



DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 78

OFFICIAL REPORT
(HANSARD)

Tuesday, September 23, 2014

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

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

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

THE SENATE

Tuesday, September 23, 2014

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, may I draw your attention to the presence in the gallery of representatives from the South Asian Women's Centre, as well as representatives from the AWIC Community and Social Services, both organizations being based in Toronto. These organizations offer settlement and employment services, as well as training and volunteer opportunities, for newcomers to Canada. They are guests of our colleague the Honourable Senator Seth.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

IMMIGRANT SOUTH ASIAN MOTHERS AND CHILDREN

Hon. Asha Seth: Honourable senators, I stand today to speak on the need to support newly immigrated mothers and children in Canada.

These newcomers often face challenges and obstacles when easing into a brand new culture and environment, especially for women who may be escaping domestic issues when leaving their native country. Other barriers may include limited language skills, unemployment, culture shock, lack of credential recognition, lack of information about available services, and undoubtedly much more.

It is important for Canada to show support for these mothers and children so that they can realize their full potential in this country and become prosperous Canadian citizens while also maintaining their ethnic heritage. In addition, it is essential that we equip them with tools so that they no longer face issues of vulnerability, feelings of helplessness or abuse.

I am raising this issue today as part of my campaign to increase awareness on the status of maternal, newborn and child health in Canada and around the world.

Today, from 5:30 to 7:30 p.m., I will be hosting a reception on behalf of the South Asian Women's Centre with participation from AWIC Community and Social Services. Both of these organizations provide a wide range of services for women and children to integrate comfortably and securely into Canadian culture.

Honourable senators, newcomers to Canada face a range of obstacles and barriers when settling in a new country. It is vital that we understand these issues to help those in need. I know that this is a concern for all of us.

Please join us in room 256-S, Centre Block, at 5:30 p.m., to continue the discussion and hear speeches from the Minister of Citizenship and Immigration Chris Alexander, the Executive Director of the South Asian Women's Centre, and more. Thank you and I hope to see you all there.

NOVA SCOTIA

COLE HARBOUR—HOCKEY

Hon. Jane Cordy: Honourable senators, Nova Scotians love their hockey and they love their hockey players. But Nova Scotians could totally understand the glow coming from residents in Cole Harbour, Nova Scotia, a community of about 25,000 people, when the NHL Awards were handed out last June.

Sidney Crosby, from Cole Harbour, Nova Scotia, is the captain of the Pittsburgh Penguins. In June, he was presented with his second Hart Trophy as the NHL's most valuable player. He also received the Art Ross Trophy as the league's scoring champion. In addition, "Sid the Kid" was also awarded the Ted Lindsay Award, as voted by his fellow members of the NHL Players' Association, as the season's most outstanding player. Awards given by your peers are always pretty special.

Honourable senators, keep in mind that Sidney Crosby was also captain of Team Canada, which won the gold medal at the Sochi Olympics this year.

Honourable senators, Nathan MacKinnon is a forward with the Colorado Avalanche and he too is from Cole Harbour, Nova Scotia. As you may recall, he was captain of the Halifax Mooseheads when they won the Memorial Cup in 2013. He went on to be the number one NHL draft pick that year, following in the footsteps of Sidney Crosby who was also the number one pick in the 2005 NHL draft. Not only did Nathan make the pros in his first year of eligibility, but he had an excellent season. Nathan was a big reason the Avalanche made the playoffs this year and he had a big impact on their playoff run.

Nathan MacKinnon was awarded the Calder Trophy as the rookie of the year in the NHL. He was a near unanimous choice, receiving 130 first place votes from the 137 ballots cast. Nathan is the youngest Calder award winner ever.

Congratulations to Sidney Crosby and Nathan MacKinnon on their award-winning seasons and congratulations to the Cole Harbour hockey supporters, coaches and their families. Cole Harbour, keep doing whatever you are doing for hockey development because it's clearly working.

[Translation]

THE SENATE

Hon. Pierre-Hugues Boisvenu: Honourable senators, for the past 10 years, I have dedicated all of my energy and a portion of my personal resources to standing up for victims of crime. This mandate was given to me by my daughters, and I have carried it out with dignity, composure and the utmost respect for our institutions in both Canada and Quebec.

• (1410)

On January 30, 2010, I accepted a very special invitation from our Prime Minister, the Right Honourable Stephen Harper, to continue that mission in the honourable institution that is the Canadian Senate. Since that time, in my public activities, I have strongly defended this institution at every turn. I have explained its origins, its role and its importance to Canadian democracy to youth in schools, victims' groups and seniors.

[English]

I have a profound respect for that exceptional place and those who work in it.

[Translation]

I would like to apologize to the members of this chamber and the victims of crime whom I have faithfully represented here each and every day if the facts reported by the Ethics Commissioner have undermined the Senate's credibility or tarnished its image.

Honourable senators, rest assured that I will continue my mission in this honourable chamber with all due respect and with the same admiration I have for victims of crime and their families who, every day, take a stand to ensure that their rights are recognized.

NEW BRUNSWICK

2014 PROVINCIAL ELECTION RESULTS

Hon. Percy Mockler: Honourable senators, although I am aware that the press has already reported on the resignation of former premier Alward, I still feel it is important to make the following statement in order to acknowledge our great democracy.

As a parliamentarian and a candidate in seven New Brunswick elections, six of which my team won, I would like to congratulate the new premier, Brian Gallant, and the Liberal team on their victory in yesterday's election in New Brunswick.

[English]

I would also like to congratulate David Alward and the PC team for winning 21 of the 49 seats in the Legislative Assembly of New Brunswick. My congratulations also go to David Coon for being the first Green Party candidate ever elected in our province.

At the start of the campaign, pundits were predicting a strong Liberal majority, and Premier Alward and his team were able to perform an admirable comeback and win 43 per cent of the seats in the legislative assembly.

