in polygamous marriages or not.

Senator Fraser: We already have strong laws, which we enforce, against that violence. Why are we targeting one specific group of immigrants on that broad-based assumption that they will be violent, unlike all other Canadians?

I simply cannot understand this, and I believe that what is barbaric is that sweeping assumption.

Senator Ataullahjan: Once again, I will say that we're not targeting any community, any religion.

Senator Tkachuk: It's you guys who are attacking every community: Liberals.

Senator Ataullahjan: We are trying to tackle acts of violence, which we consider barbaric. Acts of violence against women. We're not targeting any community or any religion.

Senator Cordy: I think so.

[Translation]

The Hon. the Speaker: Honourable senators, we have only four and a half minutes left for this debate, so I would ask you to be brief, Senator Ringuette.

[English]

Hon. Pierrette Ringuette: Yes.

Civil marriage is a contract, and under our Constitution, that is an issue of provincial jurisdiction.

Senator Andreychuk: Oh, we went through that.

Senator Ringuette: During your committee meetings, did you have any witnesses in regard to respecting our Constitution and the jurisdiction of the provinces?

Senator Andreychuk: Yes.

Senator Tkachuk: Yes, we did.

Senator Ataullahjan: I don't think we dealt with that. What we concentrated on was having a lot of witnesses who did not agree with us, and we wanted to hear why they didn't agree with us. We listened to them, and that is why we drafted observations, just to say that we heard and the government heard from concerned citizens.

Senator Ringuette: It is one of the foremost responsibilities of this institution in regard to sober second thought to make certain that any piece of legislation that we are studying respects the Constitution, the fundamental law of our country. I am very sorry, sad and disappointed that this particular aspect within the bill was not considered. No province was consulted by the minister, and no constitutionalist was requested by the committee as a witness. Just to prove the point, all our provinces have legislation in regard to marriage, and the minimum age is either 18 or 19 years old, but in this bill you are talking about 16 years old. Please explain this to me.

• (1020)

Senator Tkachuk: Is it seven or was it nine?

Senator Ataullahjan: What we heard and what we understood is that there's not a uniform age across Canada.

Senator Ringuette: It's 18 or 19.

Senator Cordy: It's higher than 16.

Senator Ataullahjan: I would beg to disagree. In some provinces, they do not have a minimum age. We've set 16 as a minimum age for marriage to make it uniform across Canada.

Hon. Lillian Eva Dyck: Senator Ataullahjan, I was listening very carefully to your defence of removing the defence of provocation from criminal law. We all know there's a high level of family violence in all cultures in Canada. For women who are in abusive marriages and have been in that marriage for a number of years and who are then provoked and end up killing their abusive husband, provocation is used as a defence. How will this protect women and children who are in dysfunctional, abusive marriages? This will remove their defence.

Senator Ataullahjan: I think that would depend on the justice who is dealing with the case. What we are trying to do with the defence of provocation —

Senator Cordy: It should be the law.

Senator Ataullahjan: Its very existence under our criminal law weakens the defence for women and girls. Under the concept of provocation, it has been raised by accused murderers who have claimed that perceived infidelity, disrespect, defiance, insulting behaviour on the part of —

The Hon. the Speaker: Senator Ataullahjan, there are two more senators who want to ask you a question. Are you seeking five more minutes?

Hon. Senators: Agreed.

Senator Ataullahjan: No.

The Hon. the Speaker: It's up to Senator Ataullahjan. Senator Ataullahjan, are you requesting five minutes?

Senator Ataullahjan: No.

Senator Cordy: Shame on you. Shame on you.

(On motion of Senator Jaffer, debate adjourned.)

ALLOTMENT OF TIME—NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Bill S-7.

Therefore, I give notice that, at the next sitting, I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill S-7, an Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

ECONOMIC ACTION PLAN 2014 BILL, NO. 2

SECOND READING—DEBATE SUSPENDED

Hon. Larry W. Smith moved second reading of Bill C-43, A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

He said: Thank you for this opportunity today to speak to you on Bill C-43. This bill proposes to implement certain measures from the Economic Action Plan 2014.

[Translation]

Bill C-43 would implement the government's overall budget policy, which was presented in the House of Commons on February 11, 2014. In keeping with established legislative practices, this is the second budget implementation bill of 2014.

[English]

Today's act focuses on the drivers of growth and job creation — innovation, education, skills and communities — underpinned by our ongoing commitment to keeping taxes low and returning to a balanced budget in 2015.

Since we've introduced the Economic Action Plan to respond to the global recession, Canada has recovered both more than all of the output and all of the jobs lost during the recession.

POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Wilfred P. Moore: Your Honour, I rose on a point of order when notice was given of second reading, and I think I'm supposed to have the opportunity to speak then, rather than hear a debate. I may be wrong on that, but I think that's what's supposed to happen.

The Hon. the Speaker: I will hear the point of order. After hearing your arguments, I will make some comments. Thank you for giving me advance notice of your point of order.

Senator Moore: Thank you, Your Honour.

It's clear that omnibus bills such as Bill C-43 violate the parliamentary tradition that requires a vote on the principle of a bill at second reading. Bills such as Bill C-43 contain many issues that are not at all related. It is thus improper to put senators in the position of having to vote once on many unrelated issues. This is fundamentally unfair and out of order.

In any debate, there's the intrinsic rule of relevance. When casting a vote, it must be coherent with the matter and the principle at hand. Bill C-43, with its numerous unrelated matters and principles, does not meet this rule.

I would ask the Speaker to consider the argument made by Professor Louis Massicotte of Laval University who, in a 2013 paper, put the use of omnibus bills in historical and political context.

These bills have occurred not just in Ottawa, but in at least seven of the ten provinces. The province of Quebec has specific provisions on how to deal with omnibus bills, including sending them to a special committee, to the Committee of the Whole or to a specific standing committee.

In the United States, 42 states have provisions like that found in California, which states:

... a statute shall embrace but one subject, which shall be expressed by its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void . . .

I put to you, Your Honour, that if omnibus bills are justified by the thought that these bills have related but separate initiatives, as described in O'Brien and Bosc in the 2009 edition, surely there must be some common sense involved in arriving at what exactly relates the initiatives contained in the bill.

Professor Massicotte quoted the Honourable Lucien Lamoureux, former Speaker of the other place, who asked:

... is there any end? Could a government wrap up half of its legislative programme into a single measure dealing with the improvement of the life of Canadians or ensuring prosperity for all?

This point was made, Your Honour, by Senator Day in his speech earlier this week.

We need to ask ourselves, what is the purpose of this chamber and its standing committees? If we do not put the proper legislation before the proper committee, how do we provide the proper study this chamber is tasked to provide?

At its very essence, an omnibus bill simply puts a senator in the position of voting on whether or not he or she agrees with the government and all it will do for, say, the next four years. Do we just vote once and go home for four years?

There's another aspect of this type of omnibus bill, as Professor Massicotte pointed out. They are used to make the opposition parties squirm. There is an entirely political component to these bills which has nothing to do with the proposed effect of the legislation itself.

• (1030)

To my mind, this political component poisons the well of Parliament. It creates cynicism and is not what a government's legislative agenda is supposed to be about.

If one of the prime motivations for an omnibus bill is for the government members to stand up and accuse opposition parties of not supporting aspects of an omnibus bill, parts of which are fully supportable across the board, then this is an aspect which, to my mind, negates any argument in support of this type of legislation.

Honourable senators, as parliamentarians, we are accountable to our constituents in our regions for our work and our votes. By their very nature, omnibus bills make it impossible to be accountable for our votes. Further, such bills shield the government and parliamentarians from such accountability because of the umbrella protection and consequence of this single-vote process.

Let me leave you with the words of Mr. Stephen Harper, who in 1994 said the following about the use of omnibus bills:

First, there is a lack of relevancy of these issues. The omnibus bills we have before us attempt to amend several different existing laws.

Second, in the interest of democracy I ask: How can members represent their constituents on these various areas when they are forced to vote in a block on such legislation and on such concerns?

We can agree with some of the measures but oppose others. How do we express our views and the views of our constituents when the matters are so diverse? Dividing the bill into several components would allow members to represent views of their constituents on each of the different components in the bill.

It seems to me that these words by our current Prime Minister are indeed accurate.

Omnibus bills are not new. They are not limited to this Conservative government. There is a clear trend of this affront on our democracy, and it is getting worse. Somebody must take a stand.

I therefore ask honourable senators to find Bill C-43 to be out of order.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I rise in support of Senator Moore's point of order.

We have seen basically two kinds of omnibus bills come before us. One kind embraces a large number of legislative items that tend to be related to a single topic. We have seen omnibus bills, for example, on crime, where colleagues might or might not agree with every part of the bill, but at least it was all about crime. Colleagues will recall the accountability bill, parts of which some of us found highly objectionable, but the central objective of increasing accountability and transparency in government was, arguably, applicable to every part of that bill.

The bill we have before us today, however, is part of a different class of omnibus bills and a far more pernicious class that goes to the heart of parliamentary convention, I would suggest. It is a budget bill. Budget bills are, by ironclad convention, confidence matters, and so they should be. Control of the public purse is perhaps the fundamental element for which the people have fought against the sovereign for centuries. They should be confidence matters, but when budget bills are stretched to include widely disparate matters which would not normally be matters of confidence, that, I suggest, is a very dangerous abuse of the parliamentary system.

