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OFFICIAL REPORT
(HANSARD)

Tuesday, June 26, 2012

The Honourable NOËL A. KINSELLA
Speaker

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Tuesday, June 26, 2012

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

Prayers.

SENATORS' STATEMENTS

ELLIOT LAKE

ALGO CENTRE MALL ROOF COLLAPSE—
EXPRESSION OF SYMPATHY AND SUPPORT

Hon. Marie-P. Charette-Poulin: Honourable senators, I rise today to express my support for the residents of Elliot Lake and its mayor, Rick Hamilton, as the rescue effort resumes in the wake of Saturday's disastrous roof collapse at the Algo Centre Mall. My condolences go to the family and friends of the person who died in this tragedy, and my thoughts and prayers go out to those who were injured and to those whose loved ones are still missing.

I share Premier Dalton McGuinty's sentiment that "we owe it to the families waiting for word of their loved ones to leave no stone unturned." I commend him for his compassionate response and for intervening after emergency crews were pulled from the site on Monday. The Premier has urged officials to explore every avenue, including the use of extraordinary measures, in the resumption of the rescue effort.

[*Translation*]

Honourable senators, Bob Rae, leader of the Liberal Party, made the following statement today about the ongoing rescue efforts in Elliot Lake, Ontario:

> The residents of Elliot Lake should know that they are not alone. The collapse of the Algo Centre Mall has gripped the entire country, and our thoughts and prayers are with the family and friends of those who perished or remain missing.
>
> This is a catastrophe of unimaginable proportions for a small community, the impacts of which will be felt long after the attention fades.
>
> On behalf of the Liberal Party of Canada and our parliamentary caucus, we commend the leadership of Mayor Hamilton and Premier McGuinty and strongly support any federal assistance that can be provided both in the immediate rescue effort and in helping the community deal with the aftermath of this disaster. Finally, and above all, we salute the courage and resilience of the rescue workers and volunteers who are working under difficult and dangerous circumstances in the service of their community.

[*English*]

Honourable senators, we are witnessing the remarkable, indomitable spirit of Elliot Lake — a spirit that reflects its roots as a former mining town. We are seeing a strong and caring community rally together in support of each other. I am particularly struck by the willingness of former miners and mine emergency workers to go into the collapsed structure to attempt a rescue, in spite of the great personal risk they would be taking. This conviction was echoed last night as the crowd kept vigil near the mall and chanted: "Rescue missions never end; save our family and friends."

Honourable senators, in all your names I offer my heartfelt hopes and prayers for continued strength for the people of Elliot Lake and its mayor, Rick Hamilton, as this situation unfolds.

BOMBER COMMAND

RECOGNITION OF CONTRIBUTIONS

Hon. Joseph A. Day: Honourable senators, I would like to bring to your attention another page in the Bomber Command history that I have spoken about in the past. Late June will become known as the period when we recognize Bomber Command because of a number of campaigns for recognition that have come together just in the last while.

I first want to tell honourable senators about a monument that friends of Bomber Command have placed in the southern part of England. It is just going up and being unveiled. Just imagine those large Lancaster and Halifax bombers, with the four big engines as they were taking off; and the last bit of land they would have seen before they went off on their mission. There is a monument being created there.

Later this week, the Queen will be unveiling a monument at Green Park, near Buckingham Palace, to recognize the special and unique contribution of Bomber Command.

Honourable senators will recall that over 10,000 Canadians died serving in Bomber Command and that at one time we had over 50,000 Canadians in uniform serving in Bomber Command during the Second World War. There has been a request for the last 67 years for some special recognition.

Yesterday, the Minister of Veterans Affairs and the Minister of National Defence announced a new honour to recognize Bomber Command. I think that is a wonderful announcement, honourable senators. There will be a bar for those who served in Bomber Command to be worn on the medal that all members of the army, navy and air force receive, which is called the Canadian Volunteer Service Medal.

This is a wonderful bit of good news for Bomber Command.

Hon. Senators: Hear, hear.

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, before calling for tabling of documents, I would like to have you join in saluting some of our departing pagers.

