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(HANSARD)

Monday, May 8, 2017

The Honourable GEORGE J. FUREY
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

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THE SENATE

Monday, May 8, 2017

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

QUEBEC

STATE OF EMERGENCY

Hon. Judith Seidman: Honourable senators, we are in the midst of historic events in my home province of Quebec. Rivers are overflowing their banks. This magnitude of floods comes but once in a century.

Quebecers are losing their homes and businesses. Families are being displaced and forced to seek shelter in neighbouring communities. Roads, bridges, highways, schools and buses have all been affected.

To date, more than 2,400 homes have been flooded and over 1,500 people have left their homes in 146 municipalities across Quebec.

My hometown of Montreal is in a state of emergency, and I have witnessed firsthand the impact of the flooding on the daily lives of Montrealers. The image of sandbags stacked around the perimeters of empty homes and submerged community streets is one that is truly distressing.

More than 1,600 soldiers, along with Red Cross volunteers have been dispatched to help those affected by the flooding.

Over this weekend, I have heard and witnessed the courage and generosity of Montrealers and Quebecers alike. People from all walks of life are coming together to help those in need. Families have opened their homes to victims, provided them with shelter, food, clothing and warm beds to sleep in. Others decided to brave the waters and have volunteered to fill sandbags in attempts to protect from rising water levels.

The fortitude of Montrealers and Quebecers is, simply put, remarkable. I want to take a moment to lend my voice in support of all those affected and recognize the hard work and dedication of first responders and brave volunteers. My thoughts and prayers go out to them all. Thank you.

COMMUNITIES OF NEWFOUNDLAND AND LABRADOR

Hon. Fabian Manning: I am pleased today to present Chapter 18 of *Telling Our Story*.

In Act II, Scene II of Shakespeare's famous play, *Romeo and Juliet*, Juliet asks Romeo, "What's in a name?" It sounds simple enough, but when you apply that same question when asking

about the names of some of the small towns and communities in Newfoundland and Labrador, the question becomes somewhat more complex and intriguing.

Now, my friends, I am not going to pretend that I have the expert knowledge of the background and meaning given to some of the names of my province's towns and communities, but I can attest to the fact that some of the place names are as colourful as the people who live in them.

I was born and raised and still live in the small fishing community of St. Bride's, named after the Patroness of Ireland, St. Brigid. Prior to 1876, my hometown was called Distress. That was the year a young Irish priest named Charles Irwin was assigned to the area and declared that Distress was not of a pleasant sound. He further declared that the name would change from Distress to St. Bride's. All I can say is, thank God for Father Irwin and St. Brigid herself.

Newfoundland and Labrador communities have many marvellous and unique names. There are good, strange and sometimes dark stories behind many place names. I cannot explain them all and in fact, folklore and the passage of time blur the origin of some of the names. So I will leave it to your imagination as to what the origin and meaning of some of the place names are; places such as: Battle Harbour; Deadman's Bay; Bacon Cove; Too Good Arm; Goobies; Branch; Tickle Harbour; Black Tickle; Tickle Cove or Leading Tickles; or you can drop by and feel the peace in communities such as Happy Adventure; Heart's Content; Heart's Delight; Heart's Desire; Happy Valley; Angel's Cove; Flower's Cove or Little Heart's Ease.

You can add a little colour to your day in places such as: Red Head Cove; Green's Harbour; Grey River; Blue Cove or Black Duck Cove; or, if you can let your imagination fly, in towns such as: Conception Bay; Ferryland; Witless Bay; Virgin Cove; Blow Me Down; Come by Chance; Exploits or Dildo.

And at the end of a long day of sightseeing, you can find rest in beautiful places such as: Comfort Cove; Sweet Bay; Golden Bay or Safe Harbour; or feel the warmth of a Newfoundland embrace in Joe Batts Arm. And there is always St. Jones Within or St. Jones Without.

There are so many more places for you to visit and explore. Time does not allow me to name them all but I hope I have given you a flavour of what Newfoundland and Labrador has to offer for all visitors.

As Juliet went on to say to Romeo, "That which we call a rose by any other name would smell as sweet".

So, regardless of the names of the Newfoundland and Labrador communities I have mentioned today, they all have much in common — great scenery, excellent homemade desserts and treats, wonderful and colourful history and character, and some of the friendliest people on the face of the earth.

Following a recent visit, the famous Canadian author Margaret Atwood wrote that Newfoundland was her favourite island. I fully agree with her. It's mine too.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ann McSweeney, Acting Executive Director of Elizabeth Fry Society of Ottawa and Allison Dixon, Board Member. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

[*Translation*]

ELIZABETH FRY WEEK

Hon. Kim Pate: Honourable senators, every year, the Canadian Association of Elizabeth Fry Societies celebrates Elizabeth Fry week. On that occasion, Elizabeth Fry societies organize public events across the country.

