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The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Thursday, June 21, 2012

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Lord Prior of the Venerable Order of St. John, Professor Anthony R. Mellows and Mrs. Elizabeth Mellows.

On behalf of all honourable senators, I welcome you to the Senate of Canada on the eve of the Feast of St. John.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

NATIONAL ABORIGINAL DAY

Hon. Vernon White: Honourable senators, I stand proudly today to speak about Metis, Inuit and First Nations, who make up the Aboriginal peoples in Canada.

Today is National Aboriginal Day, celebrating the first peoples of this country. I have worked with Canada's first peoples for most of my adult life. Working with Aboriginal people from three territories and three provinces in Canada, I have seen the challenges that Aboriginal people face. As well, I have seen the opportunities that Aboriginal people have found from within these challenges.

We have seen the difficulties within many of our Aboriginal communities, often brought on by the actions of others, for example, residential schools. However, this is an area where we are moving through a reconciliation process that will hopefully allow affected Aboriginal people and all Canadians a better understanding of the impact of residential schools upon these proud people.

The reconciliation process is not an Aboriginal process, I would argue, but rather time for reconciliation for all Canadians and a step forward toward improved relationships and increased opportunities between Aboriginals and non-Aboriginals.

Honourable senators, I suggest respectfully that all Canadians take the opportunity to better understand the path of Canada's first peoples. This education will allow us to better work with these communities to ensure and assure their place in our history and, as important, in our future.

Having lived within Aboriginal communities, I have seen the pride of Canada's First Nations, Inuit and Metis alike. Their history is rich. They were there to work alongside the first Europeans who arrived on this land, and they fought alongside those same Europeans in the War of 1812, the First World War and the Second World War. As well, they have been soldiers in every conflict participated in by Canada.

Having a relationship, both professionally and personally, with police officers from all three Aboriginal groups, who have provided me with a link with the communities I served and a door into those communities, has been an important aspect of my work and life. Without that door, I may not have been successful as a police officer serving those very communities.

Canada, in its relationship with our first peoples, is at a tipping point. The youth of Canada's first peoples want to be a relevant part of this country and the growth we are embarking on within this country. Whether it is the natural resource opportunities in the three northern territories or in the provinces across this country, we must find a way to work with our Aboriginal youth to ensure they are included as an important ingredient in our future Canadian success.

Honourable senators, today is a special day for all Canadians. We have an opportunity to thank Aboriginal people for what they gave us centuries ago: a home called Canada. Please take the time to engage our Aboriginal communities on this day and every day.

WORLD REFUGEE DAY

Hon. Mobina S. B. Jaffer: Honourable senators, every minute, eight people leave family and possessions to escape war, conflict and persecution.

Yesterday, June 20, 2012, the international community observed the United Nations World Refugee Day. I reflected on my own experiences as a refugee and said a prayer for all those men, women and children around the world who are desperately seeking protection.

According to the United Nations High Commissioner for Refugees, conflict, war and violence have separated millions of refugees from their loved ones, which is indeed the most devastating fate for an individual to face. Even one family torn apart by war and conflict is one too many.

In 2011, an estimated 4.3 million people were newly displaced as refugees due to conflict or persecution. More than 800,000 people were displaced as refugees across international borders, the highest number in more than a decade. Another 35 million people were newly displaced within the border of their countries, which was a 20 per cent increase from 2010.

António Guterres, the United Nations High Commissioner for Refugees stated:

2011 saw suffering on an epic scale. For so many lives to have been thrown into turmoil over so short a space of time means enormous personal cost for all who are affected.

Honourable senators, during a recent visit to Uganda I met a mother from Somalia named Fatima. Fatima had walked for literally 1,000 miles, alongside her five children, from a place near the capital Mogadishu to Dadaab in Kenya, which is the largest refugee camp in the world and is host to about half a million people. She had then found her way to Uganda in order to get away from the youth gangs at the camp.

She said that after walking for several days, her eldest daughter was gang raped by the militias while she and her other children were forced to watch. This of course traumatized her entire family. When they reached the Dadaab camp, she did receive help for her daughter. Although she was grateful for this, she learned that her sons had joined a youth gang and she was concerned for their safety.

Fatima explained to me that she and her family were living fairly comfortably before there was civil unrest in Somalia. Sadly, her husband and one son were killed and one of her other sons was missing. She fled from home with nothing but the clothes on her back as she wanted to protect the rest of her family. She told me that if she had known that fleeing her house was as dangerous as it turned out to be, she would have risked staying at home.

• (1340)

She had faced such horrendous difficulties, but was very focused on finding ways to help her family to resettle and for her children to restart their schooling. The more I learned about Fatima, the more I admired her. She found ways to stay strong and courageous, even in the face of extreme adversity. I will also respect the great lengths she went to protect her family.

Honourable senators, there are many courageous women like Fatima who have been forced to flee their home in dire circumstances to save the lives of their children. On this, World Refugee Day, I salute all these women and applaud them for their strength, courage and perseverance.

THE HONOURABLE LOWELL MURRAY, P.C.

CONGRATULATIONS ON HONORARY DOCTOR OF LAWS DEGREE FROM QUEEN'S UNIVERSITY

Hon. Elaine McCoy: Honourable senators, I rise today to share with you a delightful experience I had last week. I attended the convocation in Kingston at Queen's University on the occasion of a former colleague of ours, Senator Lowell Murray, receiving an honorary Doctor of Laws. Senator Murray received his first LLD in 2005 from his first alma mater, St. Francis Xavier University. Some in this place, including His Honour, are colleagues of his from that university. One month ago, the Cape Breton University awarded him an honorary Doctor of Literature.

I thought that the citation accompanying the Queen's University doctorate was particularly eloquent, and I will take a moment to share it with honourable senators. It was said of the Honourable Lowell Murray:

Distinguished Canadian Public Servant;
Graduate of St. Francis Xavier University and Queen's;
Champion of national unity, economic development
and democratic institutions;
And a parliamentary gentleman and master
of statesmanship debates;

Respected also as a shrewd political adviser who shared organizational skills and critical insights essential to the success of national campaigns, along with offers of consistently sage counsel sought by those seeking high elective office;

Who has generously given more than three decades of exemplary service as an independent, very 'progressive' conservative senator, a chief of staff, chief negotiator, minister, cabinet committee chair and Leader of the Government in the Senate;

Known to possess encyclopedic knowledge of Tory Party history from his time at the centre of momentous Canadian political events including leadership reviews, the advent of Medicare and the Canada Pension Plan, Meech Lake and Charlottetown Accords and multiple economic developments in Atlantic Canada;

Whose quiet Cape Breton good humour flavoured more than 600 speeches, whence he declined to praise political opponents in public, in order to spare them the embarrassment of having to return his compliment;

Also an influential and seasoned observer of communications, political systems and elections, known to sound off about the importance of due process and electoral democracies;

And the key Senator who shepherded important amendments to Queen's Royal Charter, which authorized essential changes in operations and governance, and was passed by both Houses of Parliament with due diligence and no delay;

A dedicated and loyal Queen's alumnus whom we welcome home as we celebrate his long and illustrious service to Canada, delighted to present him with this highest award.

I would like to extend an invitation to all honourable senators to join me in congratulating our former colleague on this momentous event.

Hon. Senators: Hear, hear.

MRS. RITA JOE, P.C., C.M.

Hon. Jane Cordy: Honourable senators,

On the day I am blue,
I go again to the wood where the tree is swaying,
Arms touching you like a friend,
And the sound of the wind so alone like I am;

Whispers here, whispers there,
Come and just be my friend.

These words were found on Rita Joe's typewriter on March 20, 2007. They are the opening to her unfinished poem *October Song*, her last poem before she lost her battle with Parkinson's disease at the age of 75.

Honourable senators, I am pleased to speak again about another influential Cape Breton woman. She was born Rita Bernard in Whycomagh, Cape Breton Island. She was the daughter of Joseph and Annie Bernard. When Rita was only 5 years old, her mother passed away; and at the age of 10, she was orphaned and bounced around from foster home to foster home.

Hoping to get an education and to better herself, Rita chose to attend the Shubenacadie Indian Residential School on mainland Nova Scotia. She stayed there until the eighth grade. It turned out not to be the experience she had hoped for. Rita recalled being taunted every day at the school and being told, "You are no good."

In 1954, Rita married Frank Joe, whom she had met in Boston. They returned to Cape Breton Island and settled on the Eskasoni Reserve. Together, they had eight children and adopted two more. Rita began writing in the 1960s and kept it a secret from her husband and children until her work was selected for an award in an annual writing conference held by the Writers' Federation of Nova Scotia.

On Cape Breton Island, there was a newsletter called the *Micmac News*. She began in the early 1970s to write to them periodically. The editor of the newsletter gave her some very good advice and told her to save her poems and to not throw them away. Over time, she gathered and saved a great number of poems, not knowing that one day they would appear in that very publication.

Rita Joe's first book of poetry, *Poems of Rita Joe*, was published in 1978. Altogether, she has had seven books published, including five poetry anthologies and an autobiography, *Song of Rita Joe*. Her poetry and activism have become a symbol and source of native pride. She has acted as an ambassador for native arts and culture throughout Canada and the United States. Rita has said of her work:

When I started the first time writing, I was trying to inspire all minorities with my work. To make others happy with my work is what I wanted to do.

This follows her belief that if you write in a positive way or think in a positive way about your culture, it will come back in a positive way.

In 1989, Rita was made a Member of the Order of Canada. In 1992, she was made a Member of the Queen's Privy Council for Canada, one of the few members who were not politicians. The following year she received an honorary Doctor of Laws from Dalhousie University. She was also the recipient of an honorary Doctor of Letters from Cape Breton University and an honorary Doctor of Humane Letters from Mount Saint Vincent University. In 1997, she received a National Aboriginal Achievement Award. She is the subject of a 1993 National Film Board of Canada documentary *Song of Eskasoni*.

Rita Joe has often been referred to as the poet laureate of the Mi'kmaq people, and her living legacy can be found in classrooms and universities where people continue to study her words.

Honourable senators, I look forward to sharing more inspiring stories with you of influential women from Cape Breton.

[Translation]

FRANCOPHONE REGIONAL RADIO

PLAMONDON-LAC LA BICHE
COMMUNITY RADIO 92.1 FM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I was very proud to attend the official launch of the Plamondon-Lac La Biche community radio station, 92.1 FM, on June 16, in Plamondon, Alberta.

Establishing a French-language community radio station is not easy. This achievement is the result of the efforts and energy invested by the members of the Plamondon-Lac La Biche community radio club and all the volunteers who have been working for many years with much creativity and tenacity in order to provide French-language community radio to the Plamondon-Lac la Biche region.

Community radio is indispensable to the development of francophone minority communities. In Alberta, the francophone population has grown considerably in recent years and this demographic trend continues. Therefore, the demand for community radio to meet the needs and interests of the francophone and francophile community is much greater. Minority communities, especially the remote ones, need to be able to tune in to local radio in order to share ideas, find services, listen to French music and hear stories about the people around them — local radio that promotes French through its content and its existence.

Today, the Alliance des radios communautaires du Canada has about 30 active members. Together, the alliance's stations have a listener base of roughly 600,000 francophones and francophiles all across Canada. Regional francophone media mirror society and provide communities with something they can identify with and define themselves by. They promote communication and connections among the members of a community. I am sure that the dynamic Plamondon-Lac la Biche community radio station will do just that.

Long live Plamondon-Lac la Biche community radio.

• (1350)

[English]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2011-12 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2011-12 annual reports of the Information Commissioner, pursuant to section 72 of both the Access to Information Act and the Privacy Act.

[Translation]

CONFLICT OF INTEREST AND ETHICS COMMISSIONER

2011-12 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2011-12 Annual Report of the Conflict of Interest and Ethics Commissioner in relation to public office holders, pursuant to section paragraph 90(1)(b) of the Parliament of Canada Act.

PRIVY COUNCIL

REGULATIONS AMENDING THE REGULATIONS IMPLEMENTING THE UNITED NATIONS RESOLUTIONS ON SOMALIA TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to section 4(1) of the United Nations Act, I have the honour to table, in both official languages, copies of the Regulations Amending the Regulations Implementing the United Nations Resolutions on Somalia, officially announced on June 7, 2012.

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY— SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Transport and Communications has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Wednesday, June 15, 2011, to examine and report on emerging issues related to the Canadian airline industry, respectfully requests supplementary funds for the fiscal year ending March 31, 2013.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on Thursday, March 29, 2012. On Tuesday, April 3, 2012, the Senate approved the release of \$44,176 to the committee.

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

Respectfully submitted,

DENNIS DAWSON
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1454.)

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

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

IMMIGRATION AND REFUGEE PROTECTION ACT BALANCED REFUGEE REFORM ACT MARINE TRANSPORTATION SECURITY ACT DEPARTMENT OF CITIZENSHIP AND IMMIGRATION ACT

BILL TO AMEND—THIRTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and

Immigration Act, has, in obedience to the order of reference of Wednesday, June 13, 2012, examined the said bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

(For text of observations, see today's Journals of the Senate, p. 1446.)

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

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

[English]

POOLED REGISTERED PENSION PLANS BILL

FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FOURTH REPORT

Your committee, to which was referred Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts, has, in obedience to the order of reference of June 14, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

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

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

ABORIGINAL PEOPLES

BUDGET—STUDY ON THE EVOLVING LEGAL AND POLITICAL RECOGNITION OF THE COLLECTIVE IDENTITY AND RIGHTS OF THE MÉTIS— SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Glen Patterson, for Senator St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 21, 2012

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

SEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 28, 2012, to examine and report on the evolving legal and political recognition of the collective identity and rights of the Métis in Canada, respectfully requests funds for the fiscal year ending March 31, 2013.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on April 26, 2012. On May 1, 2012, the Senate approved the release of \$282,750 to the committee.

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

Respectfully submitted,

GERRY ST. GERMAIN, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1462.)

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

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

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON EAST AND WEST COAST NAVY AND AIR FORCE BASES—SEVENTH REPORT OF COMMITTEE PRESENTED

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

Thursday June 21, 2012

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

SEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 28, 2012, to examine and report on Canada's east and west coast navy and air force bases, requests funds for the fiscal year ending March 31, 2013 and requests, for the purpose of such study, that it be empowered to travel inside Canada.

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

Respectfully submitted,

PAMELA WALLIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1468.)

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

Senator Wallin: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be considered later this day.

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

Senator Day: What is the urgency?

The Hon. the Speaker: Explication?

Senator Wallin: We are attempting to make travel arrangements and give the military as much notice as we can for these trips. We wanted to move expeditiously if we could.

The Hon. the Speaker: Is leave granted for later this day?

Some Hon. Senators: No.

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

FIREARMS ACT

STUDY ON PROPOSED FIREARMS INFORMATION
REGULATIONS—FIFTEENTH REPORT OF LEGAL AND
CONSTITUTIONAL AFFAIRS COMMITTEE TABLED

Hon. Bob Runciman: Honourable senators, I have the honour to table, in both official languages, the fifteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with proposed firearms information regulations.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF ISSUES OF DISCRIMINATION IN HIRING
AND PROMOTION PRACTICES OF FEDERAL PUBLIC
SERVICE AND LABOUR MARKET OUTCOMES
FOR MINORITY GROUPS IN PRIVATE SECTOR

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on October 26, 2011, the date for the final report of the Standing Senate Committee on Human Rights on issues of

discrimination in the hiring and promotion practices of the Federal Public Service, to study the extent to which targets to achieve employment equity are being met, and to examine labour market outcomes for minority groups in the private sector be extended from June 30, 2012 to June 28, 2013.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON
MONITORING THE IMPLEMENTATION OF
RECOMMENDATIONS CONTAINED IN A REPORT
ON THE STUDY OF INTERNATIONAL OBLIGATIONS
REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on November 2, 2011, the date for the final report of the Standing Senate Committee on Human Rights on the monitoring of the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children* be extended from June 30, 2012 to June 28, 2013.

• (1400)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT
ON STUDY OF ISSUE OF CYBERBULLYING

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on November 30, 2011, the date for the final report of the Standing Senate Committee on Human Rights on cyberbullying in Canada be extended from October 31, 2012 to December 14, 2012.

MAINTAINING MERCHANTS' RECORDS OF SALES OF NON-RESTRICTED FIREARMS

NOTICE OF INQUIRY

Hon. Joan Fraser: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I shall call the attention of the Senate to the desirability of maintaining merchants' records of sales of non-restricted firearms.

[Translation]

OMAR KHADR

NOTICE OF INQUIRY

Hon. Roméo Antonius Dallaire: Honourable senators, I give notice that two days hence:

I shall call the attention of the Senate to the case of Omar Khadr, the first person to be prosecuted for war crimes committed while a minor, and further call on the Senate to demand his repatriation without further delay.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY HARASSMENT IN THE ROYAL CANADIAN MOUNTED POLICE

Hon. Grant Mitchell: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate Standing Committee on National Security and Defence be authorized to examine and report on harassment in the Royal Canadian Mounted Police; and

That the committee submit its final report no later than June 30, 2013.

[English]

QUESTION PERIOD

INDUSTRY

STATISTICS CANADA— INFORMATION ON INCOME AND LABOUR

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate. This week it was announced that Statistics Canada's Survey of Labour and Income Dynamics, which goes by the acronym SLID, will no longer produce longitudinal data. This is data that is needed for comparison year after year of different trends in the economy and in family life.

This gutting of the SLID has profound consequences for Canada. It is one of the most important sources of data on income and labour. It is unique and invaluable in that it tracks the economic well-being of individuals, families and households over time. It provides crucial insight into the nature, extent and trajectory of low-income Canadians, which is particularly valuable in the current discussions about tracking income inequality over a period of time.

A diverse range of policy researchers, scholars and organizations rely on the SLID's longitudinal data. The data is crucial for informing evidence-based policies that are effective at improving the lives of low-income individuals and families in this country.

What is the government's rationale for discontinuing the longitudinal dimension of the Survey of Labour and Income Dynamics?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I read the report on LICO that came out of Statistics Canada. I would have thought the honourable senator would have made note of the fact that the percentage of people who live below the LICO level — the poverty line, as we call it — in Canada has fallen from 9.5 per cent to 9 per cent.

I read the whole article. He and I have a different perspective of Statistics Canada's analysis of the data. The fact is that Statistics Canada, like all agencies of government, has a mandate to provide surveys and data in accordance with its priorities.

Honourable senators, I will be happy to take the question as notice and refer it to the good folks over at Statistics Canada.

Senator Eggleton: The good folks at Statistics Canada think it is important that their budget got cut quite heavily and the government decided it did not need this; yet the leader just cited a good reason for it. She just said the number of people below the LICO has gone down to 9 per cent from 9.5 per cent or 10 per cent. It goes up and it goes down, but it is over 3 million Canadians. That is still a lot of Canadians.

How will the government measure that if we cannot do the comparisons in subsequent years, if we get out of doing the longitudinal data?

Does the government have plans for new longitudinal surveys on the labour market to replace the SLID? If so, how will the government make sure that new surveys cover all the data gaps that result from discontinuing it? How will the government ensure that there is managerial capacity and funding available to match the long-term needs of the longitudinal survey?

Senator LeBreton: Regarding the so-called cuts — I call them savings — that Senator Eggleton keeps referring to, all departments and agencies of government came to a subcommittee of Treasury Board and presented proposals with regard to their spending envelope of savings from 5 to 10 per cent, which was a very reasonable, relatively easy figure for most of them to work with.

All departments provided these figures. All departments and agencies are responsible for fulfilling their mandate, and all departments and agencies have ample funds to fulfill the mandate that they are charged to implement.

Senator Eggleton: I think putting them between a rock and a hard place is not a great way to run this system, but I appreciate that the minister has said she will take it as notice and I look forward to her further comment.

INTERNATIONAL COOPERATION

DEVELOPMENT ASSISTANCE LEVELS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate. I am very much aware that we in Canada are facing many economic challenges, but at this time I believe we also have to look at the most unfortunate and needy in the world.

In 1969, the Pearson commission proposed a now universally acknowledged target for official development aid. It was 0.7 per cent of the donor's gross national income. Canada was recognized as an international leader. The world is calling for Canadian leadership once again. The Organisation for Economic Co-operation and Development reported on Tuesday that Canada's aid has fallen by over 5 per cent between 2010 and 2011 to just 0.31 per cent of our gross national income.

Canada is not alone. Nearly all developed countries trumpeted the 0.7 target, but only five have met the goal. The OECD report tells us that given Canada's economic outlook, there would appear to be potential for increasing aid volume.

Canada has a history of international leadership on this file. It is uniquely placed to lead by example. Canadian leadership is about demonstrating the humility and fortitude to declare we must do better.

Would the minister please share with us Canada's plans for the coming years and for raising our development assistance to 0.7 per cent of gross national income?

Hon. Marjory LeBreton (Leader of the Government): I thank the senator for the question. Our government, of course, has received the OECD report. We will seriously consider the findings and the recommendations in that report.

However, I must point out that since our government took office in 2006 we committed to making Canada's international aid assistance more effective, more focused and more accountable. The OECD even acknowledged that our efforts are more concentrated.

While there will always be areas, honourable senators, for improvement, the peer review confirmed that Canada's progress to untie aid and focus its efforts by country and themes is achieving important and meaningful results. We were very pleased to see that acknowledgment by the OECD.

For example, the report commends Canada for the promise it has made to untie all of its aid by 2013 and for the progress it is making towards that aim, particularly for entirely untying its food aid.

• (1410)

Honourable senators, I have already put on record many times in this place — and Senator Jaffer has acknowledged this — that significant funds have been expended by the government under the maternal and child health envelope to countries like Bangladesh, Mozambique, Ghana, the Democratic Republic of the Congo and Malawi.

These focused, targeted resources have had real impact in addressing many of the concerns when compared to a scattergun approach that really did not achieve many good results at all.

Senator Jaffer: Honourable senators, I agree with the leader. She knows that on many occasions I have come back from working in different areas and acknowledged Prime Minister Harper and his government's leadership, especially on maternal health. However, no one here will be surprised by the fact I want us to do more.

Therefore, I would ask the leader a supplementary question. The first premise is courtesy of the OECD. Given Canada's outlook, there is a potential to increase aid volume to 0.7 per cent of the gross national income. The second premise: Canada is committed to meeting its goals and to helping to eradicate global poverty. The logical conclusion is that Canada will increase aid to 0.7 per cent of the gross national income. This is what the OECD

is saying. To reject these premises and the logical conclusion that follows from them would be to suggest that Canada's economic outlook or commitment to development aid does not match those of countries such as Sweden, Norway, Luxembourg, Denmark and the Netherlands — countries that have met the goal.

May I ask the leader what percentage and what point we will aim for in the next budget year?

Senator LeBreton: I thank the senator for the question. I think I addressed that in the first part of my answer. The government will seriously consider the findings and recommendations of the OECD review. Any recommendations they made will be taken into consideration by the government.

Again, though, I point out that the OECD has complimented Canada on directing our aid on fewer thematic and geographical priorities. I and the government appreciate the comments of the OECD in this regard.

Having said that, I wish to point out that the government welcomes the report from the OECD and will seriously consider all of its findings and recommendations.

[Translation]

PUBLIC SAFETY

STATUS OF OMAR KHADR

Hon. Roméo Antonius Dallaire: Honourable senators, this is not the first time that I have asked this question, but this matter continues to drag on because the person in question remains in prison. Could the leader inquire of the appropriate minister, perhaps even the Prime Minister, and tell us when the repatriation of Omar Khadr will take place in order for him to serve his seven-year sentence here, in Canada, as agreed by the United States and Canada?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thought we would get through a full couple of months without a question on Omar Khadr, but I thank the Honourable Senator Dallaire for the question. My answer will not be much different than the answer I gave in the past, but it is my answer nonetheless.

Mr. Khadr is a Canadian citizen that pled guilty to the murder of an American Army medic. The U.S. no longer wants him and has asked us to take him. A decision regarding his application has to be made in accordance with Canadian law.

Senator Dallaire: Things change, however, although the response has not, because I have been at this since 2006. The previous responses were, "Well, it is in due process," and "We have to let the process in the United States run its course." Now we have the response that we are, in the methodology of the government, working out the modalities of his return.

It is interesting that on April 16 the only department in the United States that was holding back the file — having gone down there to discuss it with them — was the Pentagon. On April 16,

the Secretary of Defense in the United States signed off on the move of Omar Khadr from Guantanamo Bay to Canada. The lawyers and staffs in the United States have been trying to talk with the Canadians, who do not even come to the meetings on working out the modalities of that.

Therefore, we signed a deal. It said that he would be repatriated within an appropriate period of time. The average time is about nine months, but it has now been over a year since the original recognition by the government of the sentencing and acceptance thereof.

If all the technical stuff has been sorted out, what is the reason that we have not gotten him on a plane and into one of our institutions to incarcerate him for the rest of his sentence?

Senator LeBreton: Honourable senators, I cannot answer for what has taken place in the United States. I can only repeat what I said a moment ago: A decision has to be made on his application in accordance with Canadian law. That is all I can report today. No matter how many times the question is asked, that is the only answer I can give at the moment.

Senator Dallaire: Honourable senators, it is not a question of law. The leader's response is off the target. The law has been sorted out; the procedures have been sorted out to ensure that the law is being applied. The treaties between the two governments have been agreed to and signed. The different ministries involved have done their work to implement this agreement that, within one year of the sentence being applied in Guantanamo Bay, Omar Khadr would be repatriated.

Yes, the Canadian government has leeway in doing the analysis of whether to repatriate him, and how and when. However, that normal time frame has already passed. On top of that, the Americans are now embarrassed by holding him in Guantanamo Bay given that other treaty agreements for other incarcerated individuals are being put at risk because a country like Canada, the next door neighbour and firm ally of the United States, does not want to hold up its side of the deal.

It is not procedure or law; it is political. What is the political hang-up of implementing what we have signed in law to get this individual here and into our prisons?

Senator LeBreton: Honourable senators, again, Senator Dallaire has put on the record his view of the matter and what has transpired. I can only say that, yes, Omar Khadr is a Canadian citizen and a decision about him has to be made in accordance with Canadian law. There is nothing more I can add at this point in time.

I am aware of Senator Dallaire's interest. I am aware of a media conference he had earlier today, although I did not see it. Having said that, there is a process and a decision has to be made in accordance with the laws of Canada. I cannot comment regarding what has transpired in the United States of America, as my honourable friend can understand.

Senator Dallaire: On a supplementary, would the leader be in a position to inquire of the appropriate ministries about what law is being applied and what law is holding up this process? I will not negate any response in that area, but I have an enormous problem

accepting from the leader an answer that we are working within the law when in fact there is not a law involved in this. If the leader says so, would she be so kind as to provide me with that reference so I can educate myself regarding the nature of the hang-up?