[*Translation*]

Jonathan Côté was born in Hawkesbury, Ontario, and grew up near here in L'Orignal. He just graduated from the University of Ottawa with a double major in political science and criminology. He was a member of the Senate Page Program for two years. Jonathan is starting a master's degree in criminology at the University of Ottawa in the fall.

Maria Langlais was born in Cloridorne, Quebec, and spent her teenage years in Beresford, New Brunswick. This year, she graduated from the University of Ottawa with a degree in international studies and modern languages. Maria plans to pursue new career opportunities this summer.

[*English*]

Marjun Parcasio, who was born in Manila, Philippines, and grew up in Edmonton, Alberta. Marjun will be entering his final year at the University of Ottawa, where he is working toward a joint honours degree in history and political science.

Marjun was recently selected as a recipient of the prestigious Killam Fellowship and, as such, will be studying at the American University in Washington, D.C. this fall.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

NISGA'A FINAL AGREEMENT— 2009-10 ANNUAL REPORT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009-10 Nisga'a Final Agreement Annual Report.

[*Translation*]

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

TWELFTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, June 26, 2012

The Standing Senate Committee on National Finance has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

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

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

• (1410)

[*English*]

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

CHANGES TO EMPLOYMENT INSURANCE

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate.

It is not clear to the four Atlantic premiers, who represent three political parties, what exactly this government has in mind when it comes to EI reform. The message from them has been loud and clear. They are concerned, and they were not consulted. I find this rather shocking, considering the potential impact these changes will have on the Employment Insurance program and the effect they will have on the finances of the Atlantic provinces.

In response to the comment by the premiers, during a joint news conference on June 6, the Minister of Human Resources said she is open to hearing their concerns and taking them into consideration, and I am hopeful that she will do that.

We know that the premiers were not consulted beforehand. Will the leader provide a list of organizations and individuals who were consulted in the development of these proposed amendments to the Employment Insurance program?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Again, as I have indicated in this place before, I do believe that many of the changes the government is seeking to bring in are being brought in primarily to make sure that the EI system is fair and responsible and also takes into account local labour needs and demands.

Our top priority, of course, as I have repeatedly said here, is the economy. I have also indicated that we are very proud of the fact that Canadians and Canadian industry and business have created 760,000 new jobs since July 2009.

We recognize that some Canadians are having difficulty finding work, particularly in parts of the country where there are seasonal jobs. We are working to help those Canadians find jobs in their local areas that are appropriate to their qualifications. For those who are unable to find employment, the EI system is there, as it has been and will be into the future, to be of help to them.

One of the government's initiatives is to make sure that our citizens have the proper training so they can fill the jobs where there are many jobs wanting, because we have labour shortages all over the country.

With regard to the honourable senator's comments about the premiers, Minister Finley made it clear that she is very interested in the premiers' remarks and is open to what they have had to say.

With regard to the honourable senator's specific question, a massive budget consultation was undertaken by all ministers of the government, but primarily by the Minister of Finance, the Minister of State for Finance and all the ministers who participated in the budget implementation bill. These meetings were held across the country. They met with many stakeholders at town hall meetings.

As much as I would like to provide the honourable senator with a long list of the people who were consulted, I doubt very much that is completely possible. However, to the degree that I can provide some information, I will be happy to take that portion of her question as notice.

Senator Callbeck: I thank the leader. I certainly look forward to seeing who was consulted. As I said, I was really shocked that the premiers of the four Atlantic provinces had not been asked for their advice and input on this issue.

My next question is a supplementary. In her announcement on these sweeping changes to Employment Insurance, the Minister of Human Resources noted that the government will be expanding its jobs alert system by sending emails twice a day to people on EI if there are job openings in their area.

That is fine for people who have access to the Internet. However, 54 per cent of low-income Canadians do not have access to the Internet in their own home. Now they will not even have access to a computer outside their home in many rural areas because the federal government is cancelling the funding to the Community Access Program.

How will the government serve the thousands of Canadians who will not have access to the Internet?

Senator LeBreton: The honourable senator is not suggesting that people who are out of work and on EI would not want to hear about job openings in their area.