We have seen budget bills that contain items that by no stretch of the imagination could be seen as genuine confidence matters, such as petty amendments to the Judges Act.

When budget bills are used to force acceptance of unrelated matters, Parliament is deprived of its vital authority to make independent judgment of the matters brought before us. It is dangerous. It is a practice that, as Senator Moore said, did not begin with the present government, but it is oh so convenient for any government, and its use has been increasing.

I urge Your Honour to find accordingly.

Hon. Joseph A. Day: Honourable senators, I would like to join the debate on this matter on behalf of the Standing Senate Committee on National Finance. I refer Your Honour to

Bill C-10, which was a similar type of budget implementation bill dealt with by the National Finance Committee on June 11, 2009, to know the position that has been expressed by the committee over many years. Senators, 2009 was not the first time.

Comments have been made in relation to omnibus bills for budget implementation. I think it is important that Your Honour draw the distinction between omnibus bills generally and budget implementation. We heard from Senator McIntyre yesterday with respect to correcting the record in relation to a good number of different pieces of legislation as long as there is no controversy.

Budget implementation brings up the point Senator Fraser made in relation to confidence and the importance of government passing these bills in a timely manner. We just received this bill the day before yesterday, and here we are at second reading and expected to move on with this very expeditiously. That is the problem when there are so many different items in one bill. It is very difficult to do the job expected of us.

Senator Murray, Senator Oliver and Senator Kinsella all made statements on the record in relation to budget implementation omnibus bills. This particular approach has probably grown out of minority governments, where a minority government didn't want to lose a vote on confidence and, therefore, put in one piece of legislation a suite of items that people can't vote against and a lot of other less desirable pieces of legislation that are deserving of separate scrutiny. That practice, Your Honour, has increased very significantly over the past few years.

It was the minority governments in the 1990s where that first started happening, and it kept growing to where there was one budget implementation a year, even in majority times. Then a few years ago we started to get two budget implementation bills, and the numbers keep growing. We are up to almost 800 pages this year of budget implementation omnibus bills.

The only other point that may be of help to Your Honour on this point of order is the fact that this chamber saw fit to divide the bill into seven different parts. If that is the case with respect to this legislation from the point of view of a pre-study, then it perhaps should be the case with respect to reporting, which it has done. It has been pre-studied. We've got reports from all of the various committees that studied it. Perhaps it should be the case as well with clause-by-clause study of those portions that each committee has studied, and that would make this a much more meaningful manner of dealing with budget implementation bills that are so huge.

If the government is insisting on putting it all down in one 500-page bill, then this chamber should instruct the committees to deal with the seven different portions.

• (1040)

In terms of instructions to committees, I could refer you to a number of different precedents, but one in particular is Senator Murray's motion a few years ago in which there was a question in relation to instruction of the chamber to the various committees, and that particular instruction was deemed to divide the bill. That would be a solution, borne here in the Senate, to

finally deal with this very slippery slope of budget implementation bills coming at us in ever-increasing numbers of issues in the one bill.

The Hon. the Speaker: I see no one from the government.

I have two concerns, one of which is the much deeper question raised by Senator Moore and others. We received a message from the House of Commons, so I want to deal first with that part. I will listen to arguments from both sides in terms of whether we should or should not. The fact that we received the bill from the House of Commons — it's a confidence bill; it's a money matter; it's a budget bill — should we deal with it right away or wait for the ruling on the point of order? That's my first concern. After that, we can look into the much deeper and long-term question. First, I want to hear the government on the first part.

Hon. Yonah Martin (Deputy Leader of the Government): Your Honour, first of all, I appreciate the point of order raised by Senator Moore and the opportunity to speak on this matter and to answer that very important question. I also want to commend Senator Day and all members of the various committees that have put in many hours and have made a concerted effort to pre-study the bill, as well as the work they continue to do.

Your Honour, firstly, allow me to read from O'Brien and Bosc, page 725, as follows:

It appears to be entirely proper, in procedural terms, for a bill to amend, repeal or enact more than one Act, provided that the requisite notice is given, that it is accompanied by a royal recommendation (where necessary), and that it follows the form required.

Additionally, while I appreciate the honourable senator's question, this type of legislation has been before the Senate and in the other house on various occasions, and we are fortunate to be able to look at those occasions for clarity on this matter.

At this time, I refer to several precedent-setting Speakers' rulings from the other place that support the procedural correctness and acceptance of this type of legislation.

Firstly, Speaker Sauvé, on June 20, 1983, which can be found at pages 26,537 and 26,538 of Debates, stated that:

... although some occupants in the chair have expressed concern about the practice of incorporating several distinct principles in a single bill, they have consistently found that such bills are procedurally in order and properly before the House.

Next is Speaker Fraser, Debates, June 8, 1988, pages 16,255 to 16,257; and April 1, 1992, pages 9,147 to 9,149. On June 8, 1988, when he informed the house that he could not divide Bill C-130, the Canada-United States Free Trade Agreement Implementation Act, Speaker Fraser ruled as follows:

Until the House adopts specific rules relating to omnibus Bills, the Chair's role is very limited and the Speaker should remain on the sidelines as debate proceeds and the House resolves the issue.

[Senator Day]

Speaker Parent, on April 11, 1994, faced similar objections to another budget bill, Bill C-17, when a member argued that the house was being asked to take a single decision on a number of unrelated items. As can be found at pages 2,859 to 2,861 of the Debates, the Speaker disagreed, noting that, in the chair's opinion:

... a common thread does run through Bill C-17; namely, the government's intention to enact the provisions in the recent budget, including measures to extend the fiscal restraint measures currently in place.

Lastly, Speaker Parent, when addressing similar matters in relation to omnibus bills, on April 11, 1994, page 2,861 of Debates, stated:

... it is procedurally correct and common practice for a bill to amend, repeal or enact several statutes. There are numerous rulings in which Speakers have declined to intervene simply because a bill was complex and permitted omnibus legislation to proceed.

Your Honour, I am confident that this bill in its current form is entirely proper and procedurally correct, as outlined by O'Brien and Bosc, and supported by the various rulings that I have cited, and I urge Your Honour to rule accordingly.

The Hon. the Speaker: I think I must rephrase my concern.

Senator Fraser: On the first point, Your Honour.

The Hon. the Speaker: On the first point. I need to hear from the government side and the opposition as to whether we should move right now on the first part or wait for my ruling, which could take a longer period of time.

Senator Fraser: Your Honour, you will have gathered from my earlier comments that I believe the second question is far-reaching, very important, and should not be subject to a speedy ruling.

To your first question, I do believe that we would not be necessarily fair to Canadians if we delayed proceeding with this bill, because it does contain tax measures, for example, that affect people, and we are coming up to the end of the taxation year.

So, with considerable regret, I would argue that the appropriate course would be to proceed with this bill, but simultaneously, Your Honour, to begin a profound study of this matter, starting with the ruling that you will eventually give, so that we may not be faced with this dreadful dilemma again.

The Hon. the Speaker: I would like to hear from the government on the first point.

Hon. Larry W. Smith: I wish to make a few comments, Your Honour.

Senator Martin reviewed the procedural elements of history. To put it in simple terms — because I'm a simple person — large bills have been before us not only in recent times but in past times of government, and they have moved through the Senate. I think that's a pretty important point.

The second thing is that this is the second act to implement certain provisions of the budget tabled in Parliament on February 11, 2014, so it's a continuation of the earlier budget bill in terms of tying pieces together.

Third, I'm very proud of the work that our Finance Committee, led by Senator Day, and the group did in terms of the hours spent, the witnesses we heard from, and the segmentation of key elements so that we could have expertise from senators on the Social Affairs Committee, like Kelvin Ogilvie, who is a renowned individual in his field, and the actual specifics of the legislation that dealt in the area of social affairs, as well as foreign affairs, and banking, trade and commerce. We had the bill in front of people who had, honestly, probably more expertise in these certain fields than the core members of our committee.

Fourth, we asked for extra time so that we could meet. I will not say how many hours were spent and how many witnesses we met, but I can tell you that we met up to three times per week with witnesses so that we would have a better understanding.

I don't want to be critical of my colleagues on the other side, but it's very hard sometimes when you have maybe one or two representatives in our meeting, besides the chair, and we have a full complement of people. We are trying to do the best we can with limited resources on the other side in our committees. It's unfortunate this is the way it is, but I think the work that has been done has propelled us to the point where we need to continue on.

• (1050)

I ask everyone to recognize the world economic state and the fact that we have continued with the same message. Our government is trying to ensure that we create more jobs, a more stable economy and that we protect our citizens. This bill is critical to moving forward, especially in view of the economic times we live in and the measures that need to be taken to promote the economy of our country and the well-being of Canadian citizens.

I would urge you, Mr. Speaker, to allow us to move forward and proceed with this particular bill, Bill C-43.

[Translation]

Hon. Maria Chaput: Honourable senators, I agree with Senator Moore's comments, but I don't want to hinder consideration of Bill C-43 because I recognize how important it is that we study it now.