Senator LeBreton: Not being a lawyer — thank God — I will simply ensure Senator Dallaire's question is brought to the attention of the Minister of Public Safety.

• (1420)

FISHERIES AND OCEANS

FISH HABITAT ALONG ENBRIDGE NORTHERN GATEWAY PROJECT

Hon. Elizabeth Hubley: Honourable senators, my question is directed to the Leader of the Government in the Senate. Earlier this week, Postmedia News reported that, through access to information requests, it uncovered documents suggesting major disagreements between Department of Fisheries and Oceans scientists and Enbridge over the importance of fish habitats along the proposed route for the Northern Gateway pipeline.

It seems that DFO biologists were troubled by Enbridge's approach to habitat protection, as the pipeline will cross over 1,000 waterways, some of which are very environmentally sensitive. DFO biologists were concerned that Enbridge's approach was based on profits rather than prudent risk management and habitat conservation and therefore could threaten the health of the surrounding ecosystems.

In the two years since Enbridge submitted its Northern Gateway pipeline proposal, the company's lobbyists have maintained a significant presence on Parliament Hill. Can the leader assure us that when the government decides to make major changes to legislation protecting fish habitats, it does so with a view to the long-term health and sustainability of our natural environment and not to the short-term financial goals of the large corporations with a team of well-paid lobbyists?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I saw the story in Postmedia. When I read the story, I took from it proof that the system is working. Species have been identified, and the government is providing and will provide guidance to protect those species. Although they talk about a private company, from the government's point of view, it proves that the law is actually working. The government will, of course, provide guidance to protect the various species that may be at risk.

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP

Hon. Robert W. Peterson: Honourable senators, my question is directed to the Leader of the Government in the Senate. It is further to my questions of a few days ago.

I note that the noose is tightening on the Trans-Pacific Partnership deal. One day after Canada was invited to join the club, the United States, Australia and New Zealand are demanding access to Canada's dairy and poultry markets.

Would the leader agree with me that it is only a matter of time before supply management is sold down the river?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, I do not react to news stories, which are often quite inaccurate. I do not like very many of them, Senator Mercer.

The fact is that since we came into government, we have been involved in many trade agreements with many countries. In all cases, our supply management system has been protected.

As I said in response to the honourable senator a couple of days ago, it is in Canada's interest to be at the table for the TPP. However, at the same time, Canada will enter the negotiations with a view to strengthening Canada's economy in all sectors and in every region of the country.

FOREIGN AFFAIRS

PASSPORT CANADA—IMAGES IN NEW PASSPORTS

Hon. Nancy Ruth: Honourable senators, I understand that Canada is producing an excellent new passport that contains many new security features to protect against forgery. I also understand that the blank pages are to be imprinted with various images from Canadian history. My understanding is that in the first draft they were primarily military images, and in fact all of them were about men. Can the minister assure me that, on the second and third drafts, at least 50 per cent of the images will be of women?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I absolutely had not heard that. This is the very first time I have heard that we are designing a new passport. The honourable senator is way ahead of me. It is not the first time; that is for sure. I will be happy to take the honourable senator's question as notice.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: first, Bill C-11; second, Motion No. 43, time allocation; third, Bill C-38; fourth, report on Bill S-9; fifth, Bill S-10; sixth, report on the librarian; seventh, Bill C-23; and eighth, inquiry on the budget.

[Senator Peterson]

[English]

COPYRIGHT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Finley, for the second reading of Bill C-11, An Act to amend the Copyright Act.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak to Bill C-11, An Act to Modernize the Copyright Act. You will find no debate amongst stakeholders on the issue of whether the Copyright Act requires modernization. With the speed of advancement in how we process information for all purposes, whether it be for learning, entertainment or business, Canada's Copyright Act needs to catch up with technological advancements in the digital world.

Having said this, we do find a great deal of debate regarding the manner in which this bill has been received by Canadians from all walks of life. While it is difficult to make everyone happy when writing legislation such as this, it should not be the end product of such an effort that so many would be made unhappy.

It is interesting that Canada did not possess its own copyright laws until 1924. For 58 years, from 1842 to 1911, Canada was regulated by British copyright laws, and these were basically protectionist against cheap American copies of books published in Britain. Great Britain disallowed the importation of copies and also placed a 35 per cent tax on books coming from the United States. These regulations were gradually reduced under pressure from Canadian publishers, but the British maintained control of Canadian copyright law until the passage of a Canadian Copyright Act in 1924, which was basically an identical copy of the previous British legislation.

Serious Canadian copyright legislation did not emerge until a royal commission that studied the issue for six years between 1954 and 1960, followed by a 1977 report entitled the "Keyes/Brunet Report," and a 1984 white paper on the issue, which culminated in an overhaul of the Copyright Act in Canada in 1988.

In 1997, a second round of amendments was passed, which also included a review of the act. This resulted in Bill C-60, which was introduced in 2005 but never passed. I would like to note that much of the history of copyright that I have mentioned comes from a wonderful resource called the Maple Leaf Web, which I credit so as not to infringe its copyright intellectual property rights.

In any case, copyright law in Canada has evolved over the last century and a half, most significantly in the 1980s and 1990s, with international agreements also playing a significant role in its development. This brings us to today and this second version of the current government's copyright revisions, Bill C-11.

The concerns that have arisen with regard to this bill are not trivial. Indeed, concerns range from a perceived bias toward corporate Canada at the expense of consumers and creators, and even to the constitutionality of some aspects of the bill. Today I would like to highlight some of the concerns the Liberal Party has when it comes to Bill C-11 and touch on some of the issues that have been expressed at committee stage by stakeholders in the other place.

Honourable senators, one of the most controversial aspects of this bill relates to the digital lock provisions. There have been many complaints that have been ignored by this government. These complaints come from stakeholders who have thoughtfully formulated their arguments in an attempt to explain to the government the error of this particular provision in the bill.

As it now stands, the digital lock provision trumps all provisions in Bill C-11 when it comes to transfer of information.

• (1430)

The Canadian Library Association's submission puts it this way:

The prohibitions on the circumvention of digital locks in Bill C-11 exceed Canada's obligations under WIPO copyright treaties. Bill C-11 gives a new right to copyright owners negating the flexibilities in the Internet Treaties and directly contravening the basic, longstanding individual rights sanctioned in Canadian copyright law.

Honourable senators, there was no need to go beyond the World Intellectual Property Organization's agreed-to policy on digital locks. Canada needs only to calibrate its law with that of the World Intellectual Property Organization signatories to be in compliance. Why go beyond this international agreement?

As my colleague the Honourable Geoff Regan pointed out in the other place, the Conservatives were attempting to meet the demands of the United States of America. This was confirmed when WikiLeaks revealed diplomatic cables between Canada and the United States that showed that the Government of Canada offered to share the copyright amendments proposed in this bill with the Americans before it came before our Parliament. As it turns out, the Americans have actually loosened their proposed policies on digital locks.

The government's digital lock policy reminds me of the Conservative Party struggle against the long-gun registry. For many years the refrain was that the gun registry put innocent gun owners in prison. Well, what is the effect of the Conservative Party's digital lock policy? It will fine innocent people for backing up CDs or DVDs that they have purchased legally. It will fine the mother who transfers a movie from a DVD to an iPad for use by her children.

This bill has an exemption for people with disabilities to circumvent the digital lock, but it outlaws the tools necessary to do so. For example, this provision will have the effect of a blind person being fined up to \$5,000 for purchasing and using the tool

necessary for him or her to take advantage of that exemption. This simply does not make sense. That is, again, a simple example demonstrating how the digital lock provision trumps the right of the consumer.

Why would this government spend so much time and energy protecting gun owners yet be so hypocritical when it comes to innocent families and disabled people who transfer or copy legally purchased digital items when it comes to its digital lock provision?

The government must realize that the real argument to be made here is under fair dealing. The key issue is this: What is the purpose of copying? Is the mother of three making one copy to show to her children on a long trip in the family van, or is she making 3,000 to sell to the public? There is room for common sense here.

A research paper produced last year by professors at Rice and Duke universities in the United States provides evidence that removal of digital locks actually results in a decrease in piracy. The study contends that products that use a digital lock are purchased only by legal users, and hence only the legal users suffer the restrictions. The illegal users are not affected because the products that they buy, obviously, do not have digital locks. The digital lock prevents the legal user from merely making a backup copy of his or her, say, music, and that is enough to make the erstwhile digital user turn to pirating.

Furthermore, this study also demonstrates that removal of the digital lock can lead to a decrease in piracy, as the removal of the lock makes the product more convenient. It makes for more competition with the product employing the digital lock, thereby driving down prices and allowing the consumer to turn from privacy to legal purchase.

The study quotes the late Steven Jobs, who said, regarding digital rights management:

Why would the big four music companies agree to let Apple and others distribute their music without using DRM systems to protect it? The simplest answer is because DRMs haven't worked, and may never work, to halt music piracy.

This chamber has been a champion of education for a long time. We have worked together to further the cause of education in this country. That is why I have a great deal of difficulty accepting that a balance has been achieved here for students under this bill. Having a student destroy an article that was purchased legally for a course after 30 days makes little sense to me. To require a professor to police this activity is equally difficult to envision.

There is a problem with fair dealing with our universities under this bill. The use of copyrighted materials in universities involves millions of dollars in royalties. With such a large amount of money at stake as compensation for creators, this bill needs to strike a better balance when it comes to the education provisions. We need to ensure that educational exceptions do not take the money out of the pockets of the creators, while at the same time following the Supreme Court of Canada ruling in the *CCH* case.

Honourable senators, another area of concern is the elimination of the broadcast mechanical tariff and related licensing regimes. The Copyright Act has, since 1997, had an exemption that allows for ephemeral copies to be made by radio stations without paying royalties, so long as the copies are destroyed within 30 days. There was an important exception, however. If a collective existed that could license the creator's rights with the radio station, the royalty exemption would not apply.

According to the Canadian Music Publishers Association, this right to collect royalties amounts to about \$21 million annually. This is a large sum of money for creators. The Canadian Music Publishers Association has stated that the regime, as it exists, has been encouraging for artists, and the formation of collectives has grown to the benefit of those creators. However, under Bill C-11, there would no longer exist a royalty payout by radio stations to those collectives, so long as the radio station destroyed the ephemeral copy after a 30-day period. That does not strike a fair balance for creators, and Bill C-11 should be amended to protect this revenue stream of \$21 million, which is not a large sum of money in an industry that generates \$1.4 billion in radio broadcasting revenues.

If we take this situation to the extreme, honourable senators, without the music of the creators, the radio stations would be left with nothing but back to back ads. I suggest that advertisers would not be interested in spending their dollars at such stations.

In summation, Bill C-11 must be measured against its stated objectives: one, modernizing the Copyright Act so that it is up-to-date with new technologies and international standards; two, striking a balance between creator and consumer; three, ensuring that copyright law is flexible, that it will help protect and create jobs and attract investment to Canada; four, creating an environment of technological neutrality so that the law is more adaptable to ever-evolving technological advancements while ensuring appropriate protections.

We understand that this is a complex issue for a government to bring forward. This is not an easy subject. However, parts of this bill can be amended to meet the stated objectives of the government, which, in the opinion of a vast number of stakeholders, this bill does not do.

We can work together in committee to make these changes to the bill, which will make it more in line with what Canadians expect of their copyright regime.

The Hon. the Speaker: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Greene, seconded by the Honourable Senator Finley, that Bill C-11, an Act to amend the Copyright Act, be read a second time.

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

Senator Tardif: On division.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Banking, Trade and Commerce).

• (1440)

[Translation]

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

ALLOTMENT OF TIME FOR DEBATE—
MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government)
pursuant to notice of June 20, 2012, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, as I indicated yesterday in my notice of motion, there was some discussion with the Deputy Leader of the Opposition concerning the possibility of reaching an agreement to limit the debate on Bill C-38. We were unable to reach an agreement.

Canadians want this bill, which is very important to Canada's Economic Action Plan, to pass as soon as possible so that the programs and action plans that have been identified for each sector can be implemented very quickly.

The budget set out in Bill C-38 includes a number of restructuring initiatives and spending reductions that will ensure better management of government programs in Canada. In the interest of due diligence, the bill was the subject of a pre-study by the Standing Senate Committee on National Finance and other relevant committees in various sectors.

The Standing Senate Committee on National Finance is currently examining the notes from different committees and will be able to produce a complete report on Bill C-38 within the

next few days. It seems important to limit debate at second reading to six hours, a period that seems appropriate given the current situation.

That is why I encourage all honourable senators to support this motion and to take advantage of the time for debate that will follow — which seems to me to be more than sufficient — to share their opinions.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, once again, here I am, rising to speak about a time allocation motion.

Since the beginning of this session of Parliament a little over a year ago, eight bills have been passed using the tactic of a time allocation motion, the most recent example being the omnibus crime bill, which was an amalgam of nine bills.

Today, we have before us a 452-page bill that contains over 700 provisions and goes well beyond what can reasonably be referred to as fiscal policy. In my opinion, the government is demonstrating a serious lack of respect with this approach, which does a disservice to the institution we represent.

[English]

In the time since Bill C-38 was first tabled in the House of Commons, I have received countless letters, email messages and phone calls from those whom I represent in Alberta, as well as from Canadians across the country. Just two days ago, I received a most interesting message from a concerned citizen from Calgary, Alberta. I would like to read for you, honourable senators, some excerpts from her letter. She wrote:

As you meet in the Senate this week to vote on Bill C-38, I would like to present you with a “commoner’s” viewpoint to help your perspective. I am university graduate living in Calgary. As Bill C-38 is an issue of concern for me, I have taken it upon myself to ask people what they think of it. I have been surprised by what I have heard, and would like to share it with you. Again and again I have heard that people feel this bill is being pushed through on someone’s single agenda without regard for common interests or the opinion of the opposition, which was of course elected to do just that.

I firmly believe that if you truly knew the extent to which ordinary people are unhappy with Bill C-38, you would be better prepared to examine it, and as we all hope you will, vote against it.

I understand the need for such a Bill for our economy, but this is it not something that should be pushed through the Senate as it was pushed throughout House of Commons.

Honourable senators, the people of Canada expect us to do that work we have a constitutional responsibility to do, to examine legislation with a sober second thought.

I would like to bring to the attention of honourable senators the remarks made on the matter of the omnibus legislation by a prominent Canadian parliamentarian. I hope honourable senators on the other side will listen carefully.

During the 1st Session of the 35th Parliament, this member rose on a point of order. He said:

Mr. Speaker, I am rising on a point of order to make a procedural argument concerning the omnibus nature of this piece of legislation. . . .

Mr. Speaker, I would argue that the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles. . . .

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

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

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

The bill contains many distinct proposals and principles and asking members to provide simple answers to such complex questions is in contradiction to the conventions and practices of the House.

Honourable senators, those impassioned words were spoken in the House of Commons by none other than the Right Honourable Prime Minister Stephen Harper. A strong critic of omnibus legislation, Mr. Harper raised this point of order on Friday, March 25, 1994, in reference to a government budget bill.

Senator D. Smith: He talks the talks, but does not walk the walk.

Senator Tardif: Mr. Harper found the length of this bill to be inappropriate and reprehensible — a monstrous 24 pages. Honourable senators, I can only imagine how reprehensible Mr. Harper must find his Finance Minister’s 452-page budget bill.

Some Hon. Senators: Hear, hear!

Senator Tardif: To paraphrase his words, how can senators represent their regions on this matter when they are forced to vote in a block on such legislation and on such concerns?

[Translation]

A responsible government would, at the very least, acknowledge that providing sober second thought requires a great deal of time and consideration. And yet, even though the bill was received by the Senate just before adjournment on Monday evening, the government is already trying to close the debate at second reading. The Senate received the bill only three days ago.

Many senators who sit on one or more committees that are conducting a preliminary study of the bill have had the opportunity to examine part, but certainly not all, of the bill. Once again, I must point out that, by putting senators in such a position, the government is unilaterally abdicating the traditional responsibilities of this institution, namely, those of sober reflection and careful consideration of significant public policy issues affecting our country.

[English]

It is for this exact reason that omnibus bills are, by and large, a bad idea. Accordingly, parliamentary tradition frowns upon omnibus vehicles.

• (1450)

On page 2768 of the *Debates of the House of Commons*, honourable senators will find that on January 26, 1971, the Speaker of the House of Commons, the Honourable Lucien Lamoureux, expressed in a ruling his apprehensions about omnibus bills, asking members, “Where do we stop? Where is the point of no return?”

There must be a point where we can go beyond what is acceptable from a strictly parliamentary standpoint. The second edition of *House of Commons Procedure and Practice*, O’Brien and Bosc, page 724 specifies that an omnibus bill is characterized by the fact that it is made up of a number of related but separate initiatives. An omnibus bill has one basic principle or purpose that ties together all the proposed enactments and thereby renders the bill intelligible for parliamentary purposes.

One of the reasons cited for introducing an omnibus bill is to bring together, in a single bill, all the legislative amendments arising from a single policy decision in order to facilitate parliamentary debate.

If we were to apply a test of these criteria to this omnibus budget bill, I think honourable senators would find this bill wanting. Are the separate initiatives related? Hardly. Does it have one basic principle or purpose? It has several dozen purposes. Is it intelligible for parliamentary purposes? I hardly think we can say that, honourable senators, as six different standing Senate committees had to be permitted to study the subject matter of this bill.

As much as I perceive this bill to be fundamentally flawed for the reasons I have just outlined, I think honourable senators would at least appreciate having the opportunity to examine it in more detail. I must oppose this time allocation motion, and I would encourage all honourable senators to do so.

Some Hon. Senators: Hear, hear!

Hon. Joseph A. Day: Honourable senators, having heard the Honourable Deputy Leader of the Government in the Senate, I feel compelled to say a few words on behalf of the Standing Senate Committee on National Finance, which has been handling the major portion of this particular Bill C-38, to which the government is now asking you to agree to closure.

[Senator Tardif]

I ask myself why that motion was necessary and why the motion was given yesterday, when we started the debate just two days after the bill arrived in this place. We received the bill late Monday evening. On Wednesday debate began, and indications are that debate will continue today on this bill at second reading.

Honourable senators, we know what we are dealing with. It has been made clear through several speeches. However, let me give you some background, because this is not the first time. Honourable senators will know that this is not the first time that a bill that has had so many different portions all put into one basket has been put before the Senate to be dealt with.

Senator De Bané: Encyclopedia!

Senator Day: Honourable senators, the difficulty in an omnibus bill is when you have major portions that have no relation to one another put into this basket. That is one problem with an omnibus bill. The other, which is particularly offensive, is that the government sees fit to put non-fiscal matters into a bill and call it a budget implementation bill, knowing that this is a matter of confidence and knowing that there is a limited time within which the bill and all the different aspects can be dealt with. This therefore forces those parliamentarians who have primary responsibility to scrutinize the legislation and then here in the Senate to ensure that the impact of that legislation is not adverse to our regions or to minorities. How can we do that? How can we represent our regions and the minorities when we are forced to deal with legislation such as this?

Honourable senators, let me read you a quote from March 20, 2002, at second reading:

... whilst I am supportive of the Africa fund, I am not supportive of air security fees/tax/charge/levy. If, at this stage, we are debating the principle of the bill . . .

Which we are at this stage with this particular bill.

... what is the principle of the bill? Is the principle of the bill to establish the Africa fund and other tax measures, or is it the transportation safety issue? Perhaps the bill is totally out of order . . . and should be withdrawn or examined by His Honour. Perhaps that is something we should keep in the back of our minds as we carefully analyze the bill. . . .

I would hope that in committee, if we will not do it here in the chamber — I do not see great enthusiasm on the other side to challenge the principle because we are dealing with apples and oranges here — the bill could be split or that part which is particularly offensive could be cut away so that honourable senators could be supportive of some parts of the bill they deem to have great merit.

Honourable senators, that was a quote of the Honourable Senator Noël Kinsella. It is particularly important in outlining the importance of this particular legislation. The Honourable Noël Kinsella recognized this matter, this type of bill and the difficulties honourable senators have in dealing with it.

Notwithstanding that, notwithstanding the objections all of us have with this, we did cooperate. At the leadership level we cooperated in terms of a pre-study, looking at this legislation as

best we could under the circumstances at six different committees. Six different committees have shared their findings and their ideas, honourable senators. There have been over 40 meetings in committee and there have been over 200 witnesses, but do not think that that gave us an opportunity to do all the study, honourable senators, because nearly 70 per cent of those witnesses were government officials whom we needed to come before the committees to explain to us what was in this bill.

Therefore, honourable senators, I submit to you that this motion is an indication that the leadership here on the government side lacks confidence in the work that has been done by the committees and the work that is being done by the steering committee and the leadership and all the members of the Finance Committee and those other committees that looked into this matter.

We were progressing as we had agreed upon and we were moving forward with this particular matter. Honourable senators, when you have a lack of confidence and you have a decision to move on a matter that is not necessary, it is an abuse of the majority in this chamber. It is an indication that the majority has not learned to handle the power that it has, because they could win at any time, on any vote, anywhere. Absolutely the only thing that we in the opposition can do is put the issues out there and lay them out.

We know if a vote is taken in this place who will win that vote. Why is it necessary to curtail the only ability we have to point out the flaws in this legislation?

Honourable senators, this is an unnecessary motion to cut off debate. It is undesirable, and I would ask you to consider closely when you are asked to vote on this matter.

• (1500)

Hon. Pierrette Ringuette: I have a question for Senator Day. Will he take a question?

Senator Day: I will attempt to answer.

Senator Ringuette: Honourable senators, I find it very funny that we have to deal with a time allocation motion for Bill C-38. Senator Day, as Chair of the National Finance Committee, is very well aware of questions that I, as a member of the committee, have been asking of different departments. To date, I have received no answers. Today we are at June 21. Let me provide the list of departments that I have asked questions of, along with the dates.

Perhaps the government, through PCO and PMO, could invoke time allocation on the departments to supply answers to the members of the Standing Senate Committee on National Finance.

The list is as follows: Treasury Board, May 1; Fisheries and Oceans Canada, May 2; Department of Justice, May 8; Department of Finance, May 9; Canada Revenue Agency, May 9; Environment Canada, May 9; Foreign Affairs and International Trade Canada, CCC, CIDA and Export Development Canada, May 9; PPP Canada, May 10; HRSDC, May 15; Parks Canada, May 15; Public Safety Canada, RCMP, CSIS and Canada Border Services Agency, May 16; Fisheries and

Oceans Canada, May 16; Health Canada, May 16; HRSDC again on May 16; Canada Mortgage and Housing Corporation, May 17; Office of the Superintendent of Financial Institutions Canada, May 17; Privy Council Office, May 29; Canadian Food Inspection Agency —

The Hon. the Speaker: Order. I regret to advise that Senator Day's 10 minutes has expired.

Senator Day: Might I have five more minutes to hear the rest of the question?

The Hon. the Speaker: Is there agreement?

Senator Ringuette: Canadian Food Inspection Agency, May 29; PWGSC, May 29; Canada Border Services Agency again on May 29; Transport Canada, May 29; and Department of Finance, May 29.

I was seeking to get some answers with regard to this time allocation.

The Hon. the Speaker: Honourable senators, it is my understanding that Senator Ringuette is commenting and asking questions of Senator Day, who has just received another five minutes.

Senator Ringuette: Honourable senators, my question is in regard to the list of departments with the dates that I, as a member of the Standing Senate Committee on National Finance —

[Translation]

Senator Carignan: I would like to point out that we did not consent to additional time for Senator Day. I understand that Senator Ringuette is using the 10 minutes in her name on this debate.

The Hon. the Speaker: I asked the chamber whether there was unanimous consent to grant an additional five minutes to Senator Day. No one objected, so I concluded that there was consent.

Senator Day received consent for an additional five minutes, and Senator Ringuette will be able to make comments and ask questions during Senator Day's five minutes.

Senator Ringuette: Thank you, Your Honour. That is what I understood as well.

How can the Leader of the Government in this place request time allocation for debate on Bill C-38 when her own officials cannot even provide the committee members studying this bill — myself included — with answers to their questions within a reasonable period of time?

Honourable senators, how will we get answers to these questions within the time limit imposed by the government?

[English]

Senator Day: I thank the honourable senator for her question. I must confess that with the interruptions, I missed the numbers of the questions, but I can tell honourable senators that Senator

Ringuette is an important contributor to the work of our Standing Senate Committee on National Finance. She has asked many questions that have gone unanswered by the departments. They have undertaken to answer them. The steering committee of Finance has been working hard to get those answers because the senator has indicated that a reply to those questions is important in order to deal with clause-by-clause consideration of the bill.

That message has been sent to several of the government departments that are outstanding, and I am hopeful and expecting that we will receive replies to those questions before we have the obligation to proceed with clause-by-clause consideration.

[Translation]

Hon. Grant Mitchell: Honourable senators, I am not pleased to speak to this issue, because this is a tragedy for the parliamentary process in the Senate, the upper chamber.

[English]

I love this place, and I love what this place is a symbol of. I love what Parliament is a symbol of. Every time someone stands up in this house, the other house or any legislature across the country, it matters at one level not what they say. Whatever they say, the fact that they are saying it is a symbol of freedom of speech of the democratic processes and values embodied, institutionalized, reflected and represented in this place.

One of the great problems that countries like Iraq and Syria and Afghanistan — pick a country — have in trying to establish democracies is, among many other things, that they do not have the historic traditions, the relationships or the cultural traditions of democracy. They barely have the symbols. They do not have the places, the historical significance of the architecture, the pictures, the statues and all those things that embody so much of what every one of us feels deeply and passionately about. It is a very compelling and proud moment for me when I get to give someone a tour of these Parliament Buildings or bring them into this chamber, but it is compelling for our visitors as well.

This kind of closure and this kind of omnibus bill are, in and of themselves, a direct affront to what this institution physically and virtually symbolizes every second that it stands and every moment that someone speaks in it. That is at the root of my grave concern of what I see.

It is not just those two issues converging as they do today, the omnibus bill and closure. It is a pattern of things that reflect the same attitude that brings the government to excessive use of closure. It is gratuitous violence on the part of this government. It is not enough just to present a bill, debate it and vote on it when it would go through 99 per cent of the time anyway. Senator's opposite have to take that poker and stick it in the other side's ear and, in the process, abuse the democratic process. They do not have to use closure like they do. If this government understood the power of compromise, working together and showing respect for the other side, it is amazing what they could get through just by acknowledging that.

• (1510)

Let me just talk about the pattern, honourable senators. There is a pattern of closure which is unprecedented, unseemly, undignified and an affront to the democratic process. I thought

[Senator Day]

it was bad when I was in the legislature in Alberta. This government makes the Conservatives in Alberta look like pikers when it comes to closure. I think it was eight times in one long summer session. It has been eight times in three or maybe four days here, has it not? Maybe I am exaggerating for emphasis. Okay, eight times in eight days. However, it is 18 times in I-do-not-know-how-many days — way too often.