With regard to the question of the Internet and email, again, the situation is not as dire as the honourable senator always paints it to be. I am quite certain that in a small community, if there are jobs open in the area, not only will the minister use every tool available including the Internet but I am certain there will be other means of communicating with people in addition to the Internet. As well, people still do have telephones.

I know the minister is seeking ways to get information to people, the recipients of EI; they are also getting EI cheques, so there are many ways to communicate with them other than through the Internet, most particularly by mail but also by having these jobs posted in their regions.

Senator Callbeck: Certainly, I think that people on EI want to know of job openings. There is no question about that. I think that the leader's idea about the Internet is a good idea, but I am talking about the people who do not have Internet in their own homes and who will not even have access to Internet now because the Community Access Program is being closed down.

• (1420)

The leader mentioned the telephone, mail and other ways of communication. What is the plan so that these people will know where the job openings are and what they are?

Senator LeBreton: I actually believe that individuals who are on EI are not sitting there waiting to have someone contact them directly. I am sure that they are out looking as well. There are many ways to communicate to people that there are job openings in an area.

People can use their own devices, and those who do not have access to the Internet are becoming fewer and farther between. People are receiving their cheques. They do have a mailing address, obviously, and they do have telephones. People post jobs in local newspapers, so I would suggest to the honourable senator that people that she is referring to are a little more innovative than she gives them credit for.

Senator Callbeck: I am sure that people are looking for jobs. There is no question about that. I was not suggesting in any way that they are not looking.

What I am trying to figure out is what the plan is for all of these people who do not have access to the Internet. As I said, there will be many more because the government is canceling the Community Access Program.

Senator LeBreton: Again, going back to the Community Access Program, the reason is that the number of people using that program was minimal. For those few people who used the Community Access Program, the honourable senator is suggesting that they do not have the wherewithal to either read the newspaper or watch television. They are obviously getting an EI cheque. Obviously, they can phone. If I were in a small community and receiving EI, I would not be waiting for a phone

call or for someone to send me an email. I would be exploring all avenues to get that job, and I am sure that people to whom the honourable senator is referring have more desire to look for work than she is giving them credit for.

Hon. Terry M. Mercer: As I understand it, Senator Callbeck was asking what your plan is. You are the people who came up with the grand scheme of changing EI and the people who closed the sites that Senator Callbeck referred to. Then you also came up with a plan that people would get emails twice a day telling them where the jobs are available.

You say that if they do not have e-mail, they have telephones. They are going to have people call them to tell them about these jobs.

The question I have is: Who is going to call? It is not going to be people at Service Canada because you have closed Service Canada offices in Atlantic Canada, so there is no one at the other end of the line to call.

Then you said that there is always the mail, so now we are going to get mail to people twice a day. There will be robocalls, perhaps. Thank you, Senator Robichaud.

Minister, think about it. The unemployed do not want to be unemployed. They want to find jobs. The government has said repeatedly that it wants to help them to find jobs and that you want to do so by contacting them twice a day to tell them where the jobs are.

Senator Callbeck asked a simple question: What is the plan?

Senator LeBreton: First of all, in terms of the Internet, 98 per cent of Canadian households, by this summer, will have access to basic broadband service. We have just announced the spectrum auction with an emphasis on rural Canada. The honourable senator is just like Senator Callbeck. He is undermining the initiative of people living in his area by indicating that they are going to sit there and expect a job to be delivered to them, to pop into their lap. We are not saying that. We are saying that we will use every means possible because there are job shortages all over this country. We have situations all over the country where there are jobs available, and we are bringing in foreign workers through the Temporary Foreign Worker Program to fill these jobs.

Surely the honourable senator would not want the government to be bringing in foreign workers and not using every means possible to inform people in his area of these available jobs. That is what the government is doing. We have always indicated that we are trying to connect people to well paying jobs in their area. If, through no fault of their own, they are unable to find employment, the EI system will be there for them in the future, as it has been in the past.

Senator Mercer: I see frustration on Senator LeBreton's face when she tries to answer some of these questions sometimes, but we are getting frustrated too because we are not getting the answers.