I have been a member of the Standing Senate Committee on National Finance for many years. As such, I and the other committee members have had to study omnibus budget bills. I have one main concern. It is clear that a 500-page omnibus bill comprises too many elements to allow for a thorough and effective study. We need to proceed quickly, but effectively, and certain points are often forgotten. In cases like that, it is the smallest and most vulnerable who suffer. Those who have the quietest voice in the House of Commons and the Senate are the ones who suffer. Everyone knows that.

I would like to share a concrete example of what happened with the 2012-13 omnibus bill, which included changes to the status of co-ops, credit unions and caisses populaires. That bill amended the status of co-ops, credit unions and caisses populaires across Canada. It took away their privileges as co-ops and treated them as banks, as large financial institutions. This measure was largely overlooked. It happened very quickly. If memory serves me correctly, the committee heard from only one witness who represented co-ops and credit unions and who told us why the change would negatively impact the expansion and growth of these cooperative institutions. The bill passed and the measure was implemented.

In 2014, co-ops, credit unions and caisses populaires across the country took a stand. A petition is circulating and articles have appeared in newspapers. We have seen what an adverse effect this measure is having on the development of these small businesses, these co-ops, credit unions and caisses, and on smaller, remote communities. They want their status as co-ops to be reinstated, and that is the subject of the petition that will be presented to the federal government.

These are the types of details at issue. There is a multitude of them in these large bills. These bills are so big that we don't have enough time to do our jobs as parliamentarians properly, to ensure that the changes being made are the best, in this case, for Canada's economy.

Hon. Claude Carignan (Leader of the Government): Honourable senators, I would like to add a few thoughts. The arguments we're hearing from the other side seem to be related to how difficult it is to study the bill. The chamber has all the power it needs to study bills appropriately and as it sees fit. We proceeded with a pre-study. The Senate adopted a motion to conduct a pre-study of the bill. We divvied up the study of the bill among different committees according to subject matter.

When the Senate deems it appropriate, it can change the usual practices for studying the bill at first and second reading and committee stage. In the case of a pre-study, after second reading, the Senate can also refer the bill to committee and possibly to subject-specific committees.

I understand the opposition's concerns, but I believe that the chamber is master of its own procedure. It can, if deemed appropriate, resolve all these difficulties raised by the other side, and that is what we did in this case.

I would like to point out that, with respect to what was mentioned, there is nothing that justifies declaring the bill out of order in its current form. The difficulties and disadvantages related to the study of the bill have been resolved, as I mentioned, by the Senate decision to conduct pre-studies in subject-specific committees.

The Hon. the Speaker: You heard Senator Fraser's opinion. Do you agree with her?

Senator Carignan: I am sorry. I missed part of it because I had to leave for a few minutes.

The Hon. the Speaker: Senator Fraser basically told us that she does not want to delay the passage of Bill C-43. However, she would like to ensure that I initiate an in-depth study of the relationship between the use of omnibus bills and the Senate's authority to review government measures.

Senator Carignan: Obviously, I agree that we should not delay passage of the bill while you consider this matter. I understand that it is what you are going to do. At first glance, I see nothing that would justify ruling it out of order.

Senator Fraser: I would like to clarify one thing. I would certainly like to keep intact the authority to review bills. However, what is disappearing, with the greater frequency of omnibus bills, is the decision-making power of the Senate. In the case of a confidence motion, and because of the nature of our parliamentary system, the people who support the government have no choice but to accept the entire bill. That is where I see a danger. Sometimes the opposition party does that because it is not prepared to face an election. However, that distorts our process. We should be able not only to examine but also to decide on our position for every single element, independent of all the others. That is the point I wanted to make.

[English]

Hon. Daniel Lang: Colleagues, I think there is an issue that has to be reinforced, and that's the question of whether the bill we are discussing today can have the various elements of different pieces of legislation encompassed in one.

The rules in this house, over time, are in part created through precedence and convention and how parliamentary procedure runs over the course of a number of years. If you look at the history of an omnibus bill, you will look back not 10 or 20 years but 30 years, when the practice became common with respect to gathering various legislative measures for the consideration of Parliament.

So this is not new. This has been accepted by precedent, by the House of Commons and by the Senate. So I would prevail upon His Honour, when he looks at the context of his ruling on the point of order, he has to look back with respect to what has been accepted by convention.

The other point I would make, colleagues, regarding the point of order is in terms of the question of utilizing a bill from the House of Commons and doing a pre-study with respect to a measure being dealt with simultaneously in the House of Commons. That has been accepted by convention, by the will of this house, not once, not twice, but for the six years I have been in this house there have been decisions taken about how we study these measures to get full understanding of the legislative agenda of the government.

• (1100)

To put forward the argument to you, Your Honour, that there was not enough time to consider these measures, which I would think would be one of the most important aspects that you have to consider, I would say that more than adequate time has been

presented to this house and to the committees because of the system that we adopted for the purposes of pre-study. If we didn't have the ability to pre-study, then I would say there would be a fair legitimacy to the argument put forward by the other side. But the reality is and common sense says that there's a way that you have to deal with legislative measures, because at the end of the day you're dealing with the people's business.

I haven't heard another alternative in respect to not dealing with the bill in this manner. The fact is there is only so much time in our parliamentary calendar and only so many ways that we can deal with legislative measures.

I submit to you, Your Honour, in view of what I've said and what other members have said in respect of this point of order, that I believe an omnibus bill is legitimate, and until this house changes the convention by the will of this legislature and, for that matter, the House of Commons, I think the process that we've undertaken is legitimate.

The Hon. the Speaker: I will take two more arguments, and then I will retire for five minutes. I will come back. Senator Ringuette?

[Translation]

Hon. Pierrette Ringuette: Honourable senators, I thank Senator Moore for once again drawing our attention to this situation involving an exception that is turning into the norm because of our goodwill.

I disagree with pre-studies. First of all, they render useless our primary duty, which is to give sober second thought to bills. Nobody has even given first thought to a bill at that point.

That is unacceptable. As senators, we eventually have to draw the line. Senator Moore's point of order is a signal that it is time to think about this and draw that line.

Our house is master of its own Rules, and we can make a rule about whether or not to study a House of Commons omnibus bill. If ever it is written in our Rules that this house will no longer accept omnibus bills that cover various subjects, the other place will have to think about that and react accordingly.

I think we are at the point of having to draw that line. Last year's Supreme Court ruling on the Senate and the structure of our Parliament made our responsibilities very clear. We have to live up to those responsibilities and give sober second thought to bills that cover a particular subject, not bills that encompass several subjects, as is the case with omnibus bills, because that is our primary duty.

I know that this is a difficult subject that calls for a lot of consideration on your part, but this decision will be crucial to the responsibilities of this chamber and the reason it exists.

Thank you, honourable senators.

Some Hon. Senators: Hear, hear!

[English]

Hon. Art Eggleton: Your Honour, I agree with what Senator Fraser has said with respect to proceeding on Bill C-43, but I would ask you to please look at the larger issue that we have under consideration.

Senator Martin pointed to a number of decisions by Speakers, particularly in the other house, in the past on this issue. However, the matter has grown. More and more is being put into these omnibus bills, and they don't all have the common thread and the common issues around a budget that they need to have to maintain that common thread.

That is the difficulty I have. These individual items, yes, they are examined by the different committees, and we do report it out, but I don't think that's good enough because there are many cases where I'd like to vote for a number of these items. I'd vote for some of the items in Bill C-43, for example. There are some items I would vote against. What do I do if I'm only presented with one bill, one vote? Of course, the leader will get up and say that, well, you voted against this and voted against that simply because you voted against a bill in total.

An Hon. Senator: They should stop saying that.

Senator Eggleton: I would like to vote for some of these items individually, and I think it's depriving this chamber and depriving Parliament of the ability to be able to deal with key issues that come before us by the way this has grown just too large in recent times.

We'll always have omnibus bills, but I think we need to shrink it back to a level that is far more reasonable and has a common thread.

[Translation]

Senator Carignan: Honourable senators, I believe that you have made several arguments in support of your position. I would just like to clarify one point. I mentioned pre-studies, and some senators suggested that this was a practice. It is not just a practice; the ability to conduct pre-studies is in the Rules. I would like to draw your attention to rules 10-11(1) and 10-11(2). Any senator can move a motion for the pre-study of a bill from the other place. All that to say that the chamber has the power to make rules and decide how to study a bill based on its nature or complexity.

[English]

The Hon. the Speaker: A final comment, Senator Patterson?

Hon. Dennis Glen Patterson: Thank you, Your Honour. Knowing that you wish to conclude this debate, I would like to bring up a couple of points that I don't think have been raised.

First, with regard to Senator Eggleton's concern about the lack of a common thread in a budget bill, such as is being considered in this point of order, I submit, Your Honour, that it is very difficult

not to relate most matters contained in such a bill to the budget in general when the bill enacts matters referred to in the budget speech.

Speeches of finance ministers are lengthy, voluminous and cover a very broad area of public policy in Canada. If one looks at the budget as a broad statement of direction and policy from the government, then it is very difficult to say that the subject matter in such a bill is not included within the scope of the address of the Minister of Finance.

I'd also like to request respectfully that you consider another principle that I think exists from the origins of the Senate, and that is that this chamber should not interfere lightly with the will of the other place. We are independent, but we should also accept that, especially when we're dealing with a budget bill critical to the very operation of the government and our economy, as Senator Smith has pointed out, it would be, with respect, a serious affront to the will of the elected parliamentarians in the other place if you were to rule such a bill out of order. Thank you.

