SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 62

OFFICIAL REPORT
(HANSARD)

Thursday, March 15, 2012

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 from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, March 15, 2012

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Eminence Thomas Cardinal Collins, Archbishop of Toronto; and His Eminence Jean-Claude Cardinal Turcotte, Archbishop of Montreal.

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

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

BRAIN AWARENESS WEEK

Hon. Jim Munson: Honourable senators, this week is Brain Awareness Week, a worldwide campaign to draw public attention to the incredible and important advancements being made in the field of neuroscience.

Last month, I had the opportunity to visit the University of Victoria and meet with representatives of NeuroDevNet, a Canadian network of centres of excellence dedicated to helping children with neurodevelopmental disorders.

The network's current areas of focus are autism spectrum disorder, cerebral palsy, and fetal alcohol spectrum disorder.

NeuroDevNet's mission is to understand the causes of these disorders and to share findings with partners so that they can translate this knowledge into resources to help children live healthier lives. These resources include useful methods of diagnosis and prevention, as well as treatments and therapies.

It is remarkable how effectively knowledge is shared within this network. What makes it all the more impressive is that NeuroDevNet's partners are extremely diverse, coming from government, industry, academia, not-for-profit organizations and other sectors.

You have heard me talk, many times, about the need for coordination and strong, widespread commitment if we are to meet the autism challenge. NeuroDevNet is an example of these very things. At the University of Victoria, young scientists and researchers are doing incredible imaging, working with students, and these programs have to be seen all across the country. I would recommend that you go on the University of Victoria's website to see what NeuroDevNet and other scientists are doing.

With representation across the country, this network of centres of excellence is progressing toward health benefits not only for children with neurodevelopmental disorders and their families but also for all of us.

As I did yesterday, I would like to invite you, honourable senators, to a reception I am hosting, from 5 p.m. to 7 p.m., in room 256-S Centre Block. NeuroDevNet representatives and others working in the field of neuroscience will be there. I am sure you would like to meet them. They will be there to discuss their initiatives with you. I hope you are able to come by.

MRS. FLORA THIBODEAU

FURTHER CONGRATULATIONS ON ONE HUNDRED AND ELEVENTH BIRTHDAY

Hon. Rose-May Poirier: Honourable senators, I would like to say that I appreciate the opportunity to continue speaking and making the comments on the life of Madame Flora Thibodeau that I began with yesterday.

• (1340)

We all know that raising seven children on your own is not an easy job. Madame Thibodeau was very successful as a mother and a career woman. Six of her seven children finished grade 12, while one of her children had health problems. Back then, they went to school until the end of grade 8 in Rogersville. From there, her children had to move and go to Tracadie to finish their grade 12.

I asked Madame Thibodeau what her secret was to having a long, healthy life, since after all, she is the oldest Canadian born, still living in Canada. She shared with me that she had no secrets. She has always eaten what she wanted and stayed active. She even went out last year on her one hundred and tenth birthday to eat at a local restaurant. She has been a very independent person all of her life, and she tells me that since her one hundredth birthday, the hardest thing she has to do is sometimes ask for help.

She loves company and over the past year she has had visits from many MLAs, MPs, senators, a few different premiers, media and many family members and friends.

In closing, I would like to take this opportunity to mention to you, honourable senators, that two of Madame Thibodeau's grandchildren — Madame Gisele Thibodeau and Madame Monique Thibodeau Laflamme — were in the gallery yesterday. I would like to share with you some of the thoughts they provided to me. I quote:

> Celebrating any birthday is a wonderful milestone, but being able to celebrate your 111th is nothing short of an amazing miracle. Her sharp memory keeps alive stories of a time that are now only found in history books, but come magically alive when she vividly recites the first time a car came through her town, teaching children in a one-room

classroom over 90 years ago, eating her first banana in her late thirties. My favourite story is of the night my father was born at home, almost 80 years ago, snow falling and the bells from the horses' reins ringing outside her bedroom window, while their owners were celebrating Christmas midnight mass at the church beside the house.

Her abundance of knowledge, sharp wit, dry sense of humour and zest for life allows her to still be a contributing member of her community, with young and old alike. Even though the distance is great between us, she is held near and dear to our hearts. It is an honour to call her our grandmother and we cherish the time we've been given with her.

Honourable senators, I ask that you please join me in wishing Madame Thibodeau all the best on her one hundred and eleventh birthday, and I sincerely hope I have the opportunity again next year to share an update on her one hundred and twelfth birthday.

Hon. Senators: Hear, hear.

MS. JOELLA LYNN FOULDS, C.M.

Hon. Jane Cordy: Honourable senators, it is one thing to be born into a certain culture and a way of life; it is quite another thing to adopt the culture so entirely that to separate it from the person seems an impossibility. This is the case with the next woman I will discuss in my series on inspirational Cape Breton women.

Joella Foulds was not born in Cape Breton, not even in Nova Scotia. She has not only woven herself seamlessly into the fabric of Cape Breton's culture, she has become the greatest champion of it. Joella Foulds was born in British Columbia and was raised on a farm in Manitoba. Her mother was a teacher and her father a farmer. Her parents were highly involved in the community. From them she learned not to sit around and wait for things to happen but instead to do things herself to make change.

Ms. Foulds holds a Bachelor of Arts degree from the University of Manitoba and a Master of Social Work degree from Dalhousie University with a focus on community development, research and policy analysis.

Joella moved with her husband to Cape Breton in 1978. She worked for several years as a medical psychiatric social worker and as the executive director of the Planned Parenthood Association of Nova Scotia. She then worked for CBC for 15 years filling various roles, including broadcast journalist, morning radio host, writer, documentary producer and interviewer. Throughout her career, Joella has been a part-time musician, singer, songwriter and actor.

It is her passion for the arts that led her to become involved in this area. She stands by the idea that if you have something that you are good at, you have a responsibility to use that and to make the most of it. In 1994, she served as event coordinator for the East Coast Music Awards. A year later, she became president and co-owner of Rave Entertainment Inc.

During this time, she developed the concept for what would make her a household name in Cape Breton and in the international Celtic music community. That is the Celtic Colours International Festival. This festival actively promotes Celtic music and culture. It attracts 18,000 visitors to the region and generates a great deal of revenue for the surrounding businesses. Ms. Foulds has served as artistic director of the festival since 1997. Due to her vision, the festival has become known the world over as an exceptional showcase for the cultural and musical talent in Cape Breton.

Her involvement and contribution to the communities in Cape Breton extend far beyond her work with the Celtic Colours Festival. She has organized, produced and performed in fundraisers for Transition House, churches and local food banks, to name just a few. She has held positions with the Lieutenant Governor of Nova Scotia Arts Award Foundation, the East Coast Music Awards and the Music Industry Association of Nova Scotia. She is the recipient of numerous awards for her work with Celtic Colours and was awarded the ECMA Builder Award in the year 2000. She was inducted into the Cape Breton Business Hall of Fame in 2006 and the Cape Breton Tourism Hall of Fame in 2011. Last year, Joella received an honorary degree from Cape Breton University. Regarding this, she has said, "I think it speaks to the values that the university recognizes to the people who live here. I'm really honoured to be represented in those values."

Honourable senators, it is clear from her work that Joella Foulds does not believe at all in coasting but instead continually strives for change and development. Her philosophy on life incorporates the idea that as soon as you do not feel like you are making a difference, you should move in a different direction. Joella Foulds has made a difference, and we as Cape Bretoners are very lucky and delighted that, at least for now, she is exactly where she needs to be.

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

MASTER BOMBARDIER ADAM HOLMES

CANADIAN MEDAL OF MILITARY VALOUR RECIPIENT

Hon. Doug Finley: Honourable senators, imagine, if you will, the following: You are a young man in your mid-twenties with a young wife and son. You have been posted for the second time to Afghanistan. Your job, extraordinarily dangerous, is to identify the location of enemy combatants and mark these locations with smoke grenades. We are talking about up-close and personal. I am sure that Senator Dallaire would appreciate the courage and calmness that such a role requires.

A battle is engaged when the first day you are knocked out by the concussive back blasts of a rocket-propelled grenade. That is how close your mission is. You regain consciousness and return to your mission of identifying Taliban sniper locations. The next day, narrowly escaping enemy mortar rounds, you find a comrade laid low by heat exhaustion. After helping him to safety, you immediately return to your task of identifying enemy locations.

The battle rages on. Enemy mortar shells strike a trench full of Afghan soldiers and wound one of your comrades by a nearby truck. You crawl across the intervening space and drag your wounded comrade back under heavy fire to the trench and safety. While still identifying targets for the jets above, you further find a wounded Afghan soldier and carry him back to a safe area.

The battle rages into the second day. The next day, back in action, you find yet more wounded comrades and start pulling them to safety. Then an explosion. You lose consciousness, black out. When you awake, you find yourself wounded by shrapnel.

This may sound like a fantasy, or worse, a John Wayne movie script, but it is true. That soldier is Adam Holmes, a Master Bombardier with the 56th Field Artillery Regiment. This happened in 2010.

Master Bombardier Adam Holmes from Delhi, Ontario, close to where I live, was recently awarded the Canadian Medal of Military Valour, one of the highest honours that can be bestowed upon a member of the Canadian Armed Forces. He was recently further honoured by a tribute from his hometown. We folks in Norfolk County are particularly proud of this young man.

Winston Churchill once said:

> Courage is the first of human qualities because it is the quality which guarantees all the others.

Adam Holmes is a perfect representation of that credo. Honourable senators, please join me in recognizing this remarkable young man.

Hon. Senators: Hear, hear.

• (1350)

CANADIAN BLOOD SERVICES

Hon. Vivienne Poy: Honourable senators, I rise today to speak about the Canadian Blood Services' new initiatives to make stem cells more readily available to Canadians who suffer from life-threatening diseases such as aplastic anemia, leukemia and other blood-related and immune disorders.

There are currently close to 1,000 Canadians on the waiting list for a blood stem cell transplant from all backgrounds. About 70 per cent of these patients will find a compatible stem cell donor outside of their families, and patients are most likely to find a donor in their own ethnic group.

At present, potential stem cell donors in Canada's national database are mostly Caucasian, despite the increasing diversity of the Canadian population, so there is an urgent need for a national strategy.

Over the past year, the Canadian Blood Services' OneMatch Stem Cell and Marrow Network began phase one of a campaign called "For All Canadians," to create a national public umbilical cord blood bank. A cord blood stem cell laboratory has been established in Ottawa and a second lab will be constructed in Edmonton. Phase two will see new cord blood collection sites in Vancouver, Toronto and Edmonton, in addition to Ottawa.

In conjunction with all the provinces and territories, except Quebec, the For All Canadians project aims to collect 20,000 cord blood units, representing Canada's diverse population.

It is important to note the activities already taking place among Canada's ethnic minorities in support of the Canadian Blood Services' efforts. For example, the mayors of several cities have declared March to be Chinese Stem Cell Awareness Month. On March 31, 2012, with champion figure skater Patrick Chan as spokesperson, four major urban centres will be holding the 331 National Chinese Stem Cell Drive to encourage Chinese Canadians to join the Canadian Blood Services stem cell registry.

As honorary cochair of the For All Canadians Campaign, I would like to ask honourable senators to help raise awareness about the need for life-saving cord blood donations. Pregnant mothers from all ethnic backgrounds should be encouraged to donate their umbilical cords after the births of their babies in order to save the lives of many Canadians.

THE LATE NIK ZORICIC

Hon. Nancy Greene Raine: Honourable senators, I rise today to pay tribute to Nik Zoricic, who died in Grindelwald, Switzerland, last Saturday. I feel the tragedy personally as our son Willy is part of the coaching staff that has built Canada's ski cross team to be the best in the world. Nik was a big part of the team, and I know his upbeat presence will be missed by all those who knew him.

Nik's father, Bebe Zoricic, a well-respected ski coach in Ontario, was very thoughtful in his comments:

> Nik loved what he did. Ski racing was his life and he enjoyed every moment of it. There are no regrets from anyone because he did what he loved to do. Nik's dream was to make the national team and he did that. His other dream was to make the Olympics. Like every athlete, he had his ups and downs but he was on his way up when this happened. He was really enjoying this year. He was really happy.

When tragedy strikes in a sports event, our sorrow is heightened knowing that the athlete has been taken in the prime of life. It is always sad to lose someone so young, and the loss for the Zoricic family is devastating. I know it will give some comfort to his father Bebe, his mother Sylvia and sister Katarina to see the outpouring of sympathy and the many stories of Nik's qualities, not only as an athlete but, more importantly, as a wonderful human being.

At a time like this, it is natural to seek someone or something to blame for the tragedy. I know that the International Ski Federation will be reviewing the accident and looking at ways to make the competition safer, but I also know that existing regulations include well-defined parameters for safety. No one thought the course in Grindelwald was unsafe, and it had been used many times before. There is simply no way to take all the danger out of ski racing. While the risks may seem unacceptable, I can tell honourable senators that the athletes have enormous

skills and are well-trained for the pressures of competition. While ski cross might look wild and aggressive, there are rules, and the racers know what is acceptable on the course. They are drawn to ski cross because they love to compete head to head, yet they have tremendous respect for each other.

When the accident happened, the race organizers did everything possible to assist the athletes and staff, even erecting a private tent for them in the finish area. The Canadian ski cross team, a tightly knit group, soon made their way back to their hotel where the owner asked what he could do to help. The coach said he wanted to take everyone up to the top of the Eiger to be closer to their fallen teammate and friend. About 15 minutes later it was done, and the hotel owner Patrick Bleuer took them up the mountain in a private rail car. They were on top of the Eiger, one of the most beautiful places in the world, when they got word that Nik had passed away.

The ski cross community is like a family, and the athletes showed how much they cared in a moving tribute the day after Nik's death. The Canadian team was especially touched by the compassion shown by the organizers, led by Christoph Egger and Paul Flück, and the kindness of the villagers, many of whom gave them cards to take back to the Zoricic family.

Skiing is a wonderful recreation sport. For those youngsters who are drawn to compete, there are many reasons to love it: the challenge of improving one's skills, the camaraderie, the pure beauty of the mountains and the exhilaration of being outdoors doing something one loves to do.

Nik's family understands all of this, but they will forever miss their only son. They have my utmost sympathy. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Right Reverend Andrew Atagotaaluk, Anglican Bishop of the Arctic; the Reverend Ron McLean, Pastor of Holy Trinity Anglican Church, Yellowknife; and Debra Gill, Executive Officer, Anglican Diocese of the Arctic.