There is an article in iPolitics today, written by Elizabeth Thompson, called *Summer Break Could Leave Hill Workers Stuck in the Path of EI Changes*. When Parliament ends, if it ever ends, this term, hundreds of people are laid off around here because of their jobs, people in the parliamentary restaurant, the people who transcribe Hansard, et cetera. This happens often. At Christmas time, we have a six-week break. Pretty well every summer since I have been here, we have had breaks. Then we get prorogation every once in a while when the Prime Minister wants it. These people have always used EI to carry them through those breaks, and, under the conditions now, they are described as frequent users of EI claims. Now, after receiving benefits for seven weeks, they would be required to accept any work that they are qualified to perform and to accept wages at 70 per cent of their previous hourly salary.

We are blessed, in this place, with some extraordinarily good people who work and serve us either in the House of Commons or in the Senate. I would suggest that those people who are in that position, who now, after seven weeks, will be forced to take a job in another sector or to move someplace else to find a job, are not going to be available for us when we come back here in September.

I am surprised that this government did not think of this. I am surprised that people who administer this place and the other place did not think of this. Has the government given any consideration to how this affects the actual operation of Parliament?

Senator LeBreton: If the honourable senator detects a note of frustration on my face it is because of questions like he has just asked me.

Teachers have the summer off. I am actually not familiar with the arrangement that the staff on Parliament Hill have with their employer. Years ago, it used to be all sessional. Everyone was out of a job when Parliament did not sit, except for people who were fortunate enough, like me, to work in a leader's office.

I am not familiar with the circumstances of the staff on Parliament Hill and what kind of arrangements they have with the employer because this is something that happens on a regular basis. Parliament adjourns for the summer and at Christmas. I do not know what pay arrangements they have, and I did not read Elizabeth Thompson in iPolitics.

I cannot answer on behalf of the government for the administration of Parliament, because, as honourable senators know, Parliament operates independently from the government.

• (1430)

Senator Mercer: Should the minister not know what effect legislation will have on all Canadians, including on the good people who work in this institution? She should know that this legislation will have an adverse effect on these people. She is quite quick to beat up on unemployed workers in Atlantic Canada, but she does not know what the effect will be on people around her.

I suggest that the government has been negligent in its responsibilities by not understanding the consequences, albeit perhaps unintended, this will have on Canadians, particularly on the good people who work on Parliament Hill.

Senator LeBreton: Honourable senators, I totally agree that the people who work on Parliament Hill are highly skilled and are great employees. As I have said to the senator before, although he has apparently not absorbed it, the present EI system is in place for people who require it now and in the future.

Under the reformulated EI system, people who are out of work will be informed of good paying jobs in their area. If they cannot get a job, through no fault of their own, EI will be there for them, as it always has been and always will be.

Hon. Jane Cordy: Honourable senators, I took the advice that one of the leader's colleagues gave when I was asking questions last week about how Conservative MPs from Nova Scotia felt about the Employment Insurance and Old Age Security changes in the bill. I thank the leader's colleague for the advice. My office got in touch with each Conservative MP, and got replies after the vote on the bill, so it was obvious that they were in favour of the changes to EI as they had voted in favour of the bill.

Mr. Kerr wrote that he was in favour of what he called "minor changes" to EI but which are really major changes. He said that the details regarding EI changes would be out shortly. That was last week that he replied. Following on Senator Mercer's question, I am not sure when "shortly" is that we will get the details. They seem to be changing on the fly.

I am not sure how the labour shortages in Alberta will affect someone from Nova Scotia. My understanding is that people will not have to travel more than an hour to work, and Alberta is certainly more than an hour's drive from Nova Scotia.

Further to Mr. Kerr's response that the details will be out shortly, will the leader tell us exactly when the details will be out? We will be asked to vote on this bill and we do not even know the details. We do not know the costs. They did not get the costs in the House of Commons; the Parliamentary Budget Officer does not have the costs, and yet we will be expected to vote on a bill for which we do not have the details or costs.

When will these details be made available to us in this chamber?