[Translation]

As a senator from New Brunswick and as a parliamentarian, on behalf of the other senators from New Brunswick, I am ready to work with the new Liberal government, which will certainly need help. The province's finances are in bad shape, so it might have to seek inspiration from the Progressive Conservative Party of New Brunswick's platform and look to natural resource development.

[English]

The election is over and, yes, now the hard work commences for New Brunswick. I wish them good luck and hope that they will be able to put the partisan rhetoric aside, honourable senators, and work with all of us, regardless of political colour, in developing our natural resources and creating much-needed wealth for our province.

[Translation]

Long live democracy!

[English]

Hon. Joseph A. Day: First, honourable senators, I would like to thank Senator Mockler for that wonderful and courageous statement regarding what took place yesterday in New Brunswick. I join him and agree with virtually all of the points he made, other than the one about a major comeback, but that is to be spoken of on another day.

Honourable senators will know that there are 49 seats in the Legislative Assembly of New Brunswick. Being a small province, New Brunswick had reduced the number of seats within the legislature to 49, so 25 were needed for a majority by any political party. There were four political parties in the running. The outcome was that New Brunswick has joined Prince Edward Island, Nova Scotia, Ontario, British Columbia and Quebec in forming a Liberal government.

Some Hon. Senators: Hear, hear.

Senator Day: I was thinking of Newfoundland, which is coming very soon, I expect.

An Hon. Senator: And Alberta!

Senator Day: Honourable senators, Senator Mockler made an excellent point in his statement about a lot of very good people being prepared to let their names stand, and this is good for democracy. There were many very good candidates who were not successful. We can all join in congratulating and thanking all those who let their names stand in New Brunswick to run for political office.

Thank you.

[Translation]

ROUTINE PROCEEDINGS

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

STATE OF INUIT CULTURE AND SOCIETY IN THE NUNAVUT SETTLEMENT AREA— 2011-12 AND 2012-13 ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, the 2011-12 and 2012-13 Annual Report on the State of Inuit Culture and Society in the Nunavut Settlement Area.

[English]

AVIATION INDUSTRY INDEMNITY ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-3, An Act to enact the Aviation Industry Indemnity Act, to amend the Aeronautics Act, the Canada Marine Act, the Marine Liability Act and the Canada Shipping Act, 2001 and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

[Translation]

QUESTION PERIOD

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

EDUCATION

Hon. Marie-P. Charette-Poulin: Honourable senators, my question is for the Leader of the Government in the Senate and comes from Colleen Green of Little Britain, Ontario. I will read her question in the language in which she sent it.

[English]

In Northern Ontario as in most provinces, First Nations students have no local secondary school available to them. Many must travel to cities to the south. In Ontario, First Nations parents are sending their children to Thunder Bay to attend secondary school. Many of these children have been murdered. As a parent of 4 young adults, I can't imagine sending my children hundreds of miles away to live by themselves in a strange city in order to get their high school diploma. No child should have to risk life and limb to obtain a high school diploma.

In Canada, a public school education is a Government funded service that is provided for all Canadian children. What is the government doing to provide a safe environment for First Nations children to pursue their education?

• (1420)

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you for the question. I must admit, you had me worried when you asked whether there would be a question period and when you said that you were asking the question in the language of the person who submitted it. I feared that it was a language other than Canada's two official languages, which would have posed a problem for me.

Since 2006, our government has invested more than \$10 billion to support the elementary and secondary education of 117,500 First Nations students on reserves.

What is more, between 2006 and 2013, we invested roughly \$1.7 billion in First Nations school infrastructure.

You are also aware of the agreement that was signed by the Prime Minister and Mr. Atleo with regard to the First Nations education bill. I believe that this document shows how hard our government worked with the leaders of the Assembly of First Nations to create a bill that protects the interests of First Nations students.

We are extremely disappointed that the Assembly of First Nations did not honour the agreement it reached with the government. As we have been saying from the start, our bill cannot move ahead without agreement from the Assembly of First Nations, and we can hardly invest any further in an education system that does not serve the interests of First Nations children, as you noted so well with your examples.

Additional funding will come only if the education system undergoes serious reform. Accordingly, we urge the Assembly of First Nations to support the bill so that we can work on the priority, which, as you pointed out, is to provide children with a quality education.

[English]

Senator Charette-Poulin: Senator Carignan, Ms. Green added:

I would suggest that satellite schools be set up on northern reservations thereby enabling First Nations children to succeed in attaining their secondary school diploma and securing a better future for them and their families.

One of the major stumbling blocks to First Nations people achieving self-sustainability is education. Where there is high levels of illiteracy there is high levels of unemployment, poor health, quality of life. Reserves located in the southern regions of Canadian provinces are often located near city centres. Tyendinaga, Mohawk Territory is located 20 minutes outside of Belleville, Ontario. My in-laws live here and many of the Mohawks there not only have a high school diploma but college and/or university degrees. They also have a high level of employment and quality of life. It is time that all First Nations children had safe and secure access to education. The future of Canada depends on it.

My question to you, Senator Carignan, is this: Has the government considered that model of satellite schools for secondary education in remote areas?

[Translation]

Senator Carignan: Senator, I heard Ms. Green's suggestion. As I explained, our government signed an agreement with the Assembly of First Nations, and this document proves just how hard our government worked with the leaders of the Assembly of First Nations to create a bill that protects the interests of First Nations students. We urge the Assembly of First Nations to support the bill so that we can take action in order to give children a quality education and allow Aboriginal people to set priorities when it comes to education and the management of their school system.

Senator Charette-Poulin: Newspapers have reported that two former prime ministers and a party leader have recently taken a non-partisan approach to Aboriginal issues. Every time we ask the government questions about Aboriginal issues, whether it be the missing women, safety on some reserves, education, water or housing, we get answers filled with statistics. Could you tell us, yes or no, whether the government intends to develop a plan of action to address these important issues affecting Aboriginal communities across the country?