The omnibus bill layers on top of that. The fact is that the omnibus bill has all kinds of things included in it that we know have absolutely nothing whatsoever to do with budgets but everything to do with fundamental changes. One takes those two things together, and, if one does not have the time, it compounds the problem of having so much crammed into an omnibus bill that one does not know what it is.

At least we have had a few days of good strong work on the Senate side, and yet, just this morning, it became apparent — and we have not heard this before, because the government does not want to talk about it — that the rules and the processes in the military for including families in the health support for veterans have now been excluded. Families have been excluded. Well, thankfully, Senator Day found that, but maybe he would not have found it if we just had 30 seconds of debate. At least we have had some, but imagine the potential if we had had more and enough time to do what we need to do. That is why closure has to be used very sparingly. It is very dangerous. This government says that it supports veterans. Of course, it says all kinds of things, but, when we get right down to it and start to add it up, it does not particularly add up. We need to have time to figure that out.

Honourable senators, let me start to layer other things on. We have closure, omnibus bills and ministers not answering questions ever in the House of Commons. They get a third party to stand up and answer. It is a complete affront to respect for the parliamentary process, for ministerial responsibility, for dignity and decency in the democratic process, and for answering and responding. No, it is all about controlling message. So if one is not the most aggressive minister, one does not get up to answer and someone else does.

It is about access to information. Never before in history have we seen redaction like this government has done. If they want to cut costs, they can stop redacting and save money on felt pens, for crying out loud. It is amazing the amount of redacting that they do.

It is a direct denial of everything that they were and talked about — how they wanted to open up government and to have greater transparency and accountability. Not so.

We look at intimidating groups that disagree with them. If one thinks that omnibus bills, closure or cracking down on access to information is bad, there is nothing worse than picking on groups — such as environmental groups — that are perfectly legitimate. One just happens to disagree with them, and so the response is not to work with them or to try to understand them. It is to attack, intimidate and bully them, and to put a chill on them and, unfortunately, on the charitable sector in general. There are unintended consequences.

The name-calling of the Deputy Premier of Alberta certainly shows a lack of respect. It is amazing that Minister Kenney did not stand up immediately and apologize, so there is that lack of respect.

Then there is breaking laws. They made so much of the fixed election, and then they turned around and broke that law. There was Mr. Clement spending money between votes and between budgets in a way that he should not have, breaking the law.

Now there is the government refusing to give information to the Parliamentary Budget Officer, which, by law, he is allowed to have.

There is the “in and out” scam.

There are the questions of Mr. Del Mastro and what he has done with fundraising.

I am not saying that their government or party is responsible for voter suppression, but it will be interesting to find out. I am saying that one can imagine that a context, an attitude and an erosion of respect for the system have been created by much of the behaviour of the Prime Minister and the government that would certainly lead people to believe that this would be okay, or that this would be the aggressive way, or that it is kind of a game to play politics, so why would that be bad? Voter suppression comes from that kind of bully pulpit use.

I could go on, but will not. I want to say that, in this context, it really comes down to this belief that the end justify the means. However, it does not. It never does. When one starts to believe, that is when one gets into serious problems. One starts to see the erosion in serious, significant ways of the democratic process that is embodied in this and that is very disturbing.

This week Andrew Coyne made a powerful point. He wrote, in the context of the Parliamentary Budget Officer:

As has so often been the case of late, the conflict here is not so much between Conservatives and their opponents. It is between Conservatives and their very souls.

This is the soul that was somehow established in the lead-up to their becoming the government. They were going to be better, support democracy and be open and transparent. The conflict is “between Conservatives and their very souls.”

I would like to close by saying that it is too bad that by risking their souls, they risk the very soul of the democratic process of this country in the process of doing that.

Hon. Jim Munson: Honourable senators, Bill C-38 is now in our hands, as many of my colleagues have said. Here we are with the guillotine cutting off debate. I have many concerns about its contents. How could anyone not find mistakes and weaknesses in a 425-page document that is supposed to be a budget implementation bill, which also happens to introduce, amend and repeal more than 70 federal statutes?

Now, we have time allocation. What an “omni-mess.”

One the changes in the bill that is particularly concerning for me is the raising of the age of eligibility for Old Age Security payments from 65 to 67. With 40 per cent of OAS recipients earning less than \$20,000 a year, it is easy to see that low-income seniors will be hit hard. For these Canadians, OAS represents either the only income or a significant portion of the income that they will live on the rest of their lives. We need more than the six hours to debate this issue alone.

As though this is not disturbing enough, honourable senators, let us consider the reasons that the government has provided for this and other changes to the program. The Prime Minister insists that they are necessary to ensure the financial sustainability of OAS. Citing statistics from the country’s Chief Actuary about the aging of the baby boomer population, he extrapolates, saying that we have a crisis at hand. He says that our public pension system cannot possibly accommodate future retirees and it is unsustainable in its current form.

Meanwhile, the Parliamentary Budget Officer opposes this argument head on. According to Kevin Page, the OAS program is well equipped to meet the increasing demands of the aging population. The Chief Actuary, who regularly monitors the state of the program and its preparedness for the growing number of Canadian seniors, is also unconcerned about its sustainability.

From where I stand, I am inclined to think that the Parliamentary Budget Officer and the country’s Chief Actuary know better than the Prime Minister. I am likewise of the opinion that Mr. Harper’s fear-mongering is a tactic within a broader strategy to impose a conservative ideology on the pillars of our social safety net and the country at large.

I was here as a reporter some time ago when a wonderful woman came onto the Hill and told one Prime Minister, “Goodbye, Charlie Brown.” This Prime Minister may yet have his own “Goodbye, Charlie Brown” moment.

Honourable senators, I am one person, one parliamentarian among hundreds on the Hill. My perspectives, insights and inclinations are distinct, and my freedom to express them in this chamber is both my right and my duty to the people of this country. I do not expect all honourable senators to unanimously agree with what I have to say. I do not want that. Instead, I simply want my voice to be part of discussions and debates with anyone here who chooses to share his or her point of view, and I want time to do it. This is what a democracy is and this is how we arrive at decisions in good conscience, decisions that best reflect the interests and needs of Canadians.

It has been said that the Conservative government is a majority government, so we all know that the bills that it wants passed will be passed. This certainty, however, is not sufficient for the government. It has to go further — too far — and invoke one motion after another for time allocation on debates over its bills.

• (1520)

Senator Cowan has provided public assurance that Bill C-38 will be passed without delay, but the Conservatives nevertheless have gone ahead anyway and invoked a motion for time allocation, and there will certainly be more before the bill leaves the Senate.

I have asked myself why, as have many of you, I am sure. However, looking for motives and reasons is hardly the path of enlightenment. It is the style and modus operandi of our government to bully and bulldoze through the legislative process. It is simply an abuse of Parliament.

The only productive response to the government's disregard for democracy is to highlight its impact, to try to make one another, and Canadians too, care about what is at stake.

In an opinion piece titled "Unleash our political process!" published in *The Globe and Mail* in 2002, Chuck Strahl and a man named Stephen Harper had this to say about Jean Chrétien's parliamentary practices:

More than any other government in Canadian history, the Chrétien government has used time allocation and closure routinely and cavalierly to shut down debate. Private members' business is supposedly outside of the control of the PMO, but cabinet and caucus have used procedural chicanery in the House, Senate and standing committees to postpone, eviscerate and hijack the efforts of individual MPs.

Is it not compelling that the same man who wrote this is leading a government that has the all-time record for use of time allocation? Within the current parliamentary session, this government has invoked 23 time allocations and closure motions. Bizarre, ironic, possibly even deceptive, but what is the point of labelling these actions and defining motives? Again, what matters is the impact: the erosion of Canadian values and democracy and the falling way of public trust in our parliamentary system.

This week alone, I received emails from individuals with serious concerns about the direction of the Conservative government and the fact that those who really know about the issues are denied the opportunity to speak.

In response to cuts in Parks Canada, for example, and a leak to the media of a letter threatening — which is not unusual — the department's employees against criticizing the government, a man from Ontario wrote me concerning restrictions on public information about preservation of local and global ecosystems. He argued that communicating with and engaging the public should be in the hands of scientists, park rangers and directors and environmentalists rather than these anonymous spokespeople selected and approved by the government. He also stressed, quite rightly, my responsibility to keep in mind and act in respect to public opinion and the well-being of the country.

In another email, a woman from Nova Scotia described the worries she and her family share about the lack of clarity and the number of non-financial changes in Bill C-38. She believes that neither Parliament nor the Parliamentary Budget Officer has been properly involved, which she says is "in no fair way to the institution of Parliament and Canadians." She also charges the Harper government with keeping people in the dark about changes to laws and acts. In her own words, "... we are concerned about what is happening to the country we all love so much."

I have also been thinking too about why it is always called the Harper government. Are you not Conservatives? Is it not the Conservative government? A person called me yesterday about

how on all the papers and all the documents it is "the Harper government." Why one person? I thought you were a party. I thought it was the Conservative government.

Canadians reach out to parliamentarians with a mix of trust and hope. In both of those emails and several others I have received this parliamentary session, there is a common request that, as a senator, I carry out my responsibility to scrutinize bills and ensure they undergo due process.

Subjected to a time allocation, we are each of us being hindered from thoroughly fulfilling a crucial part with those we are here to serve, Canadians. Debate is one of our essential roles, and procedures should not be used to stifle that role. In the words of John Diefenbaker, "Parliament is more than procedure — it is the custodian of the nation's freedom."

The government is aware of the harmful impact of restricting debate on democracy. A decade ago, as I mentioned, Stephen Harper described this as an abuse of power, and he opposed it. He knows full well what he is doing. After all, it is not a Conservative government; it is the Harper government. To know it and still carry through with it again and again portrays an utter disregard for Canadians, for democracy and for the wisdom and progress that can be realized from a free exchange of ideas.

It is time we acknowledge what is happening and do something about it. If Conservative MPs and senators are just going to continue humiliating themselves by saying only what their leader tells them to do, then that is their problem. At least, it eventually will be their problem. Conscience has a way of tracking us all down.

Frustration has a way of eventually forcing us to accept things for what they are. As much as I believe that cooperation is best, I am not seeing the merits of this, not at this point, after months of witnessing the Conservatives running around with this time allocation.

I see my time is up, but today we Liberal senators are pushing back. I hope that in the not-too-distant future Canadians will look at this record and recognize our decision to push back as the beginning of the end of Stephen Harper's reign and the beginning of the return to a parliamentary system that functions as it should, democratically in the interests of the people we serve.

Hon. Joan Fraser: Honourable senators, I would like to come back to one of the points made by Senator Tardif in her excellent remarks a few moments ago. This has to do with the fact that the very nature of this bill is an affront not only to the Senate but to Parliament and to the basic principles upon which Parliament rests.

Senator Tardif quoted from O'Brien and Bosc, and I will quote again, because I think these are words we should all be taking very seriously. She quoted their view — their more than view, their expert instruction to us — that an omnibus bill:

is characterized by the fact that it is made up of a number of related but separate initiatives. An omnibus bill has "one basic principle or purpose which ties together all the proposed enactments and thereby renders the Bill

intelligible for parliamentary purposes.” One of the reasons cited for introducing an omnibus bill is to bring together in a single bill all the legislative amendments arising from a single policy decision in order to facilitate parliamentary debate.

Honourable senators, you could argue that I was blessed in that I was not on one of the Senate committees that has had to gallop through as much as they could get done of pre-study of this bill. However, as a member of the Standing Senate Committee on Legal and Constitutional Affairs, I have had, under this government, some experience with omnibus bills. Twice in particular, that committee has been obliged to study omnibus bills that you could argue were proper omnibus bills in that they were concerned mostly with the criminal justice system, one very early in the Harper government’s — and I say the “Harper government” advisedly, honourable senators — regime, and one more recently, Bill C-10.

Particularly the first of those two really was the reflection of what you could argue was a single policy decision, which was that this government was going to be “tougher on crime” than any of its predecessors had dreamed of being. That was a policy decision. There were a limited number of areas that that bill considered. It was possible to see or to carve out a realm within which we could examine that bill. Even then, we had to work unbelievably hard to cover even a fraction of it.

• (1530)

The same was true more recently with another omnibus bill, Bill C-10. It cast its net a bit wider, touching on everything from immigration to youth criminal justice. Even so, one could see some commonality to its provisions. Again, as honourable senators on this committee will recall, in particular Senator Wallace, the work that the committee had to do even to scrape the surface of that bill was absolutely extraordinary.

Honourable senators, here we are faced with an omnibus bill that affects 70 pieces of legislation in fields ranging from the admittedly genuinely budgetary all the way out to items such as fish habitat. I am sorry; I simply cannot conceive of fish habitat being a budgetary matter. The result is that despite the fact that all of those committees have done their very best to do intensive prestudy, we are still finding even today, as Senator Mitchell just reminded us, stuff in the bill that no one knew was there.

As I mentioned, I was not a member of one of those committees that did prestudy, so I was hoping that the benefit of the work they were able to do, plus a reasonable debate and examination in this chamber, would equip me to make a reasoned judgment about whether or not this bill should be supported at second reading. My instinctive reaction is to say that it should not, but who knows? I might have found something tucked away in there that I thought was important enough to be in favour of the bill. However, we will not get that. We will get six hours of debate at second reading, second reading approval in principle, and that will be that.

This is such a profoundly unparliamentary way of proceeding and the whole nature of this bill is so profoundly unparliamentary that I might have raised a point of order or possibly a question of privilege about it. However, had His Honour been inclined to rule in favour of my point of order, I regret to say that I am certain the

government side would have whipped its members to vote to overturn his ruling; and I would not wish to subject the Speaker to that. Everything we have seen leads us to believe that they indeed would have voted in that way. Yet I know and have worked with many honourable senators who sit over there and down there; and I know that many of you also care deeply about the integrity of Parliament in general and of the Senate in particular.

Honourable senators, in pure parliamentary terms, in terms of what it means for the health of our democracy, this is a very sad day — a very sad day.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, last week, the Minister of Finance said on more than one occasion that reviewing the 800 or so amendments to this bill in the House of Commons was a fundamental waste of time.

Not only did he think it was a waste of time, but he also thought that it was a waste of money, that parliamentarians certainly have more important things to do, that Parliament has more important things to do, that the House of Commons has more important things to do than to debate an omnibus bill of this magnitude that affects so many existing laws.

It is very hard for me to understand how a Minister of Finance — since it is his bill — can be so arrogant as to openly tell the Canadian public, in the media, that debating the content of such a large bill is fundamentally a waste of time. If that is a waste of time, I wonder what value he places on the other bills we have worked on, since we can spend hours and hours debating a small, ordinary bill.

The Minister of Finance’s attitude is an insult to the parliamentary process. I spent 36 years of my life wearing a uniform, defending my country, and he is telling me that debating such an unusually large bill is a waste of time and that, essentially, parliamentarians should not concern themselves with it and just go on vacation.

I think the Minister of Finance has forgotten the important role that the Senate plays in the parliamentary process to ensure that Canadians have a sound democratic system.

Since the Deputy Leader of the Government is moving a motion to limit the time allocated for debate on this bill, I would like to refresh his memory about an excerpt from a very important book given to many senators, *Protecting Canadian Democracy: The Senate You Never Knew*, which was edited by Senator Joyal. This excerpt refers to our role, our job, my job, the reason why I am paid to be here, and why all of you are paid to be here, and why the Senate is in the Constitution, in the democratic structure of our country:

On the basis of how they are selected and removed, the varied backgrounds they bring to the job, and the way their attitudes and behaviours are shaped by the procedures and culture of the institution itself, senators adopt a somewhat different perspective on the parliamentary process than do members of the House of Commons.

I sometimes wonder if this is still the case nowadays. I will continue:

In general, the Senate perspective is less partisan, less majoritarian, less calculating in terms of potential electoral consequences and more balanced in terms of weighting past actions with future considerations. The Senate is still primarily a political body, but the “politics” of the Senate are not as dominated by competitive political parties engaged in the permanent election contest that is the essence of most (although not all) activity in the House of Commons.

It seems to me that we no longer remember the role we play in this chamber:

In an era when governments rely mainly on polling and the advice of the public service to shape policy, they look less and less to Parliament as a place to test their legislation and to search for improvements.

It is one thing to say that the government looks to Parliament less and less; it is another to say that it does not want to consult Parliament because it is a waste of time, apparently.

• (1540)

Instead, the emphasis is on how to get legislation through as fast as possible and on how to dismiss the arguments made by one's political opponents.

Why do it? The party is in power. It is a waste of time to listen to the opposition. The government knows what it wants and is going after it and leaving everyone else to deal with their problems on their own.

At times, the Senate resists this confrontational model of the legislative process and creates greater opportunities to test the validity and acceptability of the legislative plans formulated in the relatively closed world of the political Executive-bureaucratic arena. When the Senate serves as a check on Executive power in this way, it is often accused of acting illegitimately because it is not elected. Conversely, when senators acquiesce too readily in government plans, they are described as grateful party hacks.

Are you looking for another job? Do you really not want to do your job anymore? Do you have other ambitions? Are we going to eliminate the need for the Senate? Does this institution serve any purpose?

The truth is more often in the middle.

I believe that the document should be revised. I am not sure that we have found the middle ground. I think we are too far to one extreme.

From the outset, the Senate was intended to serve as a counterbalance to the House of Commons, and it continues to serve that role.

[Senator Dallaire]

I hope that it will always play that role and that the government will respect the fact that the purpose of this institution is to play that role.

It clearly could do a better job, but there is no denying that it already makes a worthwhile contribution.

When examining Bill C-38, I was surprised by the amendments that affect veterans. I say “surprised” because we discovered them. In all those pages, we finally discovered that the government is reducing help for military families, amending bills that will have a direct impact on veterans and their families. And they are trying to sneak these changes through as though they were nothing. The government could not care less about debating this. The only thing the government wants is to impose its own desires, opinions and perspectives.

I am certainly going to elaborate on the camouflaged, unethical approach the government used to limit veterans' ability to get what they are owed as a result of their sacrifices and those of their families. This bill camouflages the attitude of a government that is mean-spirited and stingy when it comes to people's needs — a government that was once in favour of soldiers and veterans.

Limiting debate on such fundamental issues shows that the government does not want a democracy, and that it does not care at all about democracy. It is in power and it is going to be the one that makes the decisions. We are no longer talking about the Harper government or a Conservative government, but of their regime.

[English]

Some Hon. Senators: Hear, hear!

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to say a few words on this issue. I will have more to say this afternoon on the substance of the bill. However, I want to thank honourable senators for their contributions to this debate. It is significant, it seems to me, that while Senator Carignan gave us a brief and perfunctory justification in his view for this action, no one else on that side has risen to justify and to support the motion that has been made by the Deputy Leader of the Government.

Senator Mercer: They are not allowed to.

Senator Cowan: I suspect when we come to a vote shortly they will all rise in support of that, without taking advantage of the opportunity to have participated in the debates and the opportunity that was given to them to rebut the points that have been made, I think so effectively, by my colleagues.

Some Hon. Senators: Hear, hear!

Senator Cowan: Honourable senators, this motion is absolutely unnecessary. I have said publicly in this chamber and outside the chamber that there has not been and there will be no attempt on the part of this party, this opposition, to delay or obstruct this legislation. There is no evidence that we have done that or that we intended to do that. This piece of legislation arrived here late on Monday night.

Senator Tardif: Three days.

Senator Cowan: As I recall, Senator Munson and I were looking at 46 of you across the way, looking with eager anticipation for this bill to arrive. How long has this bill been here? What opportunities have we had to discuss the merits of this bill? None.

Instead of arguing about the substance of the bill, however many pages there are in it and the number of bills that are being amended — some replacing entirely existing legislation — we are talking about matters of procedure and democracy and fairness. We should not be doing that, honourable senators. We are here to discuss legislation. That is our job. We are paid by the people of Canada to do that job.

Some Hon. Senators: Hear, hear!

Senator Cowan: Honourable senators, I would not be so concerned if this were an isolated instance. There have been instances in the past where the government has been able to point to something in a bill and say, “It is absolutely essential that we get this bill passed and get Royal Assent by a certain date,” because of some provision in that bill. There has been absolutely no suggestion in this house, in the other place, or publicly as ministers have fanned outside across the country, to justify what they are doing.

There is absolutely nothing to indicate that this bill is time-sensitive and absolutely has to be done. The only possible explanation is that these folks want to get out and begin their summer holidays. I suggest to you that Canadians do not find that to be a very satisfactory and persuasive argument.

We did agree in this place to conduct a pre-study, as I think Senator Day has outlined well, and I think we should pay tribute to honourable senators on both sides of the house who participated in the various committee studies on this bill.

Some Hon. Senators: Hear, hear!

Senator Cowan: They did what they are supposed to do. However, as we have heard, they did not have the opportunity to complete the job that they should have done, to do as much work as they should have done and as much work as they could have done had they been given the appropriate time to do it.

Senator Day referred to the number of meetings that his committee held. The only witnesses that were heard by that committee were officials of government — officials who were sent there, quite properly, to explain the provisions, not why they were there, but what they meant. That is entirely appropriate. However, is it not also appropriate that ordinary Canadians, people who are experts in the field who do not happen to work for the government, should have an opportunity to express their views as well? Would we not, as parliamentarians, be better informed when we are asked to vote later this month on this bill? Would Canadians not expect us to know as much as we could know reasonably about the bills that we are asked to vote upon? I would think so.

Honourable senators, as I said, I would not be standing today and making the point as strongly as I hope I am if this were an isolated incident. However, as with the back-to-work legislation we have seen repeatedly from this government, this is not an

incident; this is a pattern. This is part of a deliberate attempt by this government to force its agenda through this Parliament — which they control through majorities in both the other place and in this place — giving minimum time not only for parliamentarians to examine the provisions of the bills that are before it but giving minimum time or no time at all for Canadians to comment on that legislation.

Honourable senators, we can do better than this. We should do better than this. Canadians expect us to do better than this. I think it is a shameful day for us here in this place. I hope that you will reflect very carefully on what you do when you stand to vote on this motion.

Some Hon. Senators: Hear, hear!

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

Hon. Senators: Question.

The Hon. the Speaker: It is moved by the Honourable Senator Carignan, seconded by the Honourable Senator Marshall that, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

Honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed 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: Honourable senators, the standing vote will take place at five minutes to five o’clock. Call in the senators. It will be a one-hour bell.

• (1650)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Angus
Ataullahjan
Boisvenu
Braley
Brown
Buth
Carignan
Cochrane
Comeau
Dagenais
Di Nino
Doyle

Marshall
Martin
Meredith
Mockler
Nancy Ruth
Nolin
Ogilvie
Oliver
Patterson
Plett
Poirier
Raine

Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning

Rivard
Runciman
Segal
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Stratton
Tkachuk
Unger
Verner
Wallace
Wallin
White—52

NAYS THE HONOURABLE SENATORS

Baker
Campbell
Cools
Cordy
Cowan
Dallaire
Dawson
Day
De Bané
Downe
Eggleton
Fairbairn
Fraser
Harb
Hervieux-Payette

Hubley
Jaffer
Lovelace Nicholas
Massicotte
McCoy
Mercer
Mitchell
Moore
Munson
Peterson
Ringuette
Rivest
Robichaud
Tardif
Zimmer—30

ABSTENTIONS THE HONOURABLE SENATORS

Nil

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Buth, seconded by the Honourable Senator White, for the second reading of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

Hon. Joseph A. Day: Honourable senators, it is good to see a full house here, after the vote, for the continuation of my intervention of yesterday. I understand that I have a few minutes left and, honourable senators, in the time I have left in my intervention, I will not go back over how we handled this particular bill. I will merely remind you that the bill is 424 pages in length, that it contains 753 clauses and that it modifies or amends at least 70 statutes.

• (1700)

Honourable senators, forcing a single vote on the 753 clauses contained in Bill C-38 does as much for a healthy balance of oversight as the Public Appointments Commissioner did for accountability. Honourable senators will remember we asked about the Public Appointments Commissioner and the commission year after year after year. We asked why there was an appropriation of over \$1 million for this commission and for the commissioner when there was no appointment of the commissioner. That has gone on for many years, honourable senators. Year after year after year we heard the honourable leader of the government in the Senate try to defend that position.

Honourable senators, I am pleased to announce that, in one of the sections of this bill that I support fully, the Public Appointments Commission is being done away with. It took us a while, but we finally got there.

Honourable senators, bills of this nature prevent us from doing our jobs effectively, efficiently and thoroughly. Unfortunately, this is not the first time that we have seen one of these bills, which we refer to as omnibus finance bills. Omnibus bills have been used by different governments of all stripes, and my colleagues on the other side no doubt remember protesting omnibus bills themselves. Those of you who are following will know that that means that we must have, at some time in the past, been supporting omnibus bills. Indeed we did, honourable senators, but not without comment and not without, from time to time, achieving amendments. It was important to be able to achieve those results. The bills that we were protesting at that time, honourable senators, were a quarter of the size of this bill, and we thought that that was unacceptable. You heard quotes earlier today from the Honourable Senator Oliver. Honourable Senator Oliver stated:

We have before us a massive omnibus bill of some 23 separate parts. Bill C-43 ought to have come before us in at least three or more separate bills . . .

I agreed with him at that time. Bill C-43, honourable senators, was 102 pages long. It was massive at 102 pages. This is four times as massive, at 425 pages.

Senator Oliver, in his speech at that time, referred to a lengthy budget bill that preceded the 102 pages. That bill was in 2004, and it was 56 pages long. The trend, honourable senators, is not good.

Honourable senators, I am hopeful that the debate that we have had in relation to this bill will be taken back to each of our caucuses and that this will not be something that we have to go through again. I and many others have said this before, but, hopefully, as we debate this type of approach to legislation we will start to realize that none of us is doing the job expected of us. None of us can go home saying that we have done a really fine job in the Senate on this one.

Honourable senators will note as well that the titles of these bills have become more creative in recent years. Bill C-43 was referred to as the Budget Implementation Act 2005, very self-explanatory and easy to understand. Bill C-38, as you heard from Honourable Senator Buth yesterday, has the short title of “jobs, growth and long-term prosperity act.” Although I am having trouble seeing how some of these measures add any credence to that title, that is

the title that has been chosen for this one. We will note that kind of approach with respect to the titles of a lot of the legislation in the last while, honourable senators.

There are much more effective ways to deal with legislation of this kind, honourable senators. Despite previous recommendations from the Standing Senate Committee on National Finance to stop using omnibus bills of this size, particularly with respect to finance bills, so far our advice — our plea, in fact — has been ignored. I have spoken on these measures before, and I would like to reiterate some of our options.