• (1110)

The Hon. the Speaker: First, I want to thank everybody who participated in this great discussion. I will reflect on the matter and reserve my ruling on the second element of the point of order.

I will ask the Speaker *pro tempore* to take the chair. I will return in five minutes and rule on what I call "the first step." I believe there is an agreement. In the meantime, the Orders of the Day can proceed.

(Debate suspended.)

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of December 11, 2014, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 15, 2014 at 5 p.m. and that rule 3-3(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FEDERAL FRAMEWORK ON LYME DISEASE BILL

THIRD READING

Hon. Janis G. Johnson moved third reading of Bill C-442, An Act respecting a Federal Framework on Lyme Disease.

She said: Honourable senators, I am pleased to give third reading to Bill C-442, An Act respecting a federal framework for Lyme disease.

I wish to thank members of the Social Affairs, Science and Technology Committee, chaired by Senator Ogilvie, for their work in hearing witnesses and scrutinizing this legislation. If it were not for the efforts and tireless advocacy of member of Parliament Elizabeth May, this bill would not be before us today.

I would be remiss for not mentioning the participation of Health Minister Rona Ambrose, who took on this bill and made sure it would be a government priority.

Honourable senators, this bill has grown in prominence over the past year and has been embraced by all parties in the House of Commons. As you know, Lyme disease is the most commonly reported tick-borne infection in Canada. It is spreading increasingly within our country and already exists in southern parts of British Columbia, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia. If gone undetected or misdiagnosed, the consequences can be debilitating and life altering.

This legislation recognizes that the federal government needs to jointly work with all stakeholders to mitigate the effects of Lyme disease. Within 12 months of Royal Assent, the Minister of Health will convene a conference of provincial and territorial health ministers, as well as relevant medical stakeholders, to discuss the development of the federal framework.

This framework will establish a national medical surveillance program using the Public Health Agency of Canada; guidelines for the prevention, identification, treatment and management of the disease; sharing best practices across all jurisdictions; and standardized education materials for distribution.

The bill also requires the federal Minister of Health to prepare a report that sets out this framework, publish the report on the agency's website within one year after it is developed, and table it in Parliament 90 days later.

Finally, honourable colleagues, the bill requires the government to undertake a review of the effectiveness of the strategy no later than five years after the aforementioned report is tabled, and also table such a review in each House of Parliament.

Senators, I encourage you to pass Bill C-442 before we adjourn for the holidays.

Hon. Larry W. Campbell: Honourable senators, I rise to support the comments of my honourable colleague. This bill was started in the other place by the Leader of the Green Party, Elizabeth May, who is also my member of Parliament.

I believe that this bill, through the other place and under the auspices of the Social Affairs Committee, demonstrates what happens when partisanship takes a backseat to good science and to good policy. This framework will benefit all Canadians.

As somebody who lives in the Gulf Islands, I'm acutely aware of Lyme disease and how it has affected our community and southern British Columbia. To say that there is an epidemic in progress would be an understatement for our area.

Health Canada provided expert testimony, forecasting a possible 10,000 incidents in Canada each year by 2020. This, of course, does not include those people who have already been infected by this disease. The interesting thing about Lyme disease is that it is treatable, and if brought under control quickly enough, the symptoms and the disease itself will not affect your life.

This bill will allow health ministers, medical experts and patients to work to find a solution and to assure that Canadians have access to the best health care available to fight this disease.

Honourable senators, I urge you to vote yes on this bill.

An Hon. Senator: Question.

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

Hon. Senators: Agreed.

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

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, after reflection, and because the two sides seem to agree on the process, we will proceed with Bill C-43. Senator Smith will speak and then Senator Day.

This will not interfere with my further reflection on, as we say in French, *décision au fond*, on the point of order raised by Senator Moore and, of course, with all the arguments made by honourable senators on both sides of the aisle.

I want to thank all those who participated in this discussion. It was interesting and long overdue. We will proceed with Bill C-43, and my ruling on the second element of the point of order will follow when we return in January.

ECONOMIC ACTION PLAN 2014 BILL, NO. 2

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Larry Smith, seconded by the Honourable Doyle, for the second reading of Bill C-43, A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

Hon. Larry W. Smith: Thank you for the opportunity to speak on Bill C-43. The bill proposes to implement certain measures from the economic action plan of 2014.

[Translation]

The purpose of Bill C-43 is to implement in general the government's budgetary policy introduced in the House of Commons on February 11, 2014. In accordance with established legislative practice, this is the second budget implementation bill of 2014.

• (1120)

[English]

Today's act focuses on the growth and job creation — innovation, education, skills and communities — underpinned by our ongoing commitment to keep taxes low and to return to a balanced budget in 2015.

Since we introduced the Economic Action Plan to respond to the global recession, Canada has recovered both more than all of the output and all of the jobs lost during the recession.

The Canadian economy has posted one of the strongest job growth creation records in the G7 over the recovery, with more than 1.2 million net new jobs created since July 2009. Canada's GDP is now more than 7.6 per cent above our pre-recession peak.

For the seventh year in a row, the World Economic Forum has recognized our banking system as the soundest in the world.

Not only that, the Parliamentary Budget Officer confirmed that our government has put \$30 billion in tax relief back into Canadian pockets, benefiting low- and middle-income families the most. The middle class has particularly benefited from our reduction in the GST, which we cut from 7 to 6 to 5 per cent. Under our government, the average family of four will save nearly \$3,400 in taxes this year. Even *The New York Times* says Canada has the most affluent middle class in the world.

This economic resilience reflects the actions our government took before the global crisis: lowering taxes, paying down debt, reducing red tape, and promoting free trade and innovation.

However, there is still an uncertain global economic environment, and it is crucial that we strengthen Canada's Economic Action Plan. Honourable colleagues, you can see through this week, in international and world trading, the impact of the volatility of the world economy.

However, our government's commitment to responsible fiscal management is keeping us on track to return to balanced budgets in 2015. It also includes continuing to improve the integrity of the tax system to ensure that everyone pays their fair share. We will continue to close tax loopholes, address aggressive tax planning, clarify tax rules, and combat international tax evasion and

aggressive tax avoidance. In doing so, our government will build on the responsible management that has not only kept taxes low, but also resulted in Canada's net debt being the lowest by far among the G7.

Bill C-43 contains several actions to reduce taxes for families and businesses, improve the regulatory environment, promote competitiveness and strengthen the financial sectors. The highlights are as follows.

Today's legislation reduces barriers to international and domestic flow of goods and services. We've gone from 5 free trade agreements in 2006 to 43 deals today, which is a remarkable achievement. We will also harmonize Canada's intellectual property regime, international norms and will help improve Canadian access to international markets, lower costs and attract foreign investment by reducing the regulatory burden and red tape.

Economic Action Plan 2014 proposes to modernize Canada's intellectual property framework by ratifying or exceeding widely recognized international treaties: the Madrid Protocol, the Singapore Treaty, the Nice Agreement, the Patent Law Treaty and the Hague Agreement. The Hague Agreement is one of the original foundations of patent law as it exists today. The idea is to strengthen Canadian patents to make us more competitive worldwide. The government has tabled these treaties in Parliament, and Bill C-43 will complete the amendments to the Patent Act, the Trade-marks Act and the Industrial Design Act to better align Canada's intellectual property framework with international practices.

Today's legislation expands the eligibility for the accelerated CCA for clean energy generation equipment to include water-current energy equipment and a broader range of equipment used to gasify eligible waste.

Honourable senators, this legislation is also about our people — about hard-working Canadians who need to pay their bills and look after their families. Since the last auction of wireless spectrum in 2008, prices have fallen by almost 20 per cent and jobs in the wireless industry have increased by 25 per cent. Today's legislation builds on this record by proposing to amend the Telecommunications Act and the Broadcasting Act to prohibit service providers from charging their subscribers to receive bills in paper form, fulfilling a commitment in the 2013 Speech from the Throne to end pay-to-pay billing practices.

Bill C-43 also adjusts the children's fitness tax credit currently valued at \$500 and increases it to \$1,000 beginning with 2015 tax year.

I would like to quickly highlight a couple of other important initiatives in Bill C-43.

They would amend the Employment Insurance Act to refund a portion of EI premiums paid by small businesses whose premiums were \$15,000 or less in 2015 and/or 2016, saving 90 per cent of all businesses \$550 million.

They would amend the Canadian Marine Act to permit the government to develop regulations to a specific project on federal port lands.

Bill C-43 proposes that the Income Tax Act be amended to extend a non-refundable tax credit available for interest payments on loans approved under the Canada Student Loans Program to interest paid on the Canada Apprentice Loan program.

Honourable senators, before I conclude, I would like to highlight the initiatives of the budget that focus on Canada's financial sector.

Bill C-43 delivers on the announcement made in the Economic Action Plan 2014 that would allow credit unions to continue to grow and prosper. In reference to Senator Chaput's point about credit unions, I just dug up another fact here. The federal government is moving forward with its parallel agenda with respect to credit unions, ensuring the regulatory framework is clear and supporting these provincial credit unions that want to be federally regulated. What this means is that the credit unions in Canada, the smaller credit unions, regionally, are having troubles supporting their existence. This move would allow smaller credit unions to merge with other credit unions in the country as federally-incorporated institutions, which would mean a better future for small credit unions. I thought I'd throw that in.