Senator Carignan: As you know, the Department of Aboriginal Affairs comes under the responsibility of Mr. Valcourt, an excellent minister. I understand that you don't necessarily like answers that contain statistics, but they reflect the government's track record when it comes to investing in education. I believe that it's worth reminding honourable senators how much

importance the government places on Aboriginal affairs. We're not just providing you with statistics. Those numbers translate into concrete action in the community. You mentioned the issue of missing Aboriginal women. We often say that there is no use in conducting a 41st study to collect more statistics; instead, what is needed is real action. Our government is taking real action day after day.

[English]

Hon. Jane Cordy: The fastest growing demographic in Canada is young Aboriginals. The rate of young Aboriginals under the age of 25 is growing significantly, and yet since your government has been in power there has been a cap on spending for education at 2 per cent. This means that the power of the funding for education for young Aboriginals is falling abysmally. If we as a society and a government don't do something quickly to ensure that this fastest growing demographic is well prepared for the workforce, then not only the Aboriginal community but the whole country of Canada will be hurt.

Will your government commit to removing the spending cap on education funding for Aboriginals?

[Translation]

Senator Carignan: I don't agree with the premise of your question, which suggests that the government isn't doing anything. In my opinion, that premise is partisan and fails to recognize all of the actions taken with regard to First Nations education.

• (1430)

As I said earlier, since 2006, our government has invested more than \$10 billion to support the elementary and secondary education of roughly 117,500 First Nations students on reserves. In addition, between 2006 and 2013, we invested about \$1.7 billion in infrastructure for First Nations schools. That translates into a great deal of infrastructure and many schools that serve to educate young Aboriginal Canadians.

I therefore think it is inappropriate to say that the government is doing nothing. The government has made this a priority. It signed an historic agreement that the Assembly of First Nations unfortunately decided not to honour.

Once again, we urge the Assembly of First Nations to support the bill so that we can move ahead on this priority, which is to provide children with a quality education so that the government can fulfill the commitments it has made in this agreement.

[English]

Senator Cordy: It is not a premise, and it is not a partisan statement to say that the spending cap has been in place since this government has been in power. The spending cap on funding for Aboriginal First Nations education has been in place. That is a fact.

My question to you was: Will this government commit to removing that cap? With the ever-growing population of young Aboriginals, the cap of 2 per cent increase a year is not keeping up with the number of young Aboriginal students who have to be educated to meet the requirements to fit into the workplace.

[Translation]

Senator Carignan: As I said earlier, Senator Cordy, the First Nations education system needs some serious reforms, and additional funding will come only if the education system is in fact reformed.

CITIZENSHIP AND IMMIGRATION

FRANCOPHONE IMMIGRATION

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with francophone immigration in Canada.

In early September, the Minister of Citizenship and Immigration announced that he plans to consult with communities in order to develop strategies to attract francophone immigrants to Canada, outside Quebec. We welcome this announcement, and now we are waiting for those consultations.

However, the following week, this same government announced the cancellation of the Francophone Significant Benefit Program, which was established to simplify the hiring process for French-speaking skilled labour outside Quebec.

Since 2012, leader, francophones in minority situations have not received funding to participate in the Destination Canada job fair in France and Belgium to recruit francophone immigrants. The Express Entry program will be launched in 2015, but has no specific measures to support francophone immigration, contrary to what was promised.

My question is as follows: If the federal government really wants to attract more francophone immigrants, why is it doing this?

Hon. Claude Carignan (Leader of the Government): Thank you for your question. The recent changes the government made to the francophone Temporary Foreign Worker Program will ensure that available jobs are first offered to Canadians. The primary objective of these changes was to ensure that our programs are coherent. For that reason the extraordinary expenses under the Francophone Significant Benefit Program will be eliminated effective September 30.

In 2013, the number of francophone immigrants who came to Canada under this program was less than one per cent of the total number of foreign workers in Canada. Of course, the government will continue to promote francophone immigration through its permanent immigration program. Moreover, some immigration applications will be processed in six months or less with the Express Entry program.

[Senator Cordy]

If you are wondering what I personally am doing, just call my office. You will hear a French accent on the other end of the phone. That is the voice of a young French immigrant who has moved to Canada thanks to the permanent immigration system.

Senator Chaput: I have a supplementary question. In the Express Entry program, which seems to be a program that will work very well when it is launched in 2015, why are there no specific measures to encourage francophone immigration, as was promised? Why can't we get these specific measures?

Senator Carignan: Senator, I would remind you about the Roadmap for Canada's Official Languages 2013-2018, which focuses on education, immigration and communities. Citizenship and Immigration Canada has invested \$29.4 million to support official language minority communities, and the government is funding 13 francophone immigration networks all across the country, except in Quebec and Nunavut. These networks bring together stakeholders with the goal of working together to increase francophone immigration to the target communities.

In addition, Minister Alexander has also recently committed to holding consultations with a view to finding additional ways to attract the best and brightest francophones to help us meet our labour needs.

My view, senator, is that these are real actions that speak for themselves, actions that are part of our plan set out in the official languages roadmap, which, by the way, has been applauded by Canada's francophone communities, especially in your province.

Senator Chaput: I have another supplementary question. I recognize and appreciate what you have just told us, Mr. Leader, but let me ask you the same question: The minister seems open to francophone immigration and wants to support it. That is the message that has been communicated to us on a number of occasions. He also wants to find additional ways to support francophone immigration, as you have just mentioned. As one of those additional ways, why doesn't he want to recognize a specific measure to support francophone immigration in the Express Entry program that is to be launched in 2015? Communities are asking for it, as are employers. Why can't we add this approach to the ones the minister already supports?

Senator Carignan: Senator, as I explained, the Temporary Foreign Worker Program achieved its objectives, which were set to ensure that Canadians get first crack at available jobs. The government will keep promoting francophone immigration through its permanent immigration programs, including the immigration applications that will be processed under the Express Entry system. We will also continue to foster these efforts with the help of the Roadmap for Canada's Official Languages.