We could divide the bill into its coherent parts. This would seem to be a fairly reasonable option that would allow us to dedicate proper time to each of the sections of the bill. Instead of having the five or six different committees report back to one, we could have five committees report to this chamber on the portion that they studied. We could vote on them each separately.

Retired Senator Lowell Murray, a very active member of the Finance Committee for many years, suggested that we delete all non-budgetary provisions and proceed only with the parts that are budgetary in nature. That is another possibility, honourable senators.

Another option, which I am sure is not a popular one, is to defeat the bill on second reading on the grounds that it is an affront to Parliament. Honourable senators, sooner or later something will happen with respect to this practice. I suggest, when we have a bill of 735 clauses and 425 pages, that it will be sooner rather than later.

I do not intend to go over the ground that honourable senators from each of the five other committees hopefully went over in studying their portion of this bill. I am hopeful that they will speak on that. I will use the few minutes that I have left of my time to hopefully leave with you a sense of what was studied, in part at least, by Finance. I do not have time to go over everything, but I will go over Division 1, in Part 4. There are four parts to this bill. Part 4, Division 1, is about the Auditor General. The Auditor General's activity will be changed. There is a change in direction happening. We worked hard to have a change in the Auditor General Act, saying that it is no longer proper to have in the act that the Auditor General must be a chartered accountant because there are other accountancy designations that could also do the job. There are also others who might not be accountants who could do the job. When the Auditor General was hired, the Privy Council Office put that requirement back in. Even though parliamentarians took it out of the act, it was put back in. The Auditor General is a CA. The Auditor General will be in that position for 10 years, so those of us around in 10 years will have an opportunity to revisit this.

Auditors general, in the past, were of a financial background because they perform financial audits. Seventeen financial audits will no longer be done by the Auditor General. The Auditor General is refocusing on performance audits — value-for-money audits — and that, honourable senators, will do two things. It will change the nature of the work and, therefore, the nature and formation of the individuals who perform the work. It will also result in a different type of information coming to us. The Auditor General, as an officer of Parliament, is performing his

functions to help us. Yet, we are not making the decisions that the Auditor General should no longer look at Crown corporations from the point of view of financial audits and no longer review the Canadian Food Inspection Agency, the Canada Revenue Agency and Parks Canada.

• (1710)

The decision as to what the Auditor General will be doing in the future is being made by the executive. We, as parliamentarians, have the Auditor General to help us hold the executive to account. Therefore, the executive should not determine, without at least consultation with us, what the Auditor General is doing. Honourable senators, that is a concern I have and I wanted to leave with you because I think it is an important one.

Honourable senators, in Division 5 of the bill we see that the executive basically is deciding what is best for Parliament — the same point that I was making about Division 1.

In Division 6, a new tribunal will be created. That subject matter would have taken an entire study, because it will do away with four different tribunals, such as umpires and referees with respect to Employment Insurance and pension claims. These four tribunals exist to help individuals who are not getting the type of service that they want. One new tribunal will be created and the 70 or so people appointed to that tribunal will be expected to develop an expertise in all of that work.

Social Insurance cards will be done away with, honourable senators. 1,689 Parks Canada employees have received their notices of surplus. The Office of the Inspector General in CSIS will be gone. The Fair Wages and Hours of Labour Act will be gone. The Public Appointments Commissioner will be gone. The International Centre for Human Rights and Democracy Development will be gone. The Canada School of Public Service, which was created only a few years ago and went through our committee in its creation, with a board of governors that gave an outside appointment oversight, will be gone.

Honourable senators, the elimination of many of these is of concern because the approach is to take away outside scrutiny and allow it to stay with the executive — giving the executive more power and giving those who are to scrutinize the executive less opportunity to do so. That is what we were seeing time after time in each of these.

The Employment Equity Act will be gone. The National Round Table on the Environment and the Economy will be gone.

An Hon. Senator: That is disgraceful.

Senator Day: Honourable senators will know that there is an interesting initiative with respect to Canada and travelling exhibitions. We spent some time studying that compensation and indemnification, because it is there. It gives you the breadth of what appears here.

CATSA is responsible for security at airports. We used to have an outside appointed board appoint the chief executive officer. That will now be done by cabinet and will no longer be done by the outside board. The person running it will be appointed by cabinet.

There is a repeal of the Department of Social Development — that will be gone. The Kyoto Protocol Implementation Act will be gone.

Honourable senators, not to leave you on a negative note, there will be the creation of Shared Services Canada — an entire department with all the services, and it will be huge with employees all over the civil service. We could have spent quite some time on that alone, and it is only one of the many matters that appear here.

The Assisted Human Reproduction Agency will be gone. Those are some of the items that I wanted you to have in mind when you hear it suggested that it is very difficult to understand in such a short period of time the potential outcomes of all of these different matters.

Honourable senators, the three areas that received a tremendous amount of activity and discussion related to Employment Insurance, which is of great concern in my area in Atlantic Canada and New Brunswick. Regulations are being taken out, and the minister is saying, “Trust me; I will come forward with some new regulations in due course.” What used to be in the statute will be removed. The rules used to be easily determined, but that will no longer be the case. There will be at least three types of employment insurance recipients under the proposed legislation, honourable senators, and that is of concern to us all.

If we look back through history, we will find a quote by Mr. Harper. In 2005, he said:

In terms of the unemployed, of which we have over a million-and-a-half, don't feel particularly bad for many of these people. They don't feel bad about it themselves, as long as they're receiving generous social assistance and unemployment insurance.

An Hon. Senator: Who said that?

Senator Day: Mr. Harper stated that; and that cynical view seems to permeate the amendments. This change is not designed to help; it is designed to punish. That is a serious concern that all honourable senators, I am sure, will share in due course.

The budget proposes to raise the age of eligibility for Old Age Security from 65 to 67 years. The problem is that there will be an impact on the provinces as a result of this. There has been no discussion with respect to the provinces. There has been no discussion with respect to auto workers. Those who will be the most heavily impacted by this are the 40 per cent of Canadians who are eligible to receive Old Age Security and make less than \$20,000 a year. It is those people who will be impacted the most with respect to these changes, and nothing has been devised to help them. This is basically a downloading of cost burdens to the provinces, honourable senators; and that will cause us some difficulties.

There was some discussion with respect to charities. I truly hope that we can have a study on this matter, because there are so many conflicting points of view coming forward with respect to

charities and the concerns that the bill targets certain charities. We hear stories of many charities being audited year after year for no apparent reason. We have heard testimony that many of the comments made by parliamentarians, including comments coming from this chamber, are having a cooling effect on donations to charities.

We have got to deal with this objectively. If there is a problem, deal with it. Imagine Canada stressed this issue with respect to the definition of “political activities.” Imagine Canada is an umbrella group for charitable organizations. When the smoke-free workplace campaign was on, there was a wonderful cooperation between the government and charities. Cooperation can happen, but things should not happen when a charity happens to advocate a position that is contrary to the government position; and that is our concern.

In terms of reporting requirements, honourable senators will see that an unprecedented amount of power will be given to cabinet and I touched briefly on that. There are so many examples, that it is quite a concern that we have to deal with.

Honourable senators, in conclusion, let me suggest that there are many portions of Bill C-38 that most of us would like to support. There are also many portions that cause some concerns because we have not had a chance to develop an understanding of the potential consequences.

• (1720)

The bill is very difficult for us to deal with as a whole for that reason. We need to be thinking about what our primary role is as senators in this chamber, and I cannot help but wonder if we have really done our due diligence in relation to Bill C-38. We are moving towards passing a 425-page bill after nearly 70 hours of testimony. While this may sound like a substantial amount, outside witnesses only covered 30 per cent, and we should have many more outside witnesses who would come to explain to us the impacts, or potential impacts.

Honourable senators, we pride ourselves on not just rubber-stamping something that comes from the other chamber. We do pride ourselves on that, and I am glad that we have had the opportunity to at least pre-study the matter. Many of us are now informed on a lot of matters we would not have been informed on previously, and so we will be able to continue to deal with those items in the future.

We have a purpose and a calling here, honourable senators, and we have a mandate to protect the public purse and to ensure that the government is acting in the best interests of Canadians. I worry that honourable senators get so caught up in the politics of the other place that we forget that the real purpose here is quite different. We are here to be a chamber of sober second thought. We are here to be politicians who do not look at the bills through blue glasses or red glasses, but instead we look at the bill as a piece of legislation that will have an impact on Canadians, and we do the best we can to ensure that the impact is not an adverse one.

Can we go home tonight and say that we have done that?

Thank you, honourable senators.

Hon. Jane Cordy: I have a question for Senator Day.

I am curious. I know the Parliamentary Budget Officer has not been able to receive an accounting of the costs or the savings related to this budget bill, and I wonder whether the Finance Committee has been able to get any of that information. As parliamentarians, when we are making decisions on whether to support a budget bill or not to support it, or any bill for that matter, we have a responsibility to know the cost or savings. Has the committee been able to get that information?

Senator Day: I thank the senator for the question. Senator Ringuette has asked that question of virtually every witness we have had. Some of the questions honourable senators heard her indicate earlier she has not received answers to relate to the costing, how many positions will be lost and those types of questions. Senator Ringuette has also asked for the Parliamentary Budget Officer to come as a witness before our committee, but that has not been agreed to by the committee at this stage. I do not anticipate that we will hear from the Parliamentary Budget Officer now, but we will continue to follow these issues.

Senator Cordy: Regarding changing the age of those who can receive OAS from 65 to 67, I know that those who are disabled will be at greater hardship, and it will go back to the provinces. The costs will be on their heads because these people will be unable to have a standard of living without help from the provinces.

The Harper government has said the OAS program is not sustainable; yet I have heard from others that, in fact, that is not correct. Did the committee look into that?

Senator Day: Thank you for the question. Yes, we did, and we have heard evidence that it is sustainable. We also are aware that the Parliamentary Budget Officer has indicated on more than one occasion that the system is sustainable, looking at demographics. The change is not necessary from the point of view of demographics and taking into account future growth; that is the evidence we have received. One must assume that the change in age for recipients is being motivated for some other reason.

Hon. Anne C. Cools: Would Senator Day take another question?

Senator Day: I would be pleased to.

Senator Cools: Honourable senators, I have been looking at the section in respect of CATSA. It is Division 48, Canadian Air Transport Security Authority Act, on page 387. The whole section is quite a novelty, and even the organization is a little odd.

My question is in respect of clause 654 at the bottom of page 387 — which I take it would be clause 654 of this bill — proposing to amend section 17 of the Canadian Air Transport Security Authority act.

The government is obviously proposing a new section 17, replacing the old section 17 of the act with the new section 17.

It says:

The chief executive officer of the Authority is to be appointed by the Governor in Council to hold office during pleasure for any term that the Governor in Council considers appropriate.

That is an inherent contradiction. This is what “during pleasure” means. “During pleasure” means no term, but at Her Majesty’s pleasure. These are novelties that are coming in bills. “Pleasure” usually means of the Queen, the King.

Was the honourable senator able to get some insights into that clause? Either an appointment is for a term or it is during pleasure, but it is not during pleasure for a term that a government will set.

Senator Day: Thank you for the question. I appreciate Senator Cools bringing this to our attention. The section we focused on — section 17 — illustrates the importance of our having to go back to the main bill. If one just looks in Bill C-38 one does not understand what that is achieving, and it is the same for so many other sections. One reads this and it says do away with one section and put this one in. This one is understandable, but what are we doing away with?

In this particular instance, the Canadian Air Transport Security Authority, CATSA, was set up as having a business as opposed to a government structure, so the board of directors selected its chief executive officer. This section changes that and says that the chief executive officer now becomes a cabinet appointee as opposed to an independent person that the board of directors might decide to choose. That is the change that was made to this matter.

We did not explore the point that Senator Cools is making, but it is interesting. I notice it is a small “t” term, so that might be a generic sense as opposed to saying a term of five years, four years, et cetera. However, “at pleasure” or “during good behaviour” and those expressions usually mean not a specified period of time.

Senator Cools: Yes. That is not too clear here —

The Hon. the Speaker: Senator Day’s 45 minutes has expired, unless he is asking for an extension.

Senator Day: Perhaps just out of politeness to allow Senator Cools to finish her question.

• (1730)

Senator Cools: Honourable senators, these oddities and novelties are coming at us faster than I can process them. Is the intention of this clause to say that the Governor-in-Council may appoint for a year, a year and a half, two years, or does it really mean during pleasure?

This is a new trend today, honourable senators, where every expression in respect to tenure of appointments is thrown into clauses. When the Federal Accountability Act was before us, and we were looking at the appointment of the Senate Ethics Officer, one would find these oddities thrown in, for example, “appointed during good behaviour but may be removed for cause.” These are concepts that are fundamentally in conflict with one another. They throw them all in together. This is junking up the law, not to mention junking up people’s minds. I wonder if this was explained at any point, that is all.

Honourable senators, I have been trying to discern how a single minister can conceptualize so much in one bill. We know that Her Majesty’s ministers are supposed to be the directing minds behind

a bill. It is supposed to be their project. I have difficulty even seeing the cohesion between the different parts of this bill. I do not even see this as a cohesive unit. Immediately, one tries to understand what the minister was thinking in creating this bill, and what this bill is trying to do as a whole in its intended cohesion, successful or not.

This particular CATSA organization, we must remember that I sponsored that bill; I believe it was Bill C-49. Does the honourable senator remember?

Senator Day: Yes.

Senator Cools: I am trying to understand how this concept, this alteration, this change in appointment process, fits into the general cohesion of this budgetary bill.

Senator Day: I thank the Honourable Senator Cools. I can tell her that there was more than one minister involved in different portions of this bill.

When we brought the Minister of Finance before us, there were many parts that he was not able to deal with, and quite rightly. He said that would be dealt with by other people, even though it is a finance bill. That confirmed what we already knew.

As far as cohesion of the different parts of this bill is concerned, I think the only thing that relates to cohesion is the large staple that appears at the back of the document.

Senator Cools: In passing, honourable senators, we should really take a serious look sometime at this whole business of tenure and terms in the appointment process, because there is enormous confusion about all of this.

I am looking at Senator Brown.

The confusion is manifested, honourable senators, in the fact that we have had bills here, to alter the tenure of senators, from life to eight years. If one can alter from life to eight years, one can alter from life to seven, five, four and zero. No one has ever explained the alteration of tenure, the change from tenure for life to term appointments. These are very profound concepts. Some may think that these are simple technical matters that senators should not be bothered with. Yet, if anyone had set out to alter judges' tenure from life to eight or seven years, not one of us here would accept it.

The Hon. the Speaker: Honourable senators, the time of 45 minutes plus the extra 5 has been exhausted.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, as I said earlier, I have some comments to make about the bill. Earlier I was talking about the process. The two are interrelated, but my earlier comments related solely to the increasing and distasteful practice of this government to cut off debate to prevent Canadians or parliamentarians from having an opportunity to exchange views on the substance of the bill and enable us to make more informed choices when it comes to voting.

Honourable senators, some months ago Senator Mitchell pointed out that this is a government that does not believe in governments. He suggested that this was akin to having a president of a major car company who does not believe in cars.

Senator Mitchell was right. This is a government that simply does not believe that it has the power or the possibility to do good. Instead, it dismantles the laws and institutions that have been built up over many decades by previous governments, Liberal and Progressive Conservative. The political stripe does not matter. The only common thread is that those governments believed that they could be a powerful force for good in society.

Honourable senators, that is about to change. Bill C-38, as we have heard, is a bulldozer of a bill: a huge wrecking ball that the Harper government is setting upon Canada. Where is it dropped? The National Round Table on the Environment and the Economy: smashed. The National Council of Welfare: demolished. Rights & Democracy: First it was destroyed from within, after Harper appointees took control, and now its demise is complete, killed by Bill C-38.

Senator LeBreton: Good.

Senator Cowan: Our colleagues on the other side say "good." I do not think that is a view shared by many knowledgeable Canadians.

The Inspector General of CSIS: eliminated. Controls to protect fish habitat: gone. Environmental assessments to ensure a balanced approach to economic development: so transformed that they will become unrecognizable.

Senator LeBreton: Not true.

Senator Cowan: There are 100,000 applications to immigrate to Canada; 100,000 dreams of a better life, wiped out. "Start over," these people are told. The Harper government has decided to change the rules — and, remember, the Prime Minister said that he makes the rules.

Honourable senators, as with all wrecking balls there is always the danger of collateral damage. In this case it is to our international reputation and credibility and, of all things, to our very own history.

While spending \$28 million to teach Canadians about the War of 1812, Mr. Harper is making drastic cuts to the funding of Library and Archives Canada, the repository of books, documents and photographs for all of Canadian history to the present day.

Senator Cordy: But they are not photo ops.

Senator Cowan: The hours and services for research and reference are slashed and, in some cases, eliminated entirely. Archives of documents of leading Canadians are being rejected. Historian Donald Graves wrote a letter to *The Globe and Mail* in which he described using the resources of Library and Archives Canada to write or edit 18 books and dozens of articles. This is what he said:

... I could not contemplate undertaking such a body of work today.

He concluded:

What is happening at LAC is more than a national disgrace — it is a national tragedy.

The historian Jack Granatstein wrote an op-ed, also published in *The Globe and Mail*. It was headed, “Cuts to our past harm our future: Breaking up the national collection will be irreparable.”

Of course, Bill C-38 does far more than imperil our collective sense of history. As we have heard, it is over 420 pages long. It contains 750 clauses and amends or repeals 70 different statutes.

The Minister of Finance has argued that it is critical that Parliament pass this bill, without amendment, immediately. He claims:

Bill C-38 is essential to creating long-term jobs, growth and prosperity in Canada.

• (1740)

That has been his mantra, but is it true?

Senator Fraser: No.

Senator Cowan: Bill C-38 includes extensive amendments to the Assisted Human Reproduction Act. How is that essential to create long-term jobs and growth in Canada?

Bill C-38 eliminates the position of Inspector General of CSIS. How is eliminating oversight of our spy agency essential to create long-term jobs, growth and prosperity in Canada?

The bill includes amendments to the Corrections and Conditional Release Act, relating to procedures on parole hearings. Honourable senators, why are these included in the budget bill? We just passed another omnibus bill, that one on crime, the so-called Safe Streets and Communities Act. Why were those amendments not in that bill? Was this just a question of, oops, we forgot to include those so let us stick them in the next omnibus bill and ram it through?

Bill C-38 eliminates the National Council of Welfare.

An Hon. Senator: Shame.

Senator Cowan: It is a shame. That is an organization that has advised the Canadian government on matters concerning poverty and the realities of low-income Canadians for 43 years.

Honourable senators, the policies pursued by this government are exacerbating the gap between rich and poor in this country. Perhaps someone across the aisle could explain to me how eliminating the National Council of Welfare will create long-term jobs, growth and prosperity. From where I sit, it looks like we will be silencing yet another voice that can tell Canadians how this government's policies are, in fact, doing the exact opposite to the economy.

As I mentioned a moment ago, the bill wipes out 100,000 immigration applications — a huge reversal of Canada's immigration policy. Let us be clear, honourable senators, wiping out a backlog of applications to immigrate to

Canada will not create jobs for anyone. This is not a jobs and growth measure. It is a radical about-face of Canada's immigration policy. It may or may not be the right thing to do — I personally think it is the wrong way to fix the backlog — but it is not about creating jobs, so it should not be in this bill.

Senator Tardif: Exactly.

Senator Cowan: If this is not a bill to create long-term jobs, growth and prosperity in Canada, what is it?

Our former colleague Senator Lowell Murray, a lifetime Progressive Conservative, very clearly warned us of the danger of the Harper government's use of omnibus budget bills.

For the benefit of my colleagues opposite, let me add that he said — and these are his words — his “opposition to the abuse of the omnibus process is profoundly conservative.” Those are the words of Senator Murray.

This government likes omnibus bills. Indeed, the very first bill introduced by the then new Prime Minister Harper was an omnibus bill itself: the Federal Accountability Act. The omnibus bill before us today repeals certain provisions brought in with much fanfare in that first omnibus bill introduced by Prime Minister Harper.

As my colleague Senator Day has said, that bill created the Public Appointments Commission. That same Prime Minister is now killing that commission in this omnibus bill, and all before the commission had a chance to examine a single one of his appointments. Is that not ironic?

Here in Parliament we have seen one omnibus bill after another, each one more outrageous than the preceding one. The Senate National Finance Committee took the unusual step of reporting the 2009 budget bill back to this chamber with an observation stating:

The practice of using omnibus bills to introduce budget measures has the effect of preventing Parliament from engaging in meaningful examination of the myriad policy proposals contained in them. In particular, the practice makes it almost impossible for committees to conduct a thorough study of the proposed legislation.

In retrospect, honourable senators, this is exactly what the government wanted to hear, because what our National Finance Committee said actually confirmed that its omnibus approach to legislation was working.

In 2010 we had another omnibus budget bill, Bill C-9, which Professor Ned Franks described as “an omnibus bill to end all omnibus bills.”

Senator Murray knew better. In trying to break up the 2010 omnibus budget bill, he referred to political blackmail and he said this:

Parliamentarians who so succumb will find, as parliamentarians before them have found, that the appetite of the blackmailer is not only voracious, it is insatiable.

Of course, the 2010 omnibus bill was not the one to end all omnibus bills. We had the crime bill, Bill C-10, and now we have Bill C-38.

Senator Murray once suggested that there could come a day when the Harper government would table only one bill in Parliament, a super-bill encompassing all of its legislative agenda for the whole year.

Senator Mercer: He was pretty close.

Senator Cowan: With Bill C-38, as Senator Mercer says, his prediction is coming dangerously close to reality.

As I said a moment ago, the practice of using omnibus budget bills makes it almost impossible for parliamentarians to conduct a thorough review of all that is being proposed by the government. However, the fact is — to use Senator LeBreton's expression — that seems to be precisely why Prime Minister Harper likes omnibus bills. He does not want Parliament to scrutinize his proposals too closely. He is actively seeking to avoid that thorough study. It can lead to embarrassing situations, such as the one when our former colleague Senator Yoine Goldstein uncovered, buried in an omnibus budget bill, the Harper government's attempt to censor the Canadian film industry.

As we have learned in recent days from newly released government documents, reported in the *Ottawa Citizen* on June 11, for Mr. Harper, embarrassment to the government is not merely an irritant; it actually constitutes a threat to national security. The police even used the threat of embarrassment to the government as part of its justification for conducting what has been described as the largest mass arrests in Canadian history during the G8 and G20 summits in Ontario in 2010.

I can understand, honourable senators, how embarrassment to the government might be a threat to the job of the Prime Minister, but surely it is not a threat to national security.

This bill will eliminate the office of the Inspector General of CSIS — the very office set up to guard against possible violations by CSIS of Canadians' rights and freedoms. CSIS gathers intelligence. Now that embarrassment to the government has become a threat to national security, what kind of information or intelligence will CSIS be gathering? There will no longer be an Inspector General to find out.

The sole remaining check on this very secret world is the Security and Intelligence Review Committee. Last week we learned that its new head is Chuck Strahl, a former cabinet minister in the Harper government. Are Canadians truly comfortable that the secret spy agency may be collecting intelligence on Canadians that might cause embarrassment to the government, and the sole remaining check on those activities is a body headed by someone who until recently was a prominent and loyal member of that government and whose former colleagues are the ones facing potential embarrassment?

The length and scope of Bill C-38 is such that our Senate National Finance Committee was not able to hear any outside witnesses on this issue, but to be asked to deal with issues of

national security and the basic rights of Canadians while examining a budget bill explains and illustrates just how ridiculous this legislative process has become.

In the other place, opposition members tried to break up the bill, at least for purposes of discussion by committees with actual expertise in the many areas covered by the bill. The Harper government refused.

We in this chamber — and with great credit to all of those members on the National Finance Committee and other committees who participated — had somewhat greater success. Components of the bill were sent to six different committees for pre-study. However, honourable senators, let us not deceive ourselves. This was by no means adequate to give the provisions of the bill the study they require and Canadians expect.

Others will speak in detail to the work of those committees. I know that some of my colleagues on this side will be speaking to this, and I hope that senators on the other side who were participants in those committee studies will also take the opportunity to participate in the debate.

However, I think the unprecedented breadth of this monster bill is well illustrated by the fact that during the pre-study our National Finance Committee had to devote fully 10 hearings just to hear from government officials on the bill. That is an important thing to do, but that is only one part. Of course, every hearing taken up by government officials is one less hearing when other Canadians — experts and others with important insights or concerns they want us to hear — cannot be heard.

• (1750)

During the pre-study phase, whole divisions of the bill were discussed only with officials because there was no time for anyone else. I mentioned that no outside witnesses were heard on the elimination of the inspector general of CSIS, but that was not the only area of the bill where no non-governmental witnesses were heard.

No outside witnesses were heard at all in our Standing Senate Committee on National Finance on 68 per cent of the divisions of this bill. Many of those clauses of the budget bill were also not addressed by third-party witnesses in the other place. In all, 41 per cent of the divisions of this bill were not covered by any witness other than, of course, the government's own officials in either chamber.

Is that how Parliament should work?

Some Hon. Senators: No.

Senator Cowan: Honourable senators, how can we pass a bill if no witnesses outside of government officials have been heard on so many critical parts?

Apparently Prime Minister Harper believes that is exactly what we should do. With one vote, we should express our view on every single one of its measures without having had the opportunity to hear from anyone except his own officials. For the Harper government, that is how Parliament works best.

If anyone has any doubt that Mr. Harper knows exactly what he is doing with these omnibus bills, one need only turn back to 1994. Honourable senators have said these words before and quoted them, but they deserve repeating.

In 1994, a newly minted Reform MP by the name of Stephen Harper rose in his place to object to a much more modest omnibus budget bill. He said:

I put it to you, Mr. Speaker, that you should rule it out of order and it should not be considered by the House in the form in which it has been presented.

. . . the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles.

He said:

. . . the drafters of Bill C-17 have incorporated in the same bill the following measures: public sector compensation freezes; a freeze in Canada assistance plan payments and Public Utilities Income Tax Transfer Act transfers; extension and deepening of transportation subsidies; authorization for the Canadian Broadcasting Corporation to borrow money; and changes to unemployment insurance with respect to benefits and the payroll taxes.

Mr. Harper then argued that the bill was, as he put it, “beyond what is acceptable from a strictly parliamentary standpoint.”

Honourable senators, Bill C-38 goes far, far beyond what Mr. Harper found so distasteful in 1994. The honourable senators opposite should remind Mr. Harper the next time they see him in caucus that in 1994 he said:

. . . the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles.

Those are not my words; those are the words of the leader of honourable senators opposite, Prime Minister Stephen Harper. Explain to Mr. Harper how those words are even truer today for all of us with Bill C-38 because of the multiplicity of measures that it contains.

This is how we are now asked to pass laws in Canada. This is not Canada. As Lawrence Martin has written, we are now living in “Harperland.”

