



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, December 16, 2014

The Honourable PIERRE CLAUDE NOLIN  
Speaker

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## THE SENATE

Tuesday, December 16, 2014

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

Prayers.

### SENATORS' STATEMENTS

#### FIRST WORLD WAR

##### CHRISTMAS DAY 1914

**Hon. Joseph A. Day:** Honourable senators, my usual route to work takes me by the National War Memorial. Last week, while I was walking to work on a particularly wet, slushy, snowy and cold morning, I thought of the Canadians and our allies of 100 years ago in the trenches of France and Belgium.

One hundred years ago, on Christmas Day, soldiers from our allied countries and the Germans on the other side who were in the trenches, without their rifles and without orders to do so, moved out onto an area between the two lines of trenches known as "no man's land," and a soccer game broke out. For a few hours, war was set aside in the spirit of Christmas. These soldiers met in no man's land, played a game of soccer football, exchanged gifts and wished one another a merry Christmas.

Picture, honourable senators, the trenches that they were living in, full of mud, half frozen, full of snow and slush, away from their families. Those soldiers hadn't been away from their families at Christmas time perhaps ever before. They'd been there for about four months at that time. Many, sadly, didn't even make it beyond Christmas.

This was a short reprieve for many of these brave soldiers, something that could, for a short while, distract them from the casualties that they were witnessing, the friends that they had lost and the families that they were missing at home during Christmas. In this moment, they were as close to feeling at home as they possibly could under the circumstances.

Recently, honourable senators, a monument was erected in Flanders Fields where one of the undeclared football truces took place on that day 100 years ago. The monument, which is entitled "Christmas Monument" is a steel ball sitting on the remains of a First World War shell.

The military leaders on both sides were not supportive of this truce. They wanted their soldiers to band together against the enemy and to stay in their trenches and resist everything that the other side had to offer, not to be playing football, exchanging gifts and wishing one another a merry Christmas. They wanted them to forget that beyond the ideologies that separated these soldiers, there were many similarities that bound them together. Each had a family, each had friends and loved ones and each was suffering as they dealt with the horrific consequences of that war that was to go on for four more years.

They did return to their trenches and the war did continue, but for that brief and wonderful time, sanity and goodwill prevailed and to this day serves as a great reminder of the spirit of Christmas. Merry Christmas, honourable senators.

**Hon. Senators:** Hear, hear.

#### PAKISTAN

##### TERROR ATTACK ON PESHAWAR SCHOOL

**Hon. Salma Ataullahjan:** Honourable senators, I have stood before you and wept for the girls and women of Pakistan and have tried to control myself, but today I weep openly for the children of Peshawar.

This morning in my hometown of Peshawar in northern Pakistan, an act of unspeakable horror took place. Seven Taliban gunmen attacked a school, killing more than 140 people, 137 of them children. The youngest victim was two years old.

Doctors have said that over 30 children are in critical condition, so it's likely the death toll will go up. The number of people killed in this assault has surpassed the previous worst terrorist attack in Pakistan's history. This is a dark day for the country. It is most horrific because they were innocent children.

The Taliban claimed this was an attack of retaliation due to the Pakistan army's operation in the area. The school was an army school, and most of the children were sons and daughters of army officers. Despite all the progress that has been made in recent years, it is agonizing that the children in my hometown of Peshawar were targeted, children who were probably not even aware of the politics of the region. All they wanted to do was go to school.

Honourable senators, we, as Canadians, condemn this act, and we pray for the children of Peshawar. Peshawar is the city where I started my education with the nuns of Presentation Convent.

Honourable senators, I know that school. Many of my cousins went to that school. It is an exceptional school, filled with children who dream of a bright future ahead of them. Today, those Pashtun children had their future taken away from them.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I want to echo Senator Ataullahjan's remarks. She describes the pain of the people of Pakistan. I concur with her.

Honourable senators, I want to tell Senator Ataullahjan, on behalf of all of us, that she, her family and the people of Peshawar and Pakistan, especially during this Christmas season, are very much in our hearts and thoughts.

You have described the place of your childhood. We cannot imagine the pain you are in today. Our thoughts and prayers are with you.

• (1410)

Honourable senators, I have visited Peshawar many times. Every time I have visited Peshawar, I have been struck by what a big price the people of Peshawar have paid for the war in Afghanistan. I cannot tell you how struck I am to realize that the effects of the war in Afghanistan are felt by the people of Peshawar. They are the forgotten people of the world.

Honourable senators, this Christmas season, I ask you to have the people of Peshawar, the people of Pakistan and the people in all conflict areas who are suffering great injustice be in our thoughts and prayers. Thank you.

### ICELAND

**Hon. Janis G. Johnson:** Honourable senators, on November 28 I had the pleasure of participating in an official visit to Reykjavik, Iceland, with the Honourable John Baird, Minister of Foreign Affairs. This visit was on the invitation of the Minister of Foreign Affairs for Iceland, Gunnar Bragi Sveinsson. It has been many years since the last visit, and it was an excellent few days of discussion on a wide range of subjects, including responsible resource development, expanding our free trade relationships, international security issues, and the objectives of the Arctic Economic Council.

We also met with the Prime Minister of Iceland, Sigmundur David Gunnlaugsson, and visited the Althingi, the Icelandic Parliament, where we met with the Speaker, Mr. Einar Kristinn Guðfinnsson, along with members of the foreign relations committee.

A very poignant ceremony took place at Fossvogur Cemetery where Minister Baird laid a wreath on behalf of Canada at the Cross of Sacrifice and where we placed poppies on the graves of the Commonwealth War Graves site.

Honourable senators, 49 Canadian veterans lost their lives in Iceland during the Second World War. Twenty-six of them were with the Royal Canadian Air Force; fifteen were with the Royal Canadian Naval Volunteer Reserve, who perished in the grounding of the HMCS *Skeena* on October 25, 1944; three with Cameron Highlanders of Ottawa; two with the Royal Canadian Navy; two with the Canadian Army and one with the Royal Canadian Corps of Signals. Their ultimate sacrifice will always be remembered by Iceland.

Seventy years later, Iceland and Canada continue to share priorities internationally and to cooperate fully within international institutions, such as NATO and the OSCE.

The cultural richness of Iceland was also explored on this visit, where similarities between Iceland and Canada's North were observed. Honourable colleagues, furthering the exchange of ideas and historical experiences between our two countries has been identified as another area of collaboration. I was proud to have participated with Minister Baird on this important bilateral visit. As both Canada and Iceland are prominent Arctic countries, we have a lot to work together on. Our common values and ideals will guide us through both current and future global challenges.

I also encourage all my colleagues to visit and take this opportunity to discover a truly mythical island that lies between Europe and North America.

### PHYSICIAN-ASSISTED DEATH

**Hon. Nancy Ruth:** Honourable senators, this seems to be an afternoon of a great deal of death and some hope.

Andrew Duffy wrote in the *Ottawa Citizen* last week that the violent suicide of a 59-year-old cancer patient highlights the need for a physician-assisted death law in Canada:

Dr. Gerald Ashe, a family physician and palliative care specialist, was called at home by the local coroner last week and told that one of his patients — a Brockville father of three with terminal cancer — had shot himself. . . .

The man had undergone radiation and chemotherapy in an effort to reverse the advance of a type of head and neck cancer that is difficult to detect and hard to treat because of its location inside the skull.

After months of treatment, the man was told there was no stopping the disease. He was referred in September for palliative care.

CT-scans revealed the man had tumours in his sinus and at the base of his skull. Both of his carotid arteries were encased in tumours. Pressure exerted by the tumours paralyzed his upper eyelids, which meant he could only see by holding open an eyelid with his fingers.

He complained of headaches and anxiety, and his pain meds were adjusted.

Last Thursday, the man wrote a suicide note, left his Brockville home, and shot himself.

Dr. Ashe, the man's palliative care doctor, reviewed his two visits with the man and noted that on both occasions the patient was accompanied into his office by family members:

He never really had the opportunity to take me aside. That's something I've thought about since then: Maybe every patient who faces a terminal illness should have the opportunity to speak to their doctor in private. . . .

He did not have a dignified death: he had a very violent death. He did not have the opportunity to say goodbye to family and loved ones whereas if we did have death with dignity legislation, a prescription could have been provided for the patient to have an overdose. That in itself might have provided him with solace: that he would have an out at some point.

Ashe argued that assisted death is a natural extension of palliative care that can be limited by carefully-worded legislation:

We need to make it clear we're talking about competent adults making a consistent request for assistance in dying . . . I think the slippery slope idea just clouds the argument

because Canadians are not going to allow disabled people to be euthanized, or people with severe mental illness, or those with dementia.

But competent adults suffering intolerable pain should have the right to choose a dignified physician-assisted death.

[Translation]

## ROUTINE PROCEEDINGS

### TAXPAYERS' OMBUDSMAN

#### 2013-14 ANNUAL REPORT TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2013-2014 annual report of the Taxpayers' Ombudsman.

[English]

## QUESTION PERIOD

### ELECTIONS CANADA

#### YOUTH ENGAGEMENT

**Hon. Art Eggleton:** Honourable senators, my question is for the Leader of the Government in the Senate. The question I have here comes from an Ottawa resident, Maher Jebara. Maher asks the following:

Youth are considered the pillars of society, but too often they are neglected. With participation and voter turnout very low amongst youth, what steps can the government take in engaging youth?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, senator.

As you know, as part of our electoral reform agenda, our party passed and implemented the Fair Representation Act to improve the legislative process, increase Canadians' confidence in the electoral process and provide powerful tools to help us ensure that everyone obeys the law, all with a view to increasing Canadians' participation in the electoral process.

[ Senator Nancy Ruth ]

[English]

**Senator Eggleton:** Well, the problem with the Elections Act you refer to is that it has limited Elections Canada engagement with youth to only primary and secondary schools. Elections Canada can no longer engage youth in university and college. How does that help?

• (1420)

In the last general election, the voter turnout among youth aged 18 to 24 was only 39 per cent. Now how is the government going to make that number better? How are you going to engage youth more when you're actually, through that act you just mentioned, cutting back on it?

[Translation]

**Senator Carignan:** As you know, Elections Canada's advertising activities will be limited to informing Canadians about where, when and how to vote and will provide Canadians with disabilities with the tools they need to vote. I think it is important to ensure that Elections Canada advertises or promotes where and when to vote. I believe that that is essential to enabling Canadians to exercise their right to vote, as you will agree. It is up to the political parties to promote their ideas and convince Canadians to vote for them.

[English]

## FOREIGN AFFAIRS

### NORTH POLE AND ARCTIC CONTINENTAL SHELF

**Hon. Nancy Ruth:** Leader, this is about the North Pole. I'm aware that when Canada signed this, when they were about to send in their submission, there was a request from the government, in particular two ministers, that we — our country — claim the North Pole.

This submission was made to the Commission on the Limits of the Continental Shelf, but part of the problem with that is that when Denmark makes a similar claim, this commission has no mandate to adjudicate on territorial disputes.

So my question is, since most scientists that I'm aware of have always agreed that this was in the continental shelf jurisdiction of Denmark, why is it that Canada chooses not to work in accordance with international legal norms and scientific facts? Why do we not do that?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, senator. As you know, the North is an integral part of Canada's collective heritage and future. We believe that science will prove that the North Pole is part of Canada. Our goal was to have the better part of the continental shelf recognized as belonging to Canada, and we are trying to secure international recognition for the full extent of the Canadian continental shelf, including the North Pole.

[English]

**Senator Nancy Ruth:** Leader, the North Pole isn't fiction, so why is Canada doing this? I mean, when I grew up I thought Santa Claus was up in Nunavut or someplace like that, but I'm grown up now, and I don't need to believe in Santa Claus either.

The leader has said that it's part of our heritage. Other than the mythology of Santa Claus, what heritage is that?

[Translation]

**Senator Carignan:** I invite you to follow his progress on the NORAD Tracks Santa website, which provides direct evidence that he exists.

[English]

That means \$3,400 less in taxes this year for a hard-working Canadian family.

Small to medium-sized enterprises will benefit through the amendment to the Employment Insurance Act, saving 90 per cent of all business tax, \$550 million equivalent for small business.

Bill C-43 closes tax loopholes, addresses aggressive tax planning, clarifies tax rules and combats international tax evasion and aggressive tax avoidance to improve the integrity of the tax system and ensure that everyone pays their fair share.

Bill C-43 contains several actions to increase trade for businesses, improves the regulatory environment, promotes competitiveness and strengthens the financial sector. Specifically, this legislation makes amendments to the Patent Act, the Trade-marks Act and the Industrial Design Act which reduce barriers to international and domestic flow of goods and services. It harmonizes Canada's intellectual property regime with international norms and helps to improve Canadian access to international markets at lower costs and to attract foreign investment by reducing the regulatory burden and red tape.

Bill C-43 delivers on the announcement made in Economic Action Plan 2014 that will allow our financial system to remain the most highly respected in the world. It allows credit unions to continue to grow and prosper. It amends legislation to clarify the types of high-risk foreign entities against which the minister could take action to protect the integrity of Canada's financial system.

This legislation contains a host of benefits for all hard-working Canadians. We remain in a period of global volatility, and we must continue to act with discipline and focus to move our country forward. Bill C-43 is a reflection of the hard work done to make strategic amendments that propel our country through this challenging time.

• (1430)

[Translation]

Honourable senators, I am asking you to support this bill so that we can continue to create jobs, economic growth and long-term prosperity for all Canadians.

Thank you.

[English]

Maybe I can pass the floor to our honourable chair and thank the members of the committee who did an outstanding job for long periods of time, and thank the other committees that participated in taking pieces and parts of the legislation for their review and giving us the feedback that we needed to conclude the hard work and, of course, the importance of this budget for all of Canada.

## ORDERS OF THE DAY

### ECONOMIC ACTION PLAN 2014 BILL, NO. 2

#### THIRD READING

**Hon. Larry W. Smith** moved third 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: Honourable senators, thank you for giving me this opportunity to say a few words at third reading of Bill C-43, Economic Action Plan Act, No. 2, which will implement some important measures for Canadians.

[English]

Bill C-43 will continue to deliver economic growth and job creation, innovation and education, and it will support individual skills development, families and communities.

It is a reflection of our government's ongoing commitment to keep taxes low, to drive economic growth, to improve the lives of hard-working Canadians and to return to a balanced budget in 2015.

**Senator Mitchell:** This is us you're talking to here.

**Senator L. Smith:** A little excitement in the room? Bill C-43 will benefit Canadian families through improvements in the Children's Fitness Tax Credit which moves from \$500 per child to \$1,000.

The extension of the tax credit for apprenticeship loans.

[Translation]

The middle class in particular benefited from the cuts made to the GST, which we reduced from 7 per cent to 6 per cent to 5 per cent. Under the Conservative government's administration, the average family of four will pay almost \$3,400 less in taxes this year.

**Hon. Joseph A. Day:** Thank you, Mr. Deputy Chair of the Finance Committee, Senator Smith. I appreciate working with you and, through you, all of the members from your side on the Finance Committee, as well as my colleagues on this side of the chamber.