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

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. David Tkachuk, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 15, 2012

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

EIGHTH REPORT

Your Committee recommends that

1) The salary ranges for unrepresented employees of the Senate Administration be increased by 1.75 per cent effective October 1st, 2011, by 1.5 per cent effective October 1st, 2012 and by 2.0 per cent effective October 1st, 2013;

2) Senators' staff receive a 1.75 per cent increase to salary ranges, effective April 1st, 2011, a 1.5 per cent increase to salary ranges, effective April 1st, 2012 and a 2.0 per cent increase to salary ranges effective April 1st, 2013;

3) Severance pay for voluntary departures for unrepresented employees of the Senate Administration and Senators' staff cease to be accumulated effective March 31st, 2012; and

4) Options be provided to the unrepresented group of the Senate Administration and Senators' staff of immediately cashing out their accumulated severance pay in full or in part at their current substantive rate of pay or retaining it for payout on termination or retirement at their rate of pay at that time.

Respectfully submitted,

DAVID TKACHUK
Chair

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

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

[*Translation*]

THE ESTIMATES, 2011-12

SUPPLEMENTARY ESTIMATES (C)—SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2012.

Honourable senators, with leave of the Senate and notwithstanding Rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(On motion of Senator Day, report placed on the Orders of the Day for consideration later this day.)

• (1400)

[*English*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Bob Runciman presented Bill S-209, An Act to amend the Criminal Code (prize fights).

(Bill read first time.)

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

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

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Hon. John D. Wallace: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I give notice that, later this day, I will move:

> That, on Wednesday, March 28, 2012 and Thursday, March 29, 2012, for the purposes of its consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act, the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

QUESTION PERIOD

INDUSTRY

FOREIGN CORPORATE TAKEOVERS

Hon. Robert W. Peterson: Honourable senators, my question is to the Leader of the Government in the Senate.

As the leader is probably aware, Viterra, Canada's largest grain handling company, headquartered in Regina, has been presented with a takeover offer. She will also recall that about a year and a half ago we had a similar takeover attempt of the Potash Corporation of Saskatchewan. As a result of that event, the Prime Minister told Parliament that the Investment Canada Act would be reviewed and clarified. Could she please provide her government's definition of a strategic asset?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, obviously, the stories we read in the media about Viterra are speculative. I am not in a position, as Leader of the Government in the Senate, to comment on speculation.

Senator Peterson: Honourable senators, could the leader provide her government's definition of a net benefit to Canada?

Senator LeBreton: Honourable senators, this is a question that I am not in a position to properly respond to. The honourable senator did mention Viterra in the preamble to his question. As I indicated, I will have no comment whatsoever on Viterra or any speculative story similar to it.

Senator Peterson: I am not asking the leader to provide comments on that. Has her government established new rules, as promised, to provide transparency to both buyers and sellers in a takeover offer?

Senator LeBreton: I am sorry, I did not hear the question. Will the senator repeat it, please?

Senator Peterson: The leader's government promised to establish new rules to provide transparency to both buyers and sellers in a takeover offer. Has this been done?

Senator LeBreton: Honourable senators, I will take the question as notice.

Senator Peterson: I hope it will be quicker than the last one. It has been a year and a half since she last promised.

Senator LeBreton: I will do my best.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT INSURANCE—FAMILY CAREGIVER BENEFITS

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Taking care of a seriously ill child or a dying child puts a tremendous burden on family caregivers. Parents want to, and they must, be with their child at all times to offer comfort and consent for treatment. In addition to the emotional and physical demands, mothers and fathers worry about their jobs and finances, and the impact on their family.

During the last federal election, the Conservative Party promised to provide enhanced EI benefits to parents of gravely ill children. When does this government intend to follow through on its election promise?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, we were re-elected on May 2, 2011. We put before Canadians a very detailed policy platform of the intentions of the government going forward. We have not yet completed even the first year of our majority government. Obviously, when we put forward our platform, we put it forward for consideration over the duration of what we were hoping for, a majority government. I will be happy to ask for an update of where that particular policy stands.

Senator Callbeck: Thank you very much. I certainly would appreciate getting an update as to where that commitment made during the election now stands.

Parents are involved 24/7 in the care of their child. Many parents have to travel with their child for specialized treatment. Parents have enough to worry about without the fear of losing a job or paying their mortgage. Will this government make fulfilling the promise they made to parents in the last election a priority?

Senator LeBreton: Absolutely, Senator Callbeck.

I wish to remind honourable senators that the 2011 Budget, which we brought in after we were re-elected on May 2, did include a proposed new 15 per cent non-refundable tax credit for caregivers who have dependents with physical or mental infirmity. The estimate at the time was that this would help 500,000 caregivers. In any event, we have every intention of keeping the commitments we made to families and caregivers.

I might add that all of the initiatives we proposed in the budget, which did not pass because of the election being precipitated, and then again in the budget when we were re-elected, were rejected by both the NDP and the Liberal opposition in the other place.

[*Translation*]

OFFICIAL LANGUAGES

LINGUISTIC DUALITY— CORNWALL COMMUNITY HOSPITAL

Hon. Marie-P. Poulin: Honourable senators, my question is for the Leader of the Government in the Senate.

A few days ago, we learned that the Cornwall Community Hospital is at risk of losing a significant source of its funding. The reason: the hiring criterion that employees must speak English and French.

French-language minority communities are in great need of the federal government's unconditional support. Can the leader assure us that this support will be offered?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I was asked this question several weeks ago with regard to the hospital in Cornwall and I did make inquiries. This is a dispute between the municipality in which the hospital is located and the provincial Government of Ontario, which is responsible for the delivery of health care. It is not a matter that calls for or requires the involvement of the federal government. I cannot comment on a matter that is strictly beyond the scope of the federal government.

• (1410)

[*Translation*]

Senator Poulin: I have a supplementary question. The minister is completely right about the constitutional responsibilities. However, when Senator Rivest asked her this question a few days ago, he reminded us that when such incidents occurred in the past, former prime ministers from all parties took a public stand the moment the bilingual nature of the country was called into question. This is not a partisan issue, honourable senators. However, when we — in 2012 — hear a phrase such as this one, "One country, one flag, one language," we have to wonder what country we are in. Is it not the responsibility of the leader of the federal government to set the record straight?

[*English*]

Senator LeBreton: Honourable senators, I think the comments of Senator Poulin are a little over the top. Senator Rivest mentioned the intervention of the Right Honourable Brian Mulroney in the Manitoba languages issue, but that was as a direct result of an event in the House of Commons precipitated by the then Liberal government. Mr. Mulroney responded to something that was actually happening in the House of Commons and took a very correct and courageous stand on the whole issue of Manitoba languages. This matter is a dispute between the municipality and the Province of Ontario who are responsible for delivering health care.

From the federal government's perspective, no matter what party is in power, the federal government's well-known, long-standing commitment to linguistic duality in our official languages and the linguistic duality in the makeup of our country has not and will not change. I dare say, honourable senators, that if the federal government were to intervene in a dispute in any province that is strictly within the jurisdiction of that province — whether it be Ontario, one of the western provinces, Quebec or one of the Atlantic provinces — there would be howls of protests from all over the place. I think the honourable senator's question is out of order.

[*Translation*]

Senator Poulin: I want to thank the leader for the compliment in describing my comments as over the top. It is important for the 105 senators of this chamber to have the courage of their convictions in order to ensure that the principles that are so important to this country are confirmed by our government, which is well represented by the honourable members of the House of Commons and by the representatives of the regions in the Senate.

Franco-Ontarians know the history of the French language in Ontario and all the battles that have been fought for these very important principles. For example, next week, we will remember

the decision made by the Ontario government to close the only francophone teaching hospital in Ontario, the Montfort Hospital. The case went to court and the court's ruling allowed the Montfort Hospital to remain open, expand and grow.

Does the minister not believe that it is important that the government, regardless of the party in power and without intervening in a provincial or municipal dispute, at the right time and place and with a loud and clear voice, affirm its support for the country's two official languages?

[*English*]

Senator LeBreton: Honourable senators, When I talked about the comment being "over the top," the intent of the comments, as I interpret them, was to suggest that we in this place would not support Canada's officials languages and would not support minorities in the various aspects of country. That is what I felt was over the top. I took it as impugning of motives of people on this side who were not deserving of such comments.

With regard to the Montfort Hospital, it was the very same situation. It was a situation between the hospital, the municipality and the Province of Ontario. Many of us at the time, including me, did not agree with the decision of the then provincial government. Many of us were supportive of Gisèle Lalonde, who led the charge to retain the great services of Montfort. I dare say again, honourable senators, especially when it comes to the delivery of health care, that these are matters that are the responsibility of the provincial jurisdiction in which the facility is located.

Having said that, the actions of this government and the personal commitment of our Prime Minister absolutely underscore the importance the government, the Prime Minister and all of us place in recognizing Canada's two official languages and in respecting and recognizing the rights of minority languages in the various jurisdictions. That has not changed. Again, I will not, as Leader of the Government in the Senate, insert myself or the government in a dispute between a municipality and the province it is located in over a health care issue.

[*Translation*]

Senator Poulin: Honourable senators, I never intended to suggest that my colleagues in the government do not respect the country's bilingualism. I apologize if my comments were interpreted that way. That was not my intention whatsoever.

However, I want to come back to the need for public support from the leader of the federal government, who might use this opportunity to make a speech on the importance of bilingualism in Canada.

[*English*]

Senator LeBreton: I am glad the honourable senator clarified the intent of her remarks, and I accept her explanation. Again, I do not and will not insert myself and my government in a dispute between a municipality in the Province of Ontario and the McGuinty government of the Province of Ontario.

HEALTH

DRUG SHORTAGES

Hon. Jane Cordy: Honourable senators, the Minister of Health continues to suggest that drug shortages are a provincial responsibility. The federal government has a responsibility to ensure sufficient regulation to prevent drug shortages in Canada, or at least to manage shortages. The Minister of Health has a duty to ensure the safety of food and drugs. The government and the Minister of Health have no long-term plan to deal with the shortage of drugs. They have no plan for mandatory reporting. They have no plan to deal with possible raw material shortages. They have no long-term plan to deal with the problem of drug companies no longer wanting to make generic drugs that are not profitable.

What is the Minister of Health's long-term plan to allow provinces and territories to effectively manage and plan for drug shortages?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not know if Senator Cordy ever watches these programs — and I do not know if Don Martin or Evan Solomon have great audiences — but I did see the minister yesterday on Don Martin's show and she was addressing this very issue. She was pointing out, as I pointed out here yesterday, that, since last summer, they have been working on various plans to deal with the potential problem of drug shortages. She also said in that interview that she acknowledges that it has not had the results that she would have wished. In response to the minister's calls, the drug company Sandoz has put in place a system to provide 90-day notices if they believe they are facing shortages.

• (1420)

Also this week, industry organizations Rx&D and the Canadian Generic Pharmaceutical Organization made a commitment to post information about current or anticipated shortages on a public website, and they will help fund the development of this website. These are all good steps forward.

In her questioning yesterday, Senator Cordy commented that the minister was unprepared to deal with this. We all have special powers, but I do not think any of us could have anticipated a fire at the Sandoz plant.

Senator Cordy: I did not say that she did not have the power. I said that she is not showing leadership.

Surgeries are being postponed because of drug shortages. Canadians are very concerned. I watched CTV last night. It is sort of pathetic to go home and watch a political show on TV after being here until after seven o'clock, but I did. I listened to the Minister of Health and to the Minister of Health from Alberta, who said that blaming the provinces is not constructive. I agree with him.

The provinces are looking to the federal Minister of Health to show leadership in this crisis. Will Minister Aglukkaq work with the provinces to develop a national strategy for anticipating and managing shortages, and will she bring in a mandatory reporting system for the drug companies? The voluntary system is obviously not working.

Senator LeBreton: Senator Cody said the minister is not showing leadership. I do not know how anyone could anticipate a major fire in a pharmaceutical plant. I do not know what kind of extraterrestrial powers the senator thinks we possess, but we do not possess such powers.

We were stating the simple fact that this shortage occurred because of the decisions to bulk buy from a sole source supplier. The government clearly does believe it has a responsibility and a role to play in assisting the provinces and territories by informing them of approved Canadian suppliers of drugs when their current supply has not been met. That is the responsibility of government. At the request of the provinces and territories we are fast tracking approvals for products and international products without compromising our safety standards.

All in all, the Minister of Health is working collaboratively with her provincial and territorial counterparts. It is obviously not a good situation that patients, hospitals and doctors face shortages. The minister is working very hard with her provincial and territorial counterparts to resolve these issues.

Senator Cordy: With all due respect, the drug shortage was red-flagged before the fire at Sandoz. Two years ago pharmacists in Canada did a study, and over 90 per cent of them spoke about drug shortages. Over a year ago, 76 per cent of doctors in Canada said that there were drug shortages. The fire certainly compounded the problem, but the shortage was known about long before that happened.

Steve Outhouse, a spokesperson for the Minister of Health, when speaking about getting information to patients, doctors and provincial governments, said:

> We're really concerned about how Sandoz has handled this situation, and if a voluntary approach isn't what ultimately gets this information into the hands that need it, we are open to other solutions, including regulation.

Again, will the Minister of Health bring in mandatory reporting systems for the drug companies because the voluntary system is not working?

Senator LeBreton: Let us give the minister and her counterparts a chance to work on what they are already working on. One of the problems here, honourable senators, as the minister acknowledged last night in her interviews, is that there was not a lot of communication between the provinces, the territories and the suppliers.

Let us get the first step out of the way and ensure that a proper system of contacts is set up between the suppliers, the provinces and territories, and the federal government and that all the latest information on current or potential shortages is gathered in one place where the problem can be dealt with collectively.

I do not personally believe, although I stand to be corrected, that a mandatory system would be any better than the system that is now being put in place, under which the federal government will work with suppliers and the provinces and do a better job of communicating. The delivery of health care is, of course, still a provincial and territorial responsibility.

GOVERNOR GENERAL

DIAMOND JUBILEE MEDAL NOMINATIONS

Hon. Percy E. Downe: Honourable senators, can the Leader of the Government in the Senate advise whether the list of the allocation of the Queen's Jubilee medals that was published in the *Canada Gazette* was provided by the government to the Governor General?

Hon. Marjory LeBreton (Leader of the Government): I was asked this question yesterday, and I did make an inquiry. Deserving Canadians of all backgrounds are eligible to receive the honour of Her Majesty's Diamond Jubilee medal, and there is information on the Governor General's website. People can apply through information on the website or they can be awarded the medal through us as parliamentarians. We are all gathering names and submitting them to the Governor General.

This is a wonderful medal struck in honour of a wonderful occasion, the Queen's Diamond Jubilee, and it is to be hoped that deserving Canadians of all backgrounds will be well represented in the final distribution of the medals.

Senator Downe: I thank the minister for that interesting information. However, my question was whether the list of the allocation of medals that is published in the *Canada Gazette* was given by the government to the Governor General.

Senator LeBreton: I do not believe so. I am not aware that it was. Having said that, there are many medals to be awarded and we are all participating. I am sure that Senator Downe is.