Senator LeBreton: Honourable senators, when we talk about labour shortages, we are not talking only about the province of Alberta. There are labour shortages across the country, including in the senator's own province of Nova Scotia.

In addition to the government's announcement earlier about the ship building contract, the government is doing many things to ensure that there will be high paying skilled jobs in every part of the region.

With regard to my colleague Greg Kerr's comments, the Minister of Human Resources and Skills Development has said that the changes to the EI system will be in effect across the country, but the individual circumstances of Canadians will always be considered with regard to their requirements of the EI system.

The details about the changes to the EI system will be available when they are available.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, at least we got an answer.

Senator Cordy: Not really.

Senator Cowan: The initial part of Senator Callbeck's question was on an issue that I raised last week, and that is that the government is proposing and will pass major changes to the EI system, which will impact significantly upon the Atlantic provinces.

Can the leader explain why, in the course of the extensive pre-budget consultations about which she has spoken, involving thousands of people, it would not have occurred to the Minister of Finance to pick up the phone to call the premiers of the four provinces that are most likely to be impacted by this, since restricting the availability of EI will have an impact upon provincial budgets because many unemployed people will be on social assistance at provincial expense for longer periods of time?

Can the leader explain why that consultation did not take place?

Senator LeBreton: First, honourable senators, I am not from Atlantic Canada, although I have great admiration for the people of Atlantic Canada. They are industrious, ingenious and hard workers. He tries to leave the impression that Atlantic Canada will not produce good workers who are looking for high quality jobs. I think the honourable senator sells them very short.

With regard to the consultations, as I said to Senator Callbeck, there were many consultations by all ministers whose portfolios were affected by the proposed budget implementation act. I said there were cross-country consultations with stakeholders. People were invited to meet with the ministers in open town hall meetings to make their views known.

I cannot provide the honourable senator a list of people with whom each of the ministers met, but I am sure it is extensive. The Minister of Finance is probably the first of all ministers to consult people.

I believe that the changes we are bringing into place to the EI system will improve it. Employment Insurance will be available for people who really need it. Information and assistance will be provided to those who would rather have a job than get a cheque in the mail.

Senator Cowan: With the greatest of respect, the minister seems to be unduly sensitive about the fact that I mentioned four Atlantic provinces. I could broaden the question and ask why the government did not consult the premiers of all the provinces in the country.

It is one thing to ask ordinary Canadians and Canadian groups for their input but, in order to frame the discussion properly, the minister should have explained what changes the government was proposing to make to the EI system and asked all Canadian premiers what they thought of them. However, this measure came out of the blue. Any province that is in the same situation as the provinces in the region that I represent here would have a similar concern.

• (1440)

This lack of consultation and sensitivity is a further example of the federal government abandoning its responsibility and downloading to the provinces. That is what has happened. That is the effect of this. It does not matter whether it is Nova Scotia, or Prince Edward Island, or Alberta. It has the same effect, and that is the point.

Senator LeBreton: Honourable senators, my seatmate reminds me of what Paul Martin did when he was the Minister of Finance under Jean Chrétien.

Senator Cowan: How did he do?

Senator LeBreton: How did he do? He lost the election to us in 2006.

The fact of the matter is, honourable senators, the government brought in a budget on March 29. It was a huge budget. Following that budget speech was the budget implementation legislation. There is a budget implementation act before us now, and there will be another one in the fall. The fact is that through the whole budgetary consultation, people were invited to participate in the consultations.

With regard to the premiers, as I indicated to Senator Callbeck in my first answer, if the premiers have views on this, we are more than willing to hear them. Obviously, their views count. Even the four Atlantic premiers, their views were not exactly as the honourable senator suggests. Some have worked within their own jurisdictions and have people working with the government on getting information. However, all provinces that have views are more than willing to offer them, and we are more than happy to hear what their views are.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: Motion No. 44, Bill C-31, Bill C-23, Bill C-25, Bill S-9, follow-up on the report on the librarian, and the inquiry on the budget.