Honourable senators, now that the government has brought down the guillotine on further debate, I think it would be useful to ask: What is it in the bill that the Prime Minister is so anxious to have passed into law without scrutiny by Parliament or Canadians?

The bill, as Senator Day has pointed out, is entitled the “jobs, growth and long-term prosperity act.” However, honourable senators, testimony heard in our committees and in the other place suggests that this bill is not designed to ensure jobs, growth and prosperity for all but instead for only a select few. In fact, a number of its provisions have been said to represent “a race to the

bottom.” To make matters even worse, the bill includes provisions to cut away at the social safety net that was established by successive governments, Liberal and Progressive Conservative, to protect hard-working Canadians in tough times.

Bill C-38, for example, repeals the Fair Wages and Hours of Labour Act, which is the law of the land today. It requires contractors for federal construction projects to pay at least the prevailing wage, and to pay overtime when someone works more than 48 hours a week. The prevailing wage — not the prevailing wage plus a premium, just a statutory obligation that for the construction contracts with the Government of Canada, for those contracts, workers must now be paid the prevailing wage.

Honourable senators, this has been the law of Canada since June 28, 1935. Now, 77 years later, almost to the day, that will change.

Senator Eaton: Yes; it is about time.

Senator Cowan: I believe that leaders set a tone and a standard, if not an example. For the federal government to want to pay Canadians employed on federal projects less than the prevailing wage seems to me to be fundamentally wrong. If this is leading by example, then Canada really is in a race to the bottom under this government.

Senator Cordy: It is a budget for the 1 per cent.

Senator Cowan: Another example of this race-to-the-bottom approach to governance is found in Division 54, which deals with temporary foreign workers. Regulatory changes will permit temporary foreign workers to be paid 15 per cent less than the regional average rate. Bill C-38 would put in place a new, faster process whereby employers will be able to turn to temporary foreign workers instead of recruiting Canadians or permanent residents.

Senator Tardif: Some job creation.

Senator Cowan: Employers will only be required to put an advertisement for five days on the Canada Job Bank website to demonstrate that they tried and failed to find suitable Canadians to hire.

Honourable senators, 20 per cent of Canadians do not have access to the Internet. Since the Harper government stopped funding the Community Access Program, those Canadians will have even less chance of seeing those advertisements.

Senator Fraser: That is absolutely true.

Senator Cowan: I can see how this plan is designed for employers, but how is it a plan for jobs for Canadians? Do we want a Canada with two classes of workers — Canadian workers and temporary foreign workers, paid at radically different levels? How will this not put pressure on wages to go down? Once again: a race to the bottom.

Senator Fraser: That is right.

Senator Cowan: Perhaps Bill C-38 should be renamed. Instead of “jobs, growth and long-term prosperity act,” perhaps we could call it the “jobs for some but at low wages, growth for big corporations — many of them foreign-owned — and long, downward prospects for hard-working Canadians looking for prosperity act.”

Senator Tardif: A much more appropriate title.

Some Hon. Senators: Hear, hear!

Senator Cowan: That title would more accurately reflect what is being done in the government’s most recent budget.

In Prince Edward Island, a study compiled by the law firm McInnis Cooper says P.E.I. stands to lose about 750 jobs over the next three years if proposed budget cuts are approved.

I hope you are listening to this, Senator Duffy.

Senator Duffy: I have known the author, Senator Cowan, and I take it with a grain of salt!

Senator Cowan: This includes up to around 300 private sector, non-government jobs — 300 private sector, non-government jobs. That may not sound like a lot, honourable senators, but those job losses would drain about \$61 million from the economy of Prince Edward Island, which is about 1.2 per cent of the province’s GDP.

How is this a prescription for jobs, growth and long-term prosperity?

Senator Fraser: It will bring a recession to Prince Edward Island.

Senator Cowan: Meanwhile, the Harper government is gradually, as quietly as it can get away with, cutting away at Canada’s social safety nets.

On page 372 of the bill, clause 605 replaces two subsections of the Employment Insurance Act with one subsection just four lines long. It looks to be a small, minor change, easily overlooked in this lengthy, complex bill. However, this clause actually deletes the provisions that were set out in the act itself defining “suitable employment” for purposes of qualifying for EI. These are critical provisions that determine which Canadians would receive EI benefits. Cabinet will now control the definition of “suitable employment.” This will no longer be set out in the act itself, meaning that these rules will not have to pass muster here in Parliament before passing into law.

• (1800)

Honourable senators, *The Globe and Mail* strongly condemned this move, publishing an editorial on May 25 that said this important national debate about what constitutes “suitable employment” should be held in Parliament rather than taking place behind closed doors in the cabinet room and under the heavy veil of cabinet secrecy.

These changes to EI will have a profound effect on seasonal industries — industries that are critical to my region of Atlantic Canada. We learned in recent weeks that not one of the Atlantic

Canadian premiers — and we have New Democrat, Liberal and Conservative Atlantic Canadian premiers — was consulted about those changes, so it appears that political affiliation does not matter. Conservative, Liberal, NDP premiers were all ignored. It is not only parliamentarians’ views that are not welcome; neither are those of the premiers, at least not those in Atlantic Canada. I ask again, who are these jobs, growth and long-term prosperity for?

If the changes the government proposes are indeed the best ones, why are they so reluctant to test them in open public debate? Why remove key provisions from the act and bury them in regulations drafted behind closed doors without consultation — at least not with anyone who might disagree — and then passed behind other closed doors, this time in cabinet?

Human Resources Minister Finley defended her government’s proposed changes to EI saying that their goal is to “connect Canadians with available jobs.” In other words, it is all about getting information out to Canadians. The government’s plan: send out job email alerts.

However, as I said a minute ago, 20 per cent of Canadians do not have access to the Internet, and among low-income households, including 100,000 EI recipients, that number doubles to 40 per cent.

At the same time that these changes are being made, the government is reducing the information that will be collected by Statistics Canada about the EI program. The Human Resources Department will no longer be able to provide key data about the program to StatsCan. Canadians will not be able to find out current information about the dollar value of EI claims or track the average claim in terms of dollars per week. We will no longer be able to track how much money is going to each province under the program.

Radical changes are being introduced that will have significant impacts on a number of provinces, but the information about those impacts and the impact of those changes will no longer be provided to Statistics Canada.

Once again, not only does this government refuse to base its policies on evidence and facts, it sets about making sure that Canadians and parliamentarians cannot get access to the facts and evidence to determine for themselves what the real impact of those policies will be on Canadians.

Lawrence Martin wrote *Harperland*, a most enlightening book that I am sure most of us have read. Senator LeBreton can add him to her hit list. *Harperland* has been described as a place of no facts, no evidence-based policies and where they do not allow facts or evidence to be collected that people could use to judge those policies.

At the same time that the Harper government is changing the rules for EI, it is drastically cutting back on Canadians’ ability to appeal the EI decisions that result. Right now there are about 1,000 people who work part time in EI panels consisting of a government-appointed chair, someone representing labour and someone representing employers. These panels are located across

the country in every region. They know the local labour market; they understand the concerns of employers and employees. This system is being scrapped.

An Hon. Senator: No!

Senator Cowan: The honourable senator should read the bill; I am sure she has.

Under Bill C-38, there will now be 39 people, all Conservative appointees presumably, working full time here in Ottawa. Only 39 people will be responsible for a system that now involves some 25,000 appeals a year. The National Finance Committee heard that there were 50,000 appeals launched I think in the past year, but half of them get settled.

Honourable senators, how will 39 people hear and resolve 25,000 appeals a year?

An Hon. Senator: They will not.

Senator Cowan: Mathematically it seems impossible. Of course, it is not only the unemployed who are being targeted by this government. Low-income Canadians who need Old Age Security are also under fire.

Let us be clear, honourable senators. The changes to OAS, raising the qualifying age from 65 to 67, were never part of the Conservative election platform. They were not mentioned in any Speech from the Throne. Instead, Canadians learned about it when the Prime Minister gave a speech in Switzerland.

Honourable senators, why are these changes part of Bill C-38, subject to time allocation and supposedly critical to the government's plan for jobs, growth and long-term prosperity. The changes are to be phased in beginning more than 10 years from now. Why, then, the rush to squeeze them into this bill where there is scant opportunity for study and debate?

The government claims that the change is necessary given demographics, that it is necessary if OAS is to be sustainable. However, the Parliamentary Budget Officer, Kevin Page, disagrees. His office concluded:

While there may be other policy rationales for changing the OAS program, PBO's analysis indicates that the program itself is financially sustainable over the long term within the government's current fiscal structure, given projected demographic and economic trends.

Honourable senators, here again it has been excruciatingly difficult for Canadians to obtain information from this government. I invite you read the transcripts of the Finance Minister's testimony to the committee in the other place. He was asked several times what the anticipated financial savings will be from the OAS changes, a perfectly reasonable question. He could not answer. He said the government does not make projections that far in advance. They do not project beyond five years. He was asked specifically about a figure he himself had mentioned a few days earlier, that the change would result in savings of \$10 billion to \$12 billion. Minister Flaherty replied that those were figures he had heard from the media.

The fact of the matter, to quote Senator LeBreton, is that the figure came from the government's own Office of the Chief Actuary. That office calculated the savings to be \$10.8 billion. Aaron Wherry of *Maclean's* has followed this issue closely. He wrote in his blog on May 28:

The Office the Superintendent of Financial Institutions tells me today that "the Office of the Chief Actuary provided preliminary estimates to [Human Resources and Skills Development] officials before the Tabling of the Budget." The budget of course was tabled on March 29.

In other words, honourable senators, the government knew for a long time what the savings from these measures were projected to be, and the source was not the media but its own Office of the Chief Actuary.

Indeed, the Conservatives have been considering changes to seniors' pensions for years. The *National Post*, perhaps a newspaper more to the liking of my friends opposite, reported on May 17 that Finance Minister Flaherty's department prepared a draft report in 2007 on the costs and policy implications of Canada's aging population. You will recall that the Conservatives only had a minority back then, so in the words of the *National Post*, "the Conservatives decided to keep it under wraps." The article continued:

They introduced four budgets and ran in two elections without publicly signalling that cuts to the pension plan could be in the offing. It wasn't until after winning a majority government that Prime Minister Stephen Harper revealed earlier this year his plans to slash pensions for future senior citizens.

When Postmedia requested a copy of the Finance Department report, the government refused on the grounds of "advice or recommendations" to a minister.

In other words, honourable senators, this change to OAS was not something that came to the Prime Minister suddenly by way of some divine inspiration in Davos, Switzerland. This was not a response to Canada's fiscal prospects worsening due to a turbulent international situation. This dates back five years to before the 2008 economic downturn, back even before the Conservatives had managed to spend the healthy surplus that they inherited from the previous Liberal governments and to drive Canada back into deficit.

• (1810)

This was a deliberate policy, long planned by Mr. Harper and deliberately hidden from the electorate, election after election. Now it is being pushed through as part of an omnibus bill, with bully tactics, limited debate and minimal scrutiny.

I ask again: Whose long-term prosperity is this bill designed to ensure? Certainly not that of the far too many Canadians with low incomes who depend on OAS and on the Guaranteed Income Supplement that is tied to it. They depend on this just to get by. The OAS and Guaranteed Income Supplement, along with the Canada Pension Plan or Quebec Pension Plan, combined to go a long way to wipe out poverty among elderly Canadians. We are not talking about prosperity here; we are talking about elderly

Canadians who just want to be able to get by. Let me read to you briefly from the testimony of a Mr. Nikias, of the Council of Canadians with Disabilities, which was given to the Finance Committee in the other place on June 1. He said:

The Old Age Security benefit, coupled with the Guaranteed Income Supplement, is better than any social assistance program in Canada, with the exception of Alberta's AISH program, where a significant increase was announced in December. Sadly, many Canadians with disabilities look forward to turning 65 because they will have a better income benefit and will be raised out of poverty.

Increasing the age of entitlement for OAS will force people with disabilities to live in poverty longer.

Honourable senators, this should give all of us pause. When it comes time to stand up and be counted, we will be voting on whether or not to force Canadians who already suffer from severe disabilities to live in poverty even longer than so many of them already do today. I, for one, will not be a party to any decision to add to the already considerable burdens of disabled Canadians.

I want to turn now to one of the most controversial provisions in an already very controversial bill, the clauses that deal with environmental protection.

This budget bill repeals the entire Canadian Environmental Assessment Act and replaces it with the Canadian Environmental Assessment Act 2012.

The Minister for the Environment, Mr. Kent, has admitted — indeed he seemed to say it as a point of pride — that the new act will eliminate most of the environmental assessments of economic projects that are now conducted by federal authorities. He also admitted that he does not know how provincial governments would be able to match Canada's national standards under proposed rules that would allow them to substitute for federal environmental assessments.

Honourable senators, others have estimated that some 90 per cent of federal environmental assessments will be eliminated.

The government defends its proposed changes on the grounds that there is too much duplication in reviews at the federal and provincial levels and that this causes excessive delay. Honourable senators, particularly those on the other side, an internal government document prepared for a presentation jointly delivered by Environment Minister Kent and Natural Resources Minister Oliver to Conservative parliamentarians last September — perhaps some of you were there — said that changes made in 2010 to environmental reviews of industrial projects are already preventing process duplication. Let me read to you the document as it was quoted in the *Ottawa Citizen* on May 31.

This is from this presentation made by Minister Kent and Minister Oliver:

Amendments made in 2010 have made the CEA Agency responsible for most comprehensive studies; this change is yielding positive results as all agency-led comprehensive studies have started in alignment with provincial reviews, preventing process duplication.

Honourable senators will recall those changes to the Environmental Assessment Act. They were made in the 2010 omnibus budget bill. The sponsor of the bill, here in the Senate, was Senator Gerstein. This is what Senator Gerstein said on June 9, 2010:

This part of the bill clarifies the process for determining what type of environmental assessment is required for a given project, and centralizes the authority and accountability for such assessments. It also entrenches in legislation exemptions that already exist in regulation for certain federally funded infrastructure projects.

In sum, Bill C-9 will ensure environmental assessments remain effective, while making them more efficient. This will improve coordination with the provinces on shared-cost projects and expedite the billions of dollars worth of federal infrastructure investments that are essential to year two of *Canada's Economic Action Plan*.

Just a few months ago, according to documents obtained by the *Ottawa Citizen*, the ministers responsible for the environment and for natural resources were telling their Conservative caucus colleagues that those changes had worked and duplication between the federal and provincial governments was no longer an issue. Yet, now we are presented with yet another omnibus budget bill that significantly rewrites our environmental assessment laws in order to minimize duplication. There is no logic to what the government is saying and what it is doing on environmental issues. That is clear to everyone.

Dr. Brundtland, the former Prime Minister of Norway, who has also headed up the World Health Organization and served as a UN climate change envoy, was in Canada a couple of months ago. She was interviewed by *The Globe and Mail*. *The Globe and Mail* told her that the scientific basis for climate change has come under attack in Canada and that there are some politicians who believe that the link between human activity and global warming is inconclusive. This is what she said:

That is anti-scientific and naive. Politicians and others that question the science, that's not the right thing to do. We have to base ourselves on evidence.

She was then asked what message she had for political leaders dealing with environmental issues, and she said:

It is important not to be influenced by, and inspired by, *laissez-faire* attitudes, which first had an impact before the [U.S.] financial crisis and the [BP oil spill] in the Gulf of Mexico. When you liberalize regulations, and you leave it more to the companies, whether banks or oil companies, I don't think this is the right way to go. You have to have governance. You have to have serious and strict regulations.

Honourable senators, the Harper government is not simply being influenced by precisely these kinds of *laissez faire* attitudes, it is being guided by them. Under the guise of reducing red tape, it is leaving regulation to the companies, especially the oil companies, themselves. It is abandoning its legitimate and proper role as regulator.

Postmedia recently obtained internal government documents that show that the Harper government has even stopped staying that it is promoting “environmentally sustainable development” of Canada’s oil sands. Instead, it is simply referring to “environmentally responsible development.”

Prime Minister Harper’s former caucus colleague, Bob Mills, a former Reform and Conservative MP, has taken the unusual step of publicly warning Canadians that we will all pay a price for Prime Minister Harper’s imbalanced and mistaken approach on environmental and economic issues. This is what he said:

Stephen Harper puts other priorities, I think, ahead of the environment and I think that’s a mistake.

Honourable senators, I have said here many times that our policies must be based on facts and evidence. The scientific evidence is overwhelming. Climate change is real and demands immediate, responsible action by leaders of the major nations of the world. Just recently, a group of 18 scientists from countries around the world, including Canada, the United States, the United Kingdom, Chile, Finland and Spain, published an article in the highly respected scientific journal *Nature*. The scientists said the Earth’s ecosystems could reach a point of no return, resulting in rapid, irreversible collapse in as few as 50 years. They said that human activities are pushing the planet toward a critical threshold for “state shift,” not unlike the transition from the last ice age 12,000 years ago.

• (1820)

Yet the Harper government, instead of stepping up its efforts to assess projects for their impact on the environment, is simply stepping away.

Senator Mercer: Back to the dinosaurs.

Senator Cowan: This is not an either-or situation. It is not “gung-ho development” versus “pristine, protected parklands.” It is a question of balance. However, if the government has struck an equitable balance, why is it so afraid to defend it in free and open debate? The Harper government has repeatedly shut down debate on this bill. Many Canadians will find themselves without standing to speak at public hearings on proposed projects.

Scientists are being cut from Environment Canada, and those who remain in the public service are muzzled and they are not free to speak about their research. Independent organizations — even charities — find themselves either marginalized, their funding cut, or vilified by ministers or others, including some in this chamber.

Honourable senators, how can Canadians have any confidence that this government is taking a responsible, balanced approach, when it refuses to listen to any dissenting views?

Honourable senators, cutting off dissenting voices — refusing to listen to anyone but those who will echo your own views back to you — this is not a path for long-term prosperity for this country.

Mr. Mills is not the only former Conservative MP driven to speak out against Bill C-38. The changes being proposed in Bill C-38 to environmental reviews will also, as we have heard,

have a major impact on our fisheries. Four former federal ministers of fisheries — two Conservative and two Liberal — took the highly unusual step of joining together and writing a letter to Prime Minister Harper expressing their “serious concern regarding both the content of Bill C-38 and the process being used to bring it into force.” Those four were Tom Siddon, David Anderson, John Fraser and Herb Dhaliwal, all from British Columbia, a province with much experience in and concern for our fishery.

This is what they wrote:

We have had lengthy and varied political experience and collectively have served in cabinet in Progressive Conservative and Liberal governments alike. We believe we have a fair understanding of the views of Canadians. Moreover, we believe there is genuine public concern over the perceived threat this legislation poses to the health of Canada’s environment and in particular to the well-being of its fisheries resources. We are especially alarmed about any possible diminution of the statutory protection of fish habitat, which we feel could result if the provisions of Bill C-38 are brought into force. Migratory salmon and steelhead are icons of our home province.

They are speaking about British Columbia.

Our experience convinces us that their continued survival would be endangered without adequate federal regulation and enforcement, particularly in the area of habitat protection.

They continued:

With respect to process, we find it troubling that the government is proposing to amend the Fisheries Act via omnibus budget legislation in a manner that we believe will inevitably reduce and weaken the habitat-protection provisions. Regrettably, despite the significance of the legislation, to date the responsible ministers have provided no plausible, let alone convincing, rationale for proceeding with the unusual process that has been adopted.

Again, these are the former ministers who are speaking:

Quite frankly, Canadians are entitled to know whether these changes were written, or insisted upon, by the Minister of Fisheries or by interest groups outside the government. If the latter is true, who are they?

This is not the first time that former Conservative Fisheries Minister Tom Siddon has spoken out against these provisions of Bill C-38. On May 1, he was interviewed by Anna Maria Tremonti on CBC’s *The Current*. He was asked what concerns him the most about the proposed changes to the Fisheries Act contained in the bill. He was blunt. This is what he said:

Well, you can play with all the words you like, but there’s no two ways about it, and what I’ve read now the provisions of omnibus Bill C-38, this is a covert attempt to gut the Fisheries Act, and it’s appalling that they should be attempting to do this stuff under the radar in this way.

Some Hon. Senators: Shame.

Senator Cowan: There are a number of proposed changes to the Fisheries Act that are causing deep concern among Canadians. The bill amends the act to limit fish protection to the support of “commercial, recreational and Aboriginal fisheries.” Protection of fish habitat is relegated to a vastly lower priority — something that caused those four former fisheries ministers, in their words, “especial alarm.”

The Current that day included a clip from an interview with Des Nobles, a fisherman and conservationist on Digby Island in British Columbia. Mr. Nobles explained that the fish habitat is very complex and everything in the marine environment is interrelated, something I would have thought was obvious. This is what he said:

There’s nothing here that stands alone. And for the Canadian government to begin to sort of “silo” fish as either economic or not, is just — it’s beyond belief. . . . What we’re seeing here is a slightly larger issue than just salmon and fish habitat. I think we’re seeing a very concerted effort on the part of the Canadian government to undermine the resource base that all of us in this country rely on. I think in the end they need to care about the people here and they need to care about the fish that’s here. This is one country. We can’t begin to silo it off into pieces and say this one is expendable and that one needs to be maintained.

Honourable senators, we need to listen to people like Mr. Nobles. Just as a vibrant and healthy society does not have any expendable parts, neither does a healthy environment or a healthy fishery have expendable species. To make matters worse, once again, we see the Harper government seeking to cut off any source of information that may lead Canadians to question the wisdom of its policies.

Bill C-38 eliminates \$2 million in annual funding to the Experimental Lakes Area in northwestern Ontario. This research centre will close within a year if a new operator cannot be found. John Smol, a biologist at Queen’s University, has said that the Experimental Lakes Area is the best-known freshwater research facility on the planet.

The planned closure of the centre was the subject of an article on May 21 in *Nature* magazine. The article described the importance of some of the research that has been conducted in the Experimental Lakes Area. This is a quote from the article:

Scientists have manipulated the area’s lakes to show how acid rain destroys lake ecosystems, how the ingredients found in birth-control pills can cause the collapse of fish populations and how wetland flooding for hydroelectric dams leads to increased production in methyl mercury and greenhouse gases, while unmanipulated lakes have provided long-term comparative data. Studies done there have influenced policy, most notably the creation of an air quality agreement between the United States and Canada in 1991, which led to reductions in acid rain.

As an aside, that acid rain agreement negotiated so successfully with the United States in 1991 — by Prime Minister Mulroney — required a prime minister who was not raised believing in

firewalls. This is what Prime Minister Mulroney said in his memoirs. He described the focused, determined efforts that achieving the agreement with the Americans required. He recalled pressing President Reagan for action “at every single one of our countless meetings, continually broaching the subject, even when members of his administration grew very tired of hearing it.” When President Reagan was about to address a joint session of Parliament, Prime Minister Mulroney took the opportunity to raise the acid rain issue again publicly. He said:

But this is more than a Canadian problem. It is a transboundary problem which requires a transboundary response. . . . In this matter, time is not our ally but our enemy. The longer we delay, the greater the cost. For what would be said of a generation that sought the stars but permitted its lakes and streams to languish and die?

• (1830)

Honourable senators may remember that speech. Mr. Mulroney recalled in his memoirs that MPs and senators greeted his words with “sustained applause.” Back to the Experimental Lakes Area research facilities, which senators opposite will be voting to close and which provided such valuable scientific information to Prime Minister Mulroney when he negotiated that agreement.

Dr. Jules Blais, President of the Canadian Society of Limnologists, which deals with the study of inland waters, has spoken about “groundbreaking research” conducted on the ELA on nano-silver. It is something used on clothing and as an antibacterial agent, but it is highly toxic. Scientists at the ELA demonstrated that nano material is absorbed more quickly into the food chain than traditional industrial substances.

Most recently — just this week — two provincial governments, Ontario and Manitoba, took the unusual step of writing to the federal Minister of the Environment and to the Fisheries Minister asking that the decision to close the Experimental Lakes Area be deferred and that the federal government explore the possibility of a new operating regime. They described the research station as a “gem,” and as a:

. . . unique, world-renowned freshwater research facility that has been a global leader in understanding human impact on fish and the freshwater they live in.

Honourable senators, this government says it is concerned about responsible managing of its resources. It will be saving \$2 million a year by closing down this centre. However, as reported in *The Globe and Mail* on June 15, some estimates suggest that it will cost as much as \$50 million to close the site and to remediate the lakes that have been part of the experiment.

Help me with this: For savings of \$2 million a year, in times of severe fiscal restraint, the government is prepared to spend \$50 million to close and remediate the site? How is that responsible management of finances?

Honourable senators, to add some perspective, while insisting that this \$2 million-a-year centre must close, the Harper government — and I said this earlier — is spending more than \$28 million to mark the anniversary of the War of 1812. Here in Ottawa, cabinet ministers have run up a tab of more than

\$600,000 in overtime charges for their drivers. Of course, there was Minister Clement's gazebo and the fake lake. In Harperland it is clearly better to spend money on fake lakes than on protecting real ones.

It has been suggested that there is a different motive at play here and that in fact the real reason the Harper government is cutting funding to the ELA is because it is producing data that the Conservatives do not want to hear, particularly about the impact of the oil sands.

Senator Tardif: Exactly.

Senator Moore: Those are the facts.

Senator Cowan: *The Globe and Mail* interviewed Dr. David Schindler, an internationally renowned scientist, well known and highly respected by most of us in this chamber, and a professor at the University of Alberta. He has said that this decision will eliminate an effective monitor of the impact of the oil sands.

Senator Fraser: That is why they are doing it.

Senator Cowan: From the article in the *Globe*:

Recent studies conducted at the station have found that when the mercury input to a lake is cut off, the lake begins to recover . . . That contradicts the oil industry's position, which says that once mercury, it is beyond repair and adding more won't make any difference.

Dr. Schindler says:

My guess is our current managers don't like to see this kind of [research] because the oil sands have an exponentially increasing output of mercury . . . I think the real problem is we have a bunch of people running science in this country who don't even know what science is.

Honourable senators, this is not just a theoretical problem. There have been three oil spills from pipelines in Alberta just in the past month, and eight in a little over a year. Two years ago, 3.3 million litres of bitumen — oil from the oil sands — spilled into the Kalamazoo River in Michigan from a rupture in the Enbridge pipeline. It is two years later and the cleanup is still under way. At that time, it was considered the worst oil spill in Midwestern history. Since then, it has become the costliest and longest oil pipeline cleanup in U.S. history, with portions of the river only just to be reopened now for recreational use. Many residents say they will never eat any fish caught in those waters.