I think it's important as well for us to thank Jodi Turner, who has worked as our clerk over a number of years now, but in particular in relation to this particular bill, and Sylvain and Raphaëlle, the two Library of Parliament analysts who helped us.

As honourable senators know, we received Bill C-43 last Wednesday. This is Tuesday and we're into third reading. We obviously had to move heaven and earth to bring this bill along to third reading. We did that by sitting on Friday for second reading, which is not our normal sitting time, and sitting on Monday afternoon as a committee to deal with clause-by-clause. Now here we are dealing with third reading of this bill to try to meet the agenda that has been set by the government.

We knew it was coming. There's no reason why they hold budget implementation for such a long period of time so close to adjournment time. There is with respect to supply, because supply cycles are fixed and the supply bill doesn't come until the very last period of time in each cycle or each portion of the cycle. It is not so with respect to budget implementation. However, we know what they're going to do. They sit on it for months. Periodically they have hearings and then they send it along to us and say, "We could write a speech for you if you want," saying, "Please, we'd like to have this very quickly."

So that's what we're dealing with. There's no way we could do this without having done a pre-study. That's the first thing I'd like to talk about.

The difficulty with respect to pre-study of a bill, before the bill actually arrives, is that there's no sober second thought. When conducting a pre-study, there is also the danger of the bill being amended in the House of Commons, so when the bill finally comes to us, it's not the same bill we studied. That's always a concern.

I've been here long enough to remember when the Liberals were on that side and the Progressive Conservatives were on this side, and the comments by the leadership at that time saying that this kind of pre-study is not desirable; it's totally contrary to the fundamentals of the role of the Senate. If you read the recent Supreme Court judgment with respect to the role of the Senate, you'll see that sober second thought is condoned as a very important and one of the most important roles of the Senate, yet we're abandoning it in relation to this particular piece of legislation.

Then we're being asked to vote on a different piece of legislation. Let me tell you what the change was, honourable senators, because there was a change. It doesn't happen often, but there was in this particular instance an amendment. We discussed that at our meeting, because the amendment was in relation to a portion of the bill that had been sent to Banking. We discussed at the Finance meeting as to the desirability of starting hearings

again. It was felt that the amendment was not so significant that we should do so. That was the view of Banking and the general view of those on Finance.

However, I can tell you that the bill, at page 432, in dealing with the Governor of the Bank of Canada and when he may issue directives for clearing activities with respect to cheques and other financial instruments, the wording that appears in clause 364, amending the Bank Act, talks about "systemic risk" and "payment system risk." What do they mean?

We have to go back two pages to find out that the "systemic risk" is defined to mean risk that the liability of the participant to meet its obligations in a clearing or settlement system.

With respect to the "payment system risk," that's defined over on the next page. It means a very similar concern that the payment system set up is not adequately funded to handle the clearing activities of cheques. They pass between financial institutions, back to the mother financial institution and then cleared back through. That all happens overnight with respect to cheques.

The amendment is at page 332 of the bill. "Systemic risk" was there, but "or payment system risk" was omitted. This was obviously found by the government and it moved an amendment to the particular bill in that regard.

In all other respects, honourable senators, this particular bill that we have before us now is sufficiently similar, other than that amendment. It is the same, actually, identical, to what we have been studying for the past few weeks. Therefore, I have no hesitation in supporting the work that was done by the seven different committees that looked into this particular bill.

That, honourable senators, is the one change that we found, and I think that's important, but I want to talk very briefly about pre-studies.

More than 20 pieces of legislation have been pre-studied in this chamber since Mr. Harper's government came to power — more than 20. During Prime Minister Chrétien's years in power, pre-study was used once.

Honourable senators, we can understand how this is part of the change that's going on, and we can't let it happen by stealth. Is this something we want to see continue, or should we be putting pressure on the house to send us the bill sooner so that we can do a proper job without having to do a pre-study, and then we won't encounter the danger of the bill being amended and our not having a chance to consider what took place in the other chamber before we begin our study?

• (1440)

If we don't do a pre-study, we can refine the work that was done. But if we're doing an original study and they're doing an original study, then there's no opportunity for a cross-pollination of the work and a refinement, one building on the other, which was the genius of creating the Senate as part of the Parliament of Canada back almost 150 years ago.



Honourable senators, let me talk briefly about some of the points that I found in reviewing the bill that I haven't had a chance to mention previously but that I think are important for you to be aware of. We find a lot of these items recurring. The more Senator Smith and I plant seeds about some of our concerns, the more likely it is that sooner or later we'll get some change in relation to some of our concerns.

Bill C-585 was a private member's bill in the other place. That particular bill was introduced in the House of Commons by a Conservative member of Parliament on April 4, 2014. It's entitled "An Act to amend the Federal-Provincial Fiscal Arrangements Act (period of residence)." The bill amends the Federal-Provincial Fiscal Arrangements Act to adjust the national eligibility standard for social assistance. The difficulty has been that some provinces were thinking about having a minimum residency requirement before they allow for a person to apply for social assistance, and the federal government was saying, "No, we will deduct part of the social transfer to you if you do that."

This bill would allow for that activity with respect to refugees who settle in a particular province. There can be, without penalty, the allowance for a minimum stay before the refugee can claim social assistance. These are refugees who have nothing. Normally, when a refugee comes here, they don't have a lot of funds to look after themselves. Sometimes church groups or social groups will look after them, but, in general, they are the people who need our help the most.

That bill was cancelled in the House of Commons. It was withdrawn. You say, "Great!" But it was withdrawn as a private member's bill and has found its way into Bill C-43 budget implementation. What does that tell us? A private member's bill in the other place is now part of budget implementation. It could stand alone as a bill, but now it's part of a bill that has so many thousands of other things in it that we couldn't possibly study them all, but somehow we noticed this one.

There is the difficulty of how many other issues like this are we missing, but the other question that we should be asking ourselves is about a private member's bill and the government budget implementation, the most important legislation of the government. We have a private member's bill that is now part of government legislation. Honourable senators, I hope you are asking a number of the same questions that I've been asking myself. It's there.

If we pass this bill, we are going to make it possible for provinces to impose a minimum time for refugees to be in the province before any social assistance can be made available to them, without any penalty from the federal government. That's one of the points I wanted to mention to you, honourable senators. Part 4 - Division 5 is where the matter I've just described to you appears. We don't need to go to the particular section of the bill, but that's where you can find it.

There are other areas in the bill, honourable senators, where we've been told there was no consultation. Many witnesses talked about the lack of consultation. I've mentioned that previously. We asked government officials, "Why was there no consultation on this?" "Well, there will be once you pass it, and there will be in relation to developing regulations."

This, of course, is a finance bill, and this is all government secret until it comes out in legislative form.

We find that we're spending a lot of time in legislation fixing errors from previous budget bills, having discussed the issues previously in budget bills maybe a year ago. When so much is thrown into these bills, things get missed and mistakes are made. We miss a lot, but so does the government and so do the drafters. Therefore, back they come, and that makes the bill even longer. They come back to ask us to rectify mistakes that were made, because there's simply not adequate time to study these bills with the level of scrutiny that they deserve and the level of scrutiny that each of these policy initiatives deserve.

It's a terrible precedent that we're allowing to grow, honourable senators. I won't go into the omnibus issue any further. We made points on that previously and I'm looking forward to the Speaker's ruling in relation to that concern that has been expressed by me and by many of my predecessors as chair of the Finance Committee over many years.

Let me give you an example of coming back and the lack of consultation. Division 30 repeals a provision of the Budget Implementation Act No. 2 from last year, at the same time amending other provisions of the same act. There is also Division 21, which amends the Budget Implementation Act No. 2 from last year. I have both of these here, honourable senators.

The title for Division 21 is Economic Action Plan, and it deals with the Federal Bridge Corporation, which has as one of its subsidiaries the Jacques Cartier and Champlain Bridges Incorporated. It was felt that the work that was done in combining these various bridge authorities was not complete. They need to sort out some governance issues that weren't done and were not thought out when this was presented as legislation, so here we are dealing with it again.

Then we have Division 30, Public Service Labour Relations. Honourable senators will recall that the creation of the Social Security Tribunal took four or five other tribunals and combined them all into one. The legislation that we passed last year in doing that set an upper limit on the number of adjudicators who could exist. Now we find out that that number of adjudicators cannot handle the tremendous backlog that has developed, and therefore we're asked to change the number of adjudicators to allow for more, with no upper limit anymore. The minister will just appoint as many as he possibly can to get things cleaned up. That was intended, honourable senators, as a cost-saving measure and the result now is that there are an awful lot of dissatisfied people and, at the same time, there will be a huge extra expense to rectify the problem.

That's the same thing we saw with respect to Veterans Affairs. Now Veterans Affairs is hiring more and more case managers to try to rectify a problem that was caused by virtue of creating this smaller board. I think I read somewhere that a quarter of Veterans Affairs personnel have been laid off in the last few years. Honourable senators, that is another example of false economy.

• (1450)

Division 14 amends the Employment Insurance Act to allow for a refund of a portion of employer premiums paid by small businesses in 2015 and 2016. An employer is eligible for that refund if the premium is \$15,000 or less. So this is the employer's portion of all of his employees for Employment Insurance; if it's \$15,000 or less, the employer can get a refund.

The government claims this is going to create 25,000 more jobs because the employer is going to have more revenue. But don't forget; if they go over \$15,000, they don't get it. They go over \$15,000 if they start hiring more people, and that is what a number of witnesses have been saying. That's what the Parliamentary Budget Officer has suggested; this initiative over two years is likely to cost half a billion dollars and there's not likely to be more than 800 new employees under the scheme.

Jack Mintz, who is at the University of Calgary and has appeared before our committee in the past, calls this measure a "disincentive to growth." Economist Mike Moffatt, who has also appeared before our committee, says it has a major structural flaw. I do not think that is beyond the realm of possibility that we will be revisiting this particular initiative in future budgets as well.

There's another area that I wanted to mention to you in passing, honourable senators, another initiative that appears in the bill and that came from one of our witnesses. This initiative is for a fast writeoff, a capital cost allowance for certain environmental equipment; there's a quicker writeoff and therefore those businesses can grow faster when they don't have quite as much expense or taxes to pay.

Ms. Labrie of the company Enkern described to us what Enkern's technology does. It is very new technology, she says. It facilitates gas engine eligible waste. The synthetic gas produced is then converted into liquid transportation fuels and chemicals. This gas could also be used for the production of electricity, but Enkern's ability to clean its gas and allow the company to convert its producer gas into higher value clean energy products, such as biofuels and chemicals, is obviously desirable from a business point of view. However, as soon as they do that, they miss out on the initiative that's in the bill.

We asked them: "Didn't you explain this to the government officials?" They indicated that they were not consulted before this came out. They have been notifying government officials in the past about their special technology and hoping they could fit into the other initiatives that appear here, but that has not been the case. The effect is that clause 94 of the bill explicitly excludes gas that is to be converted into liquid biofuels and chemicals — very desirable biofuels. That is specifically excluded from this initiative and probably because somebody didn't think about it.

I think that's a very sad testimonial, but that is what we learned during our hearings, honourable senators, and that I pass on to you. Let's try to remember that name, Enkern, a Montreal company. We may well be back here in a year trying to sort that one out.

[ Senator Day ]

Honourable senators, that is another example of such items. We find some of them, but there are many more that we don't find.

My concern with respect to a lot of these initiatives and the announcements, which is what I wanted to conclude with, is my concern about the government talking about surplus and sending politicians out to talk to people about how they should be spending it.

First, we should be concerned that predictions of a surplus may well be exaggerated when we take a look at oil prices. There's another area where the predicted surplus was involved with predicting the sale of certain assets. We all know that a lot of assets around the world are being sold by Foreign Affairs, such as in London and in Dublin. Many of those buildings are being sold, and the money from those sales is brought into general revenue to help reduce the deficit and allow the government to declare a surplus. But that's awfully short-sighted, and the operating cost of renting will significantly increase the costs to the department over time.

I have a couple of examples, honourable senators, of other areas that have been booked as sold, which helps the government predict that it will have a surplus, but this year's surplus could well be down by \$1.5 billion to \$2 billion just because of this alone. That relates to shares in General Motors, which the government booked and was going to sell, but now it can't sell those shares. That, you will recall, was an investment in General Motors during the stimulus to overcome the economic downturn. We still have quite a few shares.

There is the bulk coal terminal in British Columbia called Ridley Terminals, and roughly 20,000 hectares of Crown land known as the Dominion Coal Block because of its significant coal deposits. All of those properties, more than \$2 billion, were booked to be sold. If they were sold at market value today, they would bring in revenues roughly \$2 billion less than when they were booked. So that goes to the deficit issue.

Honourable senators, we shouldn't be talking about how we spend the deficit. We should be managing the economy the best we can under the circumstances, wait to see what happens, and if we have a surplus after we've looked after the veterans, after we've looked after the people on Employment Insurance who want disability and have been waiting for years to be heard by somebody, and after those overreactions to save money are rectified, then let's look at the economic situation.

Honourable senators, since 2006 the accumulated deficit and the debt that we have to manage has gone up by \$144 billion in those few years. We are now at — guess the number.

**Senator Nancy Ruth:** Seven hundred billion.

**Senator Day:** Thank you. That was close, but thank God it's not there. It's at \$611 billion as of last year. We don't know what the final figure will be for this year's deficit, but that will be added on as well. In the past six years, 25 per cent of the total debt has been accumulated during the current administration.

• (1500)

What we should be thinking about is reducing this debt that is going to be the heritage of our children. They are the same people we want to pay our pensions, the same people we want to be productive enough to keep this country going while we're not generating revenue any longer. Yet, it's like student loans. They're going to have a huge student loan, they're going to have huge Employment Insurance payments, they're going to have huge Canada Pension Plan payments, and they're also going to have to handle and manage this accumulated debt of over \$600 billion which we seem to be ignoring.

How are we going to spend the \$2 billion surplus that we might have this year? There are a few examples of where we should spend it. Spend it on rectifying the problems we've made: veterans, Employment Insurance, disability. Spend it on our deficit, because just as soon as the interest rate goes up, this will become a huge problem that it isn't right now. We just keep adding to it.

I'm concerned about that, and I'm concerned about the initiatives that we see in this budget implementation bill that increase expenditures at a time when we don't need and should not be doing so.

Those are my comments on that particular bill, honourable senators. I hope that you will take a look at the reports by the other committees as well, because the Finance Committee only studied a portion of this particular bill. I'm speaking more from knowledge in relation to the finance aspect, but I do thank the chair and the deputy chair of each of the other six committees that studied along with the Finance Committee and who came and helped us understand what they studied.

They provided a report, and the report is here for you to look at. Some of the committees have spoken on their reports, and that, as well, is a source of information, and that is why, when we reported the bill back, we referred to each of the other committees and the parts of the bill that they studied as well as a hyperlink to those various committees and their reports and the work they did.

Thank you, honourable senators.

[Translation]

**Hon. Pierrette Ringuette:** Honourable senators, I would like to congratulate our colleague, Senator Day, for his excellent reports concerning the omnibus bill.