All deserving Canadians have equal access to apply through information on the Governor General's website.

Senator Downe: I appreciate that answer as well. The list published in the *Canada Gazette* indicates that the public service will have 4,000 nominees, the Royal Canadian Mounted Police will have 2,300, and so on.

Would the names of the organizations and the numbers have gone from the government to the Governor General, or do they come directly from the Governor General? If the minister does not know, could she find out?

Senator LeBreton: I will take that question as notice.

Senator Downe: Will there be any screening, as there is for appointments and nominations to government boards and agencies and for senior appointments in the government, of the nominees for this medal?

Senator LeBreton: Why would any of us interfere with a process that can be done through the Governor General? It is absolutely ridiculous to suggest that they be screened.

Senator Downe: Does the leader think it is ridiculous that an overseas tax cheat would be awarded the Queen's Jubilee medal? None of us would want such people to receive the medal. Senator LeBreton knows full well that every nominee for an appointment in the Government of Canada is screened through the Privy Council by the RCMP and CSIS and that they must be in conformity with the Canadian Revenue Agency before being appointed.

• (1430)

Why would it be any different for these nominees?

Senator LeBreton: Obviously, honourable senators, these are not appointments. This is a medal to honour a special occasion, namely, the Queen's Diamond Jubilee. When each and every one of us submits the 30 names, or however many names we are allowed to suggest, we would surely not be submitting names of known felons from around the world. To suggest that, somehow or other, the government should set up a screening process for the awarding of a commemorative medal is bizarre to say the least.

Senator Downe: I want to thank the honourable leader for that answer. I totally disagree, however, that there is no way one can screen the 1,800 names, given to the Canada Revenue Agency four years ago by the governments of Germany and France, of Canadians who had overseas, hidden, secret accounts. If we knew who they were, we would not nominate them. I am sure no one in this chamber would nominate an overseas tax cheat. The government knows. Would the government check each name? After all, we are only nominating them, not selecting them.

Senator LeBreton: First, these medals are being given out by the Governor General. I do not know the process that they are following at Government House. I suppose I could make inquiries, although it is the responsibility of the Governor General and falls within the purview of his position representing Her Majesty. I know that they have a system in place for screening out duplication. Perhaps they have some system that I am not aware of. I would be happy to pass on your concerns to Government House.

Senator Downe: It is not only my concern. I assume it is a concern shared by the majority in this chamber, though obviously not the Leader of the Government in the Senate, that no one who is trying to defraud the Government of Canada out of taxes that are owed for the social programs and infrastructure of this country be awarded an honour in the sixtieth anniversary of Her Majesty's rule. I assume that would be done by the government automatically. However, the leader does not know where the list came from or who is responsible for it. I look forward to hearing from the leader with regard to that information.

Senator LeBreton: Honourable senators, this is being handled by the Governor General as the representative of Her Majesty. The honourable senator is asking me questions that I am not in a position to answer because I am not part of the Governor General's staff. I answer for the government. I agree that I would not want to see a prestigious medal given to someone undeserving. On that, we are in total agreement.

Senator Downe: That is a change.

Senator LeBreton: It is not a change.

Senator Downe: It is a change from what you said earlier. Check the transcript. We all heard what you said.

Senator LeBreton: No, honourable senators. What I talked about was putting in place a process. The Governor General may have already done that. Hopefully, at the end of the day, these medals will be, as I said a few moments ago, handed out to deserving Canadians from all walks of life.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral questions asked by the Honourable Senator Moore, on February 14 and 15, 2012, concerning cyber-security.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE— SECURITY OF F-35 AIRCRAFT TECHNOLOGY

(*Response to questions raised by Hon. Wilfred P. Moore on February 14 and 15, 2012*)

As outlined in the Canada First Defence Strategy in 2008, the Royal Canadian Air Force requires a next generation fighter to carry out its core missions of defending Canadian sovereign airspace through NORAD and providing this country with an effective and modern capability for international operations. The F-35 Joint Strike Fighter is the only fighter aircraft available to Canada that meets all of the Canadian Forces' mandatory operational requirements. This multi-role stealth fighter will help the Canadian Forces defend the sovereignty of Canadian airspace, remain a strong and reliable partner in the defence of North America, and provide Canada with an effective and modern capability for international operations.

As a partner nation, Canada carefully safeguards all sensitive information related to the Joint Strike Fighter Program, and we are confident that our multinational and industry partners likewise take all appropriate measures to protect sensitive program information. Canada continues to work closely with its multinational partners to develop this new state-of-the-art aircraft and continues to monitor all aspects of the development program.

ORDERS OF THE DAY

PROTECTING AIR SERVICE BILL

THIRD READING

Hon. Claude Carignan (Deputy Leader of the Government) moved third reading of Bill C-33, An Act to Provide for the Continuation and Resumption of Air Service Operations.

He said: Honourable senators, I would like to thank all honourable senators who participated in the Committee of the Whole yesterday. Some of the questions they raised shed light on labour relations issues at Air Canada that arise from disagreements between the employer and two of its bargaining units: pilots and baggage-handlers.

In both cases, negotiations have been going on for almost a year. Both collective agreements expired on March 31, 2011. The parties reached tentative agreements in principle, which the members rejected.

The Honourable Lisa Raitt, Minister of Labour, made it clear that she and her department did as much as they could to facilitate an agreement and bring the parties together through mediation and conciliation processes. Senior mediators and conciliators were appointed, including former Court of Appeal judge, Louise Otis. She had to inform the minister that she had done as much as she could in her role as mediator to bring the parties together.

We also became aware that Air Canada plays a key role in transportation in Canada. Air Canada serves 59 small, medium and large municipalities in Canada, some 60 service points in the United States, and another 60 or so in big cities around the world.

Air Canada plays a major role in the transportation of passengers and cargo. We heard that the economic impact of a week-long work stoppage would cost $22.5 million and would affect 26,000 employees who have families to support and who need their paycheques. It would also affect 260,000 jobs directly related to Air Canada's operations.

The positions of both parties were clear and firm. This demonstrated to us that a short-term agreement was unlikely to be reached without the intervention of an arbitrator. The lockout notice from the employer and the strike notice from the union clearly demonstrated that the parties were prepared to interrupt service in order to try to reach an agreement. And when service is interrupted at a company that is as crucial to the Canadian economy as Air Canada, this is harmful to our economy and harmful to the 32 million passengers who use it every year. And during this particularly critical time of school breaks, this would be very harmful to over one million passengers a week.

Honourable senators, everything before us justifies responsible action on the part of the government to protect the economy, as it promised to do. It is patently clear that this special legislation is needed, as it will ensure that an independent arbitrator is appointed who will be able to choose the two best offers from those submitted by each of the parties.

This is not the kind of legislation we pass with joy in our hearts, but as lawyers say, the worst settlement is sometimes better than the best judgement. In the present case, we have no choice but to pass this legislation in order to protect the economy. I therefore urge all honourable senators to vote in favour of Bill C-33.

• (1440)

[*English*]

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, the Harper government likes to talk about hard-working Canadians, but when push comes to shove, it really has no interest in defending their rights.

We are here debating so-called back-to-work legislation for Canadians who are working, have been working and never stopped working. There is no strike in progress; there is no lockout; there has been absolutely no work stoppage at all, no disruption of air travel — nothing. This is not back-to-work legislation; it is "Don't you even dare think about stopping work" legislation.

Some Hon. Senators: Hear, hear!

Senator Cowan: Honourable senators, we have a Constitution in this country. Our Constitution includes the Charter of Rights and Freedoms, which guarantees that all Canadians have freedom of association. The Supreme Court of Canada has held that this includes the right to collective bargaining, yet it is now abundantly clear that the Harper government does not like collective bargaining. Prime Minister Harper makes the rules, and he is not going to be stopped, not even by a constitutional right.

Of course, Air Canada is a private company. There is no monopoly these days on air travel. Air Canada has a number of active competitors and it faces competition from other travel providers. Yet this government, which professes to be a Conservative government, supposedly committed to the primacy of market forces and against government interference in the private sector, suddenly appears eager to intervene. It jumps in, invoking closure at every turn in the other place, with pre-emptive and back-to-work legislation for people who have never stopped working.

I want to take a moment to set out how we got here.

Despite the fact that this government has seen fit to intervene in four out of five labour negotiations at Air Canada since June of 2011, less than a year ago, in fact there have been very few strikes or lockouts at Air Canada. The last time the pilots went on strike was in 1998, almost 15 years ago.

A Liberal government was in power then. There was no government intervention, no back-to-work legislation. The parties worked it out. Was it difficult? Of course it was; but the economy, under Liberal stewardship, was strong. The Chrétien-Martin team had finally slain the deficit inherited from Prime Minister Mulroney.

An Hon. Senator: And Trudeau.

Senator Cowan: The Chrétien government had already created over 1 million jobs since taking office in 1993, and the economy under Liberal leadership went on to do very well indeed.

The Toronto Star, through access to information legislation, recently obtained assessments prepared for Labour Minister Raitt by her own officials. They note that during the 1998 work stoppage by Air Canada pilots, the company made arrangements with 15 airlines and VIA Rail to ensure that the travel plans of its 60,000 daily customers were, in the words of the officials, "unaffected."

Evidently, Liberal governments are much better than the Harper one at managing labour disputes and the economy simultaneously. It is clear from Minister Raitt that her government cannot see its way to deal with both matters at once.

As we are all aware, there are two separate disputes here, which this government has decided to bundle together in yet another omnibus bill. One deals with the pilots, represented by the Air Canada Pilots Association; and the other deals with the baggage handlers, mechanics and cargo agents, represented by the International Association of Machinists and Aerospace Workers, the IAM.

Let me deal first with the IAM employees. They have been operating under essentially the same collective agreement since 2003, almost 10 years. We all remember the terrible events of 9/11, which had a significant effect on Air Canada. Air Canada actually became insolvent by the spring of 2003. In 2003, given this situation, the IAM agreed to a number of significant concessions, including wage and non-wage scale changes.

This collective agreement was extended to July 1, 2006. In 2006, they agreed to extend it again, to July 1, 2009, with certain exceptions relating to wages, which were resolved with the help of an arbitrator. The arbitrator concluded that Air Canada was still not profitable and awarded across-the-board wage increases slightly below the normative range.

The collective agreement expiring July 1, 2009, was then extended without substantial changes for a further 21 months. A conciliation commissioner was then appointed on December 21, 2011. A tentative collective agreement was reached by the negotiators during this process. However, when it was presented to the 8,500 members for a vote, it was rejected by a vote 65.6 per cent.

That was their right, honourable senators; that is how the process works. That is a very strong majority. The Harper government likes to describe itself as having a strong mandate from the Canadian electorate because it received 40 per cent of the vote in May. I find it passing strange — and perhaps some might say hypocritical — for these same people to turn around and dismiss a 65.6 per cent vote.

Let us talk about the pilots. They, too, say that they have been unable to freely negotiate a collective agreement for more than a decade.

In the 2003-04 financial restructuring of Air Canada, the pilots accepted pay cuts of between 15 and 30 per cent, and agreed to other concessions to help keep the airline flying.

In 2009, the pilots accepted a wage and benefits freeze for two years. They also agreed to significant concessions — hundreds of millions of dollars — to relieve the company's pension funding obligations.

That collective agreement was set to expire in March of 2011. Recognizing this, Air Canada and the Air Canada Pilots Association began negotiations in October 2010. A tentative agreement was reached in May of 2011 but rejected by 67 per cent of the membership. Again, honourable senators, that is their right. It is one of the basic tenets of labour law that union members have the right to ratify or reject collective agreements negotiated by their leadership. If they have no right to reject, then they are facing a "take it or leave it" situation, which is emphatically not negotiation.

It took a while for negotiations to get going again, during which the pilots continued to fly. A federal conciliation officer was brought in to help, and that process went on for two months. Again, throughout, the planes flew. There was no disruption in air travel.

In early February, negotiations became difficult. The company rejected the pilots' offer to delay any strike or lockout until April. Faced with this, the pilots held a vote, and 97 per cent gave a mandate to the association to negotiate and strike if necessary. The association was clear: No one wanted to strike; the vote was a defensive measure only. Negotiations would continue with the assistance of a new federal mediator appointed by Minister Raitt.

Shortly thereafter, Minister Raitt appointed new mediators, and the parties entered into what was supposed to be a six-month mediation process. However, 23 days into the process, on the first day of that round of contract talks, Air Canada chose instead to table what it termed its "final" offer.

That was March 7, honourable senators. The next day — last Thursday, March 8 — Air Canada threatened to lock the pilots out at midnight on March 11. The company threatened to lock out its pilots and bring operations to a halt right before one of its busiest and most profitable periods of the year, March break week. The very same day that Air Canada made that announcement, the Minister of Labour jumped in and referred the dispute — along with the one with the machinists and aerospace workers — to the Canada Industrial Relations Board. The next day, the government announced that it would table "back-to-work" legislation, for workers who had never stopped working, and that is the bill we have before us today.

This is new for Air Canada. As I said at the beginning of these remarks, in fact there have been very few work stoppages at the airline. The last pilot strike, I remind honourable senators, was some 15 years ago. The Liberal government of the day, in its wisdom, allowed the strike to run its course, and the result was a 15-year stretch without a strike or lockout.

However, last June, not even a year ago, the Harper government let it be known what its new approach to labour disputes would be when it legislated postal workers back to work. Parliament ordered them back to work on terms worse than those

which management had previously offered. The government also introduced back-to-work legislation not even 24 hours after the customer service and sales staff at Air Canada had walked out.

• (1450)

The flight attendants were up next, and the Harper government left absolutely no doubt in anyone's mind that the back-to-work legislation would be forthcoming if they exercised their democratic rights.

Honourable senators, this is not collective bargaining; this is collective bullying.

Some Hon. Senators: Hear, hear.

Senator Cowan: The minister told us yesterday her primary concern was the damage that a work stoppage would cause to Canada's economy. However, as soon as she referred the disputes to the Canada Industrial Relations Board, the risk of a strike or lockout was gone. The pilots told us very clearly yesterday they were not on strike had not given any notice that they would strike. In fact, they made numerous statements, publicly, privately and to the government prior to the Christmas break and again prior to the spring break period, that they would not strike during these high-traffic times, and they did not.

As soon as the government referred both disputes to the Canada Industrial Relations Board, which they did last Thursday, this prohibited all parties from any strike or lockout during the period of adjudication by the board.

Honourable senators, there was no risk of a strike or a lockout. That was taken off the table by the minister's action. There was no risk of damage to the economy, so concern for the economy cannot have been the real reason for this bill.