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

BILL TO AMEND—ALLOTMENT OF TIME FOR DEBATE—MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of June 22, 2012, moved:

> That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act;
>
> That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and
>
> That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, this is an important motion to ensure that senators have a sufficient amount of time to debate Bill C-31 effectively and efficiently. It will also help ensure that debate is limited so that we can pass Bill C-31 by June 29, 2012 at the latest.

I would like to remind this honourable chamber that, in June 2010, we passed another bill, Bill C-11, to reform the refugee determination process. This reform supports the principles underlying the asylum system in Canada — namely, to ensure that the process is equitable, to protect authentic refugees and to maintain Canada's humanitarian tradition. Important parts of this reform will take effect on June 29, 2012. Therefore it is vital that Bill C-31 be passed and take effect the same day, to avoid the need for a multitude of bureaucratic measures and to prevent potential errors from being made when the system is implemented.

Therefore, I invite all honourable senators to support the motion.

[*English*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak once again to a time allocation motion, this time in reference to Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. The title of this bill alone should give honourable senators an idea of the length and scope of this legislation.

If this motion is adopted today by the Senate, debate on third reading of Bill C-31 will be limited to one day: today.

Honourable senators, the report from the Standing Senate Committee on Social Affairs, Science and Technology was tabled just a few days ago. There is extensive committee evidence, 145 full pages of testimony, and the report even contains observations to the Senate. Honourable senators wishing to examine all of this in detail have scarcely had the opportunity to do so.

It is also of great concern to members on this side that the government seems to see nothing of great consequence in the evidence heard by the committee. On Friday, the government sponsor of the bill said only a few brief words at third reading and considered the matter closed. Subsequently, Senator Jaffer rose and spoke at length about many of the serious issues with the bill that were raised during committee study.

For example, there is the statement by the former chairman of the Immigration and Refugee Board that people use biometrics as though they were a magical solution with insufficient regard for information security; or, another example, the problematic situation created for the Roma people by the designated country of origin; or that Bill C-31 denies the reunification of families for a period of five years; or that Bill C-31 imposes a detention period, without review, until the expiration of six months.

As Senator Jaffer so eloquently stated, not only does this bill fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and in direct contradiction with Canada's international obligations.

These are serious matters, honourable senators, and it is regrettable that the government does not consider these or other issues to be legitimate points of debate.

[*Translation*]

Those of us on the opposition benches have serious concerns about this bill, which will have profound repercussions on the lives of people across Canada. The government is refusing to acknowledge and respond to our serious concerns. This is not representative of a place of real debate. Rather, the aim of this exercise in haste, speed and convenience is to pass the bill before the end of the day.

Honourable senators, I have stated repeatedly in this chamber that the increasingly common practice of time allocation is worrisome. We cannot claim to be carrying out our mandate as a chamber of sober second thought under such limits and constraints.

Can we assure the many stakeholders, groups and individuals for whom this bill will have serious repercussions that we are ensuring, with consideration and diligence, that good public policy is being implemented? Can we say that we have taken into account their interests by conducting a thorough review of the bill? I do not believe so, and I find that truly unfortunate.

• (1450)

[*English*]

Time and again in this chamber, we have heard the Leader of the Government and other senators make a claim. They claim that because their colleagues in the other place were recently elected with a majority, the government in the Senate has the mandate and authority to point to any given page or paragraph of their colleagues' election platform and insist that because it appeared in that brochure, they have the authority to limit debate in this place. They believe this gives them the right to prevent members of the opposition from being able to participate in debate in a careful and considered way. When this chamber was devised as a place of sober second thought, I hardly think this is what our predecessors had in mind.

The government has made it clear that it desires this bill to be passed into law by June 29. Perhaps honourable senators wonder why that is. The fact of the matter, as the Leader of the Government is often prone to say, is that June 29 is when the rest of the Balanced Refugee Reform Act of 2010, a bill that all parties supported, is to come into force. The government held a minority of seats in the other place at that time, so it had to work with the opposition parties to come to an agreeable compromise for refugee reform. Many of the changes that Bill C-31 is now introducing directly counteract the elements of that compromise, among many other things, the removal of the Refugee Appeal Division for certain claimants and the removal of the advisory group that the minister is supposed to consult in order to designate countries as being safe.