I would like to speak to Division 29 of Bill C-43. It is somewhat complex, but I will do my best to explain the situation now and in the future.

[English]

Division 29 of Part 4 of Bill C-43 has to do with nuclear energy in Canada. As you will recall, three years ago a portion of AECL was sold. I don't know if I should say "sold," because we seem to have paid an entity to take it over.

Right now in Bill C-43 there's another step. I have three sets of documents here concerning the same issue, and you will understand why we should withhold our approval on this Division 29.

The first is a document that was presented to our Energy Committee when we started to study Bill C-43 in regard to Division 29. Let me read this into the record. They provided us with a Q & A. One of the questions is the following:

Why is the Government granting transitional pension coverage to CNL?

The new entity is a Crown entity; all the assets are still Crown assets. That means that it belongs to all the taxpayers of Canada. It is called Canadian Nuclear Laboratories.

It says:

Why is the Government granting transitional pension coverage to CNL?

This is the new Crown corporation of the other Crown corporation that was AECL.

The answer is the following:

CNL is a wholly-owned subsidiary corporation of AECL.

And please remember this:

... the Government has decided to transfer the ownership of CNL to a private sector company for the management and operation of its Nuclear Laboratories. This will in turn make CNL a private company and, as a consequence, CNL's employees will no longer be eligible to participate in the PPSP.

That is the key issue.

In Division 29, there is legislation to provide for a three-year transition for the supposed transfer of the assets of this Crown corporation. In fact, the legislation says the following at page 451, proposed section 2148(1):

A sale or other disposition by AECL of the securities of Canadian Nuclear Laboratories Ltd. under paragraph 2141(1)(j) is deemed to be a transfer or divestiture of the administration of a service to which subsection 40.1(1) of the *Public Service Superannuation Act* applies. On the day on which the sale or disposition occurs ...

This is document number 2. Document number 3 that I went to seek is the tender in regards to the Canadian Nuclear Laboratories, and the reality is the following: The tender was published on March 7, 2014, revised on November 25, 2014, and will be closing on January 30, 2015. The category is operation of government-owned facilities.

It is not a transfer of assets. The tender that is closing at the end of January is for the operation, the management. In other words, the current government cannot manage the facility, so it is seeking some help.

• (1510)

Everything in regard to this entity is embodied in the assets our government owns. Therefore, all the employees are government employees, whether or not they are managed by a private entity. They are performing the same role.

So if you look at the tender call, there is no transfer of assets. This company is still a Crown corporation, even though it has been incorporated or will be incorporated under the Private Business Act.

Going back to the issue at hand, you can have an elephant in this room and you can call the elephant Jumbo —

**Senator Day:** Dumbo?

**Senator Ringuette:** — but it's still an elephant. And that is the reality about this entity. The assets are still government-owned. The employees will be performing the same task. Therefore, nothing has really changed except that they're seeking help in managing the entity for a time period, as per the tender, that is still undetermined. Let me read a few sections of this tender.

The tender says:

SERVICES OF A CONTRACTOR TO MANAGE THE SITE OPERATING COMPANY THAT WILL BE RESPONSIBLE FOR THE MANAGEMENT AND OPERATIONS OF ATOMIC ENERGY OF CANADA LIMITED'S NUCLEAR LABORATORIES UNDER A GOVERNMENT-OWNED CONTRACTOR-OPERATED MODEL

So there's no change in ownership. There is no transfer of assets.

The tender goes on to say:

On February 28, 2013, the Minister of Natural Resources announced that Canada would undertake a competitive procurement for a Contractor to manage the operations of AECL's Nuclear Laboratories using a Government-owned contractor-operated . . . model.

It is still a government-owned entity with all the assets.

It says further:

Going forward, the Nuclear Laboratories will focus on three key areas: (i) managing radioactive waste and decommissioning responsibilities; (ii) performing science and technology . . . and (iii) supporting Canada's nuclear industry through access to S&T facilities and expertise on a commercial basis.

It has exactly the same mandate that it has now.

So it's a site operator, coming to the essential issue. In this piece of legislation, the government would like to see the employees no longer be employees of the Crown corporation, which is still a Crown corporation.

The employees will keep their current accreditation and, as I said earlier, even if you name an elephant differently, it is still an elephant. And if any one of you knows a little bit about the accreditation process, you will understand that this entire section 29 in Part 3 of Bill C-43 is null and void because we will go through court challenges. As I said earlier, an elephant is an elephant.

Therefore, this entity still being a government-owned one, all the assets will remain in place. Thank goodness, because I believe that these assets have a lot of value to Canadian taxpayers. They shouldn't be given away like we did three years ago with SNC-Lavalin.

The essential thing is that the accreditation of a group of employees working in a nuclear lab with Crown assets will remain. And these employees working with Crown assets will remain public service employees. These employees within their collective agreements have access, continually, to their pension plan.

I wonder if anyone can find for me, in this country, an application to discredit a unionized group of people into a company that has not changed its mandate. Some may even have changed the ownership. This is not even the case. If anyone can find in this country a group of employees that has lost their accreditation, that has lost their collective agreement and that has lost their pension and benefits under the collective agreement, then I'll give you one.

I've been involved in labour relations law for 30 years, and this is not the case. This legislation in Bill C-43 is null and void, because the courts in this country will see that the new entity called the Canadian Nuclear Laboratories is not simply a Crown corporation with the same mission. The only difference is that it is now being tendered for management.

Ladies and gentlemen, I was very tempted to put forth an amendment to completely remove Division 29 from Part 4.

I'll remind you of another thing. Last June I rose to talk about the issue of an agreement between the Government of Canada and the Government of the U.S. to supply private Canadian citizens' financial information. I stated that if these citizens might be dual citizens or married to an American citizen it was unconstitutional and would be challenged in a court of law. I can tell you that since July of this year this issue has been before the courts.

Could I have five more minutes?

[ Senator Ringuette ]

**The Hon. the Speaker *pro tempore*:** Senator Ringuette has requested five minutes.

**Hon. Senators:** Agreed.

[Translation]

**Senator Ringuette:** In the end, honourable senators, we find ourselves once again with an omnibus bill containing unconstitutional provisions that will not stand up to the arguments made in court.

I have the impression that over the past six years this government has tried to establish a Guinness world record for omnibus bills.

• (1520)

[English]

The bottom line is that the elephant named Jumbo is still an elephant, and the benefits of the public employees working at the Canadian Nuclear Laboratories, a Crown asset, doing the same function as they have been doing for years, are owed to them. And no piece of legislation, whether in an omnibus bill or elsewhere, will be acceptable with regard to labour relations accreditation and collective agreements.

So I feel very sorry that in this chamber, because of the current situation of a majority government, sober second thought doesn't seem to be allowed, never mind possible, with regard to doing the constitutionally-right thing and respecting the hard-working people who have made this country what it is.

**Some Hon. Senators:** Hear, hear.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, if I may, I would like to add my thoughts on this massive bill, Bill C-43, which, like its predecessors, is an omnibus bill that amends all kinds of laws that have nothing to do with the budget, but serves to muzzle the opposition.

The first division, Division 9, which has to do with the Investment Canada Act, requires foreign investors to provide notification whenever they acquire a Canadian business through the realization of security on a loan or other financial assistance.

We do agree with that measure in principle, but as usual, there was very little consultation. Law firms are worried because there are no guidelines on this matter. Another problem relates to the fact that, once again, the minister is being given tremendous latitude to reach a decision. Subjectivity is a real problem. There is no frame of reference for regulations, because apparently, the minister will have to inform the investor that is the subject of the information before communicating or disclosing any information. If the investor satisfies the minister that communicating or disclosing the information would prejudice them, the minister will be prohibited from communicating or disclosing the information.

I don't know any company that would want that kind of information to be made public. Generally, in the business world, everything is done behind closed doors. This provision tells us that there will definitely be very little that is made public . . . First of all, when Canadians see that a Canadian company will be turned over to foreigners because it has failed to pay its creditors, that the company will be seized and handed over to a foreign-owned company, they won't think that these conditions do anything to protect Canadian workers.

I want to add a little caveat. Today we learned that Talisman, a major Canadian company, was taken over by a Spanish company. This company, which is a multi-billion dollar business, will be in the hands of foreigners. One thing is certain: Canada will lose all of the knowledge and professionalism involved in running this business, and these assets will probably end up in Madrid.

In the beginning, business advisors will be tempted on occasion to caution companies about making loans to Canadian companies on Canadian soil, or they'll simply tell them to prepare a file and say that nothing will be made public. This measure does not benefit Canadians.

The other measure is a bit nebulous, because we get presentations, but we're not getting all the information. I'm referring to Division 12, which will enable the Business Development Bank of Canada to help small- and medium-sized businesses penetrate foreign markets and invest in venture capital funds legally established outside Canada, as long as the fund management team is in Canada and BDC's investment in the fund benefits Canadian companies. I'm sure that a Canadian company operating in Mexico will be funded by Mexicans, but it would have to have a Canadian board of directors. I find it hard to imagine that this situation could truly exist. This measure seems to me to be a solution looking for a problem, since this won't happen very often and it doesn't meet a demand.

That's what we generally find in the amendments presented in the Standing Senate Committee on Banking and Trade, since those are often the ones I comment on. Most of the witnesses told us that they hadn't been consulted. I don't know who came up with the brilliant idea of making these changes. I thought that, in general, the actions we took were meant to represent the interests of those involved and that the government was meant to speak to those affected by the amendments, so that the changes we made would benefit our businesses.

Let's move on to Division 18, the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. To me, this is a jazzy little division that will likely pay political dividends. However, my committee, the committee on banking, produced a report in 2013, which found that between \$5 billion and \$15 billion is laundered every year in Canada. Those numbers are based on 2012 data from the RCMP. That was the extent of my research. How much does it cost to run the entities that administer all this and ensure that the proceeds of crime are prosecuted? In 2010-11, the government, through its various agencies that deal with this issue, spent \$64.3 million annually. We might expect that \$64 million to be invested wisely, in order to recover at least \$6 billion of the \$15 billion. Now we learn — and the changes that were made are not very encouraging either — that the money transfer companies

and the virtual money brokers that conduct their business online, or the infamous bitcoin we've been looking at ad nauseam, will be sheltered.

In five years, there were 500 audits and \$80 million was collected. I believe that the number was inflated to make it look better. In 2011, \$27 million was collected. Again, I want to point out that it cost \$64 million to collect \$27 million of the \$5 billion to \$15 billion of laundered money.

It seems to me that if the government were serious about this, it might start heeding the recommendations of our committee. The first recommendation was to ensure better coordination, especially between the different players, namely the police and the agency in charge of monitoring money laundering, the Department of National Revenue. However, currently, they do not often communicate with each other.

Another amendment, Division 22 — which seems to have come out of nowhere — is about changing the status of provincial cooperatives. These organizations made it very clear that they did not ask the government to change their status or the way they operate. A technical document was released on October 16, 2014. According to Department of Finance representatives, the provinces will give their opinions on the technical document by the end of December 2014. People at the provincial level will have to work very quickly because they will have to figure out what the repercussions of changing the status of cooperatives will be and take a close look at the whole issue of funding.

• (1530)

They will also see that, on the one hand, the federal government is disassociating itself from provincial cooperatives, but on the other hand, it is adopting a small piece of legislation that will enable cooperatives to become federal cooperatives, as though they were not doing a good job. I don't think the situation needed changing at all.

I would like to close by sharing my thoughts on the section that amends the Canadian Payments Act. The purpose of this amendment is to make the Canadian Payments Association more independent, but it also expands ministerial powers. I see a conflict there. How can the association be more independent if the minister is given more power? Those two things don't go together because from now on, the minister will be able to issue directives to the association.

This bill would also change the composition of the board of directors of the Canadian Payments Association: seven of the 13 directors will be independent. Independent from whom? I don't know. Who will appoint them? I don't know that either. However, it's very likely that the minister will be the one appointing as many directors to the board as possible.

Honourable senators, the more things change, the more they stay the same, and that is true of omnibus bills like this one. From my perspective, these changes will not do much to improve Canada's economic situation. The government has not even consulted people with a view to improving the situation.

[ Senator Hervieux-Payette ]

I have to say that we were unanimous — that is quite a rare event — in the comments we made as part of the banking committee. In the new section on foreign investment, there might be fortuitous consequences that would prevent a lender from issuing a security on a loan, which is not in Canadians' interest and, most importantly, would not allow access to foreign funds.

Second, our committee also unanimously pointed out that the federal government should ensure that stakeholders in provincial cooperative credit societies should have enough time. I just said that the government set December 2014 as the deadline even though it released a document in October 2014. The implementation of so many changes would normally take at least two years.

I believe that we thoroughly studied these divisions in committee. My colleague opposite often criticizes me for not voting in favour of budgets. If the budgets were done right, if they dealt with budgetary, financial and taxation issues — and all the other bills were submitted separately — I would be pleased to vote with the government. I did say if the government brought down a good budget that was about public finances. When you have measures such as the ones introduced in this bill, which cannot be amended — because the bill will easily pass — I am sorry, but I will again vote against this budget bill with no regrets.

[English]

**Hon. Art Eggleton:** Honourable colleagues, last Friday, and again today, I listened to the remarks of Senator Larry Smith, first moving adoption of second reading and, today, third reading. I noticed a new vigour in his speech-making. In fact, for a while there I thought I was listening to Senator Gerstein. But the only problem with Senator Smith's remarks was that the government fed him bad information. I'd like to comment on a couple of things that were said that I find to be myths that come out of those remarks.

The first myth is that the government's economic action plan has been stellar at creating jobs. He said that last Friday and he said it again today.

The facts of the situation are this: A Canadian Chamber of Commerce report looking at 2013's job creation said that Canada's job market sputtered — their word. It's not a left-wing think tank; it's the Canadian Chamber of Commerce. It sputtered, they said. Canada created only 99,000 net new jobs in 2013, which was the slowest job growth, excluding the recession, in over a decade. Also, 96 per cent of the net jobs created were part time, raising concerns about the quality of jobs being created. This type of employment is called "precarious employment": It lacks sufficient pay, benefits, pensions or job security.

That mediocre trend continued into 2014. From August 2013 to August 2014, the labour market created only 81,000 new jobs, which is the smallest growth since 1990. September and October posted decent job gains, but in November, we lost 11,000 jobs.

It's up and down. The unemployment rate is up and down, and it also doesn't take into consideration that some people just drop out of the job market. Some people get discouraged. We've known that for years.

Let's look at this from the other angle. Let's look at it from the perspective of the employment rate, not the unemployment rate. The employment rate was 61.6 per cent in November 2014, and that represents the ratio of employment to working-age population. It's not near the pre-recession height of 63.5 per cent, which was reached before the crash in 2008. So we've gone from pre-2008, from 63.5 per cent, down to a current 61.6 per cent in terms of the employment rate in this country.

Internationally, if you look at the OECD, the Organisation for Economic Co-operation and Development, where did Canada rank out of the 34 OECD countries? It ranked twentieth in net job creation since the recession. Countries such as the U.S., Germany and Australia have been better at creating jobs. We still have 1.3 million unemployed Canadians, with persistently high 13 to 14 per cent youth unemployment, not to mention the 4.8 million people who live in poverty, who don't have enough income for a decent standard of living.