Elizabeth Fry week is always held the week before Mother's Day. The majority of incarcerated women are mothers, and most are the sole providers for their family's needs at the time of their imprisonment.

[*English*]

When mothers are sentenced to imprisonment, they and their children are sentenced to separation, a condition that many women and any mother would consider to be the most severe punishment. The Canadian Association of Elizabeth Fry Societies aims to draw attention to this reality by ending Elizabeth's Fry's national week every year on Mother's Day.

The overarching goal of the Canadian Association of Elizabeth Fry Societies is to enhance public awareness and education and, most important, to remedy the circumstances of marginalized, victimized, criminalized and institutionalized women and girls.

By focusing on "Meeting Women's Needs in the Community and Alternatives to Institutionalization," the 24-member societies encourage Canadians to proactively focus on addressing substantive inequality and social justice matters from coast to coast.

The hope is that we will redress discriminatory attitudes and instead contribute to the development of and support for community-based alternatives to imprisonment and thereby also alleviating incredible human, social and financial costs.

The Canadian Association of Elizabeth Fry Societies challenges all Canadians to reach behind the walls and bring women into our

[Senator Manning]

communities so that they may take responsibility and account for their actions in ways that make sense to them and to us.

Honourable senators, I ask that you join me in congratulating the Canadian Association of Elizabeth Fry Societies and recognize the fine work of the local Elizabeth Fry Society here in Ottawa and all other member societies for the work they continue to do on behalf of marginalized, victimized, criminalized and institutionalized women and girls throughout the country. Happy Elizabeth Fry Week to all of you. Thank you, merci, meegwetch.

• (1810)

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATED TO THE GOVERNMENT'S CURRENT DEFENCE POLICY REVIEW

ELEVENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE Tabled WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Daniel Lang: Colleagues, I have the honour to inform the Senate that pursuant to the order of reference adopted by the Senate on Thursday, April 21, 2016, and the authorization contained therein, the Standing Senate Committee on National Security and Defence deposited with the Clerk of the Senate today, Monday, May 8, 2017, its eleventh report entitled *Reinvesting in the Canadian Armed Forces: A Plan for the Future*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

QUESTION PERIOD

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

FLOODING IN QUEBEC—DEPLOYMENT OF ASSISTANCE

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Leader of the Government in the Senate and it concerns the terrible flooding we've seen take place in communities in

Quebec and Ontario in recent days. Over 300 homes in Ottawa have been directly affected by the flooding. Across the river in Gatineau, over 400 homes have been evacuated by the Service de sécurité incendie. In fact, the Province of Quebec reports that 2,400 residents have been flooded across 146 municipalities, including areas of Montreal, Laval, Rigaud and, of course, my own community of Hudson. I know all honourable senators will join me in thanking our emergency service workers and countless volunteers for their efforts in recent days.

Could the Leader of the Government in the Senate please provide all honourable senators with an update on the efforts of the federal government to assist those impacted by the flooding? As well, what assurances will the federal government give that it will be a partner over the long term to help these families?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and share with him — and Senator Seidman in her statement, and indeed all senators — the concerns that we all have for the victims, particularly those who have been most affected. I'm particularly thinking of the two individuals who are missing in Gaspésie, where the Sûreté du Québec is searching for them. I understand that the RCMP is also reporting two missing persons in British Columbia. This is very much an ongoing, evolving situation where the Government of Canada has taken actions that are appropriate.

Minister Goodale, as you will have seen, repeatedly over the weekend has spoken to his counterparts in Quebec and Ontario, as well as with the officials liaising with New Brunswick and British Columbia. The government operations centres are fully engaged with their provincial counterparts in coordinating federal response and ensuring the provinces have the resources they need.

As you know, the Government of Quebec requested federal assistance, and that assistance is ongoing. This includes protecting critical infrastructure and homes, access to roads, assisting civil authorities with the location and evacuation of people, providing logistical assistance in the delivery of humanitarian aid, and planning and coordinating relief efforts with provincial authorities.

I can confirm that the Canadian Armed Forces have deployed just over 1,200 officers, with an additional 300 personnel coming very shortly to the province of Quebec.

The Province of Ontario has also requested federal assistance, and 250,000 sandbags are being sent in relation to the Ontario request. The Government Operations Centre is coordinating this response.

Late this afternoon, Minister Goodale announced that after consultations and the request from Premier Couillard, for the second day, government offices on the other side, in Gatineau, will remain closed tomorrow to alleviate potential congestion on the bridges, so that the bridges are available for responders and to ensure that all of the emergency assistance is getting across the bridge, as appropriate.