We are always open to any constructive suggestions you may have on immigration. However, I think that our record speaks for itself when it comes to our actions on francophone immigration.

Senator Chaput: To build on your record, leader, could you please ask the Minister of Immigration the following questions and get back to me with the answers?

• (1440)

Could you ask the immigration minister to have another look at the possibility of adding specific measures to the Express Entry program to promote francophone immigration?

Could you also ask the immigration minister when the consultations will be held and when these consultations will be held with official language minority communities?

Senator Carignan: If I may, I will personally pass on your requests to the minister through my office. I should be seeing the minister tomorrow at the caucus meeting, since we are fortunate enough to sit in a caucus with our colleagues in the other place. It is a special time when we talk about the challenges facing this great country.

Hon. Marie-P. Charette-Poulin: When you are sitting next to your colleague asking him Senator Chaput's question, you could also ask him my question about the process. I was a member of the Committee on Official Languages when the immigration minister testified in committee, in June, if I remember correctly. The minister was particularly proud to talk to us about this program for francophone immigration to the country. What is going on with the decision-making process at the ministerial level when a program has support in June and is cancelled in September?

Senator Carignan: As you know, we felt it was necessary to review the Temporary Foreign Worker Program. I am sure you are aware of and heard about the events that led to a review of the program's objectives. The program is primarily intended to provide temporary workers when a Canadian cannot fill a position. You will agree that the program should, first and foremost, help Canadians find jobs and then — and only then — help temporary foreign workers find jobs.

FINANCE

HOUSEHOLD DEBT—HOUSE PRICES

Hon. Céline Hervieux-Payette: My question is for the Leader of the Government in the Senate. Last week in Sydney, Australia, Mr. Oliver, the Minister of Finance, gave us the impression that the Harper government's supposed results were an opportunity for him to give an economics lesson to struggling countries in Europe and elsewhere in the world.

Minister Oliver said:

[*English*]

What we do not want . . . is to see Europe enter into a deflationary spiral.

[*Translation*]

However, there's just one problem: Canada's current household debt ratio is 164 per cent. The last time I spoke to you about household debt, it was 152 per cent, and that was about six months ago.

Simply put, deflationary spirals occur when no one has the means to borrow anymore and everyone repays their debt. At that point, obviously, the banks are concerned. The key indicator of such a situation is a dramatic steady increase in household debt. An increase of 12 per cent in just a few months is still very worrisome. Some people feel safe in Canada because they believe that a major financial crisis could never happen to us. However, Ed Clark, the outgoing president of TD Bank, said in his farewell address in Toronto last week that the government should do something to reduce Canadian household debt.

Mr. Clark said, and I quote:

[*English*]

. . . As long as you run low interest rates, you then should be continuously leaning against asset bubbles.

[*Translation*]

This means that there is the risk of a crisis — it was noted by an outgoing bank president — and that the government must manage that risk immediately.

What measures is your government planning to implement to fight the ongoing and dramatic increase in Canadian household debt and rising housing costs?

This is probably more relevant to our colleagues in the West than to you and me since we live in Quebec, but this increase is still worrisome.

Hon. Claude Carignan (Leader of the Government): Thank you, senator, for your question, which has to do with several aspects of the measures that our government is implementing to reduce household debt.

As you know, we certainly do not want Canadians to be in too much debt, and our priority is ensuring that they can make informed financial decisions. For example, we appointed a financial literacy leader to monitor their progress. We cut taxes and created the tax-free savings account to encourage Canadians to save for their future.

Canadian consumers are entitled to fair and transparent access to credit. That is why we brought in new rules to ban unsolicited credit card cheques; to ensure that information is presented clearly and simply; to ensure that interest rate increases and fees are communicated in advance; to limit anti-consumer business practices; and to eliminate expiry dates for prepaid credit cards.

We listened closely to the concerns of small business owners and introduced a code of conduct coupled with constant compliance monitoring. We are also working with small businesses and consumers to listen to their opinions.

We also continue to keep a close eye on the housing market. We have taken prudent action over the past few years to reduce consumer debt and taxpayer-backed risk by reducing amortization periods to 25 years for government-insured mortgages, and we lowered to 80 per cent the maximum amount lenders can provide when refinancing mortgages. We also withdrew taxpayer backing on home equity lines of credit. Taken together, these measures contributed and are still contributing to ensuring that Canada's housing market remains relatively strong while helping to manage or limit excessive household debt.

Senator Hervieux-Payette: Your response gave you a good opportunity to talk about other measures. I was talking to you specifically about debt load, which is 164 per cent and is directly linked to the housing market.

Last week, Evan Siddall, the CEO of CMHC, said that his organization is looking at ways to better manage the government's exposure to the housing market. Let's not forget that during the crisis, CMHC bought \$70 billion worth of mortgages when the banks ran out of liquidity.

That means there are currently risks that have to be managed and dealt with. Mr. Siddall explained how CMHC is in the process of re-examining its role and considering possible measures that might be taken. It therefore recognizes that there is a problem.

During that G20 meeting, the Minister of Finance said that these are long-term issues that do not require immediate attention, while Mr. Siddall is working on this as we speak.

That brings me to my question. When the private and public sectors are telling us there are significant risks threatening the Canadian economy, why isn't the government taking immediate action to rein in rising housing prices and minimize the risks to the public sector, namely Canadian taxpayers?

Senator Carignan: Your question about the banking system gives me the opportunity to reiterate that Canada's financial system is strong and secure. For seven years running, the World Economic Forum has ranked Canada's banking system as the soundest in the world. The bail-in regime will help reduce the risks to Canadian taxpayers in the extremely unlikely event that a major bank declares bankruptcy, by shifting the risk that bonds at certain banks carry to those who choose to assume that risk.

• (1450)

This measure will protect taxpayers. This approach was announced in Economic Action Plan 2013, which you voted against, if I am not mistaken.