So that's myth number one.

As for myth number two, the senator said in his remarks that the *New York Times* said Canada has the most affluent middle class in the world. First of all, the story wasn't one of Canada doing well but of the United States doing poorly. Much of the data in that particular study did not include European countries, like Norway and Switzerland, which rank higher in OECD pre-tax data.

Recent research also shows that if we look at the median after-tax income of all Canadian families in 2011, it was \$50,700, up only very slightly from \$49,500 more than 30 years ago, in 1980, if you take out the inflation factor. So the middle class has been stagnant for 30 years.

Also, the gains that have been made in our economy have not been equally shared. This is the issue of income inequality. Research shows that if you look at the distribution of after-tax income between Canadian families, we find that the share of the middle class fell from 18.3 per cent in 1980 to 16.3 per cent in 2011. But the share of the top 20 per cent rose from 40 per cent in 1980 to 44.3 per cent in 2011.

Add to that the rising cost of living that has led to record debt levels. Again, we saw reports about that today. The Bank of Canada has indicated a lot of concern because it's now 162 per cent of after-tax disposable income. This is how the middle class is keeping up; they're borrowing and borrowing, so much so that a recent study by the Canadian Payroll Association showed that 51 per cent of Canadians are living paycheque to paycheque. That's half the population. If an emergency comes along, they can easily fall into very difficult times, maybe even into the ranks of the low-income people in this country.

• (1540)

We also have a generational gap that's worth noting. With housing prices being up to 30 per cent overvalued, as the Bank of Canada has recently found, we see that the younger generation is struggling to get ahead. Professor Paul Kershaw of the University of British Columbia has pointed out that the typical full-time young worker has to save for 10 years to put a 20 per cent down payment on a home. That's twice as long as a generation ago.

So, colleagues, it turns out that Canada's Economic Action Plan, as they call it, is more myth than fact.

**Hon. Jane Cordy:** Honourable senators, I'm going to speak on Bill C-43, but specifically on two sections that were examined by the Standing Senate Committee on Social Affairs, Science and Technology. That is Divisions 5 and 24 of Part 4 of Bill C-43, which is the government's latest omnibus budget implementation legislation.

As you know, honourable senators, seven different committees were needed to examine this legislation. I'd like to thank the members of the Social Affairs Committee for their excellent work in studying their sections of the bill. As I said yesterday, the committee's report is fair and recognizes the different opinions of the members.

Honourable senators, Division 5 of Bill C-43 introduces amendments to the Federal-Provincial Fiscal Arrangements Act to modify the national standard for the Canada Social Transfer so that it applies only to certain groups of people. Senator Day spoke about this earlier when he was speaking about the bill.

According to the national standard as currently defined in the Federal-Provincial Fiscal Arrangements Act, no residency requirement may be imposed by a provincial or territorial government on social assistance recipients without the possibility of incurring a penalty in the form of a reduction in the Canada Social Transfer from the federal government. The proposed amendment in Division 5 essentially removes any penalty imposed by the federal government for not following the national standard, and it opens the doors to giving provinces and territories free range to impose residency requirements in order to qualify for social assistance programs without reprisals from the federal government in the form of withheld Canadian Social Transfer funds. This policy change is directed at refugee claimants who come to Canada to seek a safe haven. They have no money, no resources and many have no contacts or family in Canada.

Honourable senators, refugee claimants cannot receive a work permit until they have been in Canada for at least six months. The majority of refugees do not have any money. These are people in dire need of assistance with housing and food until they can get a job and get established in the community.

As Marie Chen, a lawyer with the Income Security Advocacy Centre, emphasized at our committee, and I quote:

Many have nothing other than what they came with and have no means of support. Some may be eligible for work permits, but even then they have to wait for it to be

issued. Those who are not eligible will have no means of support. In these circumstances, social assistance is critical for their survival.

This amendment in Division 5 will now allow provinces and territories to deny refugees the assistance they require by enacting a residency clause. Refugees could be left homeless with no resources. The province or territory would be essentially downloading these social services on churches, community charities and not-for-profit organizations.

These resources are already overburdened and would never have the capacity to take on the social services required if the provincial or territorial government should choose to opt out of providing them.

As I said yesterday, I am puzzled about what the motivation is behind this proposed change. Who is requesting this change and for what purpose? We found out at committee that the provinces and territories did not request such a change. A government witness said they had discussions with the provinces. The Ontario government has said they were not consulted, and inquiries to the Nova Scotia government revealed they did not have any discussion with the government regarding residency restrictions.

So I am left to wonder: Who was consulted, or who had the so-called discussions with government officials? I'm also left to question why the government is making this change since this is the same government that removed health benefits for refugees. One has to question whether we, as a country, are beginning to close the door to refugees. We certainly appear to be making it more challenging for refugees once they arrive in Canada.

I truly believe there is something fundamentally wrong with this change. Why would we target those most vulnerable? I believe that no provincial or territorial government would be so uncaring as to take advantage of this opportunity that the federal government is offering, but I can't help but worry that this is just a small part of a larger shift in government immigration and refugee policy.

The motivations behind this proposed change are worrisome, and we know that this change can devastate the lives of refugees who come to Canada to seek a safe haven.

In my opinion, the enforcing of a residency requirement for refugees to access social assistance while they wait for a work permit is nothing short of cruel and unnecessary punishment. A clause of this nature has no place in a piece of government legislation and definitely has no place in a government budget implementation bill.

Honourable senators, Division 24 of Bill C-43 amends the Immigration and Refugee Protection Act to implement aspects of the Temporary Foreign Worker Program that was announced in July 2014 with respect to changes to terminology, fees and penalties and more data collection.

Specifically, the changes introduced in this bill will extend the scope of the government to place businesses who abuse the Temporary Foreign Worker Program on a blacklist. The changes

will provide either the Minister of Citizenship and Immigration or the Minister of Employment and Social Development with the power to publish a list of employers who have been found guilty of an offence that may be designated in regulations or under any federal or provincial law regulating employment or recruitment.

I agree changes were necessary to the Temporary Foreign Worker Program as allegations of widespread abuse of the program by large corporations and restaurant chains have been brought to light. I agree changes had to be made to the program, but I feel Division 24 of Bill C-43 is indicative of the hastily-conceived and rushed response by the government to the problem.

There was a lack of oversight and a lack of understanding of the consequences these changes would make to individual Canadians and small businesses. The program is essential for many small businesses in Canada, particularly in Western Canada, and has been invaluable to the operations of these businesses. There are concerns that the government's reaction to the allegations of abuse to the program will lead to financial hardships on small businesses that also utilize the program.

As Joyce Reynolds, Executive Vice-President, Government Affairs, Restaurants Canada, said at committee:

This program is extremely important to our members, particularly in communities in Western Canada, and in pockets in other parts of the country as well where labour shortages are acute. Having said that, you need to know that temporary foreign workers comprise a very small percentage of our almost 1.2 million Canadians and landed immigrants. Of the approximately 2 per cent of our workforce that are TFWs, most are in Western Canada, with by far the highest number in Alberta. In Alberta's red-hot labour market, this program is critical to keeping many restaurant businesses operational.

...

It is understandable that these members believe that the rule changes brought in on June 20 that severely curtail our industry's ability to access the foreign worker program are a huge overreaction by government to media reporting, innuendo and unproven allegations, rather than government policy formulated on facts-based evidence.

Gordon Maynard, Past Chair, National Immigration Law Section, Canadian Bar Association, who also appeared before the committee, echoed Ms. Reynolds' concern about the government's response to the alleged abuse of the program. His exact words were:

It has been a huge over-reaction of the government with respect to the restaurant industry.

Both Ms. Reynolds and Mr. Maynard were also critical of the government's plan for a blacklist of employers who abuse the program. Employers placed on this list would be barred from



accessing the Temporary Foreign Worker Program or the International Mobility Program for a period of two years. The government's plan for the list has not been fully thought out, and there appears to be a lack of defined parameters with it.

As Mr. Maynard questioned:

Who gets put on to this list? It says in the legislation employers who are found guilty of an offence. What does "found guilty" mean? Does it mean an administrative breach? Can a provincial officer issue a ticket for an administrative breach of a safety violation on a work site?

Ms. Reynolds had this to say:

Finally, we have concerns about giving department officials blanket authority to publicly expose an employer without due cause or natural justice. We want to ensure that there is an oversight and appeals process in place.

Honourable senators, in Western Canada where the labour market has been strong, filling employment positions with Canadians has been more challenging.

• (1550)

The Alberta Chamber of Commerce conducted a survey of businesses in Alberta that utilize the Temporary Foreign Worker Program to determine the impact of the current changes by the federal government. The findings were not surprising. The changes are hurting small business.

The 300 per cent fee increase for the Labour Market Impact Assessment, fees that increased from \$275 to \$1,000, was specifically mentioned in the Albert Chamber of Commerce's report. It states that the fee is a primary hindrance to business. The \$1,000 application fee for a Labour Market Impact Assessment is putting a real strain on small businesses and making the program unviable. Ms. Reynolds, speaking on behalf of Restaurants Canada, had this to say about the new program fees:

With regard to the privilege fee, the TFW program is already costly, and this fee will make it more so. When the \$275 LMO user fee was imposed, our members were prepared to help bear the cost of the program, particularly because they were led to believe it would lead to improvements that would speed the application and approvals process. Instead, they paid tens of thousands of dollars in fees for a more cumbersome process that often did not result in a positive application or work permit. The fee more than tripled in June, putting the program out of reach for many operators. To make matters worse, the application process is slower still.

The \$1,000 Labour Market Impact Assessment fee hasn't just been a hardship on small businesses reliant on the Temporary Foreign Worker Program for staffing. It is also creating

additional financial hardship on individual Canadians who also rely on the program to hire in-home caregivers. Many of these Canadians are elderly or have a disability and live on a fixed income. They rely on the Temporary Foreign Worker Program because of the challenges in finding Canadians to fill the position.

Honourable senators, the reality is that many Canadians do not want to work as caregivers, particularly in provinces with low unemployment. I've spoken several times in this chamber about the Davidson family in Alberta and their struggle to secure full-time home care for their adult son who has disabilities.

Grace Davidson is 75 years old and her husband is 76. They are an elderly Albertan couple who require full-time care for their adult son who is living with secondary progressive multiple sclerosis. Grace is also recovering from cancer treatment. Currently, they have one person who is only able to care for their son for so many hours each week. This person is doing all she can to provide their son with proper care, but she is only able to do so much.

While they wait for the processing of a work permit for an additional new temporary foreign worker, Mrs. Davidson has been doing her best to provide care for her son. Her son is unable to perform many everyday tasks and must be carried in and out of bed, and he relies on a wheelchair for mobility and needs to be lifted in and out of the wheelchair. These are not easy tasks for a 75-year-old recovering from cancer, and they are not tasks she should be undertaking. It is taking a toll on her. This is what she had to say in a letter to the Department of Employment and Social Development:

My situation is getting worse each day as not only is my son very stressed because he does not have a caregiver, me, his mother is also extremely stressed and stress is affecting our health. In addition to the after effects of cancer treatments I am now trying to cope with stomach troubles brought on by too much stress. My son's MS symptoms are greatly affected by stress and his body becomes rigid. Does anyone in your department have any idea how difficult it is for the handicapped to cope not only with their disabilities but to also wonder if they will ever receive someone to look after their needs? My son is worried that he will be left alone with no one to care for him. My situation has gone on for so long due to being scammed by two TFWs and then to start the process over again so apply for an LMIA. There must be a better way to secure employment of a TFW live-in caregiver.

It is extremely difficult for someone who is handicapped to wait the length of time it takes to process an application. I reluctantly paid the \$1,000 and received a favourable LMIA but I am still waiting for the incumbent to receive her work permit. Why is there not a fast track for emergencies or for someone who desperately requires a person to care for them — all their personal needs?

I must stress again that we are not a business and although I agree with some of the changes that have been implemented by Minister Kenney's department it is so very unfair to those who are handicapped/disabled and on limited income/disability.

The Davidsons have now been without full-time care for their son since May 11, 2014. They have had two applicants abruptly quit in the midst of the application process after the Davidsons have paid the fees and received a positive labour market opinion, in one case, and a Labour Market Impact Assessment in a second case. One applicant purposely sabotaged their application for a work permit.

They are currently going through the process for a third time to fill the position. I realize the Davidsons' case may seem extreme, but these are issues that occur more often than you may think for Canadians relying on the Temporary Foreign Worker Program for caregivers. The increased fees, the lack of service, the extended processing times all create both financial and emotional hardships, mostly on those living on a fixed income like the elderly and the disabled. As Mrs. Davidson wrote to me:

I cannot help but think that the government in their haste to make changes did not fully comprehend the consequences to someone who is disabled and needs to hire a TFW caregiver.

It is unfortunate that Minister Kenney has a black-and-white policy where there is no room for extenuating circumstances in situations like the Davidsons'. In an email on December 4, Mrs. Davidson was told by government officials:

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

The Standing Senate Committee on Social Affairs, Science and Technology did include an observation in our report to the Senate on Bill C-43, which stated:

Your Committee asks that the current regulations be reviewed to permit the waiver of the LMIA fee in cases of financial hardship involving seniors and —

Could I have five minutes, please?

**The Hon. the Speaker *pro tempore*:** Will honourable senators grant Senator Cordy five more minutes?

**Hon. Senators:** Agreed.

**Senator Cordy:** Thank you.

— in cases of financial hardship involving seniors and individuals with disabilities, specifically those who live on fixed incomes.

I applaud the Social Affairs, Science and Technology Committee for raising this issue in its report.

[ Senator Cordy ]

Honourable senators, we may not be able to improve service and access to the program for Canadians like the Davidsons, but we can help to alleviate some of the financial burden associated with the program. It is with this in mind that I would like to see the committee's recommendation reflected in Bill C-43.

#### MOTION IN AMENDMENT

**Hon. Jane Cordy:** Therefore, honourable senators, I move:

THAT Bill C-43 be not now read a third time, but that it be amended in clause 310, on page 409, by replacing line 4 with the following:

**“310. (1) Section 89 of the Act is amended by adding the following after subsection (1):**

(1.01) The Governor in Council shall, within 120 days after this subsection comes into force, amend the *Immigration and Refugee Protection Regulations* to provide that no fee is payable for the provision of services in relation to a request for an assessment by the Department of Employment and Social Development made by an employer in respect of an offer of employment to a foreign national that relates to work to be performed as a live-in caregiver who provides senior home support care or care of the disabled.

**(2) Subsection 89(1.1) of the Act is”.**

**The Hon. the Speaker *pro tempore*:** Do any senators wish to rise on debate?

[Translation]

**Hon. Percy Mockler:** Mr. Speaker, we cannot ignore the comments made by certain members of the opposition, who are independent one day and Liberal the next. We cannot ignore the negative comments they have made about the budget.

You might see this as an opportunity to laugh and smile, members of the opposition, but we will present the facts that will shed light on what you just said.