We have two groups of workers — over 11,000 in total — who have been waiting for more than 10 years to sit down and negotiate a full collective agreement with Air Canada. As Captain Paul Strachan of the Air Canada Pilots Association told us yesterday:

> Our men and women have waited a decade to be able to address both the sacrifices that they made in the restructuring of the airline in 2003 and 2004 and also many of the issues, of course, that have arisen within the collective agreement in addressing the operations of the airline over that period of time.

However, emboldened by this government's evident willingness — indeed eagerness — to wipe out any real collective bargaining, Air Canada has apparently felt free not to engage in real negotiations but instead, with five months left for mediation, threatened a lockout. It knew then that the Minister of Labour would protect its back and not the backs of workers who wanted to engage in meaningful negotiations.

Dave Ritchie of the IAM told us yesterday that their last offer on the table would have resulted in $25 million of additional costs to Air Canada.

We also heard from Kevin Howlett of Air Canada that to shut down the airline for one day would cost them $33 million. In other words, the difference between the two sides was less than the cost to Air Canada of one day's strike. As Mr. Ritchie said, he cannot believe in his heart of hearts that an agreement could not have been reached had the minister not intervened, but the minister did intervene and put an end to negotiations.

The magazine *Canadian Lawyer* ran a cover story in its January 2012 issue entitled "The Death of Collective Bargaining?" It began by discussing "Harper's apparent war with the labour movement in Canada." It said:

> This new policy of stepping into disputes is setting the stage for a new style of labour negotiations, experts say, where companies hold back and wait for government help. If the government's propensity to involve itself in labour disputes continues, says Cavalluzzo, employers will feel safe under the umbrella of back-to-work legislation and will no longer be serious about negotiating.

Honourable senators, this would appear to be exactly what has happened here.

Julie Guard, an associate professor of labour studies at the University of Manitoba, has said that the Air Canada and Canada Post negotiations last June suggest that the Harper government has a secret policy of undermining collective bargaining and weakening the labour movement. This is what she said:

> The Conservatives did not mention collective bargaining or an intention to undermine unions when it campaigned in the last election and has not acknowledged that goal now. But it appears that is nonetheless its agenda.

Minister Raitt has cited the fact that back-to-work legislation is not unique to the Harper government. It has been used more than 30 times since 1950. That is true. Back-to-work legislation, per se, is not that unusual. What is unusual is when and where this government has been employing it.

According to Eric Tucker, professor of law at York University's Osgoode Hall Law School in Toronto:

> Historically, back-to-work legislation was usually only enacted after a strike had gone on for at least some period of time and there was some evidence that the public interest was being seriously affected in a negative way.

Honourable senators, there is no strike or lockout here. Not only has it not been going on for some period of time, it has not been going on at all. There is no evidence that the public interest has been seriously affected in a negative way because nothing has happened: the planes are flying and the baggage is being taken care of. There is no work disruption.

Laurel Sefton MacDowell, a labour historian at the University of Toronto, said that back-to-work legislation has mostly been used for strikes in the public sector: teachers, nurses, garbage

workers. Air Canada, by contrast, is, as I have said, a private sector company. Professor Tucker was asked about this last fall. He said:

> Air Canada has never been treated as an essential service. I don't know that there would be evidence to say that if there was an Air Canada strike that the lives and health of Canadian citizens would be put at risk. I think that's an extraordinary claim.

In fact, Minister Raitt's own officials have concluded that, in the event of a strike or lockout by Air Canada, passengers would have other options. I mentioned an assessment that they had prepared. This is an internal assessment in her department. It said:

> An Air Canada work stoppage would induce some passengers and firms to cancel their travel arrangements altogether, while others would opt for alternative airline companies or choose to travel by train.

That makes sense, honourable senators. There are alternatives to air travel in Canada. Even if one wishes to travel by air, Air Canada does not have a monopoly. Indeed, WestJet announced last Thursday that it planned to add extra flights to accommodate passengers who might otherwise be stranded in the event of a work stoppage by Air Canada.

Honourable senators, there is no immediate need for this legislation. There is no work stoppage that needs to be addressed, and Air Canada is not an essential service.

Canadians have options. Minister Raitt's own officials acknowledge this.

Honourable senators, what is this bill really about? Some believe it is about union-busting. I am certainly not in a position to tell you what is in Minister Raitt's or Prime Minister Harper's mind.

Senator Mockler: Caring for people.

Senator Cowan: Terrible as union-busting would be, the effect of this legislation, I believe, would be even more far reaching and harmful than that.

The *Montreal Gazette* interviewed George Smith about this bill. Professor Smith teaches industrial relations at Queen's University, and he used to be Director of Employee Relations at Air Canada. He said that Minister Raitt is taking labour relations in this country "through the looking glass." He said the pattern Minister Raitt has established sets a bad precedent for other federally regulated sectors, such as telecommunications, the ports and railways, in their future negotiations.

He added something that I found particularly insightful. While most of the focus has been on whether the measures the minister has taken are anti-union, he said they are also anti-management because they threaten to saddle the corporation with a labour agreement that is uncompetitive through binding arbitration. He said:

> No management in its right mind would voluntarily agree to binding arbitration. It is such short-term thinking. There is no public policy or economic consideration where this will take us six months from now, or a year from now.

This approach, honourable senators, is bad for unions and it is not good for management either. Once again, honourable senators, I feel we are in the realm of ideology rather than clear thinking based on real evidence.

Once again, we are witnessing the thoughtless, short-term politics of division and anger, pitting one group against another, labour against management, Canadian against Canadian.

• (1500)

The vice-president of the International Association of the Machinists and Aerospace Workers said that in his 40 years of collective bargaining he has never seen the level of anger that he now sees in his membership at Air Canada.

That should not surprise us, colleagues. When you know there is no point engaging in serious negotiations because the other side has a trump card it will play, back-to-work legislation that the government is happy, indeed eager, to bring in, when you know your concerns and issues can be blithely ignored, how does that help to bring a good, stable working environment?

This government has frequently lectured Canadian businesses about their poor records on productivity and innovation, yet it sows by actions such as this a poisonous atmosphere amongst the very workers whose productivity and innovation it says it wants to improve, and then it wonders why its policies are not succeeding.

According to ACPA, Air Canada pilots earn less today than a decade ago. However, Canadians have noticed that the same cannot be said for Air Canada executives. Last year, Air Canada's top five executives each received 30 per cent pay increases. Air Canada President and Chief Executive Officer Calin Rovinescu earned $4.55 million in 2010, a $2-million increase from 2009. On March 31, less than two weeks from now, he will receive a $5-million retention bonus. That is $5 million just for having stayed in his position for three years.

Senator Munson: That is better than the Senate.

Senator Cowan: As I described, the pilots took a 15 to 30 per cent cut in 2003-04, agreed to a wage freeze in 2009 and today earn less than they did 10 years ago. The baggage handlers, mechanics and cargo handlers also agreed to cost savings in the hundreds of millions of dollars.

This is a volatile situation, honourable senators, reflected in the large numbers that voted on the various proposed deals. There is need for the government here, a need for the government as a calm, neutral third party to work with both sides to bring them together and find a compromise that can be accepted by everyone. However, honourable senators, back-to-work legislation is not the answer. No one is fooled. This will not calm labour relations in this country. I fear it will foster greater resentment and unrest.

We know there will be legal challenges to this legislation as indeed there already have been with respect to the postal workers legislation passed by the Conservative majority in June. The Canadian Union of Postal Workers filed an action in the Ontario

Superior Court of Justice alleging that Bill C-6, which we passed in June, is unconstitutional. We heard yesterday from the pilots' association that they consider Bill C-33 to be similarly unconstitutional and have asked their legal advisors to challenge it accordingly.

Indeed, the Supreme Court of Canada has held that the right to collective bargaining is a fundamental right protected under the freedom of association in the Charter. The landmark case was the 2007 decision in *Health Services and Support — Facilities Subsector Bargaining Assn v. British Columbia*. The court went through a detailed analysis of the history of labour relations and collective bargaining noting the important role that collective bargaining plays precisely in avoiding and resolving labour disputes. The court concluded:

> Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the *Charter*.

Honourable senators, these are not values to be taken lightly. This is not a right to be revoked on a dime, yet I fear this is not far from the situation here.

One day the minister was referring these disputes to the Canada Industrial Relations Board, the next day suddenly there was the announcement that back-to-work legislation would be introduced and indeed passed. Why? I can only assume it is because Parliament has a break week next week. I and I think all of my colleagues on this side of the house would have been happy to have returned to consider this bill if our Speaker had recalled the Senate. That is what happened in June. We were recalled on a Sunday and we sat for many hours in Committee of the Whole to debate. Honourable senators, that is our job.

However, it is not only the process I find objectionable; the bill that the government has crafted and introduced is itself problematic. Bill C-33 would grant broad discretion to the minister to choose the arbitrator. The bill says in clauses 11 and 26 — and remember we are dealing with two labour disputes here:

> The Minister must appoint as arbitrator for final offer selection a person that the Minister considers appropriate.

"That the Minister considers appropriate," honourable senators. I cannot imagine any power broader than that. There is no requirement even to consult with the parties, let alone obtain their agreement to the party chosen.

An Hon. Senator: How fair is that?

Senator Cowan: This language was used in the postal workers legislation we dealt with last June. The Canadian Union of Postal Workers challenged that legislation in the Ontario Superior Court and also specifically challenged the choice of the arbitrator in the Federal Court. The minister, evidently, had appointed someone who is not bilingual and who did not have a degree of recognized expertise in labour relations.

By the way, that act, like Bill C-33, purported to oust the jurisdiction of the courts. Take a look at clauses 15 and 30. The clauses even try to specifically prohibit orders and proceedings "to question the appointment of the arbitrator." I am happy to tell honourable senators that even the government could not stand up in court and argue that this means what it says. I am speaking now about the discussion about the postal workers legislation, but as I have said, it is precisely the same wording in this legislation. The government agreed that the clause "must be construed narrowly" to protect the court's constitutional role in reviewing the legality of actions taken by governments and administrative tribunals.

The Federal Court looked at the broad ministerial discretion to choose the arbitrator. The government argued they "would like the exercise of ministerial power, which it considers discretionary, to be unobstructed, unguided or not subject to any criteria of qualification or competence for the arbitrator." This is the government's argument. I'll repeat that.

The government argued that they "would like the exercise of ministerial power, which it considers discretionary, to be unobstructed, unguided or not subject to any criteria of qualification or competence for the arbitrator."

This is breathtaking, honourable senators. The Harper government believes that it should be allowed to appoint anyone to arbitrate these proceedings. It believes that it should be free to choose someone who is not competent, in other words someone who is incompetent. The Federal Court, I am relieved to tell you, rejected this argument, not surprisingly. It said, and I quote:

> This is not what is indicated by common sense, case law, the economy of the Act or the specific labour relations context that govern the parties to the collective agreement. However discretionary a ministerial appointment may be, there is no such thing as absolute discretion.

That is the Federal Court in the postal workers' dispute.

Honourable senators, despite that, the government is using precisely the same words not once but twice in the legislation we have before us, the exact same wording. We can only hope that the minister does not once again interpret it as allowing her to appoint an unqualified, incompetent arbitrator so long as she believes the appointment is appropriate. Seeing exactly the same words in this legislation and the previous legislation, you can appreciate my concern.

What is this arbitrator to do? Not arbitrate, not mediate, not work with the parties to come to a mutually satisfactory resolution but rather to receive final offers from each party and then choose one or the other. There is no choosing particular terms that seem more reasonable from one or the other to actually come up with a reasonable collective agreement. It is sudden death, labour relations as Russian roulette.

• (1510)

Let us be clear: These are not simple documents. The pilots told us yesterday that their collective agreement is a very complex document that is 346 pages long. It covers every aspect of their

relationship with their employer and is the result, as Captain Strachan told us, of 60 years of constructive and cooperative collective bargaining as contemplated under the laws of Canada. Instead, an arbitrator, picked at the sole discretion of the minister, is given 90 days to select either one or the other final offer on the many issues in dispute between the parties.

Honourable senators, that makes no sense. This is no way to establish a complex agreement that will govern these parties' relationship with one another for years to come.

Of course, once again, this government cannot refrain from imposing terms. Last time, honourable senators will recall that it actually legislated terms that were worse than what the employer had previously offered to the workers. This time, the minister has directed the arbitrator, in the case of the baggage handlers, mechanics and cargo agents, to take into account — those are the words in the bill — the terms of the tentative agreement dated February 10, 2012.

Honourable senators, these are the terms that were rejected by over 65 per cent of the members. In other words, with this legislation, the Parliament of Canada is telling them that their vote was meaningless, irrelevant. This is collective bargaining, Harper-style. A government elected by less than 40 per cent of Canadians wants to impose terms on a group of workers who said "no" to those very terms by a vote of over 65 per cent, all the while trampling on their constitutional right to collective bargaining. This supposed back-to-work legislation is being imposed where there is no strike, no lockout, the planes are flying and the baggage is being handled. What is the looming emergency?

Senator Mitchell: What would happen if there was an emergency?

Senator Cowan: The only looming emergency is the March break, and the real issue is not even the possible inconvenience to Canadian families, but rather to themselves. The Conservatives simply do not want to be called back from their vacations next week to deal with the work stoppage, should one actually occur.

Some Hon. Senators: Hear, hear.

Senator Cowan: Honourable senators, there is evidently no limit to this government's arrogance. Hard-working Canadians at Air Canada and across the land deserve better.

Hon. Doug Finley: Honourable senators, if you will excuse me for a second while I remove my horns and tail, today I rise with very mixed feelings to speak to Bill C-33. I will try not to be quite as scholarly as the previous speaker.

I have already recounted to the house the story of my grandfather, a miner, who walked from Glasgow to London as part of the miners' strike in 1927; and of my mother's ultra-socialist leanings born of listening to the oratory of Keir Hardie, Jennie Lee and Aneurin Bevan in the hills of Scotland, an area long acknowledged as the cradle of the trade union movement. So I know a wee bit about the history of the trade union organization.

In the early 1950s, my father, an engineer — and an avowed Tory, by the way — was an unwilling victim of a strike initiated by a union over a relatively trivial matter. I cannot remember the strike's duration, but I know it lasted for many weeks. My father, a non-unionized employee, had to pick rhubarb for a living. It was a miserable period, with considerable and long-lasting family difficulties.

What I remember most was a newspaper cutting about a guy called "Bonus Joe," who was apparently at the heart of the strike. My socialist mother actually detested Bonus Joe, not for the deprivations, but for the abject selfishness of the cause. So I know a wee bit about the difficulties encountered by families during a strike.

I spent a good part of my working life in the aviation business, with a variety of companies, both large and small. This is a capital-intensive business, relying on huge investments in research and development, innovative technologies, expensive processes and equipment for future success and growth. It is also a business requiring extreme levels of quality, safety and service. Primarily, it is a business that relies heavily on highly trained and dedicated work personnel. They deserve to be well compensated and, as we heard yesterday, they certainly are.