With respect to the DFAA, Disaster Financial Assistance Arrangements, as senators will know, this is a program on behalf of the Government of Canada that assists provinces and territories in meeting the costs of the recovery. Those DFAA arrangements are being triggered at this time. Obviously, the first response is the priority, but the Government of Canada stands ready to respond within the framework of the DFAA.

Senator Smith: Thank you very much, leader.

One of the things that I think most of us have noticed — at least I have, and I'm not speaking only for myself — are the interviews on TV with the victims. There's a common theme. The theme is the following: We've been doing this for many days and, in some cases, many weeks. When you look at Gatineau, last night on the news, there was a lady who was very irritated and obviously fatigued. She said, "Why the hell did it take so long for the government to get the Armed Forces deployed to help us?"

From an execution perspective, I'm trying to understand. Could you tell us how the government responds to specific concerns, whether it's Gatineau, Montreal or the various communities within Montreal? It's easy to second-guess, but is there an opportunity to improve the execution in terms of contact between the government, the department and the leaders of the army so that people can mobilize more quickly, maybe minimize the damage and save some of the millions that will have to be spent to repair the infrastructure that is obviously imperilled?

Senator Harder: I thank the honourable senator for his question. It's important that the first priority, as indeed his question suggested, is the immediate concern of relief. There will be ample opportunity to review whether protocols ought to be adjusted in light of the experience.

I want to assure all senators that the Government of Canada responded immediately to requests as they came forward. That is the protocol that then engages aid to the civil power under the arrangements of the long-established practice of assistance of the army in responding to the requests.

We are very grateful for the Armed Forces that have responded, both the numbers that are deployed now and those that are further being deployed. They have performed and are continuing to perform outstanding work. As I said earlier, that there is always the opportunity to review, but the priority today is assistance.

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL DEFENCE—PUBLIC SERVICES AND
PROCUREMENT—MEDICALLY RELEASED
CANADIAN ARMED FORCES MEMBERS

Hon. Peter Harder (Government Representative in the Senate) tabled the answer to Question No. 38 on the Order Paper by Senator Downe.

[Translation]

ORDERS OF THE DAY

NATIONAL SEAL PRODUCTS DAY BILL

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill S-208, An Act respecting National Seal Products Day, and acquainting the Senate that they have passed this bill without amendment.

• (1820)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

SECOND REPORT OF COMMITTEE— DEBATE CONTINUED

Leave having been given to proceed to Other Business, Reports of Committees — Other, Order No. 32:

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Carignan, P.C., for the adoption of the second report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an Inquiry Report from the Senate Ethics Officer*, presented in the Senate on May 2, 2017.

The Hon. the Speaker: Honourable senators, pursuant to rule 12-30(2), a decision cannot be rendered on the report, therefore it is deemed adjourned until the next sitting.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

(Debate continued.)

[English]

BUDGET IMPLEMENTATION BILL, 2017, NO. 1

CERTAIN COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures, introduced in the House of Commons on April 11, 2017, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to meet for the purposes of its study of the subject matter of Bill C-44 even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-44 in advance of it coming before the Senate:
 - (a) the Standing Senate Committee on Foreign Affairs and International Trade: those elements contained in the Division 1 of Part 4;
 - (b) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 3, 8, 18 and 20 of Part 4;
 - (c) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 5, 9, 11, 13, 14 and 16 of Part 4;
 - (d) the Standing Senate Committee on Legal and Constitutional Affairs: those elements contained in Divisions 10 and 17 of Part 4; and
 - (e) the Standing Senate Committee on National Security and Defence: those elements contained in Divisions 12 and 19 of Part 4;
2. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-44 be authorized to meet for the purposes of their studies of those elements even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;
3. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-44 submit their final reports to the Senate no later than June 7, 2017;
4. As the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-44 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and

5. The Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point four into consideration during its study of the subject matter of all of Bill C-44.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I wanted to say a few words with respect to this motion to deal with a budget implementation bill and to divide it into various committees for pre-study. I thought that it was important to go on the record with certain points at this stage, and I appreciate honourable colleagues bearing with me in relation to the following comments. It's with mixed feelings that I rise to speak on this motion for a pre-study of the budget implementation bill.

First of all, as I have said before, I am not generally in favour of doing pre-studies in the Senate. Successive governments have brought forward complex legislation on different topics and then told us it was urgent and that a pre-study in the Senate would help move it along. But, colleagues, that is not our role here in the Senate. Our role is to consider legislation after it has been reviewed and passed by the other place. We are a chamber of sober second thought. Pre-studies fly in the face of that role that the Senate was intended to fulfill in our parliamentary democracy. And too often, a pre-study is then used by the government of the day to justify pressure on us to rush through the real job, and that is examining the bill when it does arrive here, as amended or otherwise.