[English]

Your Honour, when I look at Bill C-43 and the amendment that is being proposed, I cannot accept it I cannot accept it, because you have to look at the facts.

• (1600)

[Translation]

As the saying goes, “Numbers don't lie, but sometimes liars use numbers.” Of course, this is by no means a comment on the credibility of the senators across the aisle, Mr. Speaker.

[English]

There is a fact. When I look at Bill C-43, I look at what it does to Atlantic Canada. Let it be the Saint John or Digby ferry services. Let it be the shipbuilding contract — the biggest in North America given by the Government of Canada, not to a company from outside of Canada, but a company from Canada, Irving Shipbuilding in Halifax, Nova Scotia.

Honourable senators, I also have to remind us on both sides of the aisle that Bill C-43 is commencing and looking at the innovation programs that we have done in science, agriculture and forestry. Neither can we be silent on the fact of another great project that would help all Canadians, coast to coast to coast, and especially Eastern Canada, which is the west-east pipeline.

And they ask me: Have you consulted? I will answer that.

I have heard that some might vote for them, but what they do when they look at the map of New Brunswick and the map of Atlantic Canada, or they look at Canada, they take a few little pieces to try to demonstrate to the ones who are listening to us. Yes, we do consult. Do you know when we consult? It's every four years, and it's the Canadian people who decide who they want and what budget they want.

**Senator Cowan:** Wait until next year, Percy.

**Senator Mockler:** Honourable senators, our Conservative government is focused on what matters to Canadians, helping to create jobs, helping in an economic role and securing Canada's long-term prosperity.

We have no lesson to learn from the opposition. We can look at their record and then look at our record since 2006. Canada's economy has seen one of the best economic performances among all G7 countries in recent years, both during the global recession and throughout the recovery.

I will answer about Mr. Chrétien, for whom I have a lot of respect, but let us be reminded what the free trade agreement did, and let us be reminded of the taxes that we had to get out of the way so that we would have a Canada as a better country in the world.

Honourable senators, as we have repeatedly said, though, is that Canada is not immune to the global economic challenges beyond our borders. That's why Economic Action Plan 2014 focuses on positive initiatives to support job creation and economic growth while returning to a balanced budget. They did not invent the balanced budget. Let's go back to previous years. We did the proper thing to put Canada exactly where we are today. It will be a balanced budget in 2015.

The budget bill, honourable senators, will connect Canadians and available jobs, support families and communities, and improve the fairness and integrity of the Canadian tax system.

I urge the opposition to support this important legislation, but I know what they will do. In the last six years, they have never supported one of our initiatives.

**An Hon. Senator:** Shame, shame.

**Senator Mockler:** So what we need — and independent, they say. Well, they have a different definition of what we call independent.

**Senator Cowan:** Not like you, Percy.

**Senator Mockler:** Our government's top priorities are creating jobs, economic growth and long-term prosperity. Our government is moving forward with measures to create jobs, and also to be mindful of how Canada has helped other countries. One cannot pass and be silent on what we have done. I remind you, read the latest newspapers.

[Translation]

The newspapers reported on our presence at the Francophonie Summit as well as the role Canada plays on the international stage, while our opponents would have Canadians believe that our government, Prime Minister Harper's government, is insensitive to the needs of people from other countries.

If I may, I would like to provide evidence of the contrary. During our visit to Dakar, where I accompanied Prime Minister Harper, his wife and other Canadian parliamentarians, I watched as the Prime Minister himself administered a vaccine to a baby.

**Some Hon. Senators:** Hear, hear!

**Senator Mockler:** We must not overlook the moment in Dakar when Canada told the francophone community, "We will be there!"

[English]

We are aware of malnutrition.

[Translation]

Prime Minister Harper did not hide his true colours when he stood up and said the following:

[English]

"We need to care for mothers and children," and that's exactly what we're doing in the francophone community. We saw it two weeks ago at the summit of The Francophonie, under our budget, Bill C-43 and in the role that Canada plays internationally.

As I read and think of what the opposition has been saying for the last few hours, well, even though the opposition likes to suggest otherwise, it has been common practice to include various

measures in the budget and the subsequent budget implementation bill. This is nothing new or groundbreaking. It simply reflects the central role of a budget to a government's agenda, and this Bill C-43 supports our low-tax plan for jobs and growth for Canadians.

Why is the opposition against growing Canada's economy? Why?

**An Hon. Senator:** Why?

**An Hon. Senator:** You're not doing it.

**Senator Mockler:** In 2005, the previous Liberal government's last budget implementation bill amended dozens and dozens of different pieces of legislation. To remind them — this is so good, I will repeat it.

**Some Hon. Senators:** Oh, oh.

**Senator Mockler:** In 2005, the previous Liberal government's last budget implementation bill amended dozens and dozens of different pieces of legislation.

Have we consulted? Yes, we have consulted. In 2006, Canadians asked the Conservative Party to form a government.

**Senator Cordy:** New Brunswickers were not consulted.

**Senator Mockler:** I will answer to New Brunswick. Yes, in New Brunswick, we have been consulted, but I haven't seen you as part of our consultation process.

Let's be clear. The opposition does not care about the sheer length of the budget legislation. We have had larger bills than that. It's that they want to stop the necessary and vital economic reforms in the bill, because we are the leaders when it comes to the G7 countries. They'll tell us, and I was listening very seriously, that we haven't consulted. Well, I'll give them a few facts.

The budget has been public since February 2014, representing a little over 254 days ago. Believe you me, Canadians have been consulted. I'm a member of the Finance Committee, and I know the chair and deputy chair and all of us sitting at the Finance Committee, we have consulted. We will continue to consult because we are going in the right direction to create jobs, working for Canadian families, and also keeping in mind economic development regardless of where we live in Canada.

• (1610)

Honourable senators, one must not forget that as we look at the implementation Bill C-43 — and I cannot support the amendment — that budget implementation bill makes life more affordable for Canadian families by doubling the Children's

Fitness Tax Credit to \$1,000, as an example, making it refundable and ending pay-to-pay billing practices by telecommunication companies.

**Senator Carignan:** They will vote against that.

**Senator Mockler:** Unlike the Liberals and NDP, who would raise taxes on Canadian families, drive the country further into deficit and pile on more debt, our Conservative government, led by Prime Minister Stephen Harper, has been clear that we will continue to provide further tax relief for Canadian families regardless of where they live. It is time to stand up and support Bill C-43 to implement the next budget for Canadians. Thank you.

**Senator Cordy:** Senator Mockler, would you take a question?

**Senator Mockler:** With the indulgence of the chair, I will.

**Senator Cowan:** Just one, though.

**Senator Campbell:** Percy, you're a statesman.

**Senator Cordy:** Thank you, Senator Mockler. I know that the debate was about the amendment that I proposed. I did propose an amendment.

The amendment is that those who are making an offer of employment to a foreign national that relates to work to be performed as a live-in caregiver, who provides senior home support care or care of the disabled, would not have to pay the fee.

Now you know that this fee over the past few months has risen from \$275 per application to \$1,000, so it's more than tripled. You also know that if for some reason the agreement breaks down, as it did in the case of Mrs. Davidson, then, in fact, one has to pay another \$1,000.

You've said that you cannot support the amendment, so for those New Brunswickers who are seniors, or who have to get a caregiver for a loved one who is disabled or a loved one who is a senior and unable to care for themselves, you are suggesting that you don't mind that they have to pay this fee of \$1,000, which my amendment suggests that they would not have to pay.

**Senator Mockler:** The amendment that has been presented by the honourable senator is derailing the focus of Bill C-43, our budget. When we look at the totality of our budget, this bill supports our low-tax plan for jobs and creating jobs. The best social program — and I have to say, I can share it with you because I lived it — is not welfare, but the best social program is a job, and we must continue to build jobs for all Canadians.

[ Senator Mockler ]

**Some Hon. Senators:** Hear, hear.

**Senator Day:** You've used that line before.

**Senator Cordy:** The best social program is a job, however, if you're a senior unable to care for yourself or if you're a disabled person, then it's pretty hard to get a job, I think you would agree with me.

In light of your comments during your speech, on two occasions you said you would not support the amendment, so I am correct that you will not be supporting the amendment, even though it would help New Brunswickers.

**An Hon. Senator:** Shame, shame.

**Senator Mockler:** When I was home on the weekend, Mr. Speaker, yes, I did ask people and I do ask people. If you look at my record, I make a lot of phone calls also to ask people what they think, and that's what they call consultation.

When I look at Canada and the social programs that we have, we can always improve programs and we will continue to improve programs. But when I look at the challenges that we have, we always will have some challenges, but I believe that Bill C-43 that is presented here today is the best mechanism to continue working with Canadians and to have a better quality of life for all Canadians regardless of where we live.

**The Hon. the Speaker *pro tempore*:** Since I see no other senators rising on debate, are senators ready for the question?

**An Hon. Senator:** Question.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Whips, do we have consensus?

**Hon. Elizabeth (Beth) Marshall:** Now?

**Hon. Jim Munson:** Mr. Speaker, a 30-minute bell on this one. It's a very serious matter.

**The Hon. the Speaker *pro tempore*:** It will be a 30-minute bell. Thus, we will be voting on this motion at 4:45 p.m.

Call in the senators.

• (1640)

Motion in amendment negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Baker  
Campbell  
Chaput  
Charette-Poulin  
Cordy  
Cowan  
Dawson  
Day  
Downe  
Eggleton  
Fraser  
Furey

Hervieux-Payette  
Jaffer  
Joyal  
Kenny  
Massicotte  
Mitchell  
Moore  
Munson  
Ringuette  
Sibbeston  
Smith (*Cobourg*)  
Tardif—24

#### NAYS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Carignan  
Dagenais  
Demers  
Eaton  
Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene

Martin  
McInnis  
McIntyre  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Poirier  
Raine  
Rivard  
Runciman  
Seidman

Housakos  
Johnson  
Lang  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall

Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells  
White—48

Motion agreed to and bill read third time and passed on the following division:

YEAS  
THE HONOURABLE SENATORS

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

• (1650)

**The Hon. the Speaker:** Honourable senators, we're now on the main motion.

Are senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Smith (*Saurel*), seconded by Honourable Senator Unger, that the bill be read a third time now.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** On division?

All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker:** Whips?

**Hon. Jim Munson:** We are ready to proceed to the vote now.

Andreychuk  
Ataullahjan  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Carignan  
Dagenais  
Demers  
Eaton  
Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene  
Housakos  
Johnson  
Lang  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall  
Martin

Massicotte  
McInnis  
McIntyre  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Poirier  
Raine  
Rivard  
Runciman  
Seidman  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells  
White—49

NAYS  
THE HONOURABLE SENATORS

Baker  
Campbell  
Chaput  
Charette-Poulin  
Cordy  
Cowan  
Dawson  
Day  
Downe  
Eggleton  
Fraser  
Furey

Hervieux-Payette  
Jaffer  
Joyal  
Kenny  
Mitchell  
Moore  
Munson  
Ringuette  
Sibbeston  
Smith (*Cobourg*)  
Tardif—23

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

• (1700)

# STUDY ON CURRENT STATE OF “ONE CALL” PROGRAMS THAT IDENTIFY CRITICAL UNDERGROUND INFRASTRUCTURE

NINTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled: *Digging Safely: One-Call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*, tabled in the Senate on December 3, 2014.

**Hon. Grant Mitchell:** I know we have just 15 minutes here, honourable senators, so I thought I'd take that time to speak about something that's very important, a real accomplishment by the Senate generally, specifically by the Standing Senate Committee on Energy, the Environment and Natural Resources. I congratulate each of the members of that committee and certainly its chair, Senator Neufeld, on the preparation and finalization of one of our latest reports called *Digging Safely: One-Call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*.

To those of us who understand how significant that title is and what it embodies, this is a very exciting and important report. It addresses the issue of the damage that is done inadvertently, generally in construction work but sometimes by homeowners like each of us digging in the backyard to put in a new fence post, the kind of damage that can be done to underground infrastructure.

What we hear about most, of course, is damage to oil and gas pipelines, but much other infrastructure is vulnerable to inappropriate excavation activities and the failure to ask for location services so an excavator knows when they're about to dig where they shouldn't be digging. That's what this report addresses — how to do that better and make it better at a national level.

It's interesting to note that the idea for this report came quite fortuitously out of an earlier report by this committee and witness testimony, a national energy strategy report presented in 2012. In the process of doing that, in meetings we held in Calgary and Sarnia independently, two senior executives of two separate companies mentioned that generally across this country there is no legislation requiring, mandating that there be a notification system in each province, each jurisdiction, for excavators to approach to get notification, to notify that they're digging and to find out where there might be underground infrastructure that needs to be avoided. There is no mandatory penalty in almost any jurisdiction. In fact, it was only in Ontario that a bill, Bill 8, had recently been passed where that kind of legislation existed. We heard that in two places, and it began to make us think.

I have to give credit to a member of my staff, Kyle Johnston, who at his own initiative followed up with an organization called the Common Ground Alliance and found out that this is a national concern and a national problem.

Damage to underground infrastructure takes a huge toll in many respects. It certainly takes a financial toll. It takes a social toll in some senses because, depending on what infrastructure is damaged, it can cause dislocation of residences and businesses. It can disrupt businesses. It can also cause tremendous injury and even death in certain cases, and it is a burden on resources that don't need to be burdened. It often requires first responders to appear for something that could have been avoided. And, of course, there's the cost in repairing whatever has been damaged because of inappropriate excavation processes and techniques.

It's hard to get actual figures because we've yet to standardize proper reporting in this country. However, to give you examples of the magnitude, in 2012 there were 5,149 third party excavating damages to natural gas pipeline systems in Canada, largely in a province like Alberta. Given what we know about the process of notification, if it's done properly, about half of those could have been avoided if we had had a proper “call before you dig” system in place. That's really what this bill talks about, but I'll get into it in a little further detail.

To give you a further idea, we have started to get better and more consistent data in Ontario, Quebec and British Columbia. In 2013 there were 7,264 damage incidents to buried infrastructure in those three provinces, and that translates to 29 damage incidents for every single business day. There was an estimation made by one witness that that was about \$37 million of damage in Ontario alone. That's to repair the damaged underground infrastructure. That's not to mention the first responders. That's not to mention the dislocation of households and businesses. It's not to mention the disruption of households and businesses. It's also not to mention the fact that if it is a telephone line, computer line or fibre optics line is hit, in fact 9-1-1 services could be down. So there's tremendous risk in not doing this properly.

The good news is that a company in this country called the Common Ground Alliance is working extremely hard to try to build a national profile, a national presence for dealing with excavation and protecting underground infrastructure much more effectively.

The model that was established initially was really a U.S. model, but it has been embodied largely in the Ontario bill, which is just now coming into force. That bill was presented by Conservative MPP Robert Bailey from Sarnia—Lambton. Ultimately, even though he was in opposition, he was able to gain the support of all parties, and he brought in an excellent bill.