On Wednesday, CBC's *The Current* interviewed Stephen Hamilton, a professor of aquatic ecology at Michigan State University who was hired by the Environmental Protection Agency to manage the cleanup from the Kalamazoo pipeline spill. He explained how the bitumen is different from crude oil and how unprepared authorities were for knowing how to clean it up after a spill. Bitumen, as we know, is thick and tar-like. That is the reason why some people call oil sands the "tar sands."

To let it run through a pipeline it has to be diluted, usually with lighter hydrocarbons that are akin to gasoline. After the spill, the diluting liquid evaporates, leaving behind thick tar. It is deposited

on vegetation, the banks of the river and anything else that happens to be in the way.

That is what happened to the Kalamazoo River as a result of that spill.

As Dr. Hamilton pointed out, had the pipeline break happened deep down in the groundwater or under a large water body, then as he described it, the dilutant would not have evaporated and its high toxicity in the water would have been an additional huge factor to deal with.

Honourable senators, the cleanup of that spill in the Kalamazoo River is still ongoing two years later. The river has been shut down for two years.

Pipelines break; there will be spills. We need research stations like the one in the Experimental Lakes Area so that we have the best scientific knowledge governing where pipelines should be built, how they should be built and what to do inevitably when there is an accident.

As I said earlier, it costs \$2 million a year for this science from the Experimental Lakes Area. Meanwhile, Enbridge has estimated the cleanup costs for the Kalamazoo spill at \$725 million. That is quite a comparison with the \$2 million annual cost of maintaining the facility in the Experimental Lakes Area.

Indeed, honourable senators, I also note that the supposed savings of \$2 million a year are a fraction of the \$8 million in new funding that Budget 2012 was able to find to audit charitable organizations that engage in perfectly legitimate public policy activities.

Senator Fraser: Shame!

Senator Cowan: We know that a prime target of this government has charitable organizations involved in environmental protection.

Could the Canada Revenue Agency not manage with \$6 million for these audits and leave \$2 million to this important research?

Unfortunately, the Experimental Lakes Area research station is not the only casualty of Bill C-38. The budget bill eliminates the National Round Table on the Environment and the Economy. *The Globe and Mail* ran a lead editorial on this decision which was headed "Even a moderate body now must die." They pointed out that the round table "is no bastion of radicalism." In fact, it looks like a bit of a home for old Tories.

They wrote this:

But at a time when hearings into a major oil pipeline in the West will be held, and when Ottawa is opening up northern waters for oil exploration, this group was apparently imagined to be a threat simply because, as its name implies, the economy and the environment are equally important. Perhaps its very name made it vulnerable.

The government's position has been that the round table is no longer needed; others feel its role is perfectly adequate. Senator LeBreton told us recently on June 11 that she recalls when the organization was established in the 1980s.

Senator LeBreton: That is right.

Senator Cowan: She said:

It met a requirement and need at the time, but times change, and at the present time there is no shortage of organizations that are able to provide advice and research. There is now no longer a need for the National Round Table on the Environment and the Economy.

Senator LeBreton: He quoted me correctly.

Senator Cowan: The list of those eminent and knowledgeable Canadians who disagree with her is a long one indeed. Let me name just one person, the government leader's own cabinet colleague, the Minister of the Environment, Peter Kent.

• (1840)

Senator Tardif: That is interesting.

Senator Cowan: The National Round Table on the Environment and the Economy just published a report last Wednesday, June 13. It was called *Reality Check: The State of Climate Progress in Canada*. It included a ministerial reference letter from and signed by Environment Minister Kent requesting this report. Let me read from the Minister's letter. He wrote:

As an independent advisory agency which reports to Parliament through the Minister of the environment, the NRTEE is in a unique position to advise the federal government on sustainable development solutions.

Senator Tardif: That was why they had to die.

Senator Cowan: "A unique position . . ."

An Hon. Senator: That is true.

Senator Cowan: Evidently the Environment Minister did not consider the NRTEE to be redundant or unneeded.

Bill C-38 will take the wrecking ball to the round table. Its June report — all 175 pages — will be its last. The Harper government is not interested in its advice or its reports. The Harper government's approach is the less information available to Canadians about this government's sorry record on the environment the better. An organization that dares to speak the truth and is funded by the government? Cut its funding, or in this case, eliminate it entirely.

Honourable senators, there is much more to be said about Bill C-38, but most regrettably the government has made it clear that it has no interest in hearing any of it — no interest in amendments, even though the Finance Minister himself admitted the bill was not without flaws; no interest in serious study of the bill; no interest in hearing from Canadians; and, honourable senators, given its use again and again of time allocation, no interest in even hearing what its own caucus members have to say.

We should not wonder that this government is anxious to have as little discussion as possible about the substance of Bill C-38 or, indeed, so many of its other bills. Canadians would then see what

their nation is becoming under Prime Minister Harper. They would see very clearly a transformation that is quietly taking place.

So what does Harper's Canada — Harperland, as Lawrence Martin dubbed it — look like? A few Canadians will be very rich, but many, many more will not. Income inequality is increasing. Nothing in Budget 2012 or Bill C-38 will address that issue of income inequality. Honourable senators, the word "inequality" does not even appear — not once — in the whole budget bill. The Harper government either refuses to admit that it exists or simply does not care.

Do not think that getting together to negotiate as a group will help. This government behaves as if it believes that labour unions have no role in a free market economy. All of us have sat here for long hours in this chamber arguing against back-to-work legislation tabled by this government, some even before any strike had begun.

Health care? The federal government is not interested. Let each province take care of its own. As I said, inequality, whether amongst Canadians or provinces, is not a concern for the Harper government. Drug shortages? How to make health care sustainable for Canadians? The Harper government dropped a cheque on the table and walked away.

An Hon. Senator: The world is coming to an end.

Senator Cowan: We know that income inequality exacerbates health problems.

The social safety net that Canadians have trusted will be there if they should ever find themselves in need is being cut bit by bit. Employment Insurance and Old Age Security — cut back just a bit at first. The changes to OAS, as we know, will not take effect for years. Perhaps Canadians will not notice, or they will not be too upset, but the principle has been established; the erosion and the undercutting can begin.

Some are sitting up and taking notes. Alex Himelfarb, former Clerk of the Privy Council, wrote an article about Budget 2012, which he headed "Going, Going, Gone: Dismantling the Progressive State."

Part of the Canadian identity has been our natural environment — the clean rivers, the lakes, the beauty of our landscape. Bill C-38, of course, brings down the wrecking ball upon environmental assessments. That is not important to the Harper government. Canadians can go to national parks to enjoy nature, but be warned that the price of admission has gone up to pay for, among other things, the fake lake constructed to show the world what Canadian lakes used to look like.

Meanwhile, government departments have been stripped of scientific expertise, and those scientists who remain have been firmly muzzled and gagged. They are not even allowed to speak freely to Canadians about the results of their research, which, of course, was paid for by Canadian taxpayers.

We have already lost the long form census. Critical information that was essential to governments, organizations, businesses, not-for-profits, think tanks and individuals is gone. If you do not have the facts, how can you challenge a policy? Now Budget 2012 has cut funding to Statistics Canada. Layoff notices have been sent to nearly half of the agency's 5,700 staff. Not all of those people will lose their jobs, but Wayne Smith, Chief Statistician of Canada, has warned, and these are his words: "Government departments will see the volume and detail of information available sharply reduced." He described 2012 as "a year of sacrifice." Interesting choice of words.

Dissenting voices? Gone. Charities that used to be active participants in public policy debates are falling silent, afraid that they will become the object of the ire of this government. Independent watchdogs? Fire them or refuse their reappointment or, in the case of the Parliamentary Budget Officer, refuse him access to the information he needs to do his job. Lapdogs are so much more docile and obedient than watchdogs.

This is Harperland — listen only to those who echo what you want to hear and cut off all dissenting voices. At the end of the day, force your own supporters in Parliament to vote on a bill — and I will use Mr. Harper's words — a "bill so diverse that a single vote on the content would put members in conflict with their own principles."

With Bill C-38, Prime Minister Harper has put honourable senators opposite in that very situation, and the icing on his cake is that they are all expected to vote in conflict with their own principles with public enthusiasm. I do not envy them their position.

Some Hon. Senators: Hear, hear!

Senator Cordy: Honourable senators, I will take this opportunity at second reading of Bill C-38 to speak about the process the government has used with this so-called budget bill. I have received hundreds of emails and letters from Canadians who are very concerned about the massive size of this bill. Bill C-38, the Harper government's omnibus budget bill, has been referred to as the "kitchen sink bill" with its sprawling scope and mishmash of bills, some from previous sessions. The process of having a bill containing over 750 clauses and modifying over 70 acts is an affront to parliamentary procedure and democracy. It is an abuse of power.

Mr. Harper pontificates on the fact that with his majority government, Canadians gave him their blessing to push through his Canada-altering ideological agenda and the opposition should just be quiet and step aside. This is it not just arrogance; it is disrespect and contempt for Canadians and for the parliamentary system.

His cabinet forcefully contended in the other place that all these measures fulfill their election mandate. Funny thing: During his trips through Atlantic Canada during the last election, I do not recall Mr. Harper promoting the benefits of raising the OAS eligibility age or explaining to voters about the planned changes to EI.

Bill C-38 may not be the longest omnibus budget bill to pass through this place in 20 years — that dubious distinction would go to the Harper government's 2010 budget bill, but it is certainly the furthest reaching. Containing 753 clauses, Bill C-38 sets out to amend over 70 separate acts, many of which should not be within the budget implementation legislation.

• (1850)

What exactly is Mr. Harper ramming through Parliament with this ideological bill?

He is raising OAS eligibility from 65 to 67. This change will target Canada's lowest income workers, the disabled and the most vulnerable seniors. The government claims the system is unsustainable, which, by the way, is contrary to the findings of experts.

He is changing the EI program by redefining "acceptable work" under the threat of revoking benefits. The budget bill reduces benefits for those who are seasonal workers, those who have jobs in fishing, farming, tourism and construction jobs — even those who work in the Parliamentary Dining Room. Minister Finley stated that this was done after consultation with Conservative MPs, including the advice and support from Nova Scotia Conservative MPs Peter MacKay, Greg Kerr, Gerald Keddy and Scott Armstrong.

Mr. Harper is eliminating environmental assessment requirements, paving the way for big oil to proceed unimpeded without all the hassle of environmental scrutiny.

Mr. Harper is repealing the Fair Wages and Hours of Labour Act, which compels contractors bidding on federal contracts to pay fair wages and overtime.

He is eliminating funding for the Community Access Program, or the CAP —

An Hon. Senator: Shame!

Senator Cordy: That is a shame. This will leave many rural and low-income Canadian job seekers without Internet access, which is counterproductive as this government continues to tout its online EI system.

Mr. Harper is slashing Parks Canada, forcing many of our historic sites to close or reducing the times that they are open to Canadians. With the government spending close to \$28 million on celebrating the War of 1812 in the name of Canadian history, how many Canadian historic sites will close at its expense?

Any group, organization or government oversight body that relies on federal support is put on notice with this budget. If you are not in lockstep with Mr. Harper's plans or if you provide scientific evidence contrary to his ideological views, you will be brushed aside. The Inspector General at CSIS, federal science labs, the National Council of Welfare, the National Energy Board, the National Round Table on the Environment and the Economy and the Auditor General will all have powers stripped or be eliminated altogether.

The right of any majority government is to present to Parliament and to Canadians their goals and a road map to accomplish these goals, from a Speech from the Throne to a budget bill, through successive legislation, all the while allowing for due parliamentary process and debate.

This so-called budget bill should not be amending over 70 acts. It should contain items dealing with the Department of Finance. This omnibus bill should have been broken into stand-alone pieces of legislation so that changes dealing with such issues as the environment, EI, OAS, fisheries, Parks Canada and immigration could have been given their proper examination by Parliament and by Canadians. This would allow time for Canadians to understand what the changes and modifications of over 70 acts will mean for them.

Neither Parliament nor the Parliamentary Budget Officer has received an accounting of the cost of this omnibus budget bill. Mr. Harper flatly refuses to provide this information to the Parliamentary Budget Officer, effectively restricting parliamentarians from doing their job of scrutinizing government legislation. The budget officer has every legal right to this information, to provide Canadians with a clear understanding of the cost cuts, savings and new spending implements with Bill C-38.

This is not fair to parliamentarians, and it is certainly not fair to Canadians. Canadians deserve openness and accountability about the acts being changed in the omnibus budget. They deserve to know the costs or the savings associated with implementing these changes. Canadians deserve that respect from their government.

With the support of less than four in every ten voters in the last election, Mr. Harper seems to think that this gives him the right, without having to put up with opposition, to circumvent the democratic processes in Parliament, to continuously limit and cut off debate, to close parliamentary business to the public and to increasingly conduct parliamentary proceedings behind closed doors so as to avoid public scrutiny. Clearly, these tactics are in contempt of Parliament and a total disregard to the people of Canada. If all the changes are good for Canada, they should be removed from the budget and stand on their own merit in separate pieces of legislation.

Honourable senators, as I stated earlier, I have received hundreds of pieces of correspondence from Canadians. They speak of the kitchen sink nature of the bill and the desire of the Harper government to push the bill through quickly.

I will read to you a few quotes about Bill C-38 from letters I have received. One says:

The Harper government has not been willing to listen to Canadians nor other political parties, no consultation, no negotiation, no amendments.

Another letter said:

I feel that Bill C-38 is a massive collection of very diverse issues. It seems that these issues are purposely being lumped into a budget bill in an effort to pass them quickly and quietly without proper debate or public scrutiny.

Another quote from a letter I received:

This is far more consistent with just wanting to ram through as much legislation as possible without an ounce of critical thought.

Finally, another writer said:

A budget should only include financial items required to run the country not gut laws that have made Canada the most desired place in the world to live.

Honourable senators, the Harper government has a majority in the House of Commons and here in the Senate. It can basically pass any legislation it wishes, yet here we have an omnibus budget bill amending over 70 different federal acts all in one shot. Much of this bill does not even come under the jurisdiction of the Finance Minister. In fact, it was Minister Kenney who appeared before the Social Affairs Committee for parts of Bill C-38. I find it incredulous that hundreds of amendments were proposed by the opposition parties in the other place and yet not even one amendment was accepted by the government.

Honourable senators, the process for Bill C-38 is flawed. It is an affront to democracy and an abuse of power by the Harper government. Canadians and parliamentarians deserve better.

Hon. Elaine McCoy: Honourable senators, I, too, rise to speak against Bill C-38, which is called An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012, and other measures.

I do want to say that I do not support this bill for two reasons. The first is that it violates one of the fundamental principles of our parliamentary democracy, and that is ministerial accountability. The second is that it opens up the door, I think, to ministerial evasion in terms of resource development and environmental protection.

• (1900)

Turning to the first reason, ministerial accountability, as our former colleague Lowell Murray has said on so many occasions — and Senator Cowan was quoting him earlier as well — and just last week, as well, he had this to say:

... political institutions that evolved over a long period of time to prevent excessive centralization of power and to restrain its exercise have within a generation or two been gradually bent out of shape. Parliaments, political parties, the practice of cabinet government itself are now more form than substance. Over the past 40 years, Government has gradually slipped away from Parliament and parliamentarians as well as from their constituency moorings. The conventions by which MPs once held the power of the purse and ministers accountable are not really operative anymore. The adage that “Government proposes, Parliament disposes” no longer applies.

He went on to say:

MPs themselves are now more beholden to the central party apparatus, its money, its technology, its professional organizers, its pollsters and strategists than they are to

their constituency party. This has critically sapped the autonomy of the party membership at the constituency level and their power within their national political party; and it is largely responsible for the emasculation of individual MPs in their relationship with the national leadership who hold a veto over their re-nomination as candidates for the Party. This is blatantly and daily on display in the House of Commons and its Committees as well, as well as on the TV panels where MPs regurgitate precooked and force-fed “talking points.” The House of Commons is supposed to be a debating chamber. Central control has made it into an echo chamber.

I fear, honourable senators, that much the same is creeping into this institution here. The venerable Senate is becoming, or is in danger of becoming, yet another echo chamber.

Yet another tool in the arsenal of defence mechanisms against ministerial accountability, of course, is an omnibus budget bill, and what an omnibus we have before us now, Bill C-38 — 69 statutes, 753 clauses, 424 pages — no wonder that the official title actually says “and other measures.” The tail is wagging the dog. They have nothing to do with the budget and everything to do with — well, what exactly? It is hard to say, not least because we have so little time to say it. On top of everything else, in defence of ministerial non-accountability we have closure, which has severely limited our time of debate to only six hours.

Honourable senators, the legitimacy of our democratic and sovereign institution, Parliament, both houses, is being tarnished, taunted and transformed into impotency. For that reason, which is an entirely sufficient reason to my mind, I will not support Bill C-38.

However, there is more. There is one other reason in particular that I will not support this bill, and that is Part 3 of Bill C-38, which is devoted to various statutes having to do with regulatory and environmental matters, of particular importance to a province like Alberta, my province, where resource development is one of our key economic advantages.

Also, since this has been my field, and it is in this field that I have spent most of my professional life, I paid it particular attention. Part 3 proposes changes to a number of acts, including the Canadian Environmental Assessment Act and the National Energy Board Act, as others have spoken to. Like Senator Cowan, the first question I asked was what do they want to achieve in Bill C-38 that they have not achieved elsewhere.

The ministers and even their civil servants have been uniformly consistent. They have never wavered in their reasons for why they are putting forward these amendments in Bill C-38. These talking points have held without question. They keep on saying it is regulatory efficiency, and in particular one of their strongest, most repeated talking points is that we have reduced the number of decision makers at the federal level from 40 to 3. That actually is very good news. I remember congratulating this very government on that move two years ago. In 2010, I stood in this chamber and I said words to this effect, that this should have been done many years ago. It is a matter of managerial, not

legislative, changes that we need, but having the changes reflected in legislation to try to bring the decision making into some kind of focus at the federal level will be very welcome, and it will be a benefit for the overall system in Canada.

Fortunately, the changes that are being promoted in Bill C-38 do not interfere with that fundamental amendment from 2010, and I will say thank goodness that that is true. However, that cannot possibly, therefore, be the reason why these changes are being brought forward in Bill C-38, so what else do they say? They say that the other main efficiency argument — the other talking point — is that we have timelines. We now have timelines imposed on the Canadian Environmental Assessment Agency, the National Energy Board and the Canadian Nuclear Safety Commission.

Mind you, the ministers, at our Energy, Environment and Natural Resources Committee, said quite unequivocally that these timelines are already being experienced. That is why we chose 12, 18, 24 months.

Therefore that cannot have been the real reason. Not only that, when you start to read these timelines, you realize that there are any number of ways of getting around them. They are window dressing. The Governor-in-Council, cabinet, can extend any one of these deadlines for any length whatsoever. They are window dressing. They are merely talking points, so I do not think that was the burning reason to put these amendments forward either.

Then what does this bill do that has never been done before? I have boiled down the answer to three things. Two new things have been done to the Canadian Environmental Assessment Agency, which will now have a CEA act 2012, and one new thing focuses particularly on the National Energy Board Act.

With respect to CEAA, the two things that are totally new are these: First, only projects that are designated by the minister or cabinet will now be given an environmental assessment. That is new. Second, even so, the cabinet can now declare that any project is exempt from an environmental assessment. Those two powers are new. Unfortunately, I cannot comment much further than that because we know nothing about what will be designated — another defence against ministerial accountability. It will be done by regulation, either ministerial or cabinet, so we have avoided ministerial accountability almost totally.

I really do struggle constantly against falling into the temptation of overblown rhetoric or self-righteous indignation or attributing without evidence motivations to people with whom we disagree or who have opinions other than our own. Nevertheless, I am trying to predict what actions this government will take, given that I know nothing about their intentions regarding the designations or the kinds of provisions that they will make when they exempt projects.

• (1910)

Interestingly, I got an unsolicited email somewhere around one o'clock in the morning from New Brunswick, of all places. It was from a young fellow I have met in the energy and environmental field. He listed a number of organizations which

he knows about, since he works in this field, that have not received funding. After naming several of them in the climate change field, he went on to say:

... national environmental monitoring networks, regional meteorological services, and web-based mapping information systems focused on Earth Observation Data, all of which we rely on for evidence-based decision making, have been cut of their core funding, undermining the safety of the public. . . .

I have observed the closure of the Canadian Information System for the Environment, the National Clearing House for Environmental Learning and Education, the Rural Communities Secretariat at Agriculture Canada, elimination of various programs funding partnership across the Provinces and Territories, and the disbanding of the national Youth Roundtable on the Environment.

These are just a few of the indications that we might have before us as to what this government may intend to do.

Even with this evidence, honourable senators, I quite frankly do not want to vote blindly. I do not want to be part of an echo chamber; I do not want to stand here or justify to myself or my constituents back home why I voted without knowing fully what is intended.

As to the NEB Act, what is new is this: The cabinet will be responsible; in fact, they will make all decisions now in terms of energy projects as to public necessity and public interest.

I have just outlined how ministerial accountability is more form than substance and so much of what they are intending to do or not do, we do not know. When we do ask, we get these talking points that often obfuscate rather than illuminate.

I am unwilling to go along with that particular move — that directional move. I trust the NEB as an independent institution in its long-standing history of making reasonable, evidence-based decisions. I believe it would be irresponsible of me to acquiesce to voting in favour of this bill.

Indeed, I really do feel as if the ghost of Parliaments past were stalking around, even as we are speaking in this chamber. If he is, then I get the sense that we might have this conversation the way Hamlet and Horatio had a conversation. Hamlet said to Horatio: “Did you see him?” Horatio said in response: “O, yes, my lord! He wore his beaver up.” Very Canadian, is it not? Hamlet said: “What, look’d he frowningly?” Horatio replied: “A countenance more in sorrow than in anger.”

Honourable senators —

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that her time has expired. Is the honourable senator asking for an extension?

Senator McCoy: Yes.

The Hon. the Speaker *pro tempore*: An extension of five minutes is granted.

Senator McCoy: In conclusion, honourable senators, I say again more in sorrow than in anger, I will not support Bill C-38. Thank you.

Hon. Grant Mitchell: Honourable senators, I will try to limit my comments this afternoon to specific items that arose by and large in the Bill C-38 review at the Standing Senate Committee on Energy, the Environment and Natural Resources, regarding the parts that we had responsibility for reviewing. There is quite a lengthy list of concerns that witnesses emphasized and presented to us. I would like to ensure that they are in the record. Although honourable senators certainly have covered some of these issues, it does not hurt to impress them again.

There are serious weaknesses with the clauses in Bill C-38 that were the responsibility of the Energy and Environment Committee. The bill makes important and significant changes to the environmental assessment process. I do not mean “important” in a positive way; I mean in a detrimental way. It makes detrimental and significant changes to the Fisheries Act. It raises serious concerns about consultation, for example, with First Nations peoples specifically and more generally with the public. All of this is done, of course, by an omnibus bill, the very form of which has been questioned in great detail over the last number of weeks, months, days and even over the last number of hours in this place.

I will begin with the issue of environmental reviews. Ironically, since the government has been trying to shift away from political influence the process of major project acquisition — for example, ships — they have done exactly the opposite with respect to the environmental review process in this bill, where they are actually shifting much more discretion away from an objective public service-oriented, arm’s-length process to ministerial discretion.

Whereas before, ministers did not have these kinds of powers, the minister — two or three ministers in this case, those being Fisheries, Energy and the Environment, in various ways and circumstances — will have power to pick projects. They will be able to overrule agencies, no matter what those agencies have heard; no matter what evidence has been presented to them; and no matter what conclusions they therefore feel compelled to draw, having listened to opinion and input, but also to science. In the case of the National Energy Board, the minister will actually be able to remove or replace panel members and could end up appointing a single panel member to finish out whatever review the National Energy Board had been charged with.

It is quite profound. One can imagine the case where a minister just did not like what he or she thought was going to occur, and so fires the board and replaces them with a single person who can, one might anticipate, do exactly what the minister would like to do. That is a dangerous erosion of the objectivity of the environmental review process.

One of the underlying features of this act is the notion of “one project, one review.” Certainly, there is something to be said for efficiency. In the process of establishing that, they have established two different kinds of concepts. One is called “substitution,” where the federal government could determine that it would delegate a review process to a provincial jurisdiction,

and when it applies that under the term substitution, the provincial jurisdiction would not only have responsibility for the process, they would have responsibility for the decision.

That begs the question, which is not answered in this review, that if the decision made by the province is incorrect, inappropriate or unfortunate for the environment, there is no provision in the act whereby the federal government could say, "Never mind, bring it back," and apply its own standards and rigour to that process.

The second category of delegation is called "equivalency." It is a little bit misleading, because that is not really talking about a heartland issue, which needs to be addressed and is not; namely, are provincial jurisdiction standards equivalent to federal jurisdiction standards, given that the feds will be delegating to the province? Equivalency means they will delegate the process but not the decision, so it is not quite as much a delegation as substitution would be.

• (1920)

However, although there is some chance to recover if a mistake has been made with respect to equivalency, because the federal level still retains the power to make the decision, in both cases there is no process specified. It is doubtful that there are any real resources allocated to do an assessment of the relative strength and rigour of federal standards versus the provincial standards to which the federal government would be delegating authority.

That seems to be a serious problem. The government could cherry-pick. It could decide that we will delegate when the standards are weaker than our standards, but we will hold the responsibility to do the review when our standards are weaker than a provincial jurisdiction's standards.

If we had some confidence that the government really was committed to environmental review, perhaps we would not have to worry as much, but certainly that door is open and there is no indication that the government is prepared to make the assessment of relative rigour between and among the jurisdictions. It is a serious weakness in this bill.

Where there is a concentrated series of very disturbing changes, raising very disturbing weaknesses, is with respect to fisheries review. Now, the only fish that will be protected under this act are fish that will have either commercial, Aboriginal or recreational significance. A marine animal or a marine entity of some kind that does not fall under a commercial licence, Aboriginal jurisdiction or use, or recreational licence is just not going to be protected. It is hard to get people to believe that the government would have done that. When you tell them that, they have a very difficult time believing it, but it is absolutely true. If a fish is not of some commercial, Aboriginal or recreational significance, then it is not protected in this act.

To compound that problem, the government has very carefully changed — or not very carefully changed — what kind of protections will be in place and afforded for fish habitat. Before this act — I guess up until today or tomorrow — there have been prohibitions against the harmful alteration or disruption of fish habitat. That is now being replaced, essentially, to exactly the

opposite. That is to say, if it is not permanent, it will not be protected; if it is not a permanent alteration, it will not be prohibited; and, if it is not destructive habitat alteration, it will not be prohibited. That greatly weakens the protection for habitat.

Before, one could not do harmful alteration. Before, one could not disrupt habitat — a very ironically and, in reverse, much higher level of safeguard for habitat — because if it is harmful but not permanent, then it will not be considered now. If it is disruptive but not destructive, then it will not be considered now. Instead, it has to be a very serious disruption of habitat or it will not be prohibited or impeded. One can imagine many cases of — and in fact there are many cases; one does not have to imagine them — where harmful and disruptive alteration of habitat has had a profound impact on fish and other marine life and their ability to survive and be utilized commercially, recreationally or otherwise.