So I'm not a fan of pre-studies, and I've only reluctantly participated in them over the years. But here we are again, and I thought it important to put that on the record.

Secondly, I am deeply disappointed to see that, with this budget bill, the government has apparently abandoned its election promise to end the practice of introducing omnibus bills.

Colleagues, Bill C-44 is an omnibus bill. It is long, at just under 300 pages in length, but more problematic than its length is the far-reaching scope of the topics.

In addition to the normal and traditional budget bill amendments, such as the Income Tax Act, under Bill C-44, the bill would amend the Immigration and Refugee Protection Act, the Canada Labour Code, the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Parliament of Canada Act. Those are just a few of the statutes amended by this bill of 300 pages.

That's not all, honourable colleagues. In addition, Bill C-44 would enact three entirely new stand-alone pieces of legislation, each of which could easily have been introduced here as a stand-alone piece of legislation. But instead they are buried inside the 300 pages of all of these amendments.

Specifically, Bill C-44 would enact the "Canada Infrastructure Bank Act," the "Invest in Canada Act," and the "Service Fees Act." If this is not an omnibus bill, colleagues, what is?

Less than a year ago, on June 16, 2016, I praised the government's budget implementation bill, Bill C-15, because the government had kept its promise to Canadians and not resorted

to an omnibus bill under the guise of implementing certain provisions of what might have been mentioned in that rambling document that we call a budget.

What a change a year makes.

Hence, today I am doubly disappointed as we debate a motion to conduct a pre-study of an omnibus bill. Pre-studies I don't like, and omnibus bills I think we should not like.

But, honourable senators, we are faced with the scope of this omnibus bill and the limited time we will have to consider the actual bill when it arrives. Because this is another problem of process. Typically we don't have a lot of time to deal with a budget implementation bill when it finally does arrive for consideration. Given this, I believe we really have little choice. Clearly, there is work to be done on this matter, colleagues.

For my remarks today, I will focus on one part of the bill that I find particularly troubling, namely, the proposed amendments to the Parliament of Canada Act regarding the Parliamentary Budget Officer and the Office of the Parliamentary Budget Officer.

I initially raised my concerns about these provisions during Question Period a number of weeks ago.

These provisions are found in Part 4, Division 7 of the bill, and they are lengthy. They begin at page 77 and continue to page 110 — 33 pages dealing with amendments to the Parliament of Canada Act relating to the Office of the Parliamentary Budget Officer.

They are not minor tweaks to existing legislation, but rather the amendments completely replace the existing provisions that created and govern the work of the Parliamentary Budget Officer.

Indeed, because of their complexity and their importance, many have suggested these sections dealing with the Parliamentary Budget Officer should be carved out of this budget bill and addressed as a separate, stand-alone bill focused just on this issue.

The intention of these provisions, as the Government Representative in the Senate told us, is to "provide greater independence to the Parliamentary Budget Officer" and enable the office to "do its job more effectively."

Let me read to you from the Liberal Party election platform of 2015:

We will make the Parliamentary Budget Officer truly independent. . . .

To make sure that we have the best information on hand, we will ensure that the Parliamentary Budget Officer is truly independent of government. We will make sure that the office is properly funded, and accountable only — and directly — to Parliament, not to the government of the day.

• (1830)

My concern, colleagues, is that it's not clear to me that the provisions of Bill C-44 that we're dealing with here today fulfill that promise. Will the Parliamentary Budget Officer have true independence with these changes that are being proposed? Will the Office of the Parliamentary Budget Officer be able to provide parliamentarians the information they want and need to hold the government to account?

Perhaps it would be helpful to provide a little history on this matter. The Office of the Parliamentary Budget Officer was created in 2006 by the previous government in its well-known Federal Accountability Act, Bill C-2. I was the opposition critic in the Senate when we studied that bill, and I well remember our deliberations as we worked to ensure that the Parliamentary Budget Officer would be independent, and be able to provide parliamentarians, not the government, with the support that we all agreed was so very important to our work.

I'm sure everyone here is aware of the challenges that the Office of the Parliamentary Budget Officer has faced from time to time, since it was created, particularly with respect to obtaining the information needed to do the job asked. Governments will often suggest that they like the idea of being held to account, but theory is often more attractive than practice.

So let's look at some of the promises made regarding the Parliamentary Budget Officer during the last election. The amendments in Bill C-44, while containing a number of positive elements, appear to fall short on many of these promises.