Thus, it would be terribly inconvenient for this government to have its previous legislation, which was negotiated in good faith and in the spirit of compromise, come into effect before it has the chance to override it with these new, oppressive rules that it has pushed through with its majority.

Honourable senators, I cannot in good conscience agree to shorten the time for debate on this bill simply because the government would like to undo its previous compromise in a convenient and expeditious way. Agreeing to curtail debate on this would be doing a disservice to the people I represent in Alberta — a province that welcomed 32,640 new immigrants in 2010.

I would like to remind honourable senators that in most other parliamentary democracies in the world, for example, the British Parliament, the Parliament of Australia, or the Parliament of New Zealand, time allocation motions are used only very rarely in situations where there is an urgent need to act or there is a threat to public health and safety. I do not see this to be one of those situations. If it is, perhaps the member of the government ought to rise in this place and explain. Until then, I would reiterate that I see serious concerns with this bill and until the government responds to the concerns raised by the opposition, it would be tremendously inappropriate to put the question to the house.

As my colleague, the Honourable Senator Jaffer, said in her remarks last Friday, this bill ". . . will really change the lives of people who flee to our country . . ." What is more, there have been arguments from numerous parties that there are unconstitutional elements to this bill. That is no small matter and it deserves real consideration, much more than just a few days of debate.

I would like to remind honourable senators of the words of the Honourable Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, when he was a member of Parliament in the other place for the former Reform Party. On May 25, 1998, he said:

> I begin by expressing my regret that debate on this bill has been limited by the government's time allocation motion. . . .
>
> This is parliament. The purpose of this place is to deliberate on legislation brought forward by the government. It is not to rubber stamp legislation brought forward by the bureaucracy or the executive branch. It is to deliberate, to debate, to amend, to consider, to ensure that those who pay the bills for the legislation we pass have their concerns fully and exhaustively expressed with respect to every single piece of legislation . . .

I hope honourable senators will reflect on these words. I would urge my colleagues not to support this time allocation motion.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise before you today to speak to the motion introduced by the government that would limit debate on Bill C-31, which proposes to establish the protecting Canada's immigration system act. Bill C-31 is yet another example of an extremely complex omnibus bill that requires detailed study and extensive debate.

As the critic of this bill in the Senate, I have spent countless hours studying this particular piece of legislation and analyzing the impact it will have on individuals both in Canada and abroad. I assure you that there are very troublesome provisions in this bill that require our time and demand our attention.

Bill C-31 amends the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. In addition, Bill C-31 makes a number of changes to Canada's inland refugee determination system by amending the Balanced Refugee Reform Act and by introducing entirely new provisions. It also amends the inland refugee determination process with respect to irregular arrivals of refugee claimants through provisions substantially similar to those previously introduced in Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act. As well, the bill amends other areas of immigration law, notably by providing for the collection of biometrics from temporary resident visa applicants and expanding opportunities to sponsor immigrants.

As honourable senators can see, Bill C-31 is extremely complex. As I mentioned in a speech delivered at second and third reading, Bill C-31 will likely change the face of Canada as we know it, as it compromises several principles that define who we are as a nation. These are principles of compassion, justice and acceptance. As a chamber of sober second thought, we must not limit the time allotted to debate issues that will have such a substantial impact not only on our Canadian identity but also on those individuals who so desperately seek refuge in Canada.

Honourable senators, after hearing from a number of witnesses who spoke to the many challenges and controversies that this bill perpetuates, I received further confirmation that the bill should be reassessed and more closely examined. Today I will draw attention to a few of the concerns brought forward during our committee proceedings in an effort to demonstrate just how important it is that we all take the time required to closely study and debate this bill.

Honourable senators, Canada is a signatory to the United Nations Convention relating to the Status of Refugees. As a signatory to that 1951 convention and its protocol, Canada cannot return people to territories where they face persecution on the basis of their race, religion, nationality, membership in a particular social group or political opinion. Unfortunately, Bill C-31 violates this convention as it will turn its back on individuals who are desperately seeking asylum and place them in jail-like detention centres.