[Senator Carignan]

[English]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

VETERANS AFFAIRS— VETERANS AFFAIRS-TRAINED AGENT AT SERVICE CANADA IN CHARLOTTETOWN

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 13 on the Order Paper by Senator Downe.

VETERANS AFFAIRS—LEGAL ACTION AGAINST THE GOVERNMENT REGARDING THE VETERAN'S CHARTER

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 15 on the Order Paper by Senator Downe.

NATIONAL REVENUE— SELF-IDENTIFICATION OF CANADIAN VETERANS AND THEIR FAMILIES

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 20 on the Order Paper by Senator Downe.

VETERANS AFFAIRS—RECOMMENDATION BY THE SPECIAL NEEDS ADVISORY GROUP IN 2006 THAT VETERANS AFFAIRS CANADA EMPLOYS VETERANS

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 23 on the Order Paper by Senator Downe.

VETERANS AFFAIRS—BONUSES

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 25 on the Order Paper by Senator Downe.

NATIONAL REVENUE—FUNDING FROM FOREIGN GOVERNMENTS, EMBASSIES, STATE-OWNED ENTERPRISES OR AFFILIATED ORGANIZATIONS AND INDIVIDUALS

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 27 on the Order Paper by Senator Downe.

PUBLIC WORKS AND GOVERNMENT SERVICES—
JEAN CANFIELD BUILDING

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 28 on the Order Paper by Senator Downe.

TRANSPORT—FINANCING AND OPERATION OF
CONFEDERATION BRIDGE

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 33 on the Order Paper by Senator Downe.

ORDERS OF THE DAY

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

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Marshall, for the second reading of Bill C-525, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act and the Public Service Labour Relations Act (certification and revocation — bargaining agent).

Hon. Yonah Martin (Deputy Leader of the Government): If I may clarify, Your Honour, the adjournment is under my name, but I am not the sponsor of this bill. I do not want to speak to this bill, so Senator Tannas could have the floor at this time.

The Hon. the Speaker: That is perfectly in order. We are on debate, and I understand Senator Tannas wishes to speak in that debate.

Hon. Scott Tannas: Thank you very much, Your Honour.

Honourable senators, I intend to be brief with my speech today because the employees' voting rights act is a short and, in my opinion, a very common-sense bill.

The main principle of the bill is that all federally regulated workers should have the democratic right to a free and fair secret ballot vote when deciding to certify or decertify a union.

The current card check system for federally-regulated industries requires that 50 per cent plus one of workers sign union membership cards for union certification. This system is open to abuse whereby co-workers and other interested parties could

pressure employees into signing union cards. Rather than automatic certification of a union, the bill would require a 50 per cent plus one majority of votes cast in a secret ballot supporting certification.

Senators, just as the secret ballot of a general election represents the voice of each elector, a secret ballot on union certification would allow employees to freely express their wishes. Just as there are many Canadians who do not want to reveal who they voted for in a general election, there are undoubtedly some workers who are not comfortable expressing their views on unionization publicly. This bill will ensure that there is a framework in place to protect those workers.

One other change that this bill proposes is to set the threshold of employee support required to trigger a certification or decertification vote at 40 per cent. This number is more reflective of international conventions and the majority of provincial statutes. I believe this approach is fair and will create a level playing field for both supporters and opponents in situations where the question of unionization is at stake.

The proposed date for this bill to come into force is six months after it receives Royal Assent, which will give labour boards sufficient time to make changes to their regulations and procedures.

As I have said, honourable senators, it makes sense to me that we would use this system for the democratic rights of workers. It apparently also makes eminent sense to workers. Polling data on unionized and non-unionized employees across Canada shows overwhelming majority support for secret ballot votes on questions of certification and decertification. Clearly, senators, Canadians believe that we should take this important step in securing this fundamental right for employees in federally-regulated workplaces.

Honourable senators, in recent months several of our colleagues have taken trips to places around the world where voter intimidation is standard practice. As Canadians, we have a great deal of pride in our democratic processes. The secret ballot is a hallmark of our modern democracy. It is a system that we support so strongly that we have shed blood to bring it to other countries to help them achieve freedom and democracy.

I encourage all members of the Senate to support this bill. It is a common-sense bill that will make the certification and decertification process for unions a much more democratic one in which all workers can have their voices heard without fear of intimidation. Thank you.

Hon. Joan Fraser (Deputy Leader of the Opposition): Would Senator Tannas take a question?

Senator Tannas: I would.

Senator Fraser: It has been a long time since I have had to think about these things, but I am wondering how the process would work, particularly in the case of a certification drive. How would it be established that there should be a vote on certification if they are not signing cards, or whatever? Can you enlighten me, please?

Senator Tannas: I am afraid I can't except to say that whatever the process would be would require 40 per cent rather than the current 50 per cent plus one signing of union cards. I will get that answer and report back.

Senator Fraser: Thank you very much for that. I am sure it will be helpful for all of us to have a better understanding of the mechanics.

I am not our critic on this bill, Your Honour. We haven't yet got our critic, but we shall do so very soon. In the meantime, I move the adjournment of the debate.

(On motion of Senator Fraser, debate adjourned.)

• (1500)

[*Translation*]

THE SENATE

ORIGINS, HISTORY AND EVOLUTION—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its roots, the history of its origins, and its evolution.

Hon. Diane Bellemare: Honourable senators, I rise to speak on behalf of Senator Tannas, who has allowed me to speak to this inquiry today.

The Hon. the Speaker *pro tempore*: You are not speaking on behalf of Senator Tannas; you are replacing him. He has yielded his adjournment to you.

Senator Bellemare: Exactly. Honourable senators, it has been almost one year since the Governor General gave the last Speech from the Throne. This is what he said about the anniversary of Confederation:

The road to 2017 is a fitting time to strengthen our institutions and democratic processes. The Government continues to believe the status quo in the Senate of Canada is unacceptable. The Senate must be reformed or, as with its provincial counterparts, vanish. The Government will proceed upon receiving the advice of the Supreme Court.