The government has greatly weakened the protections under the fisheries of habitat and of the range of fish that will be protected.

There is also a very subtle change, but one with great and serious impact for Aboriginal people. The new act excludes the provision for Aboriginal peoples to use fisheries for moderate livelihood. That probably sounds quite benign, because in the act it does provide for subsistence or commercial privileges for Aboriginals. However, what it — I think, probably surreptitiously — denies is the significance and mention of moderate livelihood and the right of Aboriginal peoples to have access to their fisheries for a moderate livelihood.

Laypeople who are not experienced in this particular area of jurisprudence may not understand that in 1999 the Supreme Court clearly and specifically defined, as a right for Aboriginal peoples, the use of their fisheries for a moderate livelihood. That is a particular kind of use very clearly defined in the law. That will be set aside, and that will have a profound impact on how Aboriginal peoples can use their traditional fisheries. In fact, it will exclude them from potentially using their fisheries in a way that many of them do profoundly and often for their livelihoods.

Honourable senators, one of the great ironies in that, in turn, is that while the government is bringing in many of these changes they would argue to streamline and speed up the review process, in fact this kind of change will have exactly the opposite effect. Whoever came up with these ideas did not think them through.

It is clear that Aboriginal people and their lawyers understand that this is the kind of provision and neglect or mistake that will be used to hold up review processes interminably in the courts, because this law simply has tried to throw out something that has been very significant and established in the process of the evolution of fisheries and environmental review processes.

By way of underlining, while we are discussing Aboriginal issues in this case, we had very powerful Aboriginal presenters. They made the case that not only had they not been consulted on Bill C-38, but Bill C-38, in turn, once implemented, will erode and diminish the process whereby they are to be consulted. Once again, that responsibility to consult is an established principle that has been established and re-established by the courts. That has

been seriously diminished in this bill and will, again, provide many opportunities to take the government to court over weaknesses in the process and simply hold it up.

In fact, Shawn Atleo, National Chief of the Assembly of First Nations, in his presentation to the House of Commons said this:

In its current form, part 3 of C-38 clearly represents a derogation of established and asserted first nations rights. If enacted, it will increase the time, costs and effort for all parties and governments, as first nations will take every opportunity to challenge these provisions.

They will challenge them in the courts.

It is the old story: The government may dream and keep bullying to get what they want, but in the end it probably will have exactly the opposite effect from what they tried to establish.

One of the real frustrations of this whole debate about speeding up the environmental process is that the government, I think, actually believes it and is angered by the fact that environmental groups or people with environmental concerns are somehow responsible for holding up the process. We heard evidence that that is not entirely the case, or even largely the case.

Many projects have been held up because the government itself did not manage the process very well. It took months — if not years in a couple of cases mentioned to us — where government departments just could not decide among themselves who was going to be responsible for reviewing what. Where were the ministers? Where were these strong, “we-know-how-to-manage-government” ministers?

I do not think they really do know how to manage government. I am not surprised, because they do not like government. They often dismiss the important expertise of their public servants out of hand, because they do not like government, and they end up making mistakes like this. They focused in the wrong way.

Could I ask for another five minutes, please? Could I have Senator Mockler's 10 minutes, please?

• (1930)

Senator Cordy: The senator could have Senator Mockler's 20 minutes.

Senator Mitchell: I would like to talk about ugly foundations. I have not made it there yet. I could use 10 or 15 minutes just to talk about the bad and the ugly foundations.

Not only that, but at times it has been the proponents. The companies themselves just have not gotten around to doing it, but somehow, as often is the case, the government does not focus on what really and truly are the facts and so make decisions based on something that is not right and inevitably will enhance the likelihood of them being wrong. Then they layer ideology on top of that, which makes it even less likely they will get it right, and in this case they have absolutely, certainly not got it right.

[Hon. Grant Mitchell]

I will give an example where ironically they are hurting their own intentions and interests because they want to streamline and speed up environmental processes but they have excluded — I should not mention it because they might go and fix it and hurt the process here, but I cannot stop myself from pointing out how incompetent they have been in reassessing this bill — the mining associations. Mining companies do not receive the benefits of the apparent streamlining initiatives.

There is a section 35 that has been streamlined and does not apply to the mining industry. Section 36 does and they are asking, “Why us? Why have we been neglected?” Did someone just not listen to the public service? Surely not, no.

Another interesting thing is the Conservatives often talk about sunset clauses and that bills should have a period of reassessment, but they have taken that out. In the current Canadian Environmental Assessment Act, there is a provision for a statutory review. The act must be reviewed every five years to see how it is doing, whether it can be changed. However, in this bill there is no statutory provision, requirement or obligation to check the act. The government figures they have it right the first and will never have to change it. They got what they wanted, even if it will not work.

Finally, they have reduced agencies from 40 to 3. Again, there is something to be said for efficiencies, but they will still have to rely on many of these agencies. For example, the Canadian Environmental Agency now will do fisheries reviews but will have to rely on expertise from the Fisheries Department. The Fisheries Department has experienced profound cuts, raising the question as to whether or not there really are enough resources in peripheral but important agencies to help sustain the process.

One would think if the government wanted to speed up the process and make major decisions about delegating and still believed in the importance of the equivalency of rigor that they would make absolutely certain the resources were there and not gutted so that in this more pressured, intense and shortened process the resources would be there to ensure the environmental concerns are met and sustained and taken care of.

One of our witnesses made a point that it is an absolute fallacy to consider that environmental review has ever had a negative economic impact, in fact quite the contrary. Usually after rigorous review, companies' efficiency in working on the project increases, the rigour with which they do projects increases, and often because of that they avoid making huge errors and mistakes and consequently end up earning more money.

It is not really a question of the environment versus the economy or the environment versus business. It is a question of acknowledging and understanding that if we do environmental review processes properly and not weaken them, we will enhance economic development and prosperity and leave our children a worthwhile place in which to live.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I would like to say a few words about Bill C-38 and the budget.

The objectives that the Minister of Finance has established are both worthy and realistic because, at its core, the budget is about growing the economy and shrinking government. However, the message we are getting from the Minister of Finance and other key government spokespeople is that there is a kind of conflict between economic growth and the existence of a public administration with a presence in the lives of the people. We are hearing this more and more, and Canadians are worried.

Honourable senators, I think this suggests a deeply flawed understanding of how modern economies work. People in Western nations depend on and benefit from a very high level of economic well-being because the state is responsible for guiding the economy. The current government's philosophy seems to suggest that it believes the state's involvement in economic activity hampers economic growth.

I think that, on the whole, Canadians are getting more and more worried about that philosophy because it is flawed and, in my opinion, contrary to the well-being of the people of this country.

Economic growth has its own rules and its own dynamics. There are businesses, workers and various interests, but they all need direction. That direction, that meaningful orientation can only be supplied by a strong state presence, an alert and creative government to support economic actors and provide meaning and direction.

It seems to me that, basically, if we look at the text of the budget and the budget speech, we see the beginnings of the denial of this elemental reality that is the progress made by modern society, and I think we have good reason to be very concerned about that.

Of course, as the Minister of Finance and the Prime Minister have pointed out, Canada's economy is performing relatively well at present, compared to other economies, but when I hear the Prime Minister at the G8 or the Minister of Finance at the G20 boasting about our country's economic performance, considering the kind of public administration we have, it seems to me that Canada's economy has grown precisely because the government — and the public administration — played a role in the economy, and I do not believe that we should be trying to reduce that.

Another thing that is somewhat disturbing about the Prime Minister's approach is that while it is all well and good to say that the Canadian economy is performing relatively well, which is true, not a word is being said — not by the Finance Minister, either — about the fact that it is performing relatively well at the macro level, even quite well in some cases, but the government's current approach shows no concern at all for what the overall economic numbers mean at the regional level.

As everyone knows, Canada's regions are currently falling apart from an economic standpoint, yet the budget speech completely ignores this problem. The government simply gives all kinds of macroeconomic numbers without showing any concern for the reality on the ground. In my opinion, as Canadian citizens and as parliamentarians, we should be a little more concerned about this reality. Overall numbers are all well and good, but the reality on

the ground cannot be ignored, and not only in our regions, because of the difficulties facing our small and medium-sized businesses. While our overall performance numbers are relatively good, at the same time, poverty rates continue to rise, and more and more Canadians are being excluded from society.

It seems to me that if someone is in government, if they are not just a president of a bank or company, but they are in government, this should be a key part of economic policy. The role of the government is to ensure that overall growth is spread out across the regions and that individuals benefit from it. Do we see any concern for that in the government's budget speech? Unfortunately not, honourable senators. I think it is important to point that out to the government.

• (1940)

Honourable senators, I would rather the government did not say in the budget that we can only achieve economic growth by reducing the size of government, as though there were a cause and effect relationship between those two things. It has not been proven, but that is the message we get from the budget.

Our economic performance is fragile, and because of international considerations — which the Minister of Finance has often pointed out to Canadians, and rightly so — I would have liked to see the government propose a policy to support and promote economic growth. The government cannot simply worry about the stability of our major corporations and banks, which, thank God, are relatively stable. It must think about small and medium-sized enterprises, the regions, individuals and the objective conditions of workers. There is a disconnect in the budget, and I think it risks seriously deluding people about the current state of the economy and about the future.

I would also have liked to see the Minister of Finance not only implement the Canadian government's policy — I think that is his role — but also mobilize all of the economic players. Did the budget talk about mobilizing businesses to achieve the objectives? Did it call on unions to participate in economic growth?

There is something I find even more worrisome. Canada is a federation. The Canadian government has a very important role. I am a bit worried that, unlike what has been done in the past, unless I am mistaken, the Prime Minister of Canada has never invited his provincial colleagues to discuss economic growth objectives.

Honourable senators, I agree that the Canadian government plays an extremely important role in the economy, but everyone knows that when it comes to daily life in Canada, the provincial governments also play an equally important role, perhaps more important than that of the federal government. The government is concerned with growth objectives. It is trying to carve out a new policy for Canada and is completely ignoring the reality, the concerns, and especially the contribution that each of Canada's provinces could be making to the federal government. I find this to be quite worrisome.

I hope that the Prime Minister of Canada, who certainly has immense international responsibilities, will also bring in all the regions and the provincial premiers in order to better reflect reality in Canada's financial and economic objectives.

The Prime Minister of Canada did indeed promise — in the budget — not to cut transfer payments. He kept his promise and I believe we must acknowledge that quite frankly. Nonetheless, if we are talking about ensuring economic growth permanently for the future, then it seems to me that the top priority is education, and skills training. Without people, workers, there is no economic growth.

The government did not cut transfer payments, but it completely ignored the needs of the provinces and the regions with regard to education and skills training, the entire social safety net that workers need. It is all well and fine to freeze funding, but if we want the economy to progress, then we must invest in the long term, as the budget says. It seems that the priority should be to invest in helping the provinces provide a solid, successful and appropriate education system. All these policy objectives are miles away from the cuts announced in the budget speech, where economic growth is achieved by cutting government spending, period. It seems to me that there are quite a few other things the government should be taking into account and considering.

Finally, honourable senators, I have two brief comments that I believe are extremely important. First, we have made progress on the deficit, which has been reduced to \$21.5 billion. Will it be eliminated by 2015?

Again, the government's deficit reduction strategy is to cut government spending. It could not increase taxes — very good, congratulations — but it could cut spending. Will the cuts be made according to a plan?

We get the feeling that the government's approach is like skeet shooting. The government gets an organization in its sights, the government fires on it, and the institution disappears. Is there a plan for reducing the size of government? For the decision-making? What are the values? What are the objectives? What criteria are used to decide which government organization will be abolished or changed?

This was not mentioned anywhere. As the days and weeks pass, we learn that something will happen to some organization. But what is the plan? What are the institutions that must be kept at all costs? Which ones should we eliminate, which ones should we change? As far as I know, the Minister of Finance has never provided any explanation in that regard. The cuts are piecemeal and it is extremely confusing.

Honourable senators, I would also like to comment on what is happening to our public servants. They have been told that there will be cuts, but no one knows where, when or who. This type of human resources management is rather odd. In my opinion, the government's approach does not take into account the realities of the public service. The government is demotivating the public service, abolishing some organizations without a plan, without setting objectives or justifying its decisions. There is none of that. We are completely in the dark.

Finally, honourable senators, like many of my colleagues, I feel that we should be indignant and that we should deplore the absolutely unbelievable approach that is being taken with Bill C-38. Everyone has said it; I do not want to go over it again. I understand

that the same approach was taken with Bill C-10, for example, but at least, in that case, studies had been conducted previously. The government was in a minority position. But now, this is almost becoming common practice. The horror of Bill C-38 is something absolutely unthinkable and implausible because of its size and importance.

Honourable senators, it is one thing for the government to tell us, "We have a majority." I am quite supportive of majority governments because they act and assent is given. Things are clear. However, a majority government in a democratic society does not mean a government that does not listen. It does not mean a government that can do whatever it wants. And, it particularly does not mean a government that, holding a majority in the Senate or the House of Commons, will ultimately impose its majority. Doing so is its right, and I do not have a problem with that right, but the fact that this government is not taking into account the opinion of democratic institutions and is not respecting them is unacceptable. It is not just the institutions themselves. The role of Parliament is to vote on legislation and to watch over the public administration, but in my opinion, it is also to examine important issues, dozens of which are found in this bill. Whether it be employment insurance, the environmental issues that the Leader of the Opposition spoke about, or one of many others, these issues must be discussed so that the public is aware of them and can agree with or dispute the government's actions. However, lumping all these issues together like this is not just an insult to or an attack against democratic institutions, it is an attack on the democratic life to which every citizen is entitled.

Honourable senators, I hope the government is going to improve its approach. It has been in office for a year. I hope that in future it will show more respect for the institutions.

When it comes to economic growth, the government must understand that it is not the only body in Canada that should be making decisions about growth and about the kind of economic growth and prosperity that is desirable for all Canadians.

• (1950)

[English]

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Segal would like to ask a question, but I regret to inform you that the time for Senator Rivest has expired. Is the honourable senator prepared to ask for more time in order to respond to a question?

Senator Rivest: Yes.

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

Hon. Senators: Yes.

The Hon. the Speaker *pro tempore*: Five minutes.

[Translation]

Hon. Hugh Segal: I would like to ask Senator Rivest a question about the philosophical underpinnings of his statements, which were very interesting.

I think that he and I share certain ideologies. He talked about the federal government's role as a commanding force in the economy.

I would like the honourable senator to tell us whether he thinks that having a central, interventionist government is the best way to improve Canada's economy and society.

I believe that we had similar ideas during other debates in the past. We did not want a central, interventionist government that would not give the provinces the opportunity to make their own choices in accordance with their constitutional rights.

Having a centralized government that makes all the decisions will, in my opinion, deny Canadians the opportunity to make choices.

Has my colleague's opinion changed since we worked together on constitutional issues? That can happen to anyone, but I want to make sure that I understand him correctly.

Senator Rivest: No, my opinion has not changed. I have emphasized education because it has a very important role to play as a counterweight to the Canadian government's interventionism.

I talked about freezing transfer payments. In my opinion, the government should increase transfer payments as soon as possible, so that the provinces can carry out their responsibilities with respect to the economy. By that, I mean education and skills training.

I do not think that the Canadian government, with its power and great wisdom, should tell the provinces what to do. I am prepared to acknowledge the merits of the current Prime Minister's discipline. But this is about resources. My simple plea is for smaller government.

I agree that there are things that have to be done about economic growth and education. The Government of Canada should neither freeze nor cut payments; it should do more to help the provinces, which can make their own decisions without federal intervention.

[English]

Hon. Terry M. Mercer: Honourable senators, usually I am honoured to rise to debate bills or motions in this chamber. Today is not one of those days. Today, we are debating Bill C-38, the budget implementation bill, a horrendous piece of legislation that guts environmental and fisheries policies, totally shortchanges EI recipients and changes the rules for retirement, among many other things.

I do not understand why we are calling it "a budget" because it is much more than that. The omnibus Bill C-38 brings in a wide variety of changes across departments by sneaking them in through the back door, in the guise of a budget bill, because the Reform Party majority government of Stephen Harper decided that it would force it upon Parliament.

The 753-clause supposed budget changes over 70 different federal acts. This is astronomical. At no time have I seen such blatant trickery in order to push an agenda. The Reform government should be ashamed of the way it is treating the

environment, EI recipients and retirees who will now have to wait two more years for OAS. Let us not forget the 19,000 people who will be joining the ranks of the unemployed in this government's attempt to balance the books on the backs of hardworking Canadians because of its own shortsightedness and mishandling of its finances. Prime Minister Harper's cutbacks in this budget are just the beginning I fear. In Atlantic Canada we have already felt the sting of Mr. Harper's slash and burn tactics because we have shared a disproportionate number of cuts compared to the rest of the country. Cuts to Service Canada, for example, were already in progress before this so-called "budget" was introduced, and now the cuts are just going deeper. It is interesting to note that, in response to a written question, the Treasury Board of Canada released statistics showing that, from 2009 to 2011, federal government employment grew by 2.9 per cent nationwide. Federal employment grew 5.1 per cent in the Ottawa area. Federal employment shrunk by 1.5 per cent in Atlantic Canada. That is exactly the kind of service that we get from this government.

With the recent round of cuts, these numbers will get much worse. While the budget bill is far too large to comment on all of it, I would like to highlight some of the things in the bill that, in my view, are destroying our way of life. How a country treats its seniors — those people who have developed this country and have worked hard to promote its values — is paramount to how our society is viewed around the world. What does this government do? After promising, in the 2011 election campaign, not to cut pensions, Stephen Harper did it anyway. This is not the first time that he has lied about protecting pensions. In a speech to seniors in December 2005, Mr. Harper said:

My government will fully preserve Old Age Security, the Guaranteed Income Supplement and the Canada Pension Plan and all projected future increases to these programs, and we will build on these commitments.

Mr. Harper promised that before winning the election in 2006.

That reminds me of a story, honourable senators. A gentleman had died and made his way to heaven. He was at the Pearly Gates and talking to Saint Peter. He asked Saint Peter, "What is that behind you, Saint Peter?" He saw a whole wall full of clocks, and he asked, "What are those clocks?" Saint Peter said, "Those are lie clocks. Everybody on earth has a clock up in heaven, and it is called a lie clock. Every time you tell a lie on earth the hands on the clock move." The guy said, "Whose clock is that?" Saint Peter said, "That is Mother Teresa's. The hands have never moved, indicating that she never told a lie in all of her time on earth." "Incredible," the man said, "Whose clock is over there?" Saint Peter said, "That is Robert Stanfield's clock. The hands only moved a few times, telling us that he only told a few lies in his day."

Hon. David Tkachuk: On a point of order, Your Honour.

Honourable senators, before he started this long story, Senator Mercer had called the Prime Minister a liar, and I think that is unparliamentary language.

The Hon. the Speaker pro tempore: Does any other honourable senator wish to participate in the point of order?

Hon. Gerald J. Comeau: I very clearly heard him call the Prime Minister a liar. All that Senator Mercer would need to do — and it is quite simple — is just to withdraw the comment and say that he regretted having called a parliamentarian a liar. It is just not done.

The Hon. the Speaker *pro tempore*: Are there any other honourable senators who wish to participate in the point of order?

Senator Mercer: It is difficult. Some people are obviously a little sensitive about that issue, but I do withdraw any comments that might have been unparliamentary, honourable senators.

Let me continue with my story. The gentleman was talking to Saint Peter — you interrupted my story about Saint Peter — he asked, “Where is Mr. Harper’s clock?” Saint Peter said, “Stephen Harper’s clock is not on the wall. The Lord keeps that in his office as a ceiling fan.”

In all seriousness, honourable senators, how many times will Mr. Harper mislead Canadians to get what he wants? Increasing the qualifying age for Old Age Security from 65 to 67 will mean that the average retiring Canadian will lose \$12,000, and the lowest income Canadians will lose up to \$30,000. What is worse is that 40 per cent of OAS recipients earn less than \$20,000, and 53 per cent of them earn less than \$25,000 a year.

• (2000)

How dare this government do this? There is absolutely no evidence to suggest that the OAS is in trouble. Indeed, the Parliamentary Budget Officer has even said this change is not necessary, as Canada’s old age security program is already sustainable. However, we all know what Prime Minister Harper thinks about the Parliamentary Budget Officer.

Canadians believed Mr. Harper when he said he would not change seniors’ pensions. I hope these people remember exactly what Mr. Harper did in this budget when it comes time to vote again. I know I will be reminding them.

Honourable senators, the Harper Reformers do not care about our ecosystems either. They do not even believe that climate change exists and they do not care about our wildlife. Do not even get me started on the environment.

The budget bill eliminates the need for federal environmental assessments before a major project proceeds. Let us just slap up a building without checking to see if we are risking the extinction of a species. Let us just build a pipeline and not make sure that, in the event of an accident, it does not destroy an entire water supply. This is the way they are going.

With the changes to the National Energy Board, the Harper Reformers may be preventing stakeholders and local citizens from participating in the process.

Prime Minister Harper does not want to hear an objection to their plans, much the same as they do not want to hear from scientists who tell them climate change is real. Speaking of which, let us not forget that this bill also shuts down the National Round Table on the Environment and the Economy.

Mr. Harper appears to dislike the advice he was receiving on how to build a sustainable economy. In the face of dissent, he shuts it down.

Honourable senators, I now would like to talk about what I see as the worst part of this bill, and that is the change to the EI system. Without consulting any of the provinces, or really anyone except themselves, Mr. Harper has unilaterally redefined what “acceptable work” means for EI recipients. This bill even allows the government to revoke benefits, benefits that hard-working Canadians have paid for.

For Atlantic Canada especially, this will further add to the hardship many small communities already face.

According to the government, there are hundreds of thousands of job vacancies that go unfilled each year, which is their rationale for the changes they are making to what constitutes the definition of “acceptable” or “suitable” work.

Under the current act, claimants are disqualified from receiving benefits if they have not applied for “suitable” employment vacancies. The act does define instances where employment would not be deemed “suitable”: first, if the vacancy arises as a consequence of a work stoppage or labour dispute, and of course we know that around here they just legislate them back to work anyway; second, if the vacancy is in the claimant’s usual occupation but at a lower pay rate and/or in working conditions less favourable than the claimant has the right to expect; and third, if the vacancy is not in the claimant’s usual occupation and is at a lower pay rate and/or in working conditions less favourable than the claimant has the right to expect.

Bill C-38 eliminates the last two conditions from the act and gives cabinet the power to determine what constitutes “suitable employment.”

Excuse me, but how does a minister of the Crown know what suitable work is in the regions of the country? How does a minister from Ontario know what suitable work might be in Nova Scotia or British Columbia?

How is it possible for cabinet to unilaterally decide what the definition would be without any consultation with the very people they are purporting to represent? It is absolutely ridiculous for this government to claim it is representing the will of the people when it does not listen to the actual people.

This bill makes it easier for the government to unilaterally change things without having to go through the inconvenience of the whole democratic process. Do not let that get in the way; no, sir.

Honourable senators, the government has revealed no plans as to how this will work. What happens to the employer in the Annapolis Valley who normally hires migrant workers to pick his apples in the fall? If people are forced to accept jobs through this new EI scheme and they were told they should be picking apples in the Annapolis Valley and then they turn down the jobs, which I suspect many of them will, will it not then be too late for the farmer to hire migrant workers to fill the gap? You do not hire migrant workers by snapping your fingers; it takes a lot of planning to get that job done.

What happens then to the local economy when that farmer loses his crop? Has the government thought about such scenarios? These EI changes will force Canadians to find work further away from home, costing them more in transportation for a job that pays less and is less skilled than their level. Has the government thought about the effect this will have on their family? Does this sound logical to anyone? No.

This bill, the so-called jobs, growth and long-term prosperity act, does nothing to create jobs; in fact, it cuts jobs. Let us not forget the 19,000 public servants this government has fired.

For small communities that rely on seasonal work, changes to the EI system could spell disaster, especially since we do not really know how the changes will affect these communities.

Like with everything else Mr. Harper does, he does not want to hear from anyone about how these policies could affect them. Conservatives are forcing Canadians to perform jobs that they are probably overqualified for, using the threat of loss of benefits. I say shame on them for that.

There was no public consultation. The minister even admitted it. She did say, though, "I've also consulted extensively with our caucus members, more than I think anybody else would have. I hear from them daily, and their job is to represent their constituents and their points of view."

I certainly hope that the good people of Central Nova, Cumberland—Colchester—Musquodoboit Valley, South Shore—St. Margaret's, and West Nova remember that between now and the next election. I hope the constituents of these four Conservative ridings in Nova Scotia, whose MPs approve of these EI changes, will be held to task. I know that I and my fellow Nova Scotian colleagues will be, and will be reminding Nova Scotians as often as possible.

Honourable senators, I could go on and on about how this budget further hurts Atlantic Canada. For example, \$11 million in unspecified cuts to Marine Atlantic; 408 Parks Canada positions "affected" across Atlantic Canada; \$17.9 million a year in cuts at ACOA; and \$79.3 million a year in cuts at Fisheries and Oceans.

Honourable senators, we are left to wonder why, after hardly any job growth over the past year, the budget is getting rid of jobs and hiding behind a so-called austerity agenda.

This budget will do nothing to help create jobs or address Canadians' skills shortage. It does nothing to promote innovation and research. This budget hurts the future of seniors in their retirement. It does nothing to calm the fears Canadians have about the government's spending review and \$5 billion in spending cuts and how it will affect their lives.

This budget kills environmental protections and hurts our ecosystems.

I ask all honourable senators to think about these things when it comes time to vote on this budget, because it will be my pleasure to vote "no."

Hon. Marjory LeBreton (Leader of the Government): Will Senator Mercer entertain a question?

Senator Mercer: Always.

Senator LeBreton: I listened to the honourable senator's speech and to the speeches of his colleagues, saying absolutely untrue things about what we are doing on the environment and on seniors, a portfolio in which I have a particular interest. I have heard many complaints about the omnibus nature of the bill. As the Minister of Finance said, we had a rather large budget at the end of March, and a large budget begets a large budget implementation bill.

Logically, the honourable senator cannot go on stripping piece by piece of the budget. He cannot, after the fact, cherry-pick what we will throw out and what we will put in. The honourable senator is suggesting that we stir this around and mix it up again, and that is not the way to maintain a coherent fiscal framework. Would he not agree with that?

• (2010)

The Hon. the Speaker *pro tempore*: Before the honourable senator responds, will the honourable senator ask for leave to extend his time?

Senator Mercer: Of course.

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

Hon. Senators: Agreed.