However, let me begin with the positive. I welcome the appointment process for the Parliamentary Budget Officer. Under Bill C-44, the Parliamentary Budget Officer would be appointed by the Governor-in-Council after consultation with the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the leader of every caucus and every recognized group in the Senate, as well as the leader of every recognized party in the other place. That is consistent with the appointment mechanism for other officers of Parliament and is a welcome step in my opinion.

I also welcome the longer term proposed in Bill C-44 for the Parliamentary Budget Officer. The current five-year term would be extended to seven years.

However, I have concerns with some of the other provisions of the legislation. For instance, the bill includes a provision that I believe is unprecedented for any officer of Parliament. Proposed section 79.14 would require the Parliamentary Budget Officer to prepare an annual work plan that would be ". . . subject to the approval of the Speaker of the Senate and the Speaker of the House of Commons"

I've looked at the statutes for several other officers of Parliament, and I could not find any similar provision.

Remember the Liberal Party's 2015 election commitment that I read a moment ago: "We will make sure that the office is properly funded, and accountable only — and directly — to Parliament, not the government of the day."

The Speaker of the Senate is not elected by the members of this chamber but rather is appointed by the Governor General, who acts upon the advice of the Prime Minister, who is part of the government and the executive. Our Speaker may be removed from his position by the Governor General, meaning, again, the Prime Minister and the executive.

So how would the Parliamentary Budget Officer be accountable "only — and directly — to Parliament, not the government of the day" if his or her work plan is subject to the approval of someone who is appointed by, and who can be dismissed by, the government, not by parliamentarians? Colleagues will recall that in April, just before the Easter break, I asked the Government Representative in the Senate about this clause. Not surprisingly, he replied that "it is the view of the Government of Canada that the legislation introduced does indeed provide greater independence to the Parliamentary Budget Officer."

But he added that he recognized that this is a matter that will be debated and discussed, and he invited all senators to participate in that debate. I echo that invitation, and I look forward to our committee's examination of this issue during the pre-study and when we study the bill itself, when it finally arrives here.

Another concern I have relates to the mandate of the Parliamentary Budget Officer. It's not often that I stand here and praise legislation introduced by the previous Conservative government but that is the case today. The mandate of the Parliamentary Budget Officer, as set out in section 79.2 of the Parliament of Canada Act, has proven to be clear and effective. It allowed the Parliamentary Budget Officer to provide excellent support to parliamentarians, both in our committee work and in holding the government to account.

I was deeply concerned to see that Bill C-44 would restrict that mandate and would appear to disallow work that has proved invaluable in the past to parliamentarians and to Canadians. Let me explain. A critical part of the Parliamentary Budget Officer's mandate is currently found in paragraph 79.2(d) of the Parliament of Canada Act. It states:

The mandate of the Parliamentary Budget Officer is to

(d) when requested to do so by a member of either House or by a committee of the Senate or of the House of Commons, or a committee of both Houses, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

That's a huge mandate, and it's very broad. That is the provision that allowed parliamentarians, including members who are now cabinet ministers and parliamentary secretaries, to obtain financial costing information that proved invaluable in holding the previous government to account. For example, that was the provision that was used to obtain the Parliamentary Budget Officer's costing of the proposed F-35 fighter jet contract and the costing on the previous government's Truth in Sentencing Act.

The right of individual parliamentarians to make such requests of the Parliamentary Budget Officer is being removed by this bill. The only opportunity the Parliamentary Budget Officer would

have in the future to undertake such a costing would be if a committee should request the information, not the individual parliamentarian, or if it had been in the annual work plan previously approved by the two Speakers.

I find it difficult to understand how this is an improvement for an individual member of either chamber.

Colleagues, those are a few concerns I have identified. There are other issues with the proposed measures relating to the Parliamentary Budget Officer, and there are other complex provisions in this very long — 300-page — omnibus bill that time doesn't permit me to mention at this stage.

- (1840)

The very fact that this motion divides the bill into portions for different Senate committees is evidence that we recognize that the bill is too complicated and diverse to be dealt with properly by any one committee. We do not have many options at this stage, however, honourable senators. We can wait and divide the bill when we receive it, or pre-study the bill now with various committees so that we're ready when the bill actually arrives in this chamber.

While I maintain my dislike for pre-studies, it is clear in this case there is much work that needs to be done. So I will reluctantly support this motion, to ensure we will have the time needed to do a proper examination of the many parts of this latest omnibus budget bill.

Hon. Elizabeth Marshall: Would Senator Day take a question?

Senator Day: I would be pleased to.