I have worked at all levels in aviation and in many aspects, including production, development, IT, planning, marketing, sales and in the highest executive positions. So I know a wee bit about the aviation business, its beauty, its excitement, its skills, its dedication, but most of all, its fragility.

When I first started working at Rolls-Royce in a junior position, I was concerned with some of the working conditions — after all, I was a child of the 1960s — particularly what I perceived to be a rather arbitrary and callous nature of management. The shop floor workers were already members of a union and treated somewhat better.

After some notable misadventures and not a little chicanery, I succeeded in forming a staff-based union, which became affiliated with the International Association of Machinists and Aerospace Workers, the IAMAW. I am sure honourable senators will recognize this name from our current debate.

I remember being particularly pleased that the lodge number we were assigned was both easy to remember and to say: Lodge 2468. I was at various times President and Treasurer of this union, but most critically, I was a lead negotiator on the first two collective agreements involving Lodge 2468.

I should mention in passing, both Rolls-Royce and Rolls-Royce Canada are today icons in both their business and labour relations. So I know a wee bit about union business and the negotiation aspects.

Later in life, I sat on the management side of negotiations with labour unions. One set of negotiations, in which I was involved only peripherally, ended in a union-called strike. It lasted for

six weeks. It was both miserable and eye-opening watching friends and colleagues sell boats, cottages and other possessions to help them survive the strike.

After six weeks, the union and management finally agreed to another one-half per cent on a wage structure. As a striker, each individual lost six weeks of that year's wages — 12 per cent. This to gain half a per cent annually? It would take over 20 years at that rate to show a return. What a waste. So I know a wee bit about the devastating effect of a strike on co-workers and friends.

Later in life, I ran an aviation company that had no unions. This was in a highly unionized industry in a highly unionized city. In retrospect, one of my greatest feelings of accomplishment was being able to help turn that company around and watch it grow to be the largest of its kind in the world — without ever having a union. So I know a wee bit about running non-unionized companies.

I have also run companies whose business was that of a supplier or a subcontractor to larger companies such as Air Canada. In fact, at several points in my life, I have been both a large and small supplier to Air Canada. I have felt the subcontractor pain of larger companies going on strike or worse, into sudden bankruptcy.

• (1520)

The ripple effect is incredible. Laying off employees is an exercise in angst that no one should experience, especially when you are helpless to influence the cards. Calling valued and loyal suppliers to your firm to advise them they will have to cut their supply chain immediately is truly one of life's less pleasant experiences. I know a bit about that as well.

Like most of my colleagues, I have also been an investor and/or owner in business ventures. No one invests their hard-earned money, be they individuals, pension funds or equity banks, for the sake of their immortal soul and a place in heaven. We invest for profit, a return on our risk. It is either nirvana or hell, but for most of us, just purgatory. I know a bit about investing money — my money, the risk. An investor is just as much a stakeholder as any manager, employee or union member.

I have also been a stakeholder in Air Canada inasmuch as I am a frequent customer of that airline, as many of my colleagues here are. Yes, customers are stakeholders too, perhaps the most important. Those managers, investors and union members owe as much to this particular customer stakeholder as anyone.

I say all this as a prelude to what follows. This should not be a partisan issue. The issues before us should cut across party and ideological grounds. I am not speaking as a Conservative senator — just a senator. I am conflicted by this state that Air Canada and its unions find themselves in. I understand the history of the union movement, what drives and motivates it. Equally, I understand where Air Canada is and what it inherited from its time as a Crown corporation. I particularly understand its operating economics and the very fragile nature of the business at which it operates.

Part of my initial considerations included puzzlement over the union's methods and negotiating techniques. I was taught early by skilled union negotiators from the IAMAW to look always at the big picture and always — always — hold a nickel up your sleeve. I was driven by the goal to get the best possible deal for the members without resorting to costly strikes and by a clear mandate that part of the process was to sell an agreed deal to one's membership. It is a critical point.

Despite agreeing to a deal at the table, there has been no agreement from the membership. In fact, the negotiating team appears to be laying the blame entirely on its membership. Perhaps they have no nickels up their sleeves, or perhaps the salesmanship mandate has changed. I do not know and certainly offer no criticism of the union negotiation effort. On the other hand, I could look at Air Canada's style and possibly express concerns on that, particularly in the area of bonuses.

However, expanding on these thoughts would not help this debate. Our job here is not to find or assign blame. We in the Senate are not labour negotiators, arbitrators or conciliators. We have been asked to do a simple thing. In essence, in my view, we have been asked to determine what is for the greater good under the present circumstances at this point in time.

Air Canada is not considered an essential service for the very good reasons highlighted by Minister Raitt yesterday. However, at this point in time, it operates very much or largely so because of prevailing market conditions in their industry, the state of the global economy and, in particular, Canada's still fragile recovery and the fact that this unresolved dispute sits on our desks at precisely one of the most customer-critical periods in the year.

I will repeat what I said earlier: All stakeholders have to be accommodated. No win, no loss. My very first union mentor told me the outcome of any successful negotiations should be that neither side should feel that they have either won or lost. If the outcome is that one side claims victory or defeat, then it was not a successful negotiation.

I do not see or hear evidence that either side right now senses either victory or defeat. Concessions have obviously been made on all sides. As senators, we must be aware of that fact. A fair and reasonable attempt has been made by both sides to reach accommodation here. In fact, deals have already been agreed at the negotiating table.

Labour negotiations are like a dance: They can be fast and furious or slow and deliberate. No matter which, they are never done solo. It takes two to tango.

Let us assume that both sides have reached this impasse together. Call it a tie.

Let us look at some of the peripheral concerns.

Senator Poy talked about the returns to shareholders yesterday. She used big numbers, but did she actually stop to think what a meagre percentage return on investment this was? Of course not. In fact, most analysts would agree that airlines rank poorly on the

investment scale. Ask the shareholders of American Airlines, United Airlines or Delta Airlines, all just as big and international as Air Canada.

Senator Mercer went on at some length about the accumulated concessions made by Air Canada employees over the years. Senator Mercer is correct. That there have been concessions is indisputable, but Air Canada still exists, still employs 26,000 people and, as we heard yesterday, at first-class salary levels with very good benefits. This is called "reasonable accommodation." I wonder how many of these employees would still have been employed in such a manner had Air Canada ceased to exist. Air Canada employees, wonderful though they are, are not the first to have made concessions nor the only. Over the years, tens of thousands of stakeholders, employers, employees and investors have had to make concessions to ensure the viability of whatever enterprises they were stakeholders in.

Some have talked about the dignity of the working man. When my grandfather walked 400 miles to protest, he was trying to win the most basic of working conditions — wages, benefits and respect. I hardly think that this dispute falls into any part of those criteria.

Let us dispense with the rhetoric. This debate is not about removing rights or breaking long-held beliefs. That is not the issue. We are talking about a simple impasse that could have a profound effect on Canada, its economy and its residents. That is it. Period.

It is time to use some basic Canadian common sense.

As it stands, both sides have agreed on a deal. Where I come from a deal is a deal. You do not shake hands and then hold a gun to the other's head proclaiming, "We want more." Imagine if it was the other way around. The union agreed to a deal with the management negotiating team, and then they went to the shareholders or the board of directors, and they said, "No, go tell the union we want more." It would be outrageous.

As I said, part of the negotiator's function is to take an agreed deal and sell it to their stakeholders — investors, employees, members, whatever.

The investors would appear to be comfortable, if not super happy, with the deal. I suspect that there are many in the families of the 26,000 Air Canada employees who are glad they are not walking the streets with placards and making do on the relative pittance that their strike pay allows.

It is likely somewhere around 200,000 employees of subcontractors and suppliers are awaiting this outcome with bated breath, without voice, opinion or right to action. As Air Canada turns off the taps in the event of a stoppage, and that would happen within a matter of hours, many of those strike-victimized employees would be let go and they do not even get the comfort of strike pay.

• (1530)

These Air Canada families, the subcontractors' employees and their families, are also stakeholders. Do they get a seat at the table? Of course, they do not. They hope and trust that all the principals at the bargaining table will take the wider view and do what is best for all.

The final major stakeholder, and by far the biggest, of course, is the customers. At any time of the year, an operation stoppage by Air Canada would be devastating to the public. We only have to see what happens when major weather problems hit, the delays, the backups, the stranded passengers. However, just before March break, a time cherished by senators as well as tens of thousands of other Canadian families, the timing of the notice of strike and lockout is a bit vexatious. I am just that wee bit cynical enough to suspect that this was not entirely innocent.

Canada's other fine carriers, like WestJet and Porter, do not have the capacity to step into the Air Canada void. Neither airline has regular flights off the North American continent, nor do they have the equipment to do so. There is little or no available capacity to accommodate the needs of passengers.

We also know that Air Canada is a major cog in Canada's freight business. The airline routinely ferries thousands of tonnes of product to and from Canada, all of it vital to Canada's economy. Again, there is no readily available alternative capacity to handle this critical business.

By rapid escalation, an operations stoppage by Air Canada would cause incredible damage to the country's economy, the aviation infrastructure and thousands of families whose well-being relies on the continuing and mutual cooperation of the airline and its employees.

It is these human and general economic factors that have influenced my thoughts. I am satisfied that both sides have worked hard to reach an accommodation, and in fact have reached a deal. The concomitant cost in terms of family and personal hardship, the negative whiplash on Canada's economy at this critical juncture in its recovery, and the overall impact on millions of Canadians and businesses have caused my decision to support this bill. I urge senators on both sides to do likewise.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable senators, I would like to take part in today's debate at third reading of Bill C-33.

Listening to my colleagues, and particularly to the government spokespersons, I think it is extremely important to recall that the main goal of the problem before us has to do with negotiating a collective agreement. It seems to me that what we should be most concerned about is the basic purpose of the whole process: improving working conditions for Air Canada workers. I do not think that we are talking enough about that.

We are talking about the consequences for the business, but we need to remember that this is a bargaining process. The first thing we need to focus on is improving working conditions for Air Canada employees. We see this in the bill. When the government intervenes, there is no reference to this fundamental fact and the primary problem before us: improving working conditions.

There are concerns about the future of Air Canada and its ability to compete and to meet its basic obligations. These are legitimate concerns. However, to achieve the objective of maintaining Air Canada's present or even past position, we must look at more than just the working conditions. That is an important factor, but it is not the only one.

The bias in the government's approach and perspective makes this an unbalanced bill. We can analyze each factor. Air Canada workers have quite rightly interpreted the bill as being much more supportive of the employer than of the workers. There is a lack of balance. We and our colleagues have pointed out that the arbitrator is unilaterally appointed by the minister — the government — without taking the union's viewpoint, opinions and suggestions into consideration.

For example, when the parties submit their offers to the arbitrator — naturally, the offers and demands will be improved — who can believe at this point that the arbitrator will be compelled to accept either management's or the union's offer as presented, instead of using his discretion to find a compromise between the two?

What is the real likelihood that the union's proposal will be accepted by the arbitrator, no matter how much good will, neutrality and competence the arbitrator has?

It is all biased toward the company and its management, and this is happening while they are bargaining. They are negotiating working conditions. Why? Because, historically, the bosses have dictated the working conditions of their employees. It was decided that the parties would be placed on an equal footing and rights given to the workers. That has been the goal of our labour legislation as it evolved. It has been said that collective bargaining involves both parties. In order for both parties to bargain in good faith, they are given the right to strike and the right to lock out. This encourages bargaining and the suggestion of conditions by each party. With unilateral action, such as the introduction of legislation by the government, the system is tossed aside. Since the May election, we have had the Canada Post issue, where the law was set aside once again, and now they are doing the same thing with Air Canada.

A strike in the public sector causes the public considerable inconvenience. Clearly, the speeches heard from the government side concerning these inconveniences are fair and factual. However, this is the very purpose of bargaining. During a strike, workers exercise their fundamental and constitutional bargaining rights. If we do not want the public to be inconvenienced during a strike that affects public services, such as those offered by Canada Post or Air Canada, then the government must take responsibility in the face of public opinion and say that there will no longer be any bargaining with a right to strike.

It is not up to the unions or Canada Post or Air Canada employees to make and implement that decision. It is up to the government. It is a very big decision with very serious consequences because the right to free collective bargaining is set out in the Constitution, along with the right to strike. That goes for both public and private sector employees.

In Ottawa, at the federal government level, there is Canada Post and there is Air Canada; however, provincial legislation in every province still contains the right to strike and that right is exercised in areas that are just as vital as, and even more important than, mail and airline services. It is exercised in the areas of health and education. Does that mean that, as soon as there is a threat of serious inconvenience as a result of decreased public services — and we agree that this is the case — the solution is to abolish the right to strike by systematically imposing special legislation before that right is even exercised, even if only one, two or three days before? No. The government is interfering in the middle of the process and throwing a fair system off balance.

Is this the regime that we are going to implement across the country in other public services that are just as essential as those provided by the government? I would like to draw your attention to the fact that the two consecutive measures implemented by the government, with regard to Canada Post and the current situation, raise the issue in public opinion of the public sector right to strike in all jurisdictions, and the Canadian government will have to make a decision.

The Leader of the Opposition pointed out that, in the past, strikes took place in the public sector. They were inconvenient to the public but, in the medium term, the entire population benefitted because the working conditions of public sector employees improved considerably, as did the services offered to the public.

• (1540)

Honourable senators, as we move to pass this bill, I think it is very important for all of us to remember that the most important thing is to improve working conditions for Air Canada employees. I hope that everyone will keep that in mind.

In closing, honourable senators, I would note that this has become extremely complicated. The conciliation commissioner and the arbitrator will each table a report. How will both reports be taken into account at the same time?

Moreover, as the unions have pointed out, when the other side talks about the future and about its concern for Air Canada, and rightly so, what will things be like for Air Canada in the medium term if its employees are frustrated by their working conditions and the two parties, the workers and Air Canada, end up in court over this issue?

The union side told us that it would challenge the constitutionality of the bill. What will the future hold for labour relations at Air Canada? It seems to me that this is an issue the government has to take responsibility for and take into account in its actions and its attitude.

That is why, honourable senators, whatever the concerns, and even though public services must be maintained, this is basically about values. It is extremely important to figure out what kind of society we live in. With respect to labour relations, in the past, we succeeded in enshrining protection for fundamental rights in our Constitution, including the right to associate and the right to free negotiation of working conditions. That must always take precedence.

Hon. Pierrette Ringuette: Honourable senators, Senator Finley said earlier that he was a child of the 1960s, and when Senator Rivest rose to speak, I thought to myself: another child of the 1960s. I think that we need someone a little younger to talk about this subject.