Senator Mercer: I think if Senator LeBreton had not asked the question, leave might not have been granted.

It seems Senator LeBreton wants to debate the budget and not the budget implementation bill, and they are two different documents. Others have quoted extensively a gentleman by the name of Stephen Harper, when he was an opposition MP, in his opinion on an omnibus bill. I think honourable senators should go back and read that. I know there is some revisionist history there. However, I think honourable senators should read that carefully because I think he was probably right then, but he is not right now.

Senator LeBreton: I asked the honourable senator whether he agreed with that statement — and he obviously does not — but the words I spoke were in fact spoken by Ralph Goodale, the Liberal Minister of Finance, when speaking about his 24-part omnibus bill in 2005.

Senator Cordy: Will the Honourable Senator Mercer take another question?

An Hon. Senator: Time is up!

Senator Cordy: I guess Senator Tkachuk is waiting to speak. I will be interested to hear him stand up and speak in favour of all these things in the budget.

Senator LeBreton stated that the honourable senator said things that were not true about the OAS, but is it not correct that the OAS will be raised from 65 to 67? Will this not hurt low-income people and disabled people?

Senator Mercer: Indeed, I was a member of the Special Committee on Aging, and we filed a report and travelled across the country. We heard from seniors and seniors' groups across the country — we were actually out consulting with the people — and we were listening to Canadians who were affected by this. It was a terrific committee. It had members from both sides and was ably chaired by our former colleague Senator Carstairs, and they told us it was so vital that we not change the age and that we protect old age security and the supplement.

In many cases, when people are in their sixties and as they are moving towards age 65, this is the biggest day of their life because they are finally going to be off welfare and be able to live on this money. It is guaranteed from the government if they had been working as hard-working Canadians. Some of these people have been on social assistance, but many more are part of the working poor in this country. Many of the people I referred to were earning under \$25,000.

If it comes into effect, this is going to be a disaster for seniors in this country.

Senator Cordy: I heard Senator Stratton say our government made mistakes and lost Liberal seats. We lost every Liberal seat in Nova Scotia in 1997 because of changes to the EI bill. That should have been a message but obviously the Conservatives are not listening to the people in Nova Scotia about EI changes.

I have heard from people who are very concerned that because OAS is now going to be changed from 65 to 67 what will happen is these costs will be downloaded to the provinces — to my province of Nova Scotia — because people who are poor are now going to be on provincial social assistance because they will not get OAS for two extra years. Does the honourable senator agree with that?

Senator Mercer: The honourable senator is right on and the problem is that this is a sneaky way of doing business around here — come in with a change but it gets downloaded to the provinces all across the country. It particularly affects those poor provinces in Atlantic Canada. It is a tremendous burden on the provinces and with no consultation, honourable senators. Senator Cordy mentioned the 1997 election campaign. We paid the price for doing some things we did between 1993 and 1997, and guess what, folks? What goes around comes around, and you will pay the price on election day in Eastern Canada.

Senator Cordy: When Minister Finley spoke to the editorial board of *The Chronicle Herald*, she said she had consulted with the Conservative MPs; that would mean the Conservative MPs from my province and your province of Nova Scotia. She consulted with them and took their advice, so the Conservative MPs from Nova Scotia agreed with all the changes to OAS and the changes being made to EI. Is that your understanding?

Senator Mercer: I am sure the Conservative colleagues also —

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired. Are there any other honourable senators wishing to participate in this debate?

Hon. Sandra Lovelace Nicholas: I wanted to ask a question of the senator, but his time has expired.

The Hon. the Speaker *pro tempore*: His extended time has expired.

Are there any other honourable senators wishing to participate in the debate?

Senator Lovelace Nicholas: Thank you very much. I was going to ask a question, but I will have to say it within a statement.

EI reform affects Aboriginal people because they were on government programs, so they have enough hours so they can collect unemployment. Due to racism, in my part of the area —

I hear you. You have never been racist against Aboriginal people?

Just never mind.

An Hon. Senator: Do not back down.

Senator Lovelace Nicholas: Honourable senators, because of racism they are not hired around the community in Perth-Andover and the Fredericton area, so what will these people do? They cannot find jobs, so obviously they have to stay on welfare, and I just do not go along with this.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Are there any other honourable senators wishing to participate in the debate?

Senator Cools: Honourable senators I shall be very brief —

An Hon. Senator: You are not known to be brief.

Senator Cools: Just watch me. I am very opposed to this bill, and I intend to vote against it. I was brief.

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

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Honourable senators, it was moved by the Honourable Senator Buth seconded by the Honourable Senator White that Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, be now read a second time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those opposed please say “nay.”

Some Hon. Senators: Nay.

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

Honourable senators, there are two senators standing —

Hon. Elizabeth (Beth) Marshall: Honourable senators, there have been discussions, and I believe there is agreement for the following: That with leave and notwithstanding rule 39(4), a standing vote on the question before us be held now with the bells calling in the senators to ring for 30 minutes.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Cools: Honourable senators, I wonder if we could have an explanation. When leave is requested an explanation should follow. The reason I asked, and I was trying to avoid debating, but —

An Hon. Senator: Oh, oh!

Senator Cools: You sit down yourself. This senator is getting a little untidy. Let us just ignore him.

I am asking Senator Marshall for an explanation. A motion was adopted here some hours ago that outlined an extremely restrictive practice, and we call it closure. We call it time allocation. You can use the words that you want. I am hearing now a request from Senator Marshall to set that process aside.

• (2020)

An Hon. Senator: No.

Senator Cools: Yes, it is an exit from a restrictive process described under rule 39 this is extreme, and I do not like it. On a matter of principle, I vote against time allocation and closure. I do not like it, but that is beside the point.

Senator Marshall said, “notwithstanding rule 39(4)(a),” but rule 39(4)(a) prescribes that the Speaker is supposed to put the question without any further debate. The whole point is that the Speaker puts the question and the vote must be deferred until tomorrow. I have the rule in front of me, but the house should have an explanation. When a government uses a majority to force closure, it has a duty to explain, when it wants to overcome its own motion of closure. I will sit and listen to the Speaker.

Senator Marshall: Yes, Senator Cools, under the rules, ordinarily the vote would be tomorrow at 5:30 p.m., but there have been discussions with members opposite. There was an agreement that the vote could be held this evening after the debate.

Senator Cools: I do not think I am a member of the members opposite. Someone brought a question to me, and I responded that I would be favourable if everyone else agreed; but one still has to ask. I will agree, but I am insisting from now on, when these exceptional deviations and exceptions from the rules are asked for, the senator so asking must give explanations. The rule is clear on this. Any time a member wants to suspend the rules — and this is what we call it, suspending the rules — an explanation must be provided to the house.

This may seem like nothing to many, but the notion is that every single member here has a single voice, and every single voice must be considered. I will not let it be ignored.

I did have a conversation, but nevertheless you have a duty to explain to the house. That is one of the fundamental problems in this place.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted as requested by Senator Marshall?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Call in the senators. The bells will ring for 30 minutes and the vote will be at 10 minutes to 9 o'clock.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (2050)

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

YEAS THE HONOURABLE SENATORS

Angus
Ataullahjan
Boisvenu
Braley
Brown
Buth
Carignan
Comeau
Dagenais
Di Nino
Doyle
Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Johnson

Marshall
Martin
Mockler
Nancy Ruth
Nolin
Ogilvie
Oliver
Patterson
Plett
Poirier
Raine
Rivard
Runciman
Segal
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Stratton
Tkachuk

Lang
LeBreton
MacDonald
Maltais
Manning

Unger
Verner
Wallace
Wallin
White—50

NAYS THE HONOURABLE SENATORS

Campbell
Cools
Cordy
Cowan
Dallaire
Dawson
Day
De Bané
Downe
Eggleton
Fraser
Harb
Hervieux-Payette

Hubley
Jaffer
Lovelace Nicholas
McCoy
Mercer
Mitchell
Moore
Munson
Ringuette
Rivest
Robichaud
Tardif
Zimmer—26

ABSTENTIONS THE HONOURABLE SENATORS

Nil

REFERRED TO COMMITTEE

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

(On motion of Senator Buth, bill referred to the Standing Senate Committee on National Finance, on division.)

• (2100)

CRIMINAL CODE

BILL TO AMEND—THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM ADOPTED

The Senate proceeded to consideration of the third report of the Special Senate Committee on Anti-terrorism (Bill S-9, An Act to amend the Criminal Code, with an amendment and observations), presented in the Senate on June 19, 2012.

Hon. Hugh Segal moved the adoption of the report.

He said: Honourable senators, Canada has long been a world leader in the effort to secure nuclear materials worldwide and prevent nuclear terrorist attacks. We were among the first nations to sign two international conventions dealing with this topic: the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material.

Bill S-9, once enacted by this chamber, would pass on to the House of Commons and would enable Canada to ratify these conventions. The bill would add four new indictable offences to

the Criminal Code that prohibit certain acts in relation to nuclear radioactive materials, impose significant penalties on those who commit those acts, classify the commission of such offences as terrorist activity, and empower Canadian courts to try those who commit these offences outside of Canada when certain conditions are met.

The Special Senate Committee on Anti-terrorism has examined the bill and is now reporting it back to this chamber with two amendments, both of which were made to clause 5 of the bill.

The first amendment was suggested to the committee by Senators Joyal and Dallaire, who were good enough to point out during the course of our hearings that although the offence described in section 82.3 of the Criminal Code deals with possessing, using, transferring, exporting, importing, altering or disposing of nuclear radioactive material or committing an act against a nuclear facility or committing an act that causes serious interference with that kind of facility, it does not actually prohibit the making of a nuclear or radioactive device. It was generally felt that specificity in that respect would strengthen the bill and strengthen the rights of the Crown to protect us through the use of that provision.

Therefore, honourable senators, the first amendment is as follows. Clause 5, on page 4, we replace line 7 with the following: “damage to property or the environment, makes a device or pos-”, et cetera, as now exists in that process.

A second amendment was brought forward by Senator Frum, and this was to ensure that there was clarity between the English and the French. Therefore, honourable senators, the second amendment replaces line 10 with the following: “al or a device or commits an act against a”; and replace line 19 with the following: “device or commits an act against a nuclear”.

There was no need to change the French. The problem in the English version was that there were too many “whos,” one or two of which were actually a little bit defective and made things less clear. This amendment sorts that out.

I want to thank Lyne Casavant, Jennifer Bird and Holly Porteous, who worked so hard to facilitate the work of the committee as the research staff at the Library of Parliament, and, of course, the clerk, who is tireless and has worked extremely hard to facilitate our hearings.

There are observations, which I commend to all members of this chamber to read and reflect on. They deal with two specific areas, and I will make reference to them.

One is to ensure that the policy framework within which this law operates is reflective of some of the new trends relative to the use of low radiation uranium for things like medical isotopes and nuclear plants. Canada is a leader. Provinces like Saskatchewan have engaged and invested heavily in the low radiation version, which is not easily used for weapons and not of similar fissionable value for those who might be engaged in a terrorist activity, and the committee calls on Canada to keep up that work and intensify it.

There is also a specific reference, which I will leave my colleague Senator Dallaire to address, with respect to ensuring the security of our facilities and those people who are there involved.

Honourable senators, this is important legislation for Canada. It is important for our international commitments and treaties. I commend it to your most possibly constructive consideration.

Hon. Roméo Antonius Dallaire: Honourable senators, before we adopt the report of the Special Senate Committee on Anti-terrorism on Bill S-9, I want to add a few words in support for the public record.

In my career, I was responsible for the planning of tactical nuclear use during the Cold War. A tactical nuclear device is essentially the size of a grapefruit. The possibility of such a device falling into hands of those who would want to use it against countries like ours is real. Thus, this bill is most timely indeed. If we think that two towers coming down created panic in the world power, one of these tactical nuclear devices could take out the city of Atlanta, and then we are into a whole new game. This is not a simply “need” bill; it is an “essential” bill.

The Special Senate Committee on Anti-terrorism under the commendable leadership of Senator Segal and Senator Joyal has worked on this bill with expediency, tempered consideration and grace. This report captures well the various areas of concern raised in the testimony, particularly with regard to the threat that nuclear terrorism poses to Canada and the world at large. As far as we can tell, from getting unclassified material, this could significantly change if we, as parliamentarians, had access to classified material and probably provide more depth to these bills.

I feel, however, that this is a calling to do more. As I have stated time and time again, nuclear weapons, one of the truly existential threats to our species, are unusable and indiscriminate weapons of terror. The costs of a world imbued with their presence far outweigh any strategic advantages they can deliver. They threaten our humanity just as much as they threaten us physically. To sit idly by and pass off opportunities to stem the tide of proliferation is simply unacceptable.

This bill is an excellent step in the fight against that proliferation and it should be supported with due haste.

Nevertheless, with its passage I am reminded that gaps in the global governance of nuclear weapons still exist. There are holes in our laws that have yet to be filled and cracks in even our own domestic security regimes.

I worry that we make it easier for terrorists to steal our nuclear material when we actually contract out our security. I worry that we do not keep proper checks on our staff throughout their employ, versus simply when they are accepted to the employ. They are vulnerable and must be held to check and, ultimately, continuously reviewed in their ability to be responsible for the tasks they have of protecting our sites of nuclear use of materials.

Honourable senators, should this report pass now, which I hope it will, I shall be making more in-depth remarks at third reading of the bill. I will simply say for now that this bill represents another strike against nuclear proliferation and a welcome step toward a world free of nuclear weapons.

I thank my fellow committee members and the committee staff for the work they did on this bill. I thank Senator Peterson, in particular, for sitting in on my behalf occasionally.

I, too, encourage honourable senators to read the observations appended to this bill, which are of significance to its interpretation and the evolution surely in the other place. I do encourage honourable senators to support this report at this time.

• (2110)

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THIRD READING

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

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

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Demers, for the second reading of Bill S-10, An Act to implement the Convention on Cluster Munitions.

Hon. Roméo Antonius Dallaire: Honourable senators, I still have my observations to bring forward on this bill and I would move the adjournment in my name.

(On motion of Senator Dallaire, debate adjourned.)

[Translation]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

Hon. Roméo Antonius Dallaire: Honourable senators, this is an extremely sensitive topic for me, considering my past experiences. It is late, and furthermore, I did not take my medication, so I do not dare even try to delve into this matter here this evening. I would like to pursue it tomorrow.

(On motion of Senator Dallaire, debate adjourned.)

[English]

ROYAL CANADIAN MOUNTED POLICE

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of June 14, 2012:

That he will call the attention of the Senate to how the allegations of sexual harassment and harassment generally can be better handled in the RCMP.

He said: Honourable senators, I realize that it is late. It has been a long day, a long week and a long session. However, I rise to speak about an issue of grave importance. It is a very serious matter and, the way that the schedule is unraveling next week, it might be difficult to have a chance to speak to an inquiry of this nature at that time. Therefore, I would like to speak to this before the session rises.

I would like to do it, in particular, because the issue that I am addressing is the issue of sexual harassment and harassment generally in the RCMP. I believe harassment reflects a deep and profound cultural problem in the RCMP. One of the manifestations of that problem is the post-traumatic stress experienced by many of the victims of this process of harassment.

One of the things that compounds their victimization is their inability to be heard and their inability to have some structural, institutional, public venue in which they can present their case and be heard. It is the classic case of truth and reconciliation in terms of how that process in South Africa and the process being adopted now in our Aboriginal communities actually does lead to healing. Therefore, tonight I hope to give, at least in a small way, some voice to these victims' problems.

There is no question that we have an issue — a deep, cultural problem — in the RCMP. While it has not been acknowledged to the level of intensity I will suggest exists in that respect, Commissioner Paulson has acknowledged that there is a problem. The minister, who appeared before our National Defence Committee, acknowledged there is a problem. Yesterday, to some extent and to their credit, they announced legislation that, if it were to operate effectively, might go some distance to rectify this problem. The fact that they would present this legislation is further indication and acknowledgment that there is, in fact, a problem.

Let me give honourable senators a couple of examples that reflect the depth and intensity of the issue. These are documented cases of harassment. They have been documented through the tribunal process, which is structured in the RCMP, and they have resulted in findings that are on the record. I will reflect those briefly here.

One refers to a case of a male sergeant who had sex on RCMP time in an RCMP car with a subordinate female. They both lied about that in the first instance, and then they both admitted that they had done that.

• (2120)

They were both brought before tribunals, as is the process required and outlined in the RCMP Act. Interestingly, the more senior officer, the male sergeant, was found guilty and docked 10 days' pay. It was said by the tribunal officers that, in fact, they would have demoted him except that the question of lying was excluded from his tribunal's terms of reference. Ironically, — worse than that, quite horrifyingly — the woman's case resulted in her being fired. Her terms of reference were, in fact, written to include the lie so that the penalty could be "harsher." It is interesting to me that, in that context, the sergeant — the superior, the man — gets docked 10 days' pay and given a slap on the wrist, and the woman is treated much more harshly and, in fact, loses her job. That is the first case.

The second case is equally disturbing in a different way. A staff sergeant — and these are the admitted facts of his case — brought liquor into the office, drank in the office on RCMP time, had sex with a subordinate in the office and had sex in the parking lot with a subordinate. He also had the responsibility of interviewing certain people in the process of screening them for security, would ask them out, and then falsified, at least in one case, the information which was for security purposes. It is almost incomprehensible. He then also exposed himself to a woman in the office on the job.

What happened to him? He was demoted one rank and he lost 10 days' pay. He was sent to British Columbia, where one can ski, golf, water ski, sail, swim and drink wine on an open patio all on the same day. That is what he got. It is almost incomprehensible. No teacher, no lawyer, no politician, no worker in an office, no professor, no one else in the country could expose themselves on the job and get posted, at taxpayers' expense, to British Columbia. It was just a slap on the wrist.

That underlines for me a serious cultural problem. The tribunal said they were thinking about firing him, that that was at the forefront of their minds, but they received some very positive, strong endorsements from people he had worked with — some people would say members of the old boys' club — which made them realize that he deserved a second chance.

I am wondering about that 18-year-old who has six marijuana plants. It does not matter who writes a nice letter of reference for him. It does not matter how many principals, teachers, coaches, priests and clergy people write letters. It does not matter. That 18-year-old, that almost child, is going to jail for a year, no matter what. However, an RCMP officer, in an RCMP uniform, in an RCMP office, betrays the trust he has over the people whom he commands, involves himself in a criminal act of exposing himself, and what does he get? He gets sent to B.C. He can ski, golf and swim all on the same day. Fantastic. It is incomprehensible.

Do we have a problem in the RCMP? I think we do. Two hundred people, all of them women, are now in a class action against the government. Some of these have been proven and some of them are allegations, but where there is that much smoke, there is fire.

While this harassment affects men as well as women, it is often and disproportionately focused on women in the force. A superintendent responsible for B.C. said, in a moment of honesty, no doubt about it, that he would not recommend that his 21-year-old daughter should join the RCMP because of the internal cultural problems. That same superintendent is also the person who accepted and took under his command in B.C. this sergeant who exposed himself. So, it is a problem.

The government will tell us they are doing something about it. First, they brought in a motion to study sexual harassment in the public service, all of the public service, and they did that because of the heat building from the work of member of Parliament Judy Sgro on other side. When it was raised by member of Parliament Judy Sgro that they should focus on the RCMP case, because that is where this issue originated in its current form and intensity, they said, no, we will do it generally. This would be like taking the 1990s case of the military in Somalia and acknowledging that there is a problem and then having the military investigate Canada Post as a result. It makes no sense except that the government wants to, for whatever reason, deny, delay, push back and push off this problem.

I do not get it. There is no political downside for the government. None, zero. They did not cause the problem, and they can fix the problem. They can build and help these victims and they can cure and make healthy again this remarkable institution of the RCMP. It has a problem.

The second thing they did is that when Commissioner Paulson came to our committee six months ago, he said they appointed a senior female officer to work on hiring more women into the RCMP. It turns out that she is very accomplished. She went on sick leave shortly after that and has since retired. I do not know if she has been replaced, but I do not think so. It begs the question: What is the point of hiring more women into an environment or culture where they cannot feel safe or thrive, where a superintendent said he would not recommend that his own 21-year-old daughter join the RCMP?

Third, they brought in a bill yesterday, or at least announced it, which will give the commissioner more power. They had originally touted it as more power to fire, but, of course, he actually does not have the power in this bill to fire, but there will be more power to fire people. If the culture has not changed, what is to say that it is not just going to be used to fire victims more easily, victims who have complained about harassment to those very persons and by those very persons — senior officers — who can in fact now fire them more easily? There is no guarantee that this bill will serve any particular purpose, except to perhaps compound the cultural problems, abuses and betrayals that occur, unless the culture is fixed.

Senator Dallaire will tell us that what we learned in the 1990s with the military is that these organizations are very good at deflecting the puck. They bring out a “he-can-fire-people” bill, although he really cannot, so that deflects that; or they will appoint someone to hire more women to deflect that puck. They are deflecting it. However, we do not need to deflect the puck; we need a fundamental game change. When talking about a cultural problem, one cannot solve it superficially.

Years ago, when I was in the legislature in Alberta, I met with a remarkable police officer, the City of Edmonton’s Chief of Police, Doug McNally. The City of Edmonton police force had a certain kind of culture that was very militarist and had some of the negative features of that particular description. He changed it to what is called a service, where they went from driving in cars to more of a social work kind of approach to policing. It was very effective. He said that he had hundreds and hundreds of personal meetings — one person, two persons and three persons — and he worked with people to explain to them his vision of how this culture had to change. He said if the management and officers did not agree and did not get it, then they were not promoted and, if they really did not get it, then they were fired. He guided that police force and it changed fundamentally.

That is what you have to do. You cannot change this superficially. My profound fear is that this piece of legislation is nothing more than deflecting the puck a little bit and not really getting at the root of what needs to be done to fundamentally change the culture. Why am I concerned that that might be the case? Let me show honourable senators a couple of things.

Commissioner Paulson has just appointed somebody to the new position of the ethics and integrity officer for the RCMP. Now, guess who that is. It is one of the three people who sat on the tribunal that sent the sergeant to B.C. It had the chance to fire him, but did not. That tribunal could not figure out that this behaviour was sufficiently unethical to warrant firing somebody — that is, lying about a security clearance, exposing oneself in an RCMP office in one’s RCMP uniform, drinking on the job and having sex with subordinates over whom one has authority.

• (2130)

That is a sufficient ethical breach or breach of integrity to warrant firing. Why would you make someone who was part of that tribunal but did not see that the ethics and integrity officer? He may be a remarkable person, and that decision may not reflect what he will be able to do, but it raises a question when one would even think to do that.

Another very important thing, which we learned in the military case, is that it is often the middle ranks who can torpedo what the senior ranks want to do. In this case, Commissioner Paulson said, when first appointed in the fall, and then he put it in writing in early January before this tribunal ruled, that he wanted to crack down, that he wanted people fired, that he wanted to deal with people like this sergeant who had disgraced himself and the force so fundamentally. He wanted to crack down on those people. Weeks later, when the tribunal could have fired him, they did not. The implication of that could be, although I do not know that it is, that those people defied his authority. That is potentially what happens in these kinds of the organizations. There are people who, through a web of relationships, can torpedo attempts to change a culture.

This should be looked into. It should have an open public viewing, if for no other reason than to help Commissioner Paulson send a direct message to these people in his organization that he means business. Mr. Paulson means business, the government is not happy, people in authority and the people of Canada are unhappy with what is happening.

I have talked to many of the victims and they are deeply hurt. They are every bit as hurt and their lives are every bit as damaged as the victims in the military. An examination of the situation would give the victims a chance to be heard in a place where they could feel safe and where people in authority would listen and perhaps action would be taken.

The Standing Senate Committee on National Security and Defence would be a great venue to do that. The Senate has a history of positive public policy involvement and investigation into serious and difficult questions. We could have the perspective and the objectivity to do something about this.

The Hon. the Speaker: The honourable senator's 15 minutes has expired. Is the senator asking for an additional five minutes?

Senator Mitchell: Yes.

Some Hon. Senators: Agreed.

Senator Mitchell: Thank you.

I want to tell you about five or six ideas that were presented to me by Catherine Galliford, who was the spokesperson for the Air India and the Picton inquiries. She was a very articulate and powerful person in her own right. She is still a powerful person because every day she fights post-traumatic stress syndrome. She suggested a number of things that should be done.

First, all investigations of harassment in the workplace have to be independent. I will say that to some extent this bill provides for outside independent inquiry, but the external board that has been set up to review processes is not independent; it reports to the minister. That needs to be rectified.

Second, she suggests that criminal charges should be laid. Why is it that anyone in any office against whom there is enough evidence for a conviction of exposing himself is not fired? Why would that person not be charged criminally? Why is it that when someone in the RCMP does something criminal they are not charged criminally? How can that possibly be? It is a double standard.

Ms. Galliford suggests that we recognize the issue of workplace mobbing syndrome. This has long since been recognized in Europe, the United Kingdom and other countries. This is bullying and victimization as an ongoing systemic problem. It puts a different colour on what is happening. That question needs to be asked in the context of that particular idea.

We need to have structured care for members who are now suffering from post-traumatic stress disorder. First, they have a very difficult time having it recognized in the RCMP. Second, they have a very difficult time getting the help they need. They need a new harassment policy, of course, and we need to open up dialogue with victims of harassment, as I have been suggesting.

I had a long talk last Friday with a victim, a very damaged person who is fighting every day just get up out of bed and get out of the house to get food. She is isolated and alone and has been betrayed by an agreement that she had with the RCMP. She said that she went into the RCMP because it was a place where she knew she could do something good; she could support justice and fight criminal wrongs and so on. I told her that, as hard as this is, the great irony is that she, in a sense, is doing exactly that. She has the courage to fight through what she has to fight through with post-traumatic stress disorder. She has stood up against profound wrongs that were done to her in a place where she should feel safe, the RCMP.

The RCMP is an icon of Canadian values. It is a place where every person, every woman in particular, should feel safe. Until they do, we have not changed that culture, we have not made that organization healthy. In this chamber, we have at our disposal and within our grasp the possibility of helping. We should call an inquiry through our committee and have open public debate and input on this issue to solve the problem, to fix the RCMP and to help these victims.

Some Hon. Senators: Hear, hear.

Hon. Pamela Wallin: Honourable senators, given many of the outrageous comments, the slurs and the maligning of the entire national police force, I would like to adjourn this matter in my name so that I might answer more fully why we would never engage in any outrageous kangaroo court under the auspices of the committee.

(On motion of Senator Wallin, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF SOCIAL INCLUSION AND COHESION

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of June 18, 2012, moved:

That notwithstanding the Order of the Senate adopted on November 22, 2011, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on social inclusion and cohesion in Canada, be extended from June 30, 2012 to December 31, 2012.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 9 a.m.)

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