Senator Marshall: Thank you for that excellent speech. I want to ask you a question about your comments on the Parliamentary Budget Officer because when I read that section, a couple of things occurred to me. One was that you referenced the amendment to the Parliament of Canada Act, and when I read it, I thought that it would be much better if it was put into its own piece of legislation. I'm wondering if you have any comments on that.

My second question is, when I read it, I was thinking about the other agents of Parliament. I guess I have a suspicious mind because it occurred to me that I wonder if this is the first time the government was going to do this, and were they looking at doing something to restrict the other agents of Parliament? Right now the Parliamentary Budget Officer, under Bill C-44, would need to have the work plan approved and would have to provide the report in advance, et cetera.

If you could answer those two questions, I would appreciate your views.

Senator Day: Thank you, Senator Marshall, for your question. I think we could deal with the concept of the office in the Parliament of Canada Act, or in a stand-alone piece of legislation. The important thing is to make sure that if we're trying to create

an officer of Parliament, all of the features are there. One of the important features is independence. It is extremely important that an officer of Parliament be independent with respect to budget and with respect to the type of work that can be performed. I have some concerns that this is a halfway measure in relation to an officer of Parliament.

It is not an officer of Parliament when you need to have your work plan approved by the Speaker, who is appointed by the Governor General on the advice of the Prime Minister or who is elected by the majority of parliamentarians in the other place. Those two Speakers get together and determine what work plan the Parliamentary Budget Officer may have. That's not independence. With all due respect to our current Speaker, I'm talking in the abstract in relation to what appears here, not in terms of individuals who might be occupying a particular position.

There's no provision in here for an amendment to the work plan, so it may be that the Speakers will determine that they have that authority or it may be that they don't. But the Parliamentary Budget Officer is beholden to the Speakers in relation to what can be conducted, and if it's not in the work plan, then we as individual parliamentarians cannot ask the Parliamentary Budget Officer to perform the work.

You will recall the debate we had in 2006. We wanted an independent Parliamentary Budget Officer and at that time, under the previous government, the Parliamentary Budget Officer worked under the Chief Librarian of the Library of Parliament. At least we're moving forward one step, but we haven't taken the step that I would like to have seen.

The Hon. the Speaker: Senator Day, will you take another question?

Hon. Percy E. Downe: Thank you for your remarks, Senator Day. You emphasized one of the more important parts of the Parliamentary Budget Officer's mandate, which is that any parliamentarian — any member of the House of Commons or senator — can ask or make a request. You outlined the section in your remarks. And the PBO has to do the work, unlike other officers of parliament, the Auditor General, for example, where he can be instructed by the government.

This is the one avenue individual parliamentarians have to find out information from the government of a financial nature. I have personally used him twice, once on Confederation Bridge where he prepared a significant document on the cost of the bridge and the reduction of tolls on a go-forward basis, and on the revenue agency. He encountered a roadblock with the Canada Revenue Agency in that they refused to give him the information that they're required by law to give him, and he had no enforcement provision. Under the changes, will there be an enforcement provision for him?

Senator Day: There are several paragraphs that relate to the information to which the Parliamentary Budget Officer may have access. I believe they are directed to the issue that you talk about where he had a problem getting, particularly from the Department of Finance in the past, the information he needed to complete the study he wanted.

With the provisions that are here, we will have to study and hear from the Parliamentary Budget Officer. Do they go far enough to meet the challenges that you have pointed out? In terms of sanctions, if the information isn't forthcoming, I can't comment on that at this stage.

[*Translation*]

Hon. Éric Forest: Will the senator take another question?

Senator Day: Yes, of course.

Senator Forest: Senator Day, I think that you did an excellent job of analyzing this massive bill, which could certainly be described as an omnibus bill. I would like to know what you think about Division 18, which pertains to the infrastructure bank that the government wants to implement. As you all know, the National Finance Committee conducted an in-depth analysis of various infrastructure programs and considerable follow-up. In fact, we just finished examining the first phase of a project that would reach \$13 billion, and there could be a second phase that would total over \$100 billion.

From what I see here in the motion, the matter of the Canada infrastructure bank would be examined by the Banking, Trade and Commerce Committee. I would like your opinion on the following question. Given the fact that the infrastructure bank is not a traditional bank, but rather a tool for creating leverage in order to ensure that investments in Canadian infrastructure are more effective and better coordinated, don't you think that it would be better for Division 18 to be examined by the National Finance Committee, which has acquired a great deal of expertise on infrastructure in recent months?

Senator Day: Thank you for the question. I was in favour of having the Banking, Trade and Commerce Committee examine this Division because it has a certain expertise regarding banks. However, don't forget that after the pre-study the bill will be debated in the Senate, and, although I can't be certain, it is more than likely that the Senate will decide at that time to have the National Finance Committee examine the entire bill. That way you will benefit from the expertise of the Banking Committee and the Finance Committee.