The Supreme Court has now handed down its ruling. In the opinion of the highest court in Canada, the federal government cannot unilaterally change certain provisions pertaining to how the Senate functions. In its ruling, the court said:

The Senate is one of Canada's foundational political institutions. It lies at the heart of the agreements that gave birth to the Canadian federation.

It continued:

The Constitution should not be viewed as a mere collection of discrete textual provisions. It has an architecture, a basic structure.

This is why, according to the Supreme Court, introducing consultative elections for the appointment of senators and term limits requires the approval of at least seven provinces representing 50 per cent of the population, because those changes would change the Constitution's architecture.

On the matter of the abolition of the Senate, the Supreme Court ends with the following:

Abolition of the Senate would therefore fundamentally alter our constitutional architecture — by removing the bicameral form of government that gives shape to the Constitution Act, 1867 — and would amend Part V, . . .

In other words, my dear colleagues, the amending procedure.

. . . which requires the unanimous consent of Parliament and the provinces

The most recent ruling of the Supreme Court imposes stringent conditions that are difficult to meet if the Senate is to be fundamentally reformed.

Even though there have been 17 proposals for reform since 1867, is that a reason to try to abolish the Senate? That idea has also been put forward regularly since the beginnings of Confederation. Even our former colleague, the Honourable Hugh Segal, who was not in favour of abolishing the Senate, moved a motion in this chamber in 2007 about holding a Canada-wide referendum on the matter. However, even with a majority in favour of abolishing the Senate, it is not certain from a constitutional standpoint that it could be done, as former Senator Sharon Carstairs maintained in this chamber in December 2008.

[*English*]

In other words, if it is possible to abolish the Senate, the chance that it can happen is very low.

[*Translation*]

Nevertheless, the question of abolishing the Senate comes up too frequently for us to be able to dismiss it out of hand. The reasons put forward in support of abolition are always essentially the same. Among those reasons, we hear that the Senate is an archaic and undemocratic institution that blocks bills passed by a majority of the elected members of the House of Commons, the only elected chamber that represents Canadians. We hear that senators are appointed according to arbitrary criteria known only to the Prime Minister. We hear that the appointments serve only to reward those who have been of service to the party in power, which makes the Senate more a partisan institution than an independent one. We hear that senators, who are always ready to obey the orders of their respective parties, will support the

interests of their party rather than properly do their duty of standing up for the interests of their province in particular and of Canada in general. Then we hear that the status that senators are given encourages them to take undue advantage of their privileges, a criticism that comes back each time a senator, or more than one senator, is accused of defrauding the system.

Is Canada's Senate so dysfunctional that it cannot be made more effective, more legitimate, and able to play the role for which the provinces created it, without amending the Constitution?

[English]

Is it possible that the Fathers of Confederation have been so wrong in the writing of the Constitution that we have to abolish the Senate? I don't think so.

[Translation]

The Senate is an important institution that must continue to protect democracy in Canada. However, the Senate needs to be reformed, and this is possible without amending the Constitution.

In this first of two speeches, I will try to answer the following question: What unique role does the upper chamber play that no other Canadian parliamentary institution could properly carry out? I will address the issue of reforms in my second speech.

In my speech today I will share, in my own words, ideas that have already been expressed in this chamber and elsewhere. I draw some inspiration from the contributions compiled in the book *Protecting Canadian Democracy: The Senate You Never Knew*, edited by the Honourable Serge Joyal, as well as from other books and remarks made by senators during the inquiries initiated by our colleague, the Honourable Pierre Claude Nolin, and I thank him for his initiative.

My speech is also based on a book that I read cover to cover this summer, penned by John Stuart Mill and published in 1861, *Considerations on Representative Government*. As you know, Mill was an important British philosopher and political economist who greatly influenced the Fathers of Confederation, as well as many senators in the debates about abolishing the Senate.

You are no doubt wondering about the relevance of a book that is over 150 years old. In fact, Mill's observations on democracy include a vision of the future that has in fact come to pass. That reality is that the number of upper chambers around the world continues to rise, and I will expand on this a little later.

Mill very clearly explained why the Senate is the first line of defence for protecting democracy. We have heard about this quite a bit, but I would like to quote Mill on the notion of democracy. He said:

Two very different ideas are usually confounded under the name democracy. The pure idea of democracy, according to its definition, is the government of the whole people by the whole people, equally represented. Democracy, as commonly conceived and hitherto practiced, is the government of the whole people by a mere majority of the people exclusively represented.

The former is synonymous with the equality of all citizens; the latter, strangely confounded with it, is a government of privilege in favor of the numerical majority, who alone possess practically any voice in the state. This is the inevitable consequence of the manner in which the votes are now taken, to the complete disfranchisement of minorities.

In a really equal democracy, every or any section would be represented, not disproportionately, but proportionately . . . Unless they are, there is not equal government, but a government of inequality and privilege: one part of the people rule over the rest: there is a part whose fair and equal share of influence in the representation is withheld from them, contrary to all just government, but, above all, contrary to the principle of democracy, which professes equality as its very root and foundation.

• (1510)

This need to pursue pure democracy instead of relying only on the simple majority is enshrined in the Canadian Constitution and has been confirmed in a number of Supreme Court references. Why did the Fathers of Confederation insist on this point? They did so because real democracy, in which all points of view are represented, is required for our democratic institutions to be sustainable.

[English]

Colleagues, as you know, the principle of a simple majority is deceptive and, despite its fine appearances, may conceal a dictatorship of a minority over the majority. This is made more likely as a greater number of parties run against each other. And what is worse is that, in practice, depending on how the riding boundaries are drawn, a simple majority may hand a majority government to a party that received fewer votes than the official opposition. This was the case in the 1998 Quebec provincial election.

[Translation]

These types of situations lead to public cynicism. We can see this happening now in Canada, when we look at the low voter turnout for federal and provincial elections in the past 20 years, or even just yesterday in New Brunswick. That is why John Stuart Mill advocates for proportional representation rather than the simple majority system that we have in Canada.