Other people have been instrumental in our study and in the development of this process and enhancing it in Canada. They are Jim Tweedie and Paula Dunlop from the Canadian Gas Association. Jim Tweedie was also a former President of the Common Ground Alliance. There is also Mike Sullivan, the Executive Director of the Common Ground Alliance; and Bob Kipp, Executive Director of the U.S. counterpart of the Common Ground Alliance.

In the U.S., there is a national one-call system broken down by states largely, but across the entire U.S., they have a very standardized and effective one-call system. In fact, it has been so

effective, they have statistics that indicate that from about 2005, there were 700,000 damage incidents in the U.S. By the time they got their process in place last year, it was cut to less than half, to about 300,000.

• (1710)

The Canadian Common Ground Alliance looks at a number of areas of where this process of location and excavation can be improved.

First of all, they argue — and we agree — that they need a one-call system across the country. It's now becoming a one-click system because a lot of it can be done online. We need to have owners' participation, the organizations that own the underground infrastructure. We need to have proper information on the location of underground infrastructure. We need to have best practices. We need to have mandatory participation of all those owners of underground infrastructure and mandatory penalties for excavators who don't call. And we need to look at technology as well.

Our study took those issues and came up with four recommendations that I will highlight: one, that the federal government reference the CSA Z247 standard for protection and prevention of damage to buried infrastructure in all relevant federal legislation and encourage provinces and territories to do the same; two, that buried facilities on federal land be registered with the provincial or territorial one-call service and that the federal government require anyone undertaking construction or excavation on federal land to call a one-call service where one exists; three, that the federal government require all owners of federally-regulated buried infrastructure to become members of a provincial or territorial one-call service where one exists; and four, that the federal government introduce a conditional provincial-territorial grant dependent on the adoption of legislation requiring the mandatory participation of all owners and/or operators of underground facilities and excavators in a prescribed one-call service. The grant would be available to assist one-call centres with training, innovation, education and public awareness. The U.S. has a grant like this, which is simply \$45,000 a year to any jurisdiction or state that does what's asked for. It doesn't have to be expensive. It can save millions of dollars and can reduce risk of injury and death as well as social and economic disruption.

There are those who were concerned originally about whether this is a federal jurisdiction. The federal government has a great deal of moral suasion, but we also have jurisdiction in ways that make this very relevant for us. The CRTC supervises underground infrastructure but might need legislative changes to give them more authority over that in this context. Railway falls under the federal area. Parks, often First Nations' lands, National Energy Board regulated facilities, military bases, military facilities and other kinds of federal lands and buildings. And as I say, we have moral suasion.

This report addresses a specific and concrete problem. The report has great potential for giving momentum to the work of these wonderful people, the Canadian Common Ground Alliance. They are largely volunteers from a variety of

stakeholder industries, the owners of infrastructure, the construction associations, provincial and municipal infrastructure ownership and the federal government, as I pointed out. They are bringing people together to try to build this.

There are one-call centres in six provinces today, but except for Ontario, there isn't in any other jurisdiction the kind of legislation that we need to make membership mandatory; to make information gathering structured and mandatory; to make location services, technologies and techniques structured and consistent; and to get best practices. So when it does come to digging after you've called or clicked, you're digging properly and you're not making mistakes because of outdated or irresponsible digging practices.

I commend this report to all senators, and I leave it to my colleague, the chair, to take the next step.

**Hon. Richard Neufeld:** I move the adoption of the report.

**The Hon. the Speaker:** It is moved by the Honourable Senator Neufeld, seconded by the Honourable Senator Mitchell, that the ninth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled *Digging Safely: One-Call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*, tabled in the Senate on December 3, 2014, be adopted by the Senate.

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

(Motion agreed to and report adopted.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, it being 5:15 p.m., I must interrupt the proceedings. Pursuant to rule 9-6, the bells will ring to call in the senators for the taking of the deferred vote at 5:30 p.m. on the amendment to Bill S-7. Pursuant to rule 9-10(6), we will then vote on the amendment to Bill C-525 and the hoist on Bill C-266 without the bells ringing again.

Call in the senators.

• (1730)

## IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

### BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Meredith, for the 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;

And on the motion in amendment of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Dawson, that Bill S-7 be not now read a third time, but that it be amended

(a) in clause 1, on page 1, by deleting

(i) the heading before line 4, and

(ii) lines 4 and 5; and

(b) by making any necessary consequential changes to the numbering of provisions and cross-references.

**The Hon. the Speaker:** The question is on the motion in amendment.

Motion in amendment negatived on the following division:

#### YEAS THE HONOURABLE SENATORS

Baker  
Campbell  
Chaput  
Cools  
Cordy  
Cowan  
Dawson  
Day  
Downe  
Eggleton  
Fraser  
Furey

Hervieux-Payette  
Jaffer  
Joyal  
Kenny  
Massicotte  
Mitchell  
Moore  
Munson  
Ringuette  
Sibbeston  
Smith (*Cobourg*)  
Tardif—24

#### NAYS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu

Marshall  
Martin  
McInnis  
McIntyre  
Meredith  
Mockler  
Neufeld

Carignan  
Dagenais  
Demers  
Eaton  
Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene  
Housakos  
Johnson  
Lang  
LeBreton  
MacDonald  
Maltais  
Manning

Ngo  
Ogilvie  
Oh  
Patterson  
Poirier  
Raine  
Rivard  
Runciman  
Seidman  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells—46

#### ABSTENTIONS THE HONOURABLE SENATORS

Nancy Ruth—1

• (1740)

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

#### BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Oh, for the third reading of 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).

On the motion in amendment of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, that Bill C-525 be not now read a third time, but that it be amended on page 6, by replacing clause 13 with the following:

“13. This Act comes into force on a day to be fixed by order of the Governor in Council, but not earlier than six months after the day on which it receives royal assent.”.

**The Hon. the Speaker:** The question is on the motion in amendment.

Motion in amendment negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Baker	Jaffer
Campbell	Joyal
Chaput	Kenny
Cordy	Massicotte
Cowan	Mitchell
Dawson	Moore
Day	Munson
Downe	Ringuette
Eggleton	Sibbeston
Fraser	Smith ( <i>Cobourg</i> )
Furey	Tardif—23
Hervieux-Payette	

NAYS  
THE HONOURABLE SENATORS

Andreychuk	Marshall
Ataullahjan	Martin
Batters	McInnis
Bellemare	McIntyre
Beyak	Meredith
Black	Mockler
Boisvenu	Nancy Ruth
Carignan	Neufeld
Dagenais	Ngo
Demers	Ogilvie
Eaton	Oh
Enverga	Patterson
Fortin-Duplessis	Poirier
Frum	Raine
Gerstein	Rivard
Greene	Runciman
Housakos	Seidman
Johnson	Smith ( <i>Saurel</i> )
Lang	Stewart Olsen
LeBreton	Tannas
MacDonald	Unger
Maltais	Verner
Manning	Wells—46

ABSTENTIONS  
THE HONOURABLE SENATORS

Cools—1

POPE JOHN PAUL II DAY BILL

THIRD READING—MOTION IN  
AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Plett, for the third reading of Bill C-266, An Act to establish Pope John Paul II Day.

On the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Hervieux-Payette, P.C., that Bill C-266 be not now read a third time but that it be read a third time this day six months hence.

**The Hon. the Speaker:** The question is on the amendment.

Motion in amendment negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Baker	Joyal
Campbell	Kenny
Chaput	Massicotte
Cordy	Mitchell
Cowan	Moore
Dawson	Munson
Day	Nancy Ruth
Downe	Ogilvie
Eggleton	Ringuette
Fraser	Sibbeston
Furey	Smith ( <i>Cobourg</i> )
Hervieux-Payette	Tardif
Jaffer	Verner—26

NAYS  
THE HONOURABLE SENATORS

Andreychuk	Manning
Ataullahjan	Marshall
Batters	Martin
Bellemare	McInnis
Beyak	McIntyre
Black	Meredith
Carignan	Mockler
Cools	Neufeld
Dagenais	Ngo
Demers	Nolin
Eaton	Oh

Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene  
Housakos  
Johnson  
Lang  
LeBreton  
MacDonald  
Maltais

Patterson  
Poirier  
Raine  
Rivard  
Runciman  
Seidman  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Wells—44

#### ABSTENTIONS THE HONOURABLE SENATORS

Boisvenu—1

• (1750)

#### IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

#### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Meredith, for the 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.

**Hon. Larry W. Campbell:** Honourable senators, I was not going to speak on this bill because, quite frankly, to do so would require me to go to a place in my mind where I don't like going. However, after listening to Senator Jaffer and Senator Eggleton, I could not in good conscience ignore this issue.

Let's start with the term "barbaric." When I looked it up in the dictionary, I was quite amazed at the numerous words used to describe the word "barbaric": brutish, bestial, savage, vicious, wicked, cruel, ruthless, monstrous, vile, inhuman, murderous and diabolical. Obviously, the term "barbaric" is a brutal, all-encompassing one that brings out the worst in human thought.

The other term we've bandied about here with such great regularity is "honour killing." When I was Vancouver coroner and later Chief Coroner for British Columbia, I investigated deaths that the media termed "honour killing." Honourable senators, I can tell you that there is no such thing as honour killing. No religion condones this action. In fact, it is my feeling that the media and others use this term because it has a visceral effect on Canadians.

Dr. Amin Muhammad is a psychiatrist at Memorial University and is working on a report for the federal government about "honour killings" in Canada. He notes that honour killings are not in any way condoned in the Quran, Islam's holy book. He suggests the idea is coming up more as a defence for murder by people hoping to take advantage of Canada's cultural sensitivity in order to receive more lenient sentences. As we all know, this is not a defence. It has been repeatedly thrown out by the courts whenever it has been used. Dr. Mohammed said he suspects mental health issues are behind most cases.

In actual fact, what we have is a murder committed for exactly the same reasons that other murders are committed. Murder is predominantly a male crime. When you look at murders and the reasons for them, some of the reasons are for gain, revenge, elimination, jealousy and lust.

In my investigations, when all the facts were presented to a jury, the conclusion was that by wrapping this crime in a term associated with religious connotation, the accused was trying to put a spin on what was a vicious and violent homicide. Interestingly, in every case I investigated, the community involved was appalled, embarrassed and humiliated at the thought that this behaviour could be considered the norm. Nothing could be further from the truth.

I believe that this bill, like many others from this government, does nothing but reinforce to their red-meat supporters that they are different, more moral, more law-abiding than the majority of Canadians.

People have bandied about the case of Bountiful, British Columbia. Bountiful is a town in southern British Columbia on the border with the United States. It claims to be a Mormon community. Let me make this clear: The people of Bountiful are a group that claims religious exemption to what is essentially criminal acts involving men. Charges have been laid against the leader, alleging polygamy and unlawful removal of children from Canada with the intention of committing sexual crimes. Does anything speak more to this fact than the fact that the ultimate group leader, Warren Jeffs, is in prison in the United States for life plus 20 years for rape as an accomplice? These charges included sexual conduct with minors and incest. There are laws in place that are enforced to stop the conduct of these male misfits. To my mind, the male leaders of Bountiful are quite simply child abusers and women abusers, garden variety perverts who hide behind a religious sect that has no validity or credibility. I'm not speaking to the Mormon Church but rather to the fundamentalists who live in Bountiful and pretend that they are Mormons.

This bill, honourable senators, will change nothing.

Honourable senators, when I remembered the cases involving the so-called honour killings, I was again taken to places of untold brutality — shocking visions that still touch me viscerally. But in reality, I had many cases that were as difficult and as disturbing. They did not involve any religious connotations, and the accused did not hide behind the term "honour killings."

If the unneeded term “barbaric” was removed from the bill, I would not find this bill so repugnant. Like many bills introduced, this is a solution in search of a problem.

Frankly, the title is hateful and will not result in any significant changes. I urge you to amend the title to something that does not divide our citizens and that does not put us in a place of them or us. Instead of inflammatory language, we as Canadians should supply help to all our citizens when they are having difficulties. An ounce of prevention is worth a pound of cure. While I would prefer to see this bill defeated, I know that will not happen, but I appeal to you, however, to change the title.

Thank you for your attention.

**Hon. Anne C. Cools:** Honourable senators, I rise to speak in opposition at third reading of Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act, the Criminal Code and to make consequential amendments to other acts.

This bill’s short title is “Zero Tolerance for Barbaric Cultural Practices Act.” This short title is unwise and insensitive, for this bill that touches certain human activities, which, though undesirable in Canada, are large and complicated.

This bill has proceeded in the Senate with unreasonable haste. This quick journey is objectionable, as is the Senate’s rush to judgment on this bill. Its many substantive issues have had truncated treatment. It did not receive the fulsome debate that such a complicated subject deserves. Its first reading was November 5, and its journey here has been only 18 sitting days. This haste is disturbing for those who have concerns about this bill.

• (1800)

Honourable senators, the bill’s Senate supporters insist that the terms “barbarism” and “barbaric” are reasonable descriptions in this bill, insisting that these terms apply to the actions but not to the cultures of those touched by it. These claims are specious and fallacious.

**The Hon. the Speaker:** Senator Cools, just a moment, please. It’s 6:00. Am I advised that I don’t see the clock?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** I will not see the clock.

Senator Cools.

**Senator Cools:** They fly in the face of the human fact, and of the human experience. This mistaken and facile dichotomy denies the nature, structure and workings of the human person, and human mind. It denies the human factor, which is that in the human species, personal traits and cultural practices are inseparable. This is the condition of the upright, two-legged, rational, human

animals that we call people. Human nature is that way. This is further complicated by the fact that human beings are most often incapable of insight into their own actions and attitudes. The human psyche is an artful dodger, well-practiced in its art of self-knowledge and self-discernment avoidance. Many human beings labour in a unique human darkness. This is best expressed by the Jesuit Father Thomas Green in his 1984 book, *Weeds Among the Wheat*. Relying on the spiritual master Jacques Guillet’s work on personal discernment, Father Green quotes him, at page 29:

Man is plunged into a threefold darkness. God commands without being seen; Satan conceals himself, suggests more than he affirms, proposes more than he demands. . . . Finally, there is the darkness in man himself who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them. . . .

In this “threefold darkness” man is challenged to choose and to act:

Choice for this man is not only the selection of this or that mode of acting; it requires, also, the identification of the voices he hears. Therefore, he must make a discriminating judgment — and that is “discernment.”

Honourable senators, debate on Bill S-7 should have begun by admitting that questions that involve family relations and family ties are inherently difficult and complicated. This is the nature and structure of familial bonds and connections. They are deep, interconnected, interwoven, and not easily disentangled. Human beings tend to live in states of closeness to their family members. We must understand that family relationships and cultural attitudes are connected and deeply bonded.

I note this debate’s prevalent use of the term “domestic violence.” I also note that family and domestic violence have been falsely framed as violence against women. The term “violence against women” is inadequate to express the depth of the gravity of violence between family members and its consequences for all family members. This term presumes that violence is a gendered characteristic, a gendered problem.

Violence, a scourge of the human condition, is a human problem, not a gender problem. Both American and Canadian scholars of domestic and family violence, such as University of New Hampshire’s Dr. Murray Straus and University of British Columbia’s Dr. Donald Dutton, inform that domestic violence is symmetrical and that men and women attack each other and initiate violence against each other at equal rates.