Geez, I'm so excited I'm almost losing my place. That's the number of concussions I took when I played, but I never missed a game.

To further strengthen the regime, today's legislation proposes to introduce an additional amendment that would clarify the types of high-risk foreign entities against which the minister could take action to protect the integrity of Canada's financial system.

Honourable senators, to conclude, today's legislation reinforces our government's commitment to create jobs, economic growth and long-term prosperity for hard-working Canadians. It takes serious steps forward to improve the integrity of the tax system, and it ensures that the tax burden is shared by all Canadians in a fair and equitable manner. It implements a number of measures to maintain Canada's financial sector advantage by reinforcing the stability of the sector, reducing regulatory red tape and encouraging competition.

I, therefore, urge all of you to support this very important legislation.

Honourable senators, as I have noted today, Economic Action Plan 2014 contains a host of benefits for all hard-working Canadians. Through this comprehensive and ambitious plan, we will pursue strategies that made us so resilient in the first place: responsibility, discipline and determination.

This act marks an important milestone in creating a brighter future for our country. I urge you to help us get this legislation passed so that we can continue working to create jobs, growth and long-term prosperity for all Canadians.

I would like to thank my mentor, Senator Irving Gerstein, for coaching me to give this speech today.

Hon. Joseph A. Day: Honourable senators, I'd like to thank my honourable colleague for his comments and remind all of us that in this chamber we don't vote on the budget; we vote on legislation that's before us.

• (1130)

The legislation that's before us is this Bill C-43, which is 460 pages in length, as you might have heard mentioned earlier. I will try to keep my context in line with what you will be called upon to vote on.

Honourable senators, Bill C-43 has 401 clauses, and, with the time I have available and the patience you have to listen to me, I think I could not possibly go through all of the clauses. I will have to comment on some of the clauses that my honourable colleague Senator Smith (*Saurel*) has commented on, just to clarify that there is, perhaps, another point of view on some of these clauses.

There are 40 different laws that are amended, repealed or enacted in this piece of legislation. There are two stand-alone pieces of legislation that you should be aware of. The Canadian High Arctic Research Station act is in quite a few different clauses — good initiative. It would have been really nice to see that as separate, stand-alone legislation so that we could have looked into it and then voted on it appropriately.

The other is the proposed extractive sector transparency measures act, another stand-alone piece of legislation which would have been quite interesting for a particular committee that has expertise in that area to have some time to study.

The bill, honourable senators, is entitled "A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures." It's always the "and other measures," and the title recognizes and admits that this is not just budget implementation. It's other matters as well, and that's the difficulty that we had in the debate earlier. I will not go back into it, but that is the difficulty. Why not have one bill to implement certain measures in the budget and another bill to deal with the other matters? Why couldn't we do that? That's the issue that is before the Speaker now.

Honourable senators, Part 1 of the bill has 91 different provisions — 91 different provisions that we are asked to take a look at, things like extensions of exemptions for disposition of property used in farming and fishing businesses; that's a rollover of provisions in the Income Tax Act. Extension of tax referral provisions for breeding of animals. Amateur athletes trusts; these are for amateur athletes who receive money and put it in trust because they can't be making incomes, but what can they use the income from the trust for?

Definitions of split income, elimination of graduated-rate taxation for trusts in certain estates, non-resident trust rules, back-to-back loans, foreign accrual property. There is one interesting one here on Australia that I thought I should tell

you about: taxation of taxpayers investing in Australian trusts, one of those really important things that we all have on the front burner for activities.

Honourable senators, any one of these items you could write a book on, and any one of these requires extensive study by experts who are deeply involved in this kind of matter, either lawyers or accountants. We couldn't possibly provide the study that we should in relation to those items.

Withholding income tax from payments made to certain individuals.

Part 2 is a little bit shorter. It implements certain Goods and Services Tax and Harmonized Sales Tax measures proposed in the budget. Great, and there are a good number of them.

Part 3 would modify the Excise Act, and there are a few of those. We were briefed on all of these so that we could have a general understanding of what appears there.

Part 4 is where all of the major work went on with the six other committees in this chamber that were asked to look into different parts of the other measures. There were seven committees. Finance Committee dealt with Parts 1, 2 and 3 that I've just talked about. Finance Committee had a number of areas that we dealt with in Part 4, but six other committees dealt with those as well. If those six other committees would discuss their reports that appear — some of them have, and they are on our Order Paper — then you would have a better opportunity to understand what those committees were studying and what is in the budget implementation bill's "other matters" that were studied by those other committees. Then, if those committees did clause by clause on the items that they studied, then our problem would be solved because we are dividing it up to a reasonable number of different points. That point has been made to our honourable Speaker.

So honourable senators, what are some of the items that appear? That's all I can do in the time available just to give you a bit of an overview of some of the items that our committee looked into. I've already started by dealing with the Finance Committee's study report, which was filed and adopted by this chamber two days ago. I've already talked about the first item. I got as far as item 1 in Division 1. There are 31 divisions, honourable senators, in Part 4, other matters.

The first division was intellectual property clauses, and there was a quite a bit of discussion with respect to the various items that we looked at in the patent law and industrial design law and the implementation, in Canada, of certain aspects of international conventions.

Division 8 was the next one we looked at, the Royal Canadian Mint. This is an interesting one because the Royal Canadian Mint is a Crown corporation that operated as a business, made a profit and paid that profit — the only shareholder being the people of Canada — back to the government in general revenue. It is significant profit because the Royal Canadian Mint does business all over the world. What are we doing in this legislation with

respect to the Royal Canadian Mint? What was the problem? They've never asked for any money from the government. They're always giving money back to general revenue.

The Government of Canada, in its wisdom, has decided that the Royal Canadian Mint, which operates as a business, should not be making a profit with coins it makes for the Government of Canada. Any business would have profit built into its product, but for that portion of their income, they will not be able to charge any profit in relation to products for the Government of Canada. Why? I don't know why you would take away the good model of a Crown corporation that could be spun off, at any time. They could sell off the shares. The way the government is selling off other items to balance their budget, we could have done that with the Royal Canadian Mint. Instead, they are saving some funds by saying, "You can't make a profit on the coins that you make for us." I don't understand that one, honourable senators.

The next one is the division on the Northwest Territories. The Northwest Territories legislation was passed two years ago, giving more power to the territories. Now we're back, making some amendments. That's one of the things that have come up on a number of occasions here. A lot that was passed in previous budget implementation bills is back to be amended. Usually, it takes a year or so, and part of the problem is that those bills were not studied clearly enough. They weren't amended by this chamber to avoid the requirement that, two years later, maybe because of negotiations that were going on, maybe because of a court case, maybe because somebody finally sat down and read them, they discover that there have to be some amendments. That's repeated quite regularly. We see it in budget implementation bills more than in any other proposed legislation.

• (1140)

Honourable senators, the next item I want to talk about are the proposed amendments to the Department of Employment and Social Development. Honourable senators will remember that a Social Security Tribunal, which was a combination of a number of different tribunals, was created about two years ago. Honourable senators might also be aware that as a result of the creation of that tribunal, which was to save money, reduce duplication and help with the backlog that existed, as a recent announcement in the paper stated, up to 40 people making over \$100,000 a year sat at home for the past two years, waiting for something to happen with respect to this new amalgamated tribunal. At the same time, the tribunal developed an ever-increasing backlog such that upwards of 11,000 people have applications in there. One person just received a note that under the Canada Pension Plan his disability pension had been approved after five years of waiting. They said, "Thank you very much. Your appeal has been accepted because of the recent new information that you sent us." He said, "I sent that to you two years ago."

That's the kind of activity happening under this new amalgamated tribunal designed to save all kinds of money. We are now asked to make some amendments to deal with the backlog and hire more people. A limit of 74 was put on the number of adjudicators to work on appeals. They now propose taking away the upper limit and leaving it to the minister to determine how many he'd like to hire; and there's no limit on the

expenses that can be incurred. This is clearly not satisfactory to the people of Canada; clearly not satisfactory to those people applying for disability pensions; and certainly not satisfactory from the point of view of revenue.

I want to mention the proposed amendments to the Financial Administration Act. They purport to give to the government the right to ignore paying certain small bills or collecting certain small amounts, and the small amount will be determined by the government. The argument is that it costs more to process the cheque than it's worth and more to pursue collecting small amounts. Rather than tell us what the small amount is, there is a provision to allow the government from time to time to do that in regulations. The legal argument for that is *de minimis* — it's just too small to be bothered with. Maybe somebody should speak to the Auditor General with respect to the some of the *de minimis* things they are chasing after in relation to audits they are conducting these days.

Prothonotaries in the Federal Court are clerks who are halfway to being a judge. They are not necessarily legally trained but most of them are. Their salary is being increased to \$228,000 a year. We also found out that Federal Court judges are paid just over \$300,000 a year in salary. There was a time when senators and members of the House of Commons had their salaries tied to those of judges, but that was changed along the way by the current government.

Royal Canadian Mounted Police Pension Plan: There is a movement to take all non-uniformed RCMP and put them into the Public Service Pension Plan for public servants. Adjustments for those who are in the older, more attractive plan means they could retire earlier after 25 years at the age of 55 or 60, depending on their program.