I must say that I was deeply disappointed that I could not participate in yesterday's debate here. Basically, I agree with what Senators Cowan and Rivest said. Introducing back-to-work legislation once, under exceptional circumstances, is something that parliamentarians can accept. But in a very short time, Canada's parliamentarians, both here and in the other place, have had to consider several pieces of back-to-work legislation that have been extremely biased with respect to the balance of power in negotiations. That is certainly the case with this bill, because the minister clearly states, in clauses 14(2)(*a*) and (*b*), that the arbitrator must side with the employer.

Speaking of Air Canada, in paragraph (*a*), I quote:

> . . . the short- and long-term economic viability and competitiveness of the employer

and in (*b*):

> . . . the sustainability of the employer's pension plan, taking into account any short-term funding pressures on the employer.

Honourable senators, as you will recall, in 2003, when Air Canada nearly went bankrupt, the employees in all sections of Air Canada agreed to considerable reductions in order to protect the company. Today, nine years later, we have before us a bill to stop bargaining, which is a right that is guaranteed in the Canadian Charter of Rights and Freedoms. We are also dealing with a company whose senior managers pay themselves several million dollars a year in bonuses. There must be a happy medium.

I would also like to tell honourable senators about an article published last week that quoted the president of the airlines association during a press conference here in Ottawa. He said that the biggest expenses for Canada's airlines are: number one, fuel taxes, and number two, airport taxes. Those are the two biggest expenses for airlines in Canada. It is not employees' salaries.

In closing, honourable senators, I would like to say that I find this bill completely unacceptable at this time, in Air Canada's current circumstances.

[*English*]

Hon. Terry M. Mercer: Honourable senators, as I rise to speak on this bill, I apologize for not being here earlier. I was meeting with a delegation from Vietnam.

I made mention yesterday in one of my remarks of a message that I received from the pilot's association when I flew up here Monday. It was in the back of everyone's seat on the plane from Halifax. It is headed "Air Canada pilots' commitment to our passengers." Let me read a bit of this for you, if I could, honourable senators. These are their words.

> Air Canada Pilots Commitment To Our Passengers.
>
> You may have heard about a recent struggle to reach a new contract with Air Canada. While this may not affect you directly, we want to assure you that we have no issues with our customers. Our sole focus is to get you safely to your destination.
>
> To that end, we are giving you our commitment as professionals that, regardless what happens in our negotiations with Air Canada, we will do our best to avoid disrupting your travel plans.
>
> We have pledged to remain at the bargaining table for as long as it takes to negotiate a new agreement with our employer. We do not want a strike. We want a new agreement.
>
> We've waited over ten years for the opportunity to exercise our right to freely negotiate a contract with Air Canada. If it takes a few more weeks, so be it.

Again, these are their words, not mine. They continue:

> In the long run, we'll all be better off. Pilots will know that their issues have been heard and addressed by their airline. And Air Canada will know that its pilots are working with their airline to ensure the long-term viability of our business. And Air Canada passengers will know that their pilot is focused solely on their safety. That is the win-win-win we are working toward at the bargaining table.
>
> Meanwhile, please enjoy your flight. . . .

That is the commitment from the Air Canada Pilots Association.

I will not make mention of the machinists. I thought that the comments made by the machinists in response to questions from Senators Di Nino and Segal yesterday summed it all up. If you were not here for it, it is worth a read. They were probably some of the best responses to committee members I have heard since I have been in this place.

The Air Canada pilots went on, in the back of the brochure, to outline some of the issues. I want to outline them one more time before we get to the voting stage. I want you to remember this:

- Air Canada pilots' pay rates are lower than they were in the year 2000.
- Air Canada pilots have not been able to freely negotiate a contract with their employer for more than a decade.
- When Air Canada was on the brink of bankruptcy in 2004, Air Canada pilots took pay cuts of up to 30 per cent — which is far more than the airline's managers and executives —

— the friends of these people across the way.

• (1550)

It continues:

- When Air Canada was in financial trouble again in 2009, Air Canada pilots agreed to freeze their pay for two years.
- In 2009, Air Canada pilots also granted the company hundreds of millions of dollars of relief from its pension funding obligations.

Another sacrifice by the pilots.

They say:

- In 2010, Air Canada increased compensation to its top five executives by 30 per cent.

That is outlandish in the face of the sacrifices that the pilots, the machinists and all the other unions have made to keep this airline afloat. These people have a lot of gall to do that. They should have been ashamed to come here yesterday and try to defend their actions after all the unionized employees in that airline have made sacrifices well beyond those most other unions in this country have made to help their companies. These people have gone that extra mile, and this is the thanks they get from the people at Air Canada.

Their proposals are fair and reasonable. They say they want a negotiated agreement, not a strike. They want recognition in their contract of the value that they created by flying us safely to our destinations, and they want the airline to begin repaying them for the sacrifices they have made over the years. They want to start addressing the issue of those pilots hit hardest by the cuts and concessions in the past decade, like the young pilots who are stuck in low-paying categories.

Honourable senators, these are honourable people. They have done the honourable thing. They have done something not only for the airline but for the country. Air Canada is the major airline in this country; it is the airline that most of us fly; it is the airline that serves most communities in this country. These pilots, machinists, flight attendants, gates attendants and ticket agents have made sacrifices to keep the airline flying. Now the airline is transferring a large amount of money to the new holding company, ACE. Now that there might be some money to spread around, would you not want to spread it around to the people who helped get you here? The people who helped get the airline to where it is today are the pilots and machinists and all the other workers of Air Canada. They deserve recognition. This bill should be defeated now.

Some Hon. Senators: Hear, hear!

Hon. Wilfred P. Moore: I listened closely to the remarks of Senator Cowan and Senator Finley. I, too, have been a member of a union. I have also negotiated on the management side. I do not think I have ever been in a situation where, once the agreement was struck, the membership decided against it. Like Senator Finley, I am quite disappointed in what happened there.

We have heard about the sacrifices and the contributions made by the staff at all levels to keep the company flying. I agree with Senator Finley that this should not be a partisan matter. He says it is about the economy of Canada. That is partly true, but March break was not invented this week. March break has been planned for well in advance. I do not remember Air Canada advertising anywhere that there was a possibility of a strike during the March break. They did not do that.

The minister said that the cost to the Canadian economy would be $22.4 million per week. We heard from management and the union that the cost to the airline would be $30 million per day. It does not seem to me at all reasonable that management would create a situation in which the airline would not fly and they would lose $30 million a day. That does not make sense.

All the rhetoric about March break and the economy does not hold up. We heard that the airline grosses $11 billion a year. The total cost of the pilots' payroll is $400 million, roughly 4 per cent of the total revenues of the company.

The minister referred this matter to the Canada Industrial Relations Board, and once that happens no one can strike, so there is no need for legislation like this. There is no need for locking out to try to prevent people from going on strike. There was not going to be a work stoppage. This is just rhetoric. By her own actions, the minister has precluded all those things.

On the strength of that, I do not know why we have this legislation, which, by the way, flies in the face of free bargaining, negotiating and everything I have ever been involved in with regard to unions and management. This is nonsensical, unfair and unnecessary.

Honourable senators, I will not be supporting this legislation. I think it is redundant. The minister should follow her own lead. The Canada Industrial Relations Board can handle this. Let the parties get back to the table and negotiate a settlement as they are supposed to be doing. That is the Canadian tradition.

Hon. Joseph A. Day: Honourable senators, I will not speak long on this, but I wanted to go on the record with respect to two matters. I sat through the debate yesterday and today and two things concern me.

One is the point that was just made by my honourable colleague Senator Moore, and that is that this matter has been referred to the Canada Industrial Relations Board by the minister, and therefore there is no possibility of an imminent strike. Therefore, the legislation is unnecessary. In fact, if you equate this to an application for an interlocutory injunction, the injunction would be refused because it is not the time to bring an application for injunction; nor is it the time to bring this legislation.

Second, I found it very disappointing yesterday, when we were in Committee of the Whole, that we were advised by the chair that, notwithstanding that there were many senators who wished to participate in questioning and dialogue with the minister, the minister's time was limited and we had to stop asking questions. I found that to be an affront to the Senate. I felt that if the minister wanted this legislation so badly, she should have made herself available so that we could have had a full discussion.

I will not be supporting the legislation.

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

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Carignan, seconded by the Honourable Senator Eaton, that Bill C-33 be read the third time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion to adopt the bill at third reading will please say "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Is there advice from the whips?

Senator Munson: We will have a 30-minute bell.

The Hon. the Speaker: Honourable senators, the bells will ring for 30 minutes and the vote will take place at 4:25.

• (1620)

Honourable senators, the question is on the motion by the Honourable Senator Carignan, seconded by the Honourable Senator Eaton, for third reading of Bill C-33, An Act to provide for the continuation and resumption of air service operations.

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

YEAS
THE HONOURABLE SENATORS

Andreychuk	Maltais
Ataullahjan	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meredith
Brown	Mockler
Buth	Neufeld
Carignan	Nolin
Comeau	Ogilvie
Dagenais	Oliver
Demers	Patterson
Di Nino	Plett
Doyle	Raine
Duffy	Runciman
Eaton	Seidman
Finley	Seth
Fortin-Duplessis	Smith (*Saurel*)
Gerstein	Stratton
Greene	Tkachuk
Johnson	Unger
Lang	Verner
LeBreton	Wallace
MacDonald	White—46

NAYS
THE HONOURABLE SENATORS

Baker	Hubley
Callbeck	Mercer
Campbell	Mitchell
Chaput	Moore
Cowan	Munson
Day	Peterson
De Bané	Poy
Downe	Ringuette
Eggleton	Rivest
Fairbairn	Smith (*Cobourg*)
Fraser	Watt
Hervieux-Payette	Zimmer—24

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1630)

FIRST NATIONS ELECTIONS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Dennis Glen Patterson moved third reading of Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

He said: Honourable senators, I am pleased to lead off our consideration at third reading of Bill S-6, the First Nations Election Act. This bill represents the results of successful collaboration between the Crown and First Nations organizations. It has also received extensive and thorough review at committee. The Crown-First Nations gathering that took place in January 2012 was a special opportunity for leaders throughout Canada to have frank discussions about how all Canadians can work together to improve the quality of life of First Nations men, women and children. In particular, the Crown-First Nations gathering enabled our country's leaders to start talking about specific steps we Canadians can take to remove the roadblocks to progress put in our path by the Indian Act.

[*Translation*]

Indeed, the Prime Minister addressed this point specifically. In his opening remarks at the meeting, he said that instead of eliminating the Indian Act and leaving a big void, there are creative ways to change things by working together and holding consultations between our government, First Nations communities, the provinces and the territories. There are creative ways we could collaborate in order to find alternatives that will lead to practical, progressive and real change.

[*English*]

I agree with the Prime Minister's approach, and I am not the only one who does. During the Standing Senate Committee on Aboriginal Peoples' consideration of Bill S-6, Jody Wilson-Raybould, the British Columbia Regional Chief of the

Assembly of First Nations, made very much the same point as the Prime Minister. Chief Wilson-Raybould said that, during a recent meeting of British Columbia First Nations chiefs, Chief Geronimo Squinas of Red Bluff First Nation likened the Indian Act to an inflated balloon. Chief Squinas argued that if you take a pin and pop the balloon, it explodes, and you are left with nothing but the question of what takes its place.

[*Translation*]

Inspired by Chief Squinas' balloon metaphor, Chief Wilson-Raybould told the committee members that the best approach for everyone would be to let each First Nations community slowly let the air out of the Indian Act balloon, rather than popping it with a pin. Each community could let the air out at the speed that best reflects the needs, priorities and objectives of that community.

[*English*]

Honourable senators, the bill before us today enables us to achieve exactly what the Prime Minister and Chief Wilson-Raybould talked about. Echoing the Prime Minister's words, Bill S-6 is a creative and collaborative way to shed a part of the Indian Act and to achieve practical, incremental, real change. Echoing the words of Chief Wilson-Raybould, Bill S-6 makes it possible for each First Nation community to address its electoral needs, priorities and directions on its own terms. The result will be improved governance, chosen by First Nations themselves through opt-in legislation.

How does the First Nations elections act achieve these goals? How does it enable First Nation communities to bring about, on their own terms, effective changes in the way they elect their governments? The answer to that question lies in several provisions of Bill S-6.

[*Translation*]

First, the term of office of band council members will be four years rather than the two years provided for in the Indian Act. At first this increase in a council member's term of office may seem inconsequential. However, it is a very important change. By doubling a councillor's term of office, the First Nations government will be in a better position to make long-term plans, adopt measures to address important priorities and ensure that the improvement of a community's quality of life is not interrupted or delayed by frequent elections.

• (1640)

[*English*]

Second, Bill S-6 will make it possible for several individual First Nation governments to line up their terms of office and hold their elections on the same day if they so choose. Aligning election days holds real practical value for First Nations communities. It means that governments of communities that share the same region, province or territory can work in greater collaboration with one another, have the same leaders at the table for four years and conduct more efficient negotiations with other levels of government. As someone who led a territorial government for some years, I know first-hand how this change will bring about more productive relations among First Nation governments and between all governments.

[*Translation*]

Third, the First Nations Elections Act clearly defines election offences and introduces penalties that are in line with those established by the Canada Elections Act.

Corrupt practices such as vote buying occur during First Nations elections, but there is no regulatory deterrent to counter this phenomenon because the existing legislation, the Indian Act, does not set out penalties. Bill S-6, which clearly describes these activities and sets out penalties for offences, will deter criminal practices and will allow the courts to punish offenders.

[*English*]

Fourth, honourable senators, the First Nations Elections Act brings much needed rigour to the nomination of candidates. It does so by prohibiting the same person from being nominated both as chief and councillor in the same election, by limiting the number of candidates any one person can nominate and by requiring that nominees accept their nominations before they actually become candidates.

[*Translation*]

I should point out, honourable senators, that the provisions in Bill S-6 are the direct result of various recommendations made by the Atlantic Policy Congress of First Nations Chiefs and the Manitoba Assembly of Chiefs.

These two groups played an important role in the drafting of the First Nations Elections Act.

[*English*]

I believe the First Nations Elections Act is a solid bill that was developed collaboratively. I also made this claim because of what I heard over the past few weeks at our committee. All witnesses who testified before the Standing Senate Committee on Aboriginal Peoples told us that Bill S-6 represents a significant improvement over the Indian Act. Moreover, the Atlantic Policy Congress of First Nations Chiefs told us that they fully support this bill, urging us to move it forward so that many of the First Nations under their umbrella can reap the benefits as soon as possible.

[*Translation*]

It is also true, honourable senators, that certain witnesses shared their concerns over Bill S-6 with the committee. We were aware of those concerns and discussed them extensively. Even though those concerns did not result in any changes to the bill, we have attached comments to our report to the Senate. The concerns we heard had to do with three components of the bill, which I will gladly sum up for you.