Honourable senators, this domestic violence symmetry is much overlooked. It was examined in the well-supported 1998 Report of the Special Joint Senate-House of Commons Committee on Child Custody and Access after Divorce. This report, titled *For the Sake of the Children*, said at page 80:

Information about female violence is available in anecdotal form, as well as in the results of general population surveys using the Conflict Tactics Scale (CTS), developed by

Murray Straus. That scale was used in Statistics Canada's 1993 Violence Against Women Survey, which was cited by a number of witnesses. They quoted its major finding that 29 per cent of currently or formerly married women had experienced some form of domestic violence. Some Committee Members noted that the same 1993 study reported that the vast majority of women — 97 per cent — had not experienced abuse the year before. The study reported that "Three percent of women were assaulted by their partner in the 12 months prior to the survey." However, the Violence Against Women Survey has been criticized because it applied the CTS only to women and did not ask men about their experience of violence perpetrated by women. Some Committee Members noted Dr. Murray Straus's concern about inadequate use of his methodology, the CTS, in the 1993 Statistics Canada survey, quoting Dr. Straus as having noted the omission of questions about women assaulting men:

That is what the Canadian National Survey of Violence Against Women did. They used the techniques which I developed, the Conflict Tactics Scale. But they left out the half of it which asks about violence by women, so they wouldn't be left with politically embarrassing data.

Dr. Straus's words are most interesting.

Honourable senators, those who work in the family violence field quickly discover the reality of female violence, and female abuse of children and men. As Canada's frontrunner in this field, I built one of Canada's first women's shelters in Toronto. I served families afflicted by violence loyally for decades.

England's Erin Pizzey, whom I call my soul sister, in the early 1970s, founded Chiswick Women's Aid, the world's first women's shelter for women, and families, afflicted by violence in London. She wrote the world's first book on domestic violence, titled *Scream Quietly or the Neighbors Will Hear*. On July 5, 1998, Erin Pizzey, writing in the London newspaper *The Observer*, said:

... of the first 100 women coming into the refuge, 62 were as violent as the partners they had left. Not only did they admit their violence in the mutual abuse that took place in their homes, but the women were abusive to their children.

Honourable senators, the reality of vulnerable children's needs raises the troubling fact that the Standing Senate Committee on Human Rights, in its three committee meetings and 21 witnesses, did not hear a single person from the child protection and child welfare agencies, such as the Children's Aid Society. One would think that the child protection professionals and officials would have been heard. It is inconceivable that the Senate committee did not seek the testimony of those who actually are in the child protection business, nor the testimony of provincial Attorneys General who prosecute the relevant offences daily.

Honourable senators, the short title of Bill S-7 is "Zero Tolerance for Barbaric Cultural Practices Act." This Senate has been told little, actually nothing, of the effect and consequences of zero tolerance policies on these afflicted families.

By the way, honourable senators, the term "barbarism" — in addition to meaning uncivilized and savage — includes an element meaning foreignness and foreigners. Barbarians were foreign and came from far away.

A huge negative consequence of zero tolerance policies is the proliferation of false accusations and vexatious, mischievous prosecutions. I had hoped that the Senate committee would have examined the consequences or the results of zero tolerance policies. Between 1989 and 2003, there was a plethora of false accusations of physical and sexual abuse in divorce and child support proceedings. In two speeches here, on February 17 and May 4, 2000, I recorded in this Senate, 52 such cases, wherein false accusations were made in civil proceedings, mostly by women, and wherein the presiding judges found these accusations to be unsubstantiated and, frankly, false.

• (1810)

One such case, in 1994, in the Ontario Court of Justice was *B(D) and B(R) and B(M) v. Children's Aid Society of Durham Region and Marion Van den Boomen*. Justice Somers, in his reasons for judgment said, at page 42:

... sexual assault allegations made by a mother against a father in custody disputes are very prevalent nowadays and indeed have become ... "the weapon of choice".

They even called it the silver bullet.

Honourable senators, I come now to a most relevant criminal case where the presiding judge expressed great concern about zero tolerance policies respecting family violence. I speak of the Provincial Court of Alberta case *R. v. Ghanem*, June 22, 1998, presided by Judge B. R. Fraser.

The husband, Mr. Ghanem, had been charged with domestic assault against his wife, Nagewa Salem. He was tried and acquitted. She had charged him in an effort to imperil him in their divorce proceeding. It seemed that Mr. Ghanem was elsewhere when this alleged assault was supposed to have occurred. As it was, he was in another place with other people. He had alibis.

In his reasons for judgment, Judge Fraser addressed the absence of the proper investigation of the accused, Mr. Ghanem's, circumstances, particularly that of his alibis. The outcome was that Judge Fraser acquitted Mr. Ghanem. In his reasons for judgment, he said, at paragraph 2:

It was also disclosed to the police officer immediately upon being told of the allegations. The officer chose not to investigate the alibi and instead just laid the charge. Apparently he didn't feel he had any responsibility to do so.

And paragraph 17:

His alibi is corroborated by both the plumber, Mr. Toma, and the tenant Mr. Ramirez. Both are completely independent witnesses and I have no difficulty with their credibility whatsoever. I feel the same way about Ms. Mitchell. They are all credible, reliable witnesses.

And paragraph 19:

On the other hand I find the evidence of the complainant and her mother to be contradictory, confusing, contrary, conflicting, irreconcilable and quite frankly, false. I do not believe this assault they complain of, happened at all. I believe they concocted it for the purpose of gaining leverage in the custody issue and particularly in retribution for the legal papers the accused had caused to be served on the complainant. I find she didn't call the police until an hour or more after the papers had been served. The serving of the papers were the catalyst to concocting this fabrication and falsely accusing Mr. Ghanem.

And paragraph 21. This is Judge Fraser's reasons for judgment.

I want to make two further comments because one is curious as to how a man could be falsely accused in these circumstances right up to and including a trial. The reasons are quite clear to me and disturbing. First, the police apparently have a policy of zero tolerance in domestic assault cases. Any zero tolerance policy is dangerous. It is especially dangerous when it is not properly applied. If the police consider zero tolerance means laying a charge whenever they receive a complaint, they are incorrect. The power to arrest and lay charges is an awesome power. Used incorrectly it is oppressive to the public. Complaints must be investigated. An officer doesn't automatically have reasonable grounds just because someone makes a complaint of domestic abuse. In this case the officer correctly goes to the potential accused and advises him of the complaint. The purpose of that is to investigate the complaint. If the potential accused has another version or as in this case an alibi, it is incumbent on that officer to investigate that version or that alibi to the best of his ability in order to determine if he has reasonable grounds to lay the charge. If, after a proper investigation he feels the complaint is legitimate, and he has reasonable grounds for that belief, then he must lay the charge. That's what zero tolerance means.

Now remember, I am recording here Judge Fraser's words in his reasons for judgment.

At paragraph 22:

Here the officer advises Mr. Ghanem of the complaint and Mr. Ghanem gives up his right to silence by immediately advising him that he wasn't there and where he was and that there are witnesses who can verify it. The officer's answer to this is to charge and arrest him and tell him that if he had a witness he could bring that witness forward. The result is that an innocent man with a full bona fide alibi verified by three people is falsely charged and put through the agony of a criminal trial and the expense of having to defend himself. If that's what police officers think zero tolerance means, then their training is sadly lacking. I would direct the Crown to send a transcript of this trial and my remarks to the Chief of Police of the Calgary Police Service so that police force can correct that misunderstanding and hopefully avoid another innocent person being charged without the police completing a full investigation.

Secondly, and the primary reason the accused was falsely charged was the false complaint by the complainant —

**The Hon. the Speaker *pro tempore*:** I regret to inform the senator her time has expired.

**Senator Cools:** Your Honour, may I have five more minutes?

**The Hon. the Speaker *pro tempore*:** Is the chamber granting five more minutes to Senator Cools?

**Hon. Senators:** Agreed.

**Senator Cools:** I thank you, Your Honour.

Secondly, and the primary reason the accused was falsely charged was the false complaint by the complainant Nagewa Salem and the false testimony by both her and her mother, Fatima Salem. There is a remedy for this kind of conduct. To falsely accuse someone of a crime is a crime in itself of mischief. To give false testimony is also a crime of perjury. I therefore direct the Crown to bring the transcript of this trial and my remarks to the attention of the Chief Crown Prosecutor for the purpose of determining if such charges should be investigated and if so to further determine if evidence supports such charges. They may also wish to investigate why the alibi of which the Crown had formal notice was not investigated at their direction.

Honourable senators, that was one of many cases, which is unquestionable proof of the serious dangers of zero tolerance policies respecting Criminal Code offences including family members. Bill S-7 is poised for similar abuses and similar miscarriages of justice. This is revealed in its short title, the "Zero Tolerance for Barbaric Cultural Practices Act."

In conclusion, senators, I wish to say that matters of such gravity and complexity require a greater examination, review and debate than this bill has been given here. Colleagues, the experience, the precedents, and the cases show that zero tolerance policies will, of necessity, spawn many pernicious acts. This is a heart of darkness which is soul destroying for its victims. I earnestly urge colleagues to rethink this bill, because nowhere in this debate have I heard any consideration or any attention given whatsoever to the negative and pernicious, as I said before, consequences of zero tolerance policy. There is much evidence to show that a zero tolerance policy is unwise, not prudent, quite often foolish and a great folly. It's a mischief in and of itself.

Thank you, honourable senators.

**The Hon. the Speaker *pro tempore*:** As I see no other senators rising on debate, are senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Ataullahjan, seconded by the Honourable Senator Meredith, that this bill be read the third time.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Agreed.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Do the whips have agreement?

**Hon. Elizabeth (Beth) Marshall:** Your Honour, a fifteen-minute bell.

**The Hon. the Speaker *pro tempore*:** Therefore, we will be voting at 6:33 p.m.

Call in the senators.

• (1830)

Motion agreed to and bill read third time and passed on the following division:

**YEAS**  
**THE HONOURABLE SENATORS**

Andreychuk  
Ataullahjan  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Carignan  
Dagenais  
Demers  
Eaton  
Enverga  
Fortin-Duplessis

Martin  
McInnis  
McIntyre  
Meredith  
Mockler  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Poirier  
Raine  
Rivard

Frum  
Gerstein  
Greene  
Housakos  
Johnson  
Lang  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall

Runciman  
Seidman  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells  
White—47

**NAYS**  
**THE HONOURABLE SENATORS**

Campbell  
Chaput  
Cools  
Cordy  
Cowan  
Dawson  
Day  
Downe  
Eggleton  
Fraser  
Furey  
Hervieux-Payette

Jaffer  
Joyal  
Kenny  
Massicotte  
Mitchell  
Moore  
Munson  
Nancy Ruth  
Ringuette  
Sibbeston  
Tardif—23

**ABSTENTIONS**  
**THE HONOURABLE SENATORS**

Nil

[*Translation*]

• 1840

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

**BILL TO AMEND—THIRD READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Oh, for the third reading of 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).

**Hon. Diane Bellemare:** Honourable senators, the current debate on Bill C-525 has mainly focussed on the form of the bill and technical errors rather than the substance of the bill. Even though I think that a secret vote makes sense, I would like to explain why I will abstain from voting for or against this bill.

I would first like to address issues arising from the fact that this is a private member's bill.

[English]

The rules surrounding a private member's bill are very large and, consequently, not precise. We know that it cannot involve new spending, but nothing precludes an MP from introducing bills on very important subjects. It makes sense for some issues to use private members' bills, but private members' bills on issues related to labour relations can be very disruptive. Indeed, they attack institutions that are central to the distribution and creation of wealth.

[Translation]

Private members' bills that apply to labour institutions can have a very adverse effect on productivity in the workplace. For that reason, private members' bills should not deal with labour relations.

Although Federally Regulated Employers - Transportation and Communications, or FETCO, supports Bill C-525, it has been critical of the government for using private members' bills for labour relations issues, and it has called on members of Parliament to stop politicizing labour relations. I don't need to repeat the quote that Senator Fraser shared yesterday. Everyone heard it.

A number of Canadians would like to get rid of unions, but we can't forget that the organization of labour within a company is a collaborative and collective process. Employee performance and productivity are closely connected to the atmosphere at work. The belief that unions automatically hamper productivity and economic growth reflects a rather simplistic and short-sighted analysis. In most cases, when unions are involved in the decision-making process, they enable employers to restructure, for example, and meet the challenges of globalization. This doesn't mean that unions don't need to adapt to today's realities and review their practices, just as all institutions need to do.

This is something I worked on in university and in the real world as well. I worked with employers and unions separately, and also together. In international research I conducted, I noted that in countries where there is cooperation between employers and employees, it is easier to adapt to change and stimulate productivity. In these countries, unions aren't seen as the cause of problems, but rather as part of the solution.

A friend of mine, who was the international president of a large Scandinavian company, told me that he was able to proceed with major restructuring because of the unions associated with his business, which have representatives on the board of directors.

[English]

An extension of this theme is the fact that many people dislike politicians and politics, as they dislike unions, but they know deep down that politicians and politics are a necessity. Without elected

politicians, democracy would be impossible to survive. In other words, in a democracy, politicians are a necessary evil, and I think it is the same with unions.

[Translation]

That being said, the unions must have legitimate ambitions. In the current Canadian context, where labour organizations are not very popular, a secret ballot vote on union certification or decertification could enhance the organization's legitimacy.

[English]

Indeed, if the secret ballot is not a panacea, it can contribute to increased credibility and to the legitimacy of unions.

[Translation]

However, the membership card accreditation system has existed since the early days of unionization. It has proven useful in the past, but one can see how this system might need to be reviewed in the 21st century.

According to Mr. Seiferling, a lawyer from Saskatchewan who worked with both unions and employers and who testified in committee, the membership card system does not allow employees to indicate their real preference with regard to unionization. I would like to quote some of his testimony. He said:

There are a number of problems I've seen in my practice associated with card-based certification that can only be corrected by employees having the right to vote by secret ballot before a union is certified.

If you are interested, you can read the rest of his testimony for yourselves, since I want to shorten my speech. His remarks are rather enlightening.

[English]

Mr. Seiferling told the committee that the secret ballot is important to ascertain that democracy is pursued within the workplace. According to his testimony, a secret ballot is the closest we can get to ascertaining that the majority of employees want to join a union. He said:

A vote also gives the employer a clear indication of the fact that the employee has support and allows bargaining to proceed with the knowledge of majority support.

[Translation]

However, Professor Sara Slinn from the Osgoode Hall Law School indicated that Bill C-525, as it stands, is no better. She said, and I quote:

[English]

What we really need, if the decision is that the vote mechanism is the one we want to use, is to put safeguards in to properly protect employees, and that's what we don't have in any legislation right now to a sufficient degree and we certainly don't have in Bill C-525.

[ Senator Bellemare ]



[Translation]

Honourable senators, we must never forget that the right to associate and form unions is a fundamental democratic right recognized in section 2 of the Canadian Charter of Rights and Freedoms under our Constitution. It is our duty to ensure that this right is upheld.