Honourable senators, those are some of the items that appear in what we studied — nothing too terribly controversial. However, we found many proposed amendments to legislation, like the Social Security Tribunal amendments that we dealt with previously.

We had a quick look at the reports of the other Senate committees tabled in the Senate. We have to rely on their comments because we don't have the time to review all of their studies. Some excellent work was done. I reference in particular the very fine report of the Standing Senate Committee on Banking, Trade and Commerce under Senator Gerstein. The report deals with significant proposed amendments to the credit union legislation, which we passed a couple of years ago. The Canadian Bar Association stepped in on some of this and expressed their concerns about the broad application and the lack of guidance that appears in relation to some of the legislation being passed and asked for more clarity.

There is an interesting evolution in the role of the Business Development Bank of Canada. I'm pleased that the Banking Committee has studied and will follow this, I hope. We've got to be very careful about the evolving roles of the Business Development Bank of Canada and Export Development Canada. EDC was always for export but can now carry on business in Canada in competition with BDC, which wants to get

into other areas and types of investment that they previously were not able to do. Those items require continued monitoring, honourable senators, and I'm sure the Standing Senate Committee on Banking, Trade and Commerce will do that.

The Standing Senate Committee on Transport and Communications spent the majority of their time talking about aerodromes. They informed us that prior to this bill, which gives the federal government authority with respect to airports and hangars across the country, anyone could build an aerodrome anywhere, and there were no regulations for safety. Primarily, the committee was involved with giving the government the authority to deal with those, which they didn't have previously.

The Standing Senate Committee on Foreign Affairs and International Trade pointed out in their report the panels for dispute resolution state to state. There used to be an established panel, but that is now moving toward ad hoc agreements. My recollection is that the Canada-Chile Free Trade Agreement was being revisited from the point of view of dispute resolution and expansion into financial services areas.

The Standing Senate Committee on Legal and Constitutional Affairs spent a significant amount of time on a number of items, in particular the question of computer and Internet use in relation to lotteries, which has been forbidden until now but is slowly moving into an area with regulations and will be allowed under certain circumstances.

The Canadian High Arctic Research Station was studied by Standing Senate Committee on Energy, the Environment and Natural Resources. It is one of those standalone pieces of proposed legislation that I mentioned to you.

• (1150)

Honourable senators, those are the various committees that looked into different items, along with our committee's work on this. I believe the only problem that we had with respect to the pre-study that you should be aware of is that because it is a pre-study, and because it's new out there, for those who are impacted by the legislation, it's very difficult to find experts in the field who are ready to come before us to talk about the issues because they have not been developed yet. That's one of the advantages of sober second thought; we always look to what has happened in the House of Commons, determined who the witnesses were, see where the real sensitivities were and then follow up on areas that the House of Commons did not have an opportunity to do. We don't have that opportunity with a pre-study. But apart from those two general comments, and the fact that we are seeing a lot of corrections because things are being rushed through and not being dealt with as thoroughly as we would like to see, I believe with dividing the bill up into seven different parts they have been able to deal with the issues fairly thoroughly. We will be ready to proceed to clause-by-clause, if this chamber feels it's appropriate to send the bill to finance.

Thank you, honourable senators.

Hon. Jane Cordy: Will Senator Day take a question? I was interested in your comments about the fact that the Pension Appeal Board, two years ago, was changed into the tribunal — the infamous tribunal. As you recall last week, I asked questions in the chamber about it because two years ago, in June of 2012, I brought up the concerns that this replacement of the Pension Appeals Board and the EI Appeals Board of Referees would not serve Canadians well. I was told at that time by Senator LeBreton that for the Canadians who were concerned about it, it was nothing more than squawking and screaming. She went on to say that when honourable senators come back in the fall that some of these things that people were anticipating as disaster would be anything but.

You referred today, as I did last week, about the number of people — now 11,000 people — waiting on the Pension Appeal Board, who are looking for pensions for disabilities. This is a horrendous number of people who are waiting. These are Canadians without a lot of money.

What I also discovered today, which was in my local paper in Nova Scotia, in relation to the EI Appeals Board is that — and as you know, the local EI appeal boards were taken away and it is now this central tribunal with 74 full-time bureaucrats who are getting good salaries. We found out that the number of complaints about the EI appeal process has risen from 444 in 2007 to almost 10,000 people last year who were waiting more than four weeks to hear their appeal.

People are now waiting for more than four weeks — because of this new tribunal that was supposed to really speed things up and was supposed to be the be all and end all. We found out that last year there were 90,000 people who waited more than four weeks for their EI decision. That's double the number of people who waited in 2010. I see the statistics from the Pension Appeal Board, where the number of people waiting for a decision has doubled to 11,000 people since the appeal board was brought in. I see 90,000 EI claimants who are now waiting more than four weeks, which is double from what it was before this tribunal came in. And I see the number of complaints made by Canadians about the EI appeal process, which has gone from 444 in 2007 to almost 10,000 last year. In this omnibus bill they are now asking for unlimited funds to bring in people to try and make this right. This new tribunal is a disaster for Canadians. Would you not agree with that?

Senator Day: Thank you very much for that question.

I know that you, Senator Cordy, have put a lot of work into this particular area. What I'm reading from what is being proposed here is — and then there is the article that I mentioned to you that 40 adjudicators are making over \$100,000 a year and sat home for most of the year because it wasn't organized — that there is definitely a problem and the minister has acknowledged that there is a problem.

The question is: Will he try to fix it by throwing money and hiring more adjudicators to do the work? What has to be done is to take a look at the systemic, the basic concept, which is that instead of four or five different specialized tribunals, Employment Insurance, et cetera, was to save money by moving them altogether and then each of the 74 adjudicators allowed would be able to deal with any one of issues that might come before it. This would be any one of the five or six different statutes with all the different pieces of legislation that they would have to be

familiar with. And they found out that they are not able to do that and what is happening is that there is an informal movement toward specialization, within the new tribunal.

That's a clear indication that this concept is not working. I'm sorry, I'm interrupting you.

Senator Cordy: In the Finance Committee, would you not think that when we had the regional Pension Appeal Boards, for example, in the Halifax region people would go to a government office in Halifax, have their appeal heard by Nova Scotians, who understand the situation and they would speak to them in person. There is nothing better than looking somebody in the eye and presenting your case. With the EI appeal boards it would be the same thing. They would go to the office in Halifax, eye to eye, explain their case, not in the formal way, but just in the way the appeal board members wanted to hear, about why they feel that they should be receiving their Employment Insurance benefits.

Would you agree from the perspective of better service to Canadians certainly a more cost-effective way of dealing with pension appeals for those with disabilities and Employment Insurance claims would be having them in the regions? In light of what is happening two years later, it would certainly have been a much more cost-effective way of dealing with this.

Senator Day: Thank you for the question.

I agree wholeheartedly with you. I can't help but draw a parallel with the government action in relation to Veterans Affairs, where all those offices were closed and they said, "Not to worry, the claims for veterans will all be dealt with through the service centres. They know how to deal with everything." The announcement yesterday was that Veterans Affairs is hiring as many people as they can find to act as case managers because of the backlog. And that is exactly the same situation with respect to this Social Security Tribunal. It's not working. It was not a good concept, and we should, as they would say in Newfoundland, cut bait and get on with things.

• (1200)

There are other ways to do this so that the people are better served and the finances are better managed than they are under these two concepts.

Hon. Pierrette Ringuette: Thank you for explaining this tragedy.

[Translation]

This tribunal they've created is an absolute disaster. What is even more disastrous — and correct me if I've misunderstood, honourable senators — is that 40 senior public servants were paid to do nothing, while Canadians were denied the employment insurance benefits, Canada pension plan benefits or disability benefits that they were entitled to.

Honourable senators, will your committee continue this study and make recommendations to the department, so that it can make the system more effective and ensure that it does right by Canadian taxpayers when it comes to government programs and services?

Senator Day: Thank you for your question, Senator Ringuette. You understood correctly. Public servants were paid to do nothing because the office wasn't properly organized. They were

paid at least \$100,000 to stay at home, and thousands of Canadians were then denied government funds that they were entitled to. No one was there to work on these files.

In response to your last question, I truly hope that the committee will be able to continue its study on this matter. The decision hasn't been made yet, but the interest is there.

Senator Ringuette: I have a supplementary question.

[English]

You've mentioned the issue of diminishing returns, that bureaucrats have come in front of your committee to introduce a piece of legislation within Bill C-43 that would see the federal government not pay certain items on the books, and, on the flip side, not pursue payment for certain items on the books. Everything being relative, if there was an issue that would cost the taxpayer \$10 million or \$11 million, what would be the diminishing returns or relevant number that either the government would not be paying or that they would not be claiming?

Senator Day: You're quite right and you understood, Senator Ringuette, the effect of this proposal that will become law if we pass this. The proposed amendment would authorize the minister to neither pay nor collect certain low-value amounts. The certain low-value amounts are not stated here. We don't know what the amounts will be, but they clearly will be such that they can change from time to time at the whim of the minister.

Senator Ringuette: Honourable senator, did the committee object to this? For instance, a \$100 payment in the eyes of the minister, who will be the sole person to decide this, to be paid to a Canadian citizen might not be relevant to the minister, but I can assure you that for most of the people in my area of New Brunswick it would be a very important \$100.