[*English*]

Hon. Serge Joyal: Would Senator Day entertain another question?

Thank you, Senator Day, for having reminded us of the study by the special committee that studied the Accountability Act in 2006. As you will remember, I was a member of that committee and I had the pleasure to work with you and the senator on the other side. I remember Senator Stratton very well.

• (1850)

When we did study the status of the Parliamentary Budget Officer, there were many interventions to try to establish an officer that would be more independent than the status provided

[Senator Day]

in the Federal Accountability Act. I remember very well the answers that were given to us by the government of the day, which were, "Let's start with the position as it is defined, and, from the experience, we will draw conclusions and be in a position to strengthen the position."

Have you considered, in your reflections in relation to this bill, removing those sections from the bill and, in fact, voting them down and putting them in the mandate of the National Finance Committee to study them further and come back with additional recommendations that would strengthen the status of that independent officer of Parliament instead of compelling us to vote for it because we just want to vote for the rest of the bill. Not all of the bill, of course, needs the same consideration. What is your recommendation to the chamber in relation to what we should do with those sections of the, as you said, omnibus bill that have nothing to do, really, with the budget the government is proposing?

Senator Day: Thank you, senator, for your question. We're at the very early stages. This is a pre-study that we're contemplating in this motion. I remember well the work that many of us here did with respect to Bill C-2, and it still stands out as one of the worst examples of an omnibus bill.

It had so many different aspects to it. We could spend a lot of time dealing with the Parliamentary Budget Officer, but we could also spend a lot of time — and we did — dealing with the Ethics Officer, which was in the same bill, you recall. It was very important to this chamber that we dealt with that aspect because the bill had provided for one ethics officer for all of Parliament.

When you have one fundamental portion of the bill that you have to deal with, sometimes, for other portions of the bill, especially when they're all together in an omnibus bill, you don't put the time, energy and thought into other aspects that you would like to or you should. That is the fundamental flaw in an omnibus bill. The government will argue, "Well, that subject was mentioned in the budget." Everything is mentioned in the budget. It's a wish list we may do over the next many years.

What we're dealing with in a budget implementation bill is the actual law necessary to implement certain provisions that come from the budget, but it says right in the heading for the bill, "and other matters," as Senator Smith will know. "Other matters" means that it doesn't have to come from the budget itself.

To answer your question directly, Senator Joyal, I think it's premature for us to talk about options after we do the pre-study, but I think it's important that all of us in our committees spend the time to do this pre-study that we're likely to agree to, and then get a report back from each committee that studies its portion of this. All of those reports will be considered by Finance, which is the overall committee to deal with this particular matter. Before we send it all to Finance, we may want to think about just what other options are available to us, such as the one that you have pointed out, Senator Joyal.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to, as modified.)

• (1900)

[Translation]

THE SENATE

MOTION TO AMEND RULE 12-7 OF THE RULES OF THE SENATE—DEBATE ADJOURNED

Hon. Pierrette Ringuette, pursuant to notice of March 9, 2017, moved:

That the *Rules of the Senate* be amended by:

1. replacing the period at the end of rule 12-7(16) by the following:

“; and

Human Resources

12-7. (17) the Standing Senate Committee on Human Resources, to which may be referred matters relating to human resources generally.”; and

2. updating all cross references in the Rules accordingly.

She said: Honourable senators, I rise today so that, finally, after 150 years, we may recognize that our country’s greatest asset is its human resources. Now more than ever, it is time for the Senate to have a standing committee dedicated entirely to Canadian workers.

Now is the best time to do this, given that we have begun a process to modernize the Senate. What could be more important for our institution than to recognize the human wealth of this country? It is time to build a base of expertise to oversee the development of the economic and social policies needed to get all Canadians back to work in a globalized economy that requires constant adaptation.

To sum up, we currently have no expert committee on this subject, even though there are many among us who have expertise in the field. In practical terms, matters relating to human resources in Canada are currently referred to the Standing Senate Committee on Social Affairs, Science and Technology.

[English]

Case in point, three years ago, former Bill C-377 was sent for review at our Banking Committee. After it died on prorogation and came back to the Senate, its review was sent to the Senate

Legal and Constitutional Committee; the same bill, two different committees, which by the way was never referred to our Social Affairs Committee.

Another example that as of yet we have not developed an expertise for our Canadian human resource issues is the fact that the Federal Public Service Commissioner appears in front of our National Finance Committee to discuss the findings of its studies, legislation and yearly report to Parliament.