[English]

I repeat: This is why Mill calls for a proportional representation rather than the simple majority system we currently have in Canada.

[Translation]

An upper chamber can play an important role in defending the interests of those who are not represented by the government, thus promoting true democracy within a context of simple

majority representation. The Senate can and should be the voice of political groups associated with minority causes and situations, such as environmental protection and climate change, to name but two.

[English]

This is fundamental for the vitality of our democracy. According to Mill, it is the first and most important role of the second chamber.

[Translation]

This excerpt from John Stuart Mill's book, as recently quoted by Senator Nolin, is worth repeating. It reads as follows:

The consideration which tells most, in my judgment, in favour of two Chambers . . . is the evil effect produced upon the mind of any holder of power, whether an individual or an assembly, by the consciousness of having only themselves to consult. It is important that no set of persons should, in great affairs, be able, even temporarily, to make their *sic volo* prevail without asking any one else for his consent. A majority in a single assembly, when it has assumed a permanent character — when composed of the same persons habitually acting together, and always assured of victory in their own House — easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls makes it desirable there should be two Chambers: that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.

In short, according to John Stuart Mill, the Senate has a major role to play in protecting a country's democracy from the exploitation of minorities by a majority of members of Parliament who are often elected by a minority of voters. The Senate carries out this role by the simple fact of its existence. Fortunately, it can do much more than just exist.

A second exclusive function of the Senate in federated countries is to protect the interests of the constituent regions or provinces in federal legislation and policies. The debates between the provinces about Canada's creation are proof that they saw the second chamber as a way to protect their interests. There never would have been a Canada without the Senate. All the experts and the Supreme Court are clear on this.

Unfortunately, the connections between the Senate and the realities of the provinces in Canada are left up to the individual senators, rather than being institutionalized in practice. For example, in many federations, including Germany, Austria and Australia, there are institutional provisions linked to the appointment process to ensure that this role is truly taken into account by the upper chamber.

In short, the Senate makes it theoretically possible to promote pure democracy and is an ideal place for protecting the interests of the provinces in federal legislation. That is important.

[Senator Bellemare]

A third function that the lower chamber cannot properly perform is being a chamber of sober second thought. The lower chamber is too often dominated by partisanship and has neither the time nor the desire to amend its bills to reflect repeated comments from the public or major socio-economic groups or even to correct the wording in both official languages.

The Senate has often amended bills from the House of Commons in order to improve them. Since 1960, 116 bills, including 33 since 2000, introduced in the House of Commons have been amended by the upper chamber and received Royal Assent.

The Hon. the Speaker *pro tempore*: Is the honourable senator asking for more time to conclude her remarks?

Senator Bellemare: Yes, please.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators, that the senator be granted five more minutes?

Hon. Senators: Agreed.

Senator Bellemare: Other bills have been rejected, including 74 in the 20th century and two since 2000. These figures clearly show that since 2000, the Senate has not often paralyzed the House of Commons, contrary to what some critics are fond of saying. Instead, the Senate makes it possible to improve the quality of legislation.

[English]

I wish now to stress that the Senate is not this ancient, antiquated institution that many contend. Quite the contrary; in fact, bicameralism is on the rise throughout the world.

[Translation]

According to documentation from the French Senate, whose various charts I will post on my website by the way, the number of senates keeps going up. Right now, there are apparently 80 worldwide. In 1900, 17 countries had an upper chamber; in 1945, 22 did; in 1980, 38; in 2000, 60; and in 2014, 80.

This confirms John Stuart Mill's vision over 150 years ago about humanity's constant pursuit of greater democracy.

In addition, as you know, with the exception of Micronesia and the United Arab Emirates, all federations, even those that adopted proportional representation, have a bicameral system.

• (1520)

Some will argue that several countries known for their living democracies, such as Scandinavian countries, have abandoned it.

I should point out that the Scandinavian countries that abolished their senates were not, and are still not, federations. Their actions can be explained by the fact that these countries

choose a proportional representation model to give minorities a voice. I would like to quote from a document produced by the French senate, as follows:

One of the reasons used to explain the disappearance of bicameralism in Nordic countries is the use of proportional representation in the lower chamber in such a way that all political minorities are represented.

Moreover, in Scandinavian countries, social and economic partners often participate in political decision-making. Bills are subject to negotiation long before members of parliament pass them. The political democracy and economic democracy practiced in Scandinavian countries enable lawmakers to take into account the interests and opinions of all political and economic groups. This does not occur in Canadian political institutions.

Some will say that the provinces abolished their upper chambers. This is true. However, a province is not a federation. Their existence, at the time, was not constitutionally protected. In fact, prior to Canada's creation, councils were in place particularly to protect the rights of francophone and anglophone minorities, as Senator Chaput so ably demonstrated.

In conclusion, in the Canadian constitutional context, it is difficult to see how abolishing the Senate would improve democracy. Since Canada does not employ proportional representation, many changes would have to be made to how the House of Commons functions to protect true democracy should the Senate be abolished.

Too often we fail to address this issue. However, it is important, as demonstrated by the experience of New Zealand, which abolished its upper chamber in 1951 and had to establish a proportional representation system to solve the democratic problems within its parliamentary institutions. Is Canada prepared to implement proportional representation in the House of Commons, which would often require a coalition government? That is something to think about.

We also fail to address how provincial interests could be represented in federal legislation if the Senate were abolished. The Supreme Court cannot solve every problem, but the Senate can intervene when it comes to legislation.

In short, abolishing the Senate would cut down on the ways that Canada has to protect and promote democracy, defend the provinces' interests in federal legislation and ensure quality legislation.

That being said, in practice, the Senate could no doubt do a better job than it has in the past of carrying out its historic mandates. For that reason, reforms are needed to make the Senate more legitimate and effective, since the two go hand in hand. The Senate could also make the public more aware of what it does and why it exists.