Senator Day: Thank you, honourable senator. You're absolutely right. When you have one number across all of Canada, it is sometimes not appropriate. It would be much more appropriate to have regional numbers that are fixed. We didn't have the opportunity at this stage to question the minister on what the amount would be and whether it will be regional or not regional.

That's one of the many, many items that are on our list to follow-up. We appreciate the comments from all honourable colleagues here on matters that we haven't had a chance to follow up on for various reasons that have been expressed here, but that doesn't mean that we can't in the future. Even after the law is passed, we can still follow up to determine how it's working, or not.

Hon. Maria Chaput: Could you explain to me again, because I didn't quite understand, the changes in this bill that have been brought along regarding the credit unions and the caisses, please?

[Senator Day]

Senator Day: Thank you for the question. I have only a superficial understanding, but the issues are in the report of the Banking Committee that has been tabled and is before us. If we have a debate on that, then we could get into some more detail.

My understanding is that the federal government seems to be backing away from federal caisses but allowing provincial caisses populaires or other credit unions to continue under federal banking-type legislation but not the caisses, and winding up the overall organization for the caisses and the credit unions nationally that would provide support and backup and funding if needed for the various individual caisses populaires around the country.

It's a federal-provincial issue. In some provinces, the caisses are very, very important in the small communities, but the federal support seems to be moving away from that concept.

[Translation]

Senator Chaput: I'll reread the committee's report carefully, but do you think this is a positive change and a sign that the government is taking a step back, in light of what was done in its previous omnibus budget?

Senator Day: I wouldn't say it's positive or negative, because I don't have an opinion on bills that are two years old. However, I think that the policy from two years ago still hasn't been applied. It's the subject of other amendments. We need to follow this closely.

Senator Chaput: Thank you.

Hon. Grant Mitchell: It is interesting to see how many questions have been asked even though Senator Day's explanations are always very clear. He may very well be the only person in either of the chambers who really understands this bill. I take comfort in that.

[English]

I have a few things I'd like to say about this bill, probably in large part not so much about what's in it, although who would know except for Senator Joe Day, perhaps, because it's 800 pages long, but about what I'm pretty sure isn't in it and how it doesn't reflect what I think is one of the most central and important features of developing our economy, and that is federal leadership. It doesn't reflect the kind of federal leadership that we have in past years, with past governments, taken for granted and that we truly need now.

• (1210)

I think it needs to be said, reinforced, that Canada is on the brink — I believe very unfortunately — of very serious economic problems. I don't know what oil prices they are today, but yesterday they were \$61. That's down 40 per cent from what they were averaging over the last couple of years, give or take. Oil at \$61 means a huge impact on economic stimulation in the economy generally. It certainly will have a huge impact on the ability for any government in this country to balance its budget,

and it will certainly have an impact on the federal government's ability to balance the budget that it's yet to balance after the first two years, when it balanced a budget on the backs of the good work done by the previous Liberal government. It really hasn't balanced a budget since, and it won't be balancing a budget next year — which, as an aside, underlines my argument that I think they'll be calling an election in February, the last time that they can make some kind of pretence to balancing the budget.

Compounding this issue, of course, is the fact that we have a single international market for our oil, whatever that price is, and that's the U.S. They're probably going to become self-sufficient in oil and gas. After almost nine years in government, this government has been unable to build a single pipeline. Now we find that they've completely and utterly washed their hands of it.

Recently Minister Moore said we've done all that we can do. Now it's up to whomever — the companies, the private sector — to build these pipelines. That is almost a breathtaking abdication of responsibility. We didn't vote for Enbridge. We didn't elect TransCanada. We didn't elect anybody in the oil sands companies or in the pipeline industry. We elected — I didn't, but Canadians did — this government to provide leadership and drive the economy. All of a sudden it's saying, well, you know, if we can't build a pipeline, it's not our fault.

Well, it is their fault. It's their fault in two ways: they've attacked the environmental community and they've gutted environmental processes. They keep sending the wrong messages to people who want to be reassured before they allow projects to proceed that there is a third party: the government. Its role is, among others, to take care of the environment.

Of course one of the greatest impediments to building these projects is the concerns of Aboriginal people. The government, on the one hand, isn't negotiating with Aboriginal people. They've delegated that to the companies that really don't have the jurisdiction or the purchase, the traction, to provide Aboriginal people the kind of commitments they need.

On the other hand, and this is what amazes me, the government has actually gone out of its way to antagonize Aboriginal people whose support they need to build these pipelines that are critical to the future of our economy in two ways: one, so we can sell some product; and two, so we can use that wealth to develop a renewable energy future economy.

What have they done to antagonize Aboriginal people? They're asking them to report on the salaries and expenses of Aboriginal groups. It happens to be their money. These are independent groups. There is no legitimate reason why they should be requested or singled out to provide that kind of reporting, and it certainly has antagonized Aboriginal groups.

Without further consultation, the minute they ran into some resistance from Aboriginal peoples on their education bill, they just stopped talking about it. They just shut it down.

On the one hand they need their help to build a pipeline to develop a future economy — a pipeline that this government's been unable to facilitate for nine years. On the other hand, they're

going out of their way to antagonize the very Aboriginal people who in many cases stand between the government and its ability to facilitate these projects. It makes no sense. It's upside down; black is white; red is brown; and up is down with this government.

Of course the difference is that it's feeding to their base, and it's political to do what they're doing with and to Aboriginal people.

Where the leadership is really missing is in the fact that the government simply refuses to meet with most premiers. They meet one at a time, but there is no bringing together of the leadership, the senior-most political leadership of this country, at a time when we're facing critical, serious economic problems, to have a discussion of how we can work together as a nation. That's what a nation is about: working together and not balkanizing.

We see another view of balkanization now with respect to credit unions and *caisse de dépôts*, where all of a sudden the federal government is getting out of that. They're going to leave it to the provinces, and there's no national vision, no national direction or leadership there.

We have a Prime Minister who will meet with the Mayor of Toronto, but won't meet with the Premier of Ontario and who won't bring all the premiers together to begin to discuss how we fix these economic and other problems. There is no federal economic strategy. There is no federal climate change strategy. There is no federal health care strategy. I could go on. There seems to be no federal leadership. There's a huge vacuum.

The Prime Minister needs to come out in the New Year and bring the senior-most political leaders of this country together and say: How do we imagine and begin to realize a new economic future together? How do we deal with some of the other issues that are confronting us together? Not by balkanizing, not by "us" and "them," not by attacking and lecturing premiers, but by bringing them together and coordinating our resources and energy, and creating some political inspiration for this country at a time when it desperately needs it.

The second area where I think the government has failed absolutely miserably is in the question of climate change, of course, but in the fact that they won't even facilitate a discussion of this important issue: a national energy strategy and climate change. They have made no effort whatsoever to bring the public into this discussion. In fact, there's hardly a legislature in the country that's allowed to talk about it. Certainly the one across the way isn't. It's shut down all the time.

We really do know that. We may not like the solution, and it may be solution aversion that makes people want to deny the climate change science, but the fact is that climate change is a huge risk to our economy. It is, in fact, an infinite risk. On the other side, there are huge possibilities with economic development and jobs and so on, if we would only address climate change in a constructive way.

There is so much toing and froing, in the media and elsewhere, that the public really doesn't have a place where they can go to see a reasoned debate. It's interesting and I think this is a reason why so many people want to participate in project review processes. Thousands upon thousands want to enter into the National

Energy Board project review processes. That reflects the thousands and thousands of Canadians who simply want to have a say on an issue that they see as very important: the issue of climate change and energy strategy. The only public place where they see they have a chance to participate in a debate is in the project review process. The project review process, of course, is not structured for that kind of debate, and so it becomes a mess.

We need to have a government that creates that debate elsewhere in a constructive way. I think there are two ways, possibly, to do that. We could go to the tried-and-true royal commission method that's been used throughout the history of this country very successfully.

In fact, the Rowell-Sirois Commission in the 1930s was co-chaired by the grandfather of Senator Nancy Ruth of this very chamber. It had a huge impact on the development of Canadian government structure.

• (1220)

The Royal Commission on Bilingualism and Biculturalism has been credited with possibly saving the very structure, the very nature of this country by developing a new way of looking at this country with official bilingualism and biculturalism.

I think we could use an open, clearly defined, well-structured, well-managed royal commission process to initiate a national public debate on climate change and energy strategy and what we could do about it. That would give Canadians a chance to see in an open forum experts from both sides — well, there really is only one side — but many experts talking about what is at stake and how we can fix it and what the opportunities are if we only got constructive about fixing it.

The second way that we could approach an open public debate would be a mechanism that was utilized in Alberta in the 1990s by Premier Ralph Klein shortly after he became the premier in 1993. He set up an extremely well-managed round-table process. Alberta was confronting a time of fundamental change, and policy changes were needed. The problem was bringing the public into this debate so they felt that they understood and would have some buy-in to the solution.

To his credit, Premier Klein set up this round-table process, and I think there were five structured sub-round-table conventions, as it were, where 100 people or so were invited. Opposition politicians were actually invited. What a novel idea in the context of this government. Of course, government politicians, members of the public and experts applied and were asked to come.