Currently, our Standing Committee on Foreign Affairs is reviewing Bill C-30, the Canada-EU trade deal, and most comments were in regard to its negative effect on Canadian businesses, and some form of compensation to adjust.

However, I have not heard any minister talk about creating programs so that displaced workers from these industries can transition to another workplace. In my humble opinion, the Senate should be in a position to highlight these issues with specific recommendations. It can only happen if we develop this expertise in a committee solely focused on issues regarding our Canadian human resources.

This new standing committee would be focused on researching and recommending policies to optimize our Canadian human resources and meet current and future challenges.

Among these issues are the following: Demographic shift created by the baby boomers and harnessing their expertise; youth employment and underemployment; income disparity; post-secondary education, recognition with transferability and employability; foreign credentials and temporary foreign workers; labour mobility interprovincially and internationally; employment insurance, and displaced workers program; the Public Service Commission reports; recruiting and retention of talents by sector, by major projects and regions; technology adaptation and training; pay equity; CPP tribunals, backlog and processing efficiency; First Nations, Inuit, and veterans employment.

Stats Can released numbers from the 2016 census recently that I think illustrates the need for a Senate committee devoted to this topic. Demographic changes are having a significant impact on our economy and society. This is something that our government needs to adjust to, with new policies and programs.

The 2016 census shows that for the first time there are more seniors in Canada than there are children. Think about that.

Additionally, of new jobs created over the last 12 months, almost half went to workers over 55. Projections show that the age gap in Canada will widen. By 2031, a quarter of Canadians will be over 65, while children will remain at 16 per cent. The working population, 15 to 64, which is also the tax base, will continue to shrink. These facts will lead to unique challenges for Canada in the coming decade.

Last week Patrick Borbey, the nominee for the position of President of the Public Service Commission, appeared in this chamber. Mr. Borbey stated:

We know that there will be many departures from the public service in the coming years, and this will provide the

opportunity to recruit and develop a new generation of public servants.

He noted several priorities, including accessibility, diversity, bilingualism and strategies toward recruitment of youth and veterans. The public service should be at the forefront of these issues, and be the example for the rest of the economy. The Senate will need to develop the expertise to work with the public service on these priorities in the years ahead.

[*Translation*]

Honourable senators, the list of files to be studied is topical to us today and requires our attention so that we can contribute solutions for those working now and for those who will enter Canada's labour market in the next decades.

A recent study published by CIBC states that the quality of jobs in Canada in 2016 is lower than it was 25 years ago. It reports that 61 per cent of Canadian workers have jobs that pay less than the average income and 19 per cent of jobs are part-time jobs in service sectors.

[*English*]

The C.D. Howe Institute reported last February that the national priority for 2016, job one is jobs and workers need better policy support:

Among the challenges facing the Canadian economy in 2016, talking vulnerabilities in labour markets will be essential to the prosperity of Canadians. The nation's labour market are being transformed by structural forces of globalisation, technical change and aging demographics, while being buffeted by cyclical factors like recurring boom-bust in the commodity prices. . . . four key policy priorities to reduce labour market vulnerability (i) better support for displaced workers, (ii) improving labour market information, (iii) increasing skills development for workers of today and tomorrow, and (iv) removing barriers to success for marginalized or underutilized workers.

Honourable senators, we must contribute solutions to these priority challenges, and to better contribute we need a dedicated standing committee focused on these challenges that require solutions. It only makes sense that a modern Senate would have a

committee that is devoted to developing expertise on these very important issues.

[*Translation*]

Budget 2017 is called "Building a Strong Middle Class." The budget indicates that we have to invest in human resources in Canada in order to support our economy and our businesses. It introduces a plan for lifelong learning to provide greater access to education and encourage integration and reintegration into the workforce. In short, the government also recognizes that we have to make efforts to focus on human resources.

• (1910)

The Senate Committee on Human Resources has to be a partner in researching and developing the necessary public policies to ensure that Canadians are given the best chances for success. The Senate has created a whole host of committees that address various topics such as banking, agriculture, forestry, energy, the environment and so forth, but studying all these fields and all these sectors of the economy wouldn't be possible without the assistance of Canadian human resources.

We have some catching up to do when it comes to studying human resources in Canada, but we can meet the challenge and accept this priority for the new standing committee as part of our modernization process.

I think that given the studies to be done and the importance of the current and future well-being of Canadian workers, we no longer have the luxury of spending months and months debating the creation of this committee.

[*English*]

Time is of the essence to pull up our sleeves, recognize the ongoing priority that is our Canadian human resources and make permanent contributions in meeting their challenges.

I urge honourable senators to support this motion in a very timely manner. Thank you.

(On motion of Senator Bellemare, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)

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