[*English*]

The first component has to do with the opting-in provisions. The Atlantic Policy Congress told us that, in developing the recommendations to the minister, they carefully considered

the appropriate mechanism for a First Nation to signal to the minister their desire to hold their elections under Bill S-6. They told us that they chose to recommend a band council resolution because they see this as the most expeditious way for the First Nations to begin reaping the benefits of Bill S-6. Some witnesses thought that this could be problematic, especially if the First Nation already had its own community election code with an amending formula that required community consultation or even a community vote.

We need to understand that a band council resolution is only the transmission of a First Nation's decision to the minister. First Nations, regardless of whether they hold elections under the Indian Act or under their own community custom, have community-based processes and procedures for consultation that leadership engages whenever an important decision needs to be made on matters that affect the community. First Nations value these processes and so do we. It is not for the minister, nor his department, to dictate, question or evaluate them.

The second component of Bill S-6 to which some witnesses raised concerns is the provision that allows the minister to order that a First Nations hold its elections under the bill when, and I am citing the bill:

> . . . a protracted leadership dispute has significantly compromised governance of that First Nation; . . .

Let us be clear once again, honourable senators, this is a power that the minister already has under the Indian Act, under the situations where the minister deems advisable. This bill is not creating any new powers for the minister. The minister's officials told us that this Indian Act power has only been exercised three times in the last 10 years. We learned that in each case the power was exercised after all reasonable efforts to reach a community-based resolution had been exhausted, including offers of mediation. In one case, the leadership dispute had been ongoing for 15 years.

If this clause was not in the bill and a similar governance breakdown was to arise, the minister would still be able to order the holding of an election under the Indian Act. However, I think we can all agree that when there is a governance breakdown in a community it should have access to the best available legislative framework for elections, which is not the Indian Act, but Bill S-6.

In the committee's observation that I alluded to earlier, we were clear in our belief that the minister should only use this power in the rarest of cases when every other form of dispute resolution or democratic reform at the First Nation level has been attempted and failed. The minister himself stated in the committee that he agreed.

[*Translation*]

Finally, we heard that the bill's elections contestation provisions, which require that a complaint exist before the case is presented to the court, was an obstacle that would prevent members of the First Nation from having access to a legitimate form of appeal.

It was suggested a number of times that a First Nations election appeal board be created. For Bill S-6, the creation of an appeal board is simply not the right approach.

• (1650)

I want to remind Honourable senators that this is an optional bill that includes provisions on offences and sentences. They will allow the Crown to lay charges for reprehensible acts and the courts to set sentences, as they would during provincial or federal elections.

[*English*]

It is true that provincial and federal elections benefit from an independent agency to support them. There are existing bodies that could play a role in supporting First Nations elections under Bill S-6 that could be examined during implementation and that do not need to be encapsulated in the bill.

[*Translation*]

I also want to point out that, despite the existence of the position of chief electoral officer both provincially and federally, these people and the organizations they direct do not have the authority to cancel elections. Those decisions are made by the courts. The bill allows the courts to make this same type of decision for First Nations elections.

[*English*]

Despite these concerns, honourable senators, this bill has First Nations' support because First Nations communities reserve the right to choose whether the new law will govern elections in their communities. They support it because they know the bill will improve the way First Nations communities, particularly under the Indian Act, conduct their elections, and that it will therefore strengthen the governments that these communities elected.

[*Translation*]

Honourable senators, even if Canadians do not think about it every day, we are all aware of the advantages of electing a government through fair, responsible and effective electoral practices. We all know that modern and effective governments, on whom power is conferred because of the trust and authority of the public they represent, will improve people's quality of life, meet shared needs and help people reach their objectives and achieve their dreams.

[*English*]

For First Nations communities, governments elected under the provisions of Bill S-6 will also be in much better positions to collaborate with other governments, plan cooperatively and pursue new ventures. They will be in much better positions to attract new investors and growing businesses, which will translate into new jobs, higher incomes and better standards of living for First Nation men, women and families.

In these meaningful ways, Bill S-6 shows what we can achieve when we work together in the spirit of cooperation and collaboration that was evident at the Crown-First Nations

Gathering. This bill shows us what we can do when we start talking about the specific measures we can take to remove the roadblocks to progress put in our path by the Indian Act, when we develop creative and collaborative ways that provide us with options for practical, incremental and real change, and when we work together to create new laws that enable First Nations communities to address needs and priorities in their own way.

In conclusion, I urge all honourable senators to show that same spirit of cooperation and collaboration, and adopt Bill S-6.

Hon. Jim Munson: Would the honourable senator take a question?

Senator Patterson: Yes.

Senator Munson: I would like to ask a point of clarification. I know that the Atlantic Aboriginals like clause 3(1)(*b*) it, but why would the government not agree to remove it when at least four delegations of witnesses said they did not like it? The worry is that it gives the minister too much authority.

Senator Patterson: I thank the honourable senator for the question.

The committee did hear the concerns about clause 3(1)(*b*) of the bill. The concern is that it once again suggests a paternal, colonialist approach where the minister will intervene in the affairs of a First Nations community. However, there were two reasons for the recommendation that this provision be retained.

First, there is a serious qualification on that power; it cannot be done at a whim. There has to be a protracted leadership dispute. I think that those words do have meaning. The present minister said he would use it only in rare circumstances, but I think it would prevent any minister from acting capriciously. "Protracted" means "for a long time" in a leadership dispute. Fortunately, we have heard that those happen rarely.

The other more important reason for keeping this provision is that the Minister of Indian Affairs already has the power to intervene in the affairs of a First Nation in the case of a dispute of this kind without reasons such as a protracted leadership dispute. He can intervene at his discretion.

One might say that if he has the power already, why not leave this out of the bill? The problem is that the minister's power to order a new election under section 74 of the Indian Act takes us back to the Indian Act election. With the Indian Act election, there are no penalties for corruption; there are no penalties under the Indian Act election, which everyone agrees is flawed. You can run for council without even your consent. A person can run for both chief and councillor. It is full of flaws and it is a bad process.

In the rare case of a protracted election dispute, clause 3(1)(*b*) would give the minister the power to order an election to proceed under Bill S-6, which everybody agrees is progressive.

I did not mention four-year terms. The Indian Act stipulates two-year terms.

The bill brings everyone into a modern election process where there are penalties for corruption and other improper practices. On the face of it, it looks like the perpetuation of the paternal approach, but it will bring struggling First Nations into a much more modern electoral system that every witness who presented to us said is a superior election provision than the Indian Act provisions.

Senator Munson: I thank the honourable senator for what he has said. I know that we have a couple of other witnesses who are not here now who wish to speak to this bill.

(On motion of Senator Munson, for Senator Sibbeston, debate adjourned.)

• (1700)

THE ESTIMATES, 2011-12

SUPPLEMENTARY ESTIMATES (C)—SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Finance (*Supplementary Estimates (C) 2011-2012*), presented in the Senate earlier this day.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, I think it is important that we have an opportunity to debate this report, however briefly. It is not an extensive report. This is the exciting time in the afternoon when we have an opportunity to get into matters of finance.

I have asked the pages to ensure that there is a copy of the report on each of your desks, because I appreciate that we just filed it earlier today.

First, let me thank those who participated in the work on this particular matter.

Honourable senators, you referred to us Supplementary Estimates (C) a few weeks ago, and we have done what you asked us to do. You asked us to review and study the supplementary estimates and to report back. We have done so, and this is the report that we are now bringing to your attention.

I would like to thank the members of the National Finance Committee, several of whom are new to the committee, for meeting outside of our normal time to try to meet the short time frame that we had to deal with Supplementary Estimates (C). I particularly want to thank Senator Gerstein for having been the deputy chair of the committee and to welcome Senator Neufeld as the new deputy chair of the committee. I look forward to working with him.

Some Hon. Senators: Hear, hear!

Senator Day: So that you are aware of our team, honourable senators, Senator Runciman is the other member of the steering committee on the National Finance Committee, and I welcome him to that position.

Honourable senators, what is Supplementary Estimates (C)? Supplementary Estimates (C) is the third supplementary group of estimates that the government has presented, saying they would like parliamentary approval by way of an appropriation of these funds.

Why are they not right after the budget? The reason for that is that it takes government a long time to develop its Main Estimates. We will be dealing with Main Estimates on Tuesday, when we are first back. However, the Main Estimates will not reflect the budget that is coming out the same week as we are dealing with the Main Estimates. Therefore, the government needs to have initiatives to reflect those other aspects in the budget and other matters that have not been developed yet or that took some time to develop during the fiscal year. They are in supplementary estimates or, if it requires legislation, from the budget; that would be in budget implementation legislation. Our committee would deal with both of those.

We are dealing here with Supplementary Estimates (C), which is the third one of these during the year, and this one closes out this fiscal year. This fiscal year is over at the end of this month. This supplementary estimate closes out the request for funds for this particular year. The government is asking Parliament to approve voted expenditure. These are the ones that you will be asked to look at in a bill on Tuesday; in fact, it was filed here yesterday from the other place. You will be asked to approve, in appropriations, $1.2 billion as the final amount of money the government is looking for to close out this particular year.

Honourable senators, the Main Estimates and Supplementary Estimates (A), (B) and (C) amount to approximately $259 billion that the government expended last year.

These are estimates. We had an interesting discussion in our committee on the issue of what are the actuals. The actuals are reflected in the public accounts, which come out in the fall. Adjustments are made and there are a number of steps that departments have to take before they get to their final amount that they expended during the year. Treasury Board then brings that all together and it comes out in public accounts. You can be assured that the number will be fairly close to $259 billion.

What I would like to point out to you, honourable senators, is the trend, because $259 billion is less than last year. That is good. We are all working toward trying to bring down expenses. However, the 2008-09 total estimated government expenditures were $231 billion. We are a long way from where we were three years ago, and that is what we should keep in mind. For 2009-10, expenditures were $254 billion; in 2010-11, last year, expenditures were $276 billion; and now we are back down to $269 billion. We are starting to move back, but there is a long way to go yet before we have that runaway spending under control, honourable senators. That was one of the points I wanted to make you aware of.

In the time that we had available to us to review the supplementary estimates, we had witnesses from five different government departments. I would like to thank the witnesses for making themselves available on short notice, and I would like to thank our clerk for bringing together the various meetings. Jodi Turner is the clerk for the National Finance Committee.

It is not an easy task for us to review these estimates on short notice. Honourable senators will know that the other place does not provide the same kind of extensive work that we do in relation to these supplementary estimates, and we are proud of the fact that we do this work.

The interesting point is that we were delayed by a week. In the 10 years I have worked on this, I have never seen Treasury Board not react quickly to our request to come and see us. I know His Honour would be aware of that from his time on the committee. Treasury Board has always been cooperative.

We finally found that out the reason is that the House of Commons Finance Committee is going through a review of their actions and their work, and they had Treasury Board there telling them what the Senate is doing. I think that is an excellent bit of news, because the other place is concerned that they are not doing the job that they should be doing with respect to estimates.

Honourable senators, we are setting the pace here. The fact that we got started a week late, under those circumstances, is not so bad after all. I quickly forgave Treasury Board when they told us what they had been up to.

We met with representatives of Treasury Board, National Defence, the Canadian International Development Agency, Human Resources and Skills Development Canada, and Service Canada.

Honourable senators, in reviewing their requests, I will not go through all the different voting requests that had been made. These are the ones you will be required to vote on. I do not intend to analyze each of those. They are in this volume and you can find each of those departments in there.

However, what I wanted to do in the short time that I have available to talk about this report is, first, to tell you why we should be doing this. The supply bill, Bill C-34, arrived last evening, and that has attached to it two schedules. Those schedules are in the supplementary estimates.

• (1710)

We have already, in effect, before we received this bill, studied the schedules. That makes it possible for us not to have that particular bill referred to a committee for study. That saves us a lot of time, but they have to be finished the end of the week we are back. That is why we have a bit of a different procedure with respect to supplementary estimates and supply bills or appropriations.

The highlights of the points I wanted to bring to your attention are, first, the number of dollars being written off with respect to Canada student loans. Under the Canada Student Financial Assistance Act, if a loan is dormant for a period of six years or more, then the government cannot go back to that student and ask the student to pay that loan; the amount is written off. An amount of $162 million is being written off in Supplementary Estimates (C).

In Supplementary Estimates (B) we wrote off $149.5 million. That is over $310 million in student loans that are being written off this year. We said that we have to look into this. What are the

procedures they are following? Why are we writing off this many loans? What is going on? The officials seemed content that only 11 to 12 per cent of student loans are in default, but it sounded like a lot of money to us. They said that 28 to 30 per cent student loans were in default less than 10 years ago. If you look at six years and you think that some students might have been paying on those loans for a short period of time, then they might be the ones that are being written off now. We have asked to investigate and get more information in relation to these particular student loans.

Honourable senators may be interested in knowing that there are outstanding student loans on the books totalling $14 billion. Ten per cent of that adds up real fast.

The Employment Insurance operating account is another interesting account that we were not aware of in the past. This is an administrative cost for the department to run the Employment Insurance program. Rather than just taking the money out of this pot of money for Employment Insurance, there is an appropriation to go to the department running the program, and that is Human Resources and Skills Development Canada. The amount of $56.3 million is appropriated by a vote to go to that department so they can cover some of their administrative fees. We thought that was an interesting way to account. It is more open than just dipping into the total account, in any event.

Public Works is another department we talked to. They have an interesting formula. They take 13 per cent of salaries and say that is what they need for office accommodation. If salaries go up and employment goes up, then the 13 per goes up and they have extra money that they did not put into renting other accommodation, whether it is needed or not.

That is what some honourable senators were asking. With all this extra office space around, why are they acquiring more office space and putting more money into office space? That was their answer; they get 13 per cent. Salaries have gone up, obviously, and employment has gone up, so they have more money.

The Department of National Defence has requested $152 million for a training program in Afghanistan. DND estimates that the mission will cost half a billion — $499 million — over four years. There were a number of other requests for expenditures from DND, but that was one that we will be watching. We thought it was quite a large figure, one we should keep an eye on.

The Canadian International Development Agency, CIDA, told us about a crisis pool. This is over $200 million that we have voted, and it is a pot of money that they can dip into if they deem there is a crisis.

Might I have a few more minutes?

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

Hon. Senators: Agreed.

Senator Day: It is these types of pools of money that they can dip into, without coming back to Parliament after the fact, that cause us some concern. We have noted that particular one and will be watching that closely.

The purpose is that they want to be able to react quickly to a crisis when it happens. We understand that, but most of these have been managed by emergency funding through Treasury Board, and they have very strict rules. However, this one is different and we will be watching it.

I would like honourable senators to be aware that a lot of money transferred by departments is being converted from contributions to grants. A contribution is money that the government gives to an individual or a group. It sets rules, and accountability and oversight are involved. However, the government is getting out of contributions and getting into grants, where there is much less oversight. They said they are giving these to organizations that they are confident have strict rules about managing things, so they do not need to watch as closely.