Each of these five round tables worked out ideas and solutions in different areas. For example, one round table was on education, one was on energy, one was on health care and so on. Then there was a plenary session in Edmonton where spokespersons from each of the round tables came together, experts came together. It was open to the public, and many members of the public attended.

This took a number of months, but it allowed Albertans to have a say and to see that people like them were speaking on their behalf about how to embrace and initiate change that was so desperately needed in so many policy areas.

None of that is happening in this country at a time when we fundamentally need to confront change. In fact, there was a real suppression of debate in this country if we start to look at the number of times that they used closure there and that they're using closure here. It's exactly what we don't need.

More specifically, there a couple of things I'd like to mention that I think are not in this bill but that the government should give some consideration to. I would like to follow up on Senator Chaput's point about the credit unions and the *caisses de dépôt*.

[Translation]

These institutions are very important to Canada's economy in general, but also to the rural economy and the small economies in Canada's regions. This is a very important issue. These financial institutions are very important to rural regions in particular.

[English]

Surreptitiously, in a previous omnibus bill, the government just wiped out the credit union and *caisses* tax credit. What that tax credit had allowed was for reduction in the taxes that these institutions paid on their profits. That allowed them to keep more of their profits for capital, and of course they need capital for the ratio that's so critical to how much activity they can do, how much they can loan.

The reason they had been given this special tax credit that wasn't accorded to the banks was because credit unions can't go to the market to raise capital and banks can. So they are at a very great disadvantage in raising capital, and they were given that tax credit. The government did away with it without even consulting with them.

They are back now, asking for a tax credit of this sort to be reinstituted. They're not even asking for the tax credit they had before. They're asking for a tax credit not on all their profits but simply on the net increase in profits this year over the previous year. This is not expensive. In fact, I think their proposal would amount to about \$41 million a year given the size of the budget and the impact that they have in the economy. That is money well spent and well invested.

These small credit institutions support rural communities. A rural community loses its bank, loses its post office, loses its infrastructure, but it still has, in many cases, its credit union, which is the organization that funds the local groups. It funds farmers and small businesses. They are integral and important to the future of our economy, and they were seriously damaged without any consultation.

It would be easy to bring that provision back in, so I mention that as one thing that needs to be considered in budgetary discussions.

May I have five minutes more?

The Hon. the Speaker *pro tempore*: Is the chamber willing to grant five minutes to Senator Mitchell?

An Hon. Senator: Gladly.

Senator Mitchell: Thank you. I appreciate that. I'm overwhelmed!

Senator Day: Not to mention surprised.

Senator Mitchell: Not to mention surprised, yes.

The other one concerns a presentation made to me and probably many of my colleagues here by Sport Matters. Sport Matters is a non-profit group that works in Canada to promote, among many other things, exercise, sport medicine, safe sport, prevention of abuse and harassment in amateur sport, ethics in sport, and the importance of sport to health.

These are largely, if not entirely, volunteers who dedicate their time to promote particularly amateur and children's sports in the country. They have been talking to the government and to us about the ways in which their work could be promoted.

At the base of what they're talking about is the health impacts of sport, particularly the impact that sporting activities can have on reducing obesity, which is beginning to have huge health care impacts and costs on our society.

They look at this at a number of levels. Number one, they want to promote excellence in sport, and they are behind the Own the Podium program. They would like to see another \$10 million increase in investment in the Own the Podium program, which has seen a great deal of success for our Olympic athletes. They inspire many of us and many of our children to greater physical activity.

They would also like to see an increase in the percentage of the overall health care budget that is applied to disease prevention and public health promotion initiatives. Right now, 2 per cent of the budget is doing that. They would like to see 3 per cent. That would be an extra \$90 million that would go to preventing problems, increasing health and inevitably reducing health care costs.

It's self-evident, completely and utterly intuitive, and it's backed up by an infinite amount of research that the more active we can keep ourselves, particularly our young people, the lower our health care costs will be. As we know, health care costs are burgeoning. This would be a reasonable investment in fighting back that trend.

Finally, in the context of infrastructure, they asked that \$925 million be allocated specifically for each of the next three years to the building of infrastructure for sports.

• (1230)

Many of our sporting facilities are becoming old and worn out — rinks, swimming pools, gymnasiums across the country. This is an initiative that would have health benefits, job benefits, community development benefits. It would be perfect, and some of it could even be done in Senator Mockler's constituency of New Brunswick. I know he worked very hard to bring a lot of money to his riding, and I'm sure it got him re-elected many times.

That is what a good constituency representative should do. Some of this \$925 million would very likely to go to New Brunswick, but wherever it went, it would be greatly appreciated and would do wonders for our youth and even for our more aged.

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

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

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

(On motion of Senator Smith (*Saurel*), bill referred to the Standing Senate Committee on National Finance.)

[*Later*]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the gallery and the presence of Minister Ross Wiseman, Minister of Finance with the Province of Newfoundland and Labrador. He is accompanied by Ms. Melissa Wiseman and Mrs. Sandra Wiseman. They are the guests of Senator Marshall.

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

Hon. Senators: Hear, hear!

[Senator Mitchell]

CANADA LABOUR CODE PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT PUBLIC SERVICE LABOUR RELATIONS ACT

BILL TO AMEND—TWENTY-FIRST REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

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

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Friday, December 12, 2014

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-FIRST REPORT

Your committee, to which was referred Bill C-525, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act and the Public Service Labour Relations Act (certification and revocation—bargaining agent), has, in obedience to the order of reference of Tuesday, October 28, 2014, examined the said bill and now reports the same without amendment.

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

Respectfully submitted,

BOB RUNCIMAN
Chair

(For text of observations, see today's Journals of the Senate, p. 1494.)

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

(On motion of Senator Runciman, 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—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Mitchell, for the second reading of Bill S-223, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

Hon. Stephen Greene: Honourable senators, I was under the impression until yesterday that I could speak to this in the new year, when perhaps Senator Mercer was back. I now know that I'm unable to under the rules because I'm at day 15, unless I ask for your leave, which I would like to do.

It is Christmas, after all, and there are parts of my speech of course wrapped in blue paper, but there are some red parts too, which I'm sure you will all enjoy.

Senator Cowan: That's what happens when you ask nicely. You see, we're very accommodating.

(On motion of Senator Greene, debate adjourned.)

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE USE OF DIGITAL CURRENCY—EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on digital currency—power to hire staff and to travel), presented in the Senate on December 11, 2014.

Hon. Irving Gerstein moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON THE CHALLENGES FACED BY THE CANADIAN BROADCASTING CORPORATION—TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Transport and Communications, (budget—release of additional funds (study on the challenges faced by the Canadian Broadcasting Corporation—power to travel)) presented in the Senate on December 11, 2014.

Hon. Joan Fraser (Deputy Leader of the Opposition) moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

FISHERIES AND OCEANS

BUDGET—STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY—SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Fisheries and Oceans (supplementary budget—study on regulation of aquaculture, current challenges and future prospects for the industry in Canada), presented in the Senate on December 11, 2014.

Hon. Elizabeth Hubley moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON SENATE MODERNIZATION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Joyal, P.C.:

That a Special Committee on Senate Modernization be appointed to consider methods to make the Senate more effective, more transparent and more responsible, within the current constitutional framework, in order, in part, to increase public confidence in the Senate;

That the committee be composed of nine members, to be nominated by the Committee of Selection, and that five members constitute a quorum;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to hire outside experts;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than December 31, 2015.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I'm preparing my notes on this and would like to speak after the holiday break. I would ask that the debate be adjourned in my name for the balance of my time.

(On motion of Senator Cowan, debate adjourned.)

• (1240)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Larry W. Smith, pursuant to notice of December 11, 2014, moved:

That the Standing Senate Committee on National Finance have the power to sit at 3 p.m. on Monday, December 15, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, today is Senator Asha Seth's final day in the chamber with us. Her birthday is December 15. On behalf of all honourable senators, I'd like to wish our dear colleague Senator Seth farewell and best wishes as she continues her life

journey in the many pursuits that I'm sure she has. Her passion and dedication to the causes, which we are familiar with, we know are very dear to her, and we wish her well.

On a personal level, I will miss her friendship. She is someone to whom it is very difficult to say "no." Her passion comes through above all else. I know that her family, her husband, children, grandchildren — her grand-babies — are so dear to her.

I wish our dear colleague best wishes for her retirement.

Hon. Senators: Hear, hear!

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I'd like to join with members on the other side in wishing Senator Seth the very, very best in what we all know will be her many endeavours as she goes on. She has been a person of warmth, generosity, conviction and, as Senator Martin has said, passion and tenacity in this place, and we wish her well.

Hon. Jim Munson: I have one brief comment about this. It's one thing to serve in the Senate of Canada with Senator Seth, but another wonderful picture, and the picture I will have, is serving with her at the Shepherds of Good Hope a couple of weeks ago here in Ottawa. That's a picture I will never forget.

Keep on serving. Thank you.

[*Translation*]

Hon. Ghislain Maltais: Honourable senators, I would simply like to add that Senator Seth's passion for the causes she holds dear truly reflects the meaning of the title "honourable," which she will carry throughout her career. Thank you, Senator Seth, for having been a faithful seatmate in the Senate chamber. I also want to thank you for everything you have done for the children of Canada and the world.

(The Senate adjourned until Monday, December 15, 2014, at 5 p.m.)

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