For years, centuries and centuries, workers — you don't remember, but we all know — were slaves or serfs whose masters held significant rights over their lives. It is simply impossible to imagine such a thing in this day and age. We think that the exploitation of one person by another in the workplace is a thing of the past and gone completely.

However, without unions, do you think that the exploitation of one person by another in the workplace would really be impossible? Do you think that all individuals could assert their individual rights as recognized in the Charter of Rights and Freedoms and labour laws? I doubt it. Unions exist to ensure that individual rights are respected in the workplace.

Let's come back to Bill C-525. I was interested in hearing what the witnesses had to say about this bill at the Committee on Legal and Constitutional Affairs. At their request, I met with some union representatives who were opposed to this bill. I understood that on the ground, even though secret ballots make sense, in practice, the deadline for holding a vote can be conducive to the use of intimidation by some employers who do not look kindly on the arrival of a union, or by some employees against other employees.

• (1850)

This sort of intimidation can have a real and lasting negative impact on the work atmosphere. I therefore believe it is necessary, from a pragmatic point of view, to limit the delay before a secret ballot vote is held so that the right to organize can be exercised as fairly as possible.

That is why, honourable senators, I proposed amendments when the bill was examined clause by clause in committee. These amendments sought to ensure that the secret ballot vote was held no later than five working days after the application for certification or decertification, as is the case in Ontario and Nova Scotia. My amendments were rejected at second reading, and I decided not to reintroduce them because I respect the work of the committee.

Some will say that my concerns are unfounded and that it is not necessary to include specific deadlines in the law. I doubt it. Indeed, deadlines are set out in the labour codes of all the provinces that have adopted the principle of secret ballot voting. These deadlines are short in some provinces and longer in others.

As the Chair of the Public Service Labour Relations and Employment Board indicated in committee, since sufficient resources are not currently available to hold a mandatory secret ballot vote within a short timeframe, an official deadline must be imposed. Without an official deadline and without the necessary

financial resources, a mandatory secret ballot vote for the certification or decertification of labour organizations can adversely affect the labour environment. I wanted these comments to go on the record.

What is more, in order to reduce the possibility of intimidation as much as possible, witnesses told us that it was better not to hold a secret ballot vote in the workplace; rather, employees should be encouraged to vote from home by mail, telephone or Internet. Professor Slinn, whom I quoted earlier, pointed out that that is what is happening in several American states.

For all of these reasons, and also because the bill contains a technical error, which the law clerk discovered on Wednesday and I found out about on Thursday morning, I decided to propose amendments to the bill to ensure short deadlines. As I said earlier, my amendments were rejected. I respect the committee's decision, and that is why I will abstain from voting.

As to the technical error, I am sure that the committee's observation will result in its being corrected without delay. I believe that, in light of everything that has been said, many of us will work to ensure that the Public Service Staff Relations Act is amended to clear up the confusion caused by the numbering in Bill C-525. Thank you for your attention, honourable senators.

**Some Hon. Senators:** Hear, hear!

[English]

**Hon. John D. Wallace:** Colleagues, I wish to begin by saying that I do support the subject matter and the substance of Bill C-525. But, as has been referenced by others who have spoken before me and by the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, during the committee's review of Bill C-525, significant drafting errors were identified. Those errors were referred to by witnesses who appeared before the committee as not being trivial.

Consequently, I can come to no other conclusion than that the bill is flawed and defective. I believe that the review, study and consideration that our committee gave the bill and the debate and discussion concerning the bill that's in this chamber go to the very heart of why the Senate exists at all. It goes to the heart of the fundamental roles and responsibilities that all of us have as senators and swore to undertake in the oath that was administered to us on the day we did become senators.

Consequently, colleagues, I am unable to and cannot support Bill C-525 in its current form.

**The Hon. the Speaker *pro tempore*:** I see no other senators rising on debate. Are honourable senators ready for the question?

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** I see more than two senators rising.

**Hon. Elizabeth (Beth) Marshall:** Fifteen minutes.

**The Hon. the Speaker *pro tempore*:** We will be voting at 7:10.

Call in the senators.

• (1910)

Motion agreed to and bill read third time and passed, on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Beyak  
Black  
Boisvenu  
Carignan  
Dagenais  
Demers  
Eaton  
Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene  
Housakos  
Johnson

Martin  
McInnis  
McIntyre  
Meredith  
Mockler  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Poirier  
Raine  
Rivard  
Runciman  
Seidman  
Smith (*Saurel*)  
Stewart Olsen

Lang  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall

Tannas  
Unger  
Verner  
Wells  
White—45

#### NAYS THE HONOURABLE SENATORS

Campbell  
Chaput  
Cordy  
Cowan  
Dawson  
Day  
Downe  
Eggleton  
Fraser  
Furey  
Hervieux-Payette

Jaffer  
Joyal  
Kenny  
Mitchell  
Moore  
Munson  
Nancy Ruth  
Ringuette  
Tardif  
Wallace—21

#### ABSTENTIONS THE HONOURABLE SENATORS

Bellemare

Massicotte—2

#### POPE JOHN PAUL II DAY BILL

##### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Plett, for the third reading of Bill C-266, An Act to establish Pope John Paul II Day.

**Hon. Art Eggleton:** Honourable senators, I'll be very brief on this, but I do want to register my opposition to this particular bill.

I understand the thrust being done by the proponents. John Paul II is a historic figure in the current context. He was an inspiration to many political leaders in Eastern Europe, those leaders ultimately bringing down the Iron Curtain. But there is another side to this that needs to be considered as well.

The first thing, as was stated yesterday by Senator Joyal, is that there is a blurring of the principle of the separation of church and state. This gives a privilege to one particular religious group over others. There are many leaders in religious communities who have had a profound impact on the lives of people in this world and the lives of people in this country. To pick one over others leads one

to believe that there could be many more that could be considered. I just don't think that this blurring of the separation between church and state is a very wise thing to do, so I oppose it on those grounds.

I also oppose it on the grounds of some very disturbing things that happened in the Vatican. We know that equality of women is not advanced at all through that institution. Yesterday, Senator Joyal mentioned that there were 122 cardinals elected to Pope. Of course, they are all men. This is an institutional culture. It's not biblical. It's an institutional culture that is way out of date and should have been changed a long time ago.

The most disturbing thing though, in terms of things that have happened at the Vatican, is how poorly they have handled the matter of sexual abuse, sexual abuse against thousands of children by thousands of priests. They've shuffled priests here and there; they've covered up here and there. It is not the kind of thing that should in any way be condoned.

You can't put that all at the feet of John Paul II, but one does have to bear in mind that he was the supreme pontiff. He was, in fact, the head of the Vatican, and this did happen on his watch.

I think, for those reasons, this is not an appropriate move to make. Therefore, I intend to oppose the bill.

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

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Fortin-Duplessis, seconded by Honourable Senator Plett, that this bill be read the third time.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Those who are in favour of the motion please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those who are against, please say "nay."

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker:** I see more than two senators rising. Whips?

**Hon. Elizabeth (Beth) Marshall:** Fifteen minutes.

**Hon. Jim Munson:** Fifteen minutes.

**The Hon. the Speaker:** A 15-minute bell. We will have a vote. If you don't agree, it will be an hour. Fifteen?

**Senator Munson:** Yes, sir.

**The Hon. the Speaker:** We will have the vote at 25 minutes to eight o'clock. Call in the senators.

• (1930)

Motion agreed to and bill read third time and passed on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk	Maltais
Ataullahjan	Manning
Batters	Marshall
Bellemare	Martin
Beyak	McInnis
Black	McIntyre
Carignan	Meredith
Cools	Mockler
Dagenais	Ngo
Demers	Nolin
Eaton	Oh
Enverga	Patterson
Fortin-Duplessis	Poirier
Frum	Raine
Gerstein	Rivard
Greene	Seidman
Housakos	Sibbeston
Jaffer	Smith ( <i>Saurel</i> )
Johnson	Tannas
Lang	Unger
LeBreton	Wallace
MacDonald	Wells—44

#### NAYS THE HONOURABLE SENATORS

Campbell	Kenny
Cowan	Mitchell
Dawson	Moore
Day	Munson

Eggleton  
Fraser  
Hervieux-Payette  
Joyal

Nancy Ruth  
Ogilvie  
Ringuette  
Verner—16

# ABSTENTIONS THE HONOURABLE SENATORS

Boisvenu  
Chaput  
Cordy  
Downe

Furey  
Stewart Olsen  
Tardif—7

• (1940)

## BUSINESS OF THE SENATE

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I ask leave of the Senate to stand all remaining items on the *Order Paper and Notice Paper* without losing their priority.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Senator Martin:** Before yielding the floor to our leader, honourable senators, I ask for leave once again to suspend the sitting to await messages respecting Royal Assent, with the bells to ring for five minutes before the sitting resumes.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

## FELICITATIONS

**Hon. Claude Carignan (Leader of the Government):** Honourable senators, with leave, the Leader of the Opposition, the Honourable Senator Cowan, and I agreed that before we suspend the sitting, we would convey our holiday wishes.

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

**Hon. Senators:** Agreed.

**Senator Carignan:** Thank you. I would like to take a moment now to wish everyone happy holidays and all the best for the new year.

I will be brief, of course, since we are all anxious to get home to our families. I know some people also have flights to catch. I would like to point out, and I'm sure you'll agree, that we've had a very busy but productive fall.

I want to thank everyone for their hard work and for how diligently we have all discharged our duties as parliamentarians. The atmosphere in this chamber during our deliberations was always courteous and respectful. Everyone helped create an atmosphere befitting an upper house in 2014, as we welcomed a new Speaker. We also dealt with 42 new bills, including omnibus bills, that received Royal Assent, which makes 2014 the most productive year since our government came to power in 2006.

The Senate passed 46 bills in 2014, including 21 since Parliament resumed in September.

**Some Hon. Senators:** Hear, hear!

I would also like to take this opportunity to thank all Senate employees who, day after day, make sure that we have everything we need to fulfill our responsibilities, and special thanks this year to the Senate security staff.

**Hon. Senators:** Hear, hear!

**Senator Carignan:** They showed us just how professional and dedicated they are in protecting us. I'm sure that none of us will ever forget October 22.

[Translation]

Tonight we will leave this place for the holiday break, and I invite all of you, honourable senators, to take advantage of this special time of the year to recharge your batteries, spend some quality time with your loved ones and take advantage of the joys of winter or enjoy the sea and sun.

As you all know, 2015 will be just as busy. We'll need a lot of energy for this coming year. I thank all of you. I thank the pages, the clerks, the stenographers and the interpreters, as well as the Usher of the Black Rod and the Mace Bearer. Thank you very much.

[English]

**Hon. James S. Cowan (Leader of the Opposition):** I'd like to join my friend Senator Carignan in wishing everyone, both our colleagues in the chamber here and the rest of our Senate family who work so hard to support our work, the very best for the holidays. And I would join with Senator Carignan and all of us in paying particular recognition to the security staff here who have had a particularly stressful time over the last little while. We appreciate what they do to make us feel as safe as we do.

I hope that all of us and all of you will take the opportunity to spend time with family and friends these holidays to recharge batteries, because we'll all be back here in January to start it all over again.

And a special thank you to our clerk, Dr. Gary O'Brien. I'm sure we'll have an opportunity to speak more about this on our return, but many of us were surprised and disappointed to learn

this morning that he plans to retire from this place in February, and not for the first time. My wish for him is that perhaps over the holidays, if he has a glass or two of wine, or an eggnog or two, he might reconsider his decision. I'm sure we all agree that his wise counsel will be missed. I look forward to when we will have an opportunity to pay a proper tribute to him upon our return.

• (1950)

Colleagues, it has been an interesting year. I perhaps don't share the leader's view of how productive it was or how fair the session was in the way it unfolded, but, from our side, we found it interesting.

Those of us on this side of the chamber have begun to explore the possibilities that have been offered to us by the decision of Mr. Trudeau in January to free us, to liberate us from the constraints of being members of the national Liberal caucus.

I have been very proud of the work my colleagues have done to promote initiatives, such as our Open Caucus and our "Questions from Canadians." Senator Carignan may not appreciate that aspect the way we do, but, nonetheless, I think it has gone some small way to open up and make the Senate more relevant to Canadians.

**Some Hon. Senators:** Hear, hear.

**Senator Cowan:** We, on this side — and I hope we can count on the cooperation of our friends opposite — will continue to look for ways to engage Canadians in the work that we do here. I'm sure that that is a goal that all of us, wherever we sit in this chamber, would share.

Colleagues, we have to recognize that the biggest barrier to citizen involvement in our work may well be how we conduct ourselves and how we're doing our work here in the Senate. It's difficult to encourage Canadians to engage with us when they cannot see any impact that their input has on our legislative work. Why should they engage in such circumstances? Whether it's serious constitutional issues raised by provincial governments or nonsensical drafting errors discovered in committee, all are equally ignored when the time comes for the final vote. Colleagues, this cannot be healthy for our Parliament or for our democracy, and surely it's not why any of us came to this chamber.

I'm also concerned about the disturbing trend of subordinating the Senate's constitutional role as a legislative chamber to the Byzantine rules and Standing Orders of the other place. Each time we do so, we fail our constitutional responsibilities. Simply put, we do not do our job.

I hope, colleagues, that over the holidays we will reflect on our work, the role of this institution and the responsibility that each of us has as senators. I know all of us want to make this a better place.

My very best wishes to each of you for a happy, healthy and productive 2015.

**Hon. Senators:** Hear, hear.

**The Hon. the Speaker:** I now declare the sitting suspended awaiting a message from Government House.

(The Senate suspended during pleasure.)

[Translation]

(The sitting of the Senate was resumed.)

• (2040)

## ROYAL ASSENT

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

### RIDEAU HALL

December 16, 2014

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 16<sup>th</sup> day of December, 2014, at 8:18 p.m.

Yours sincerely,

Stephen Wallace  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills assented to December 16, 2014:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015 (*Bill C-45, Chapter 33, 2014*)

An Act to establish a national day to promote health and fitness for all Canadians (*Bill S-211, Chapter 34, 2014*)

An Act to amend the Canada National Parks Act (Nááts'ihch'oh National Park Reserve of Canada) (*Bill S-5, Chapter 35, 2014*)

An Act to amend the Corrections and Conditional Release Act (escorted temporary absence) (*Bill C-483, Chapter 36, 2014*)

• (2050)  
[English]

An Act respecting a Federal Framework on Lyme Disease (*Bill C-442, Chapter 37, 2014*)

An Act to amend the Indian Act (publication of by-laws) and to provide for its replacement (*Bill C-428, Chapter 38, 2014*)

A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures (*Bill C-43, Chapter 39, 2014*)

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) (*Bill C-525, Chapter 40, 2014*)

An Act to establish Pope John Paul II Day (*Bill C-266, Chapter 41, 2014*)

## ADJOURNMENT

### MOTION ADOPTED

Leave having been given to revert to Government Business, Motions, Order No. 79:

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of December 15, 2014, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, January 27, 2015 at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, January 27, 2015, at 2 p.m.)

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