Whether or not this is a good thing is a question that only time will tell, but what is important is for us to be aware of that, and in the civil service that is an actual policy that is taking place. We have seen it now on two of the last estimates. I think we will want to follow that one as much as we can during the next session.

Honourable senators, this is the report that you asked us to study. We have done so. We looked at the supplementary estimates. When we deal with this bill at second reading on the Tuesday that we are back in session, we will have already reported on what we found in the two schedules attached to it. That should make the work with respect to this bill go fairly quickly.

Hon. Richard Neufeld: Honourable senators, I rise today to speak in the chamber to the report of the Standing Senate Committee on National Finance on Supplementary Estimates (C) for the 2011-12 fiscal year.

Senator Day has carefully outlined many things. I will be a lot shorter and more to the point.

These estimates are the final estimates that this committee received. Together with Supplementary Estimates (A) and (B), our total estimates to date amount to $259 billion.

Under the good leadership of our chair, Senator Day, and the collaborative effort of all senators, the committee worked together efficiently in order to produce this report. In a short period of time, the committee heard testimony from five government departments to review these supplementary estimates. These departments included the Treasury Board of Canada Secretariat, the Canadian International Development Agency, Human Resources and Skills Development Canada, Public Works and Government Services and the Department of National Defence.

During the committee's examination of these estimates, senators explored the federal government's rationale for voted appropriation authorization requests and the reasons for changes to statutory appropriation levels for federal departments. The Supplementary Estimates (C) proposed to reduce federal budget authorities by $0.4 billion, including an increase in voted appropriations by $1.2 billion and a decrease in statutory appropriations by $1.6 billion.

• (1720)

During this time of fiscal restraint, the committee was pleased to learn — and Senator Day spoke about this — that the rate of default on Canada Student Loans has decreased as a result of government efforts. In 2003-04, the rate of default on student loans was up to 30 per cent. Today that number has dropped down to 12 per cent.

Furthermore, the committee learned that CIDA and other federal departments have renewed access to a crisis pool of $200 million, allowing for faster response to global emergencies. Also, $70.4 million has been set aside for Canada's response to the humanitarian crisis in Eastern Africa resulting from the prolonged drought in the region, and $5 million for additional grants in support of the education sector.

Again, as Deputy Chair of the Standing Senate Committee on National Finance, I thank all committee members for their hard work in a short period of time, and I am proud of the collaborative work of all my colleagues who sit on this committee. Thank you, honourable senators.

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

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore***:**

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

(Motion agreed to and report adopted.)

CRIMINAL CODE

BILL TO AMEND——DEBATE ADJOURNED

Hon. Bob Runciman moved second reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

He said: Honourable senators, I rise today to speak on Bill C-290, An Act to amend the Criminal Code. My remarks will be brief to match the length of bill.

Bill C-290 has just two clauses. The first clause repeals paragraph 207(4)(*b*) of the Criminal Code and the second clause says the bill comes into force on a day to be fixed by order of the Governor-in-Council.

Section 207 of the code authorizes the provinces to operate and regulate lottery schemes and, in the course of that authorization, it prohibits certain activities. Paragraph 207(4)(*b*), the subject of this bill, prohibits betting on single sporting events. This bill repeals that prohibition, while ensuring that such betting will be regulated by the provinces.

Senator Mercer: There will be good odds of this passing.

Senator Runciman: This bill was put forward in the other place by Mr. Comartin and was supported by all parties. In fact, members of all parties spoke in favour of this legislation. The provinces, particularly Ontario and British Columbia, have asked for this change.

I support this bill, not because I am a fan of gambling — just ask my wife; I am not — but because it is obvious that anyone who wants to bet on a football or hockey game is already doing it. Rather than benefiting a provincial government, they are benefiting, among others, organized crime.

It is ironic that the prohibition on single-event sports betting has been retained to prevent organized crime from bribing athletes to throw a game based on the theory that it would be easier to influence the results of a single game than to fix multiple games.

I ask honourable senators to think about that for a moment. If the betting is illegal and underground, is it not more difficult to trace unusual betting activity and discover if the fix was in? This prohibition does not accomplish its intended goal. In fact, it essentially concedes the field to offshore betting organizations, including organized crime groups.

In Canada, betting on two or more sports events — known as a parlay — is perfectly legal and every province offers it through provincial gaming corporations. Canadians bet nearly half a billion dollars a year in these legal bets, but the odds of winning a parlay are vastly lower than betting on a single game, which is why many sports fans seek other ways to place their bets.

This is why the take for organized crime from illegal gambling dwarfs the legal sports betting industry. The 1999 U.S. National Gambling Impact Study Commission's final report estimated that illegal sports betting in the U.S. was up to 100 times that of legal betting, anywhere from $80 billion to a staggering $380 billion. There are no authoritative estimates of the illegal sports gambling markets in Canada, but there is no reason to suspect it varies markedly from the U.S. experience.

During my time in the Ontario government, I announced funding for the Ontario Provincial Police to take a leadership role in a province-wide fight against illegal gambling. The Ontario Illegal Gambling Enforcement Unit was formed in 1997. That unit investigated more than 1,300 occurrences in its first five years of operation, charged more than 2,000 people and seized millions of dollars in cash and other items. As Detective Inspector L.D. Moodie of that unit wrote in a 2002 report, and I am quoting from that:

> Illegal gambling, while appearing to be a minor part of a Traditional Organized Crime (TOC) network, is actually a foundation upon which most other illicit activities are supported.

Illegal gambling is a major source of revenue for organized crime, and that capital is then laundered through legitimate enterprises. In that same report, Detective Inspector Moodie noted that at least eight murders in Toronto over the previous three years were directly related to the illegal gambling activities of organized crime.

Legal, provincially regulated and operated single-event sports betting offers an opportunity to reduce the revenue stream to these criminal enterprises. It also offers some economic benefits, particularly to border communities that host casinos. The Canadian Gaming Association in a 2011 report entitled *Single-Event Sports Wagering in Canada* had consultants do a case study based on border commercial casinos in Ontario, specifically in Windsor and Niagara Falls. They concluded single-event sports betting would bring in incremental revenue of $40 million to $50 million annually and 250 potential jobs between the two cities.

I would like to address briefly another aspect of this, one that concerns me and I am sure is also on the minds of other honourable senators, and that is problem gambling. We do not dismiss this concern. Research shows clearly that around 1 per cent of people have a gambling problem. There is also a legitimate concern that increased availability can lead to more gambling problems. If one can drive 10 minutes to the slots, one may have a greater chance of developing a problem than if one has to travel 5 hours. We know that people have no trouble accessing single-event sports betting now. It is as close as their computer with offshore and illegal websites proliferating on the Internet.

By international standards, Canada does a very good job of promoting responsible gambling, training employees to detect problems and devoting resources to research and treatment. Ontario alone invests about $50 million a year on education, research and treatment through the Ministry of Health and the Ontario Lottery and Gaming Corporation.

It is also important to remember that this bill does no more than offer the provinces an option. I think some provinces will exercise that option, adding to their own revenue stream and offering other economic benefits to some communities.

• (1730)

At the same time, bringing single-event sports betting under provincial jurisdiction has the potential to deprive organized crime of an important source of funds.

I urge all honourable senators to support this bill on second reading.

Hon. Percy E. Downe: Would the honourable senator take a question?

Senator Runciman: Yes.

Senator Downe: Honourable senators, my honourable friend indicated, if I heard him correctly, that provinces could opt in or out of the program. If the bill passes, would it allow interprovincial betting?

In other words, if someone in Halifax can place a bet on an event that is occurring, even though Nova Scotia has not accepted the legislation, would that revenue go to Ontario or another province that has accepted the legislation?

[Senator Runciman]

Senator Runciman: That is not my understanding. My understanding is if they want to bet on a single event, like on a Toronto Maple Leafs versus Montreal Canadiens hockey game, they can place that wager in a casino in the province in which they reside, and the revenues would go to that province's operation.

(On motion of Senator Fraser, debate adjourned.)

[*Translation*]

STUDY ON AIR CANADA'S OBLIGATIONS UNDER THE OFFICIAL LANGUAGES ACT

THIRD REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Official Languages entitled: *Air Canada's Obligations under the* Official Languages Act*: Towards Substantive Equality*, tabled in the Senate on March 13, 2012.

Hon. Maria Chaput: Honourable senators, I move:

> That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the President of the Treasury Board being identified as the minister responsible for responding to the report.

She said: Honourable senators, Air Canada, with its related entities, is the only Canadian airline subject to the Official Languages Act.

This obligation was in place from 1969 to 1988, before Air Canada was privatized, and the corporation's language obligations were carried over into section 10 of the Air Canada Public Participation Act, which received Royal Assent in August 1988 and resulted in the company's privatization.

In the fall of 2011, the Standing Senate Committee on Official Languages conducted a study of Air Canada's obligations under the OLA. The report on this study has just been tabled in the Senate.

This is the second time since the corporation was established that the Standing Senate Committee on Official Languages has examined the corporation's language obligations. The first report was released in 2008 and examined bilingualism of Air Canada staff. The starting point for this second study was the Commissioner of Official Languages' report on his audit, which took place from April 2010 to January 2011.

The Committee also reviewed the recommendations made in June 2008 and the actions taken in response, because it is important to determine what has and has not been done.

Honourable senators, according to the Commissioner of Official Languages, year after year, Air Canada is one of three institutions that is regularly the subject of complaints to the commission. The Standing Senate Committee on Official Languages recognizes that Air Canada's linguistic action plan for 2011-14 is a step in the right direction, but there is still a long way to go before the company achieves substantive equality.

I sincerely thank the committee members for their collaboration, their commitment and their teamwork. I would particularly like to thank the deputy chair of the committee for her tireless support.

(On motion of Senator Carignan, debate adjourned.)

ROYAL ASSENT

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

RIDEAU HALL

March 15, 2012

Sir,

I have the honour to inform you that Mr. Stephen Wallace, Secretary to the Governor General, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 15th day of March, 2012, at 5:09 p.m.

Yours sincerely,

Patricia Jaton
Deputy Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills assented to Thursday, March 15, 2012:

An Act to provide for the continuation and resumption of air service operations. (*Bill C-33, Chapter 2, 2012*)

• (1740)

THE SENATE

MOTION TO URGE GOVERNMENT TO OFFICIALLY APOLOGIZE TO THE SOUTH ASIAN COMMUNITY AND TO THE INDIVIDUALS IMPACTED IN THE *KOMAGATA MARU* INCIDENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator,

That the Government of Canada officially apologize in Parliament to the South Asian community and to the individuals impacted in the 1914 Komagata Maru incident.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, we have prepared some notes for this motion, which requires a great deal of research. I enjoy doing historical research, but since I must go back to 1914, I need a little more time.

Given that we are on the 14th day, I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Carignan, debate adjourned.)

[*English*]

VOLUNTEERISM IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer calling the attention of the Senate to Canada's current level of volunteerism, the impact it has on society, and the future of volunteerism in Canada.

Hon. Terry M. Mercer: Honourable senators, I have a detailed speech of 30 pages here ready to deliver this afternoon with the same enthusiasm that I spoke with earlier on Bill C-33. However, in light of the hour —

Some Hon. Senators: No!

Senator Mercer: Well, honourable senators, Senator Plett does not seem as enthusiastic as the rest of you, and I would not want to ruin his weekend.

Some Hon. Senators: Oh, oh.

(On motion of Senator Mercer, debate adjourned.)

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE WITHDRAWN

On Government Business, Motions, Item No. 71, by the Honourable Senator Wallace:

That, on Thursday, March 15, 2012 and on Thursday, March 29, 2012, for the purposes of its consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act, the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

Hon. John D. Wallace: Honourable senators, I withdraw motion 71 standing in my name.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators?

(Motion withdrawn.)

[*Translation*]

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY ISSUES PERTAINING TO HUMAN RIGHTS OF FIRST NATIONS BAND MEMBERS WHO RESIDE OFF-RESERVE

Hon. Patrick Brazeau, pursuant to notice of March 13, 2012, moved:

> That the Standing Senate Committee on Human Rights be authorized to examine and report on issues pertaining to the human rights of First Nations band members who reside off-reserve, with an emphasis on the current federal policy framework. In particular, the committee will examine:
>
> (*a*) Rights relating to residency;
>
> (*b*) Access to rights;
>
> (*c*) Participation in community-based decision-making processes;
>
> (*d*) Portability of rights;
>
> (*e*) Existing Remedies; and
>
> That the committee submit its final report no later than February 28, 2013 and that the committee retain all powers necessary to publicize its findings until 30 days after the tabling of the final report.

[*English*]

Hon. Joan Fraser: Would Senator Brazeau be good enough to give us a little more detail on what is involved in the motion? I believe the topics that are outlined in the motion sound interesting. I am just wondering what will be involved in this study. Will it involve a lot of travel? The committee is giving itself until next February. Does it expect to take that long, that kind of thing?

Senator Brazeau: I thank the honourable senator for the question.

Back in 1999, there was a Supreme Court decision called *Corbiere* that dealt with the right for off-reserve Aboriginal peoples to vote in band elections. While that Supreme Court decision was handed down and therefore granting off-reserve band members the right to vote, the Supreme Court also touched upon the issue of rights in general for those who decide to live off the reserves.

Essentially, the committee is proposing to take a look at the rights of off-reserve band members and whether they can have equal access to the rights that their on-reserve counterparts have and exercise those rights. The bulk of the work being proposed is to have regular witnesses come here to Ottawa, but given the fact that this study is looking at the rights of those off-reserves, we are proposing to have three site visits, particularly in Western Canada where the majority of off-reserve Aboriginal peoples live today.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. John D. Wallace, pursuant to notice of earlier this day, moved:

> That, on Wednesday, March 28, 2012 and Thursday, March 29, 2012, for the purposes of its consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act, the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

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

Senator Wallace: Honourable senators, I will speak briefly to this motion. The reason for the motion would be to allow our committee to sit while the chamber may be in session. There is a particular law enforcement panel which we thought could appear this week, but they were unable to do so. We want to make certain they are able to appear before us and that, in all likelihood, will be two weeks from next Wednesday.

The motion is in respect of Wednesday, March 28 and Thursday, March 29. On March 28, there is a law enforcement panel that in all likelihood we will hear prior to our regular time, which is 4:15 p.m. on Wednesday. Then, on Thursday, our normal committee time extends from 10:30 a.m. until 12:30 p.m. and, in all likelihood, it will extend beyond that time because of the witnesses we have and our desire to move to clause-by-clause consideration on that day.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 27, 2012 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 27, 2012 at 2 p.m.)

CONTENTS

Thursday, March 15, 2012

Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5