Canada therefore has no choice but to work hard to reform the Senate in order to respond to the severe criticism that it is receiving. That will be the subject of my second speech.

Thank you for your attention, honourable senators.

[English]

Hon. James S. Cowan (Leader of the Opposition): I am not sure whether Senator Bellemare's time has expired or whether there is time for a question.

The Hon. the Speaker *pro tempore*: We still have a few minutes.

Senator Cowan: Thank you. I'll make my question brief. I congratulate you on your speech, senator. I think that it is a very useful contribution to what is a very useful series of debates initiated by our friend Senator Nolin.

You spoke about ways and means, without involving opening up the Constitution, that we could improve the way we do our jobs. What mechanism do you see that we could utilize to bring that about?

[Translation]

Senator Bellemare: That will be the subject of my second speech, but I can provide a brief overview. I think that perhaps we will have to amend the Constitution when it comes to the appointment process. However, we need to immediately adopt transition measures, a bit like England did. I will elaborate on that: The United Kingdom adopted transition measures in 2000, and they are still in effect because the government never succeeded in changing things. I will be discussing that.

I will also talk about the role of agreement. I believe that the Senate can accomplish a great deal if senators can reach an agreement. I will therefore talk about the role of agreement as it relates to our absolute power, with respect to the other place, to reject a bill. I will also talk about a few other little things.

Hon. Joan Fraser (Deputy Leader of the Opposition): I am looking forward to hearing your second speech, but in the meantime, I move the adjournment of the debate.

(On motion of Senator Fraser, debate adjourned.)

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO STUDY THE POTENTIAL FOR INCREASED CANADA-UNITED STATES-MEXICO TRADE AND INVESTMENT

Hon. A. Raynell Andreychuk, pursuant to notice of September 16, 2014, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on: the potential for increased Canada-United States-Mexico trade and investment, including in growth areas in

key resource, manufacturing and service sectors; the federal actions needed to realize any identified opportunities in these key sectors; and opportunities for deepening cooperation at the trilateral level; and

That the committee report to the Senate no later than March 31, 2015.

She said: Honourable senators, I will simply make a few comments. The committee thought it would be timely to revisit the issues on our continent, and, therefore, this study is to look at the Canada-United States-Mexico increased potential for trade and investment. We are not contemplating an exhaustive study of this issue, as you can imagine. We are going to zero in on the fact

that Mexico has made rather impressive changes to its laws, which will affect the capabilities of Canadians and Americans working with our Mexican colleagues.

We simply want to go in and take a snapshot of that. We do not contemplate any expenses or travel.

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

(Motion agreed to.)

(The Senate adjourned until Wednesday, September 24, 2014, at 1:30 p.m.)

CONTENTS

Tuesday, September 23, 2014

	PAGE		PAGE
Visitors in the Gallery		Finance	
The Hon. the Speaker	2112	Household Debt—House Prices.	
<hr/>		Hon. Céline Hervieux-Payette	2117
SENATORS' STATEMENTS		Hon. Claude Carignan	2117
Immigrant South Asian Mothers and Children		Answers to Order Paper Questions Tabled	
Hon. Asha Seth	2112	Veterans Affairs—Veterans Affairs-trained Agent at Service Canada in Charlottetown.	
Nova Scotia		Hon. Yonah Martin	2118
Cole Harbour—Hockey.		Veterans Affairs—Legal Action Against the Government Regarding the Veteran's Charter.	
Hon. Jane Cordy	2112	Hon. Yonah Martin	2118
The Senate		National Revenue—Self-identification of Canadian Veterans and Their Families.	
Hon. Pierre-Hugues Boisvenu	2113	Hon. Yonah Martin	2118
New Brunswick		Veterans Affairs—Recommendation by the Special Needs Advisory Group in 2006 that Veterans Affairs Canada Employs Veterans.	
2014 Provincial Election Results.		Hon. Yonah Martin	2118
Hon. Percy Mockler	2113	Veterans Affairs—Bonuses.	
Hon. Joseph A. Day	2113	Hon. Yonah Martin	2118
<hr/>		National Revenue—Funding from Foreign Governments, Embassies, State-owned Enterprises or Affiliated Organizations and Individuals.	
ROUTINE PROCEEDINGS		Hon. Yonah Martin	2118
Aboriginal Affairs and Northern Development		Public Works and Government Services—Jean Canfield Building.	
State of Inuit Culture and Society in the Nunavut Settlement Area—2011-12 and 2012-13 Annual Report Tabled.		Hon. Yonah Martin	2119
Hon. Yonah Martin	2114	Transport—Financing and Operation of Confederation Bridge.	
Aviation Industry Indemnity Act (Bill C-3)		Hon. Yonah Martin	2119
Bill to Amend—First Reading	2114	<hr/>	
<hr/>		ORDERS OF THE DAY	
QUESTION PERIOD		Canada Labour Code	
Aboriginal Affairs and Northern Development		Parliamentary Employment and Staff Relations Act	
Education.		Public Service Labour Relations Act (Bill C-525)	
Hon. Marie-P. Charette-Poulin	2114	Bill to Amend—Second Reading—Debate Continued.	
Hon. Claude Carignan	2114	Hon. Yonah Martin	2119
Hon. Jane Cordy	2115	Hon. Scott Tannas	2119
Citizenship and Immigration		Hon. Joan Fraser	2119
Francophone Immigration.		The Senate	
Hon. Maria Chaput	2116	Origins, History and Evolution—Inquiry—Debate Continued.	
Hon. Claude Carignan	2116	Hon. Diane Bellemare	2120
Hon. Marie-P. Charette-Poulin	2117	Hon. James S. Cowan	2123
		Hon. Joan Fraser	2123
		Foreign Affairs and International Trade	
		Committee Authorized to Study the Potential for Increased Canada-United States-Mexico Trade and Investment.	
		Hon. A. Raynell Andreychuk	2123

Published by the Senate

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