Honourable senators, Canada is also signatory to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Bill C-31 violates this convention as it fails to acknowledge that refugees risk death, torture or cruel and unusual treatment or punishment and, therefore, require protection.

The Canadian Charter of Rights and Freedoms is also an important part of the legal framework for those seeking asylum in Canada. In 1985, the Supreme Court of Canada decided in *Singh v. Minister of Employment and Immigration* that the Charter also protects refugee claimants. This decision has been instrumental in setting the standards for procedural fairness that must be met in such cases.

• (1500)

Asylum seekers or refugee claimants whose claims for protection are deemed eligible are offered the opportunity of a hearing by the Immigration and Refugee Board of Canada.

Following an initial interview with an immigration officer, claimants for refugee protection proceed to a hearing before a panel of the Immigration and Refugee Board's Refugee Protection Division. Unsuccessful claimants are removed from Canada; however, they may apply to the Federal Court of Canada for a judicial review and a stay of their removal order.

Unfortunately, as a lawyer who has practised refugee law for many years and who has filed hundreds of claims, I can assure you that the 15-day timeline provided by this bill is incredibly unrealistic. What is even more unfortunate is that if a claimant does not meet the imposed deadline, he or she will be disqualified.

More specifically, under Bill C-31, refugee claimants will have 15 days to deliver a written version of the basis of their refugee claim. This is not enough time for newly arrived refugees to seek legal advice, respond to complicated legal requirements and gather the evidence to prove their claim.

Refused claimants will have 15 days to complete an application to appeal an initial refusal. This is an impossibly short deadline and will render illusory the availability of an appeal to correct mistakes made by the Immigration and Refugee Board.

Honourable senators, our committee heard from a number of witnesses who stated that these timelines are indeed unreasonable.

Ms. Noa Mendelsohn Aviv, who is the director of the Canadian Civil Liberties Association, spoke to these concerns and to the complex nature of this bill while addressing the committee. She stated:

> The question now is how will history remember us at this juncture? Will we jail innocents? Will we send desperate people back to danger? Will we take them in only to mistreat them? Will yours be the hands that sign off on a bill that is unconstitutional under Canadian law, a violation of international norms and a violation of basic human rights? You have the opportunity to make a difference. This bill did not get adequate time in the House of Commons. Take it and study it. There is a lot to be concerned about. . . .
>
> I suppose it goes without saying that it has been many years since Canada turned away refugees. I am grateful for that, but we certainly do have Supreme Court of Canada decisions saying that we are responsible for sending people to situations of danger and not just when they are innocent. Even for people who may have committed offences, if we want to send them back to a place where there is a death penalty, our Supreme Court has said that that is not on. It would be a violation of our Charter if we, responsible for this person — they are in our custody — send them back to a danger to their life, which is section 7 of the Charter.

Honourable senators, I want to remind you that in the document *The Canadian Senate In Focus*, the duties of the Senate chamber are described:

> . . . its principal duty would be the revision and correction of legislation from the popular chamber, which would require "impartiality, expert training, patience and industry" in tandem with the representation of provinces, regions and minorities.

Not only is it our responsibility to represent provinces, regions and, in particular, minorities, it is also our responsibility to provide sober second thought.

Honourable senators, I understand that we may not always be in agreement about particular issues because we all come from different life experiences. However, what is wonderful about being part of a democracy is that we all receive an opportunity to express our views even if they are conflicting.

We have a duty to Canadians and to the thousands of refugees who come to Canada every year to take the time required to properly study and debate Bill C-31.

I would like to conclude by sharing a plea that Mr. Peter Showler, who was the chair of the Immigration and Refugee Board and is now a professor at the University of Ottawa, made to our committee during his testimony, urging all honourable senators not to pass this bill in haste. He stated:

> This bill will damage the lives of asylum seekers. It deserves to be carefully and fully reviewed by Senate. I am asking you to please take the time to identify the flaws in the bill, craft reasonable amendments and return a far better bill to the House of Commons.
>
> If you pass the bill in its present form — I am sorry to say this — you will be complicit in causing immense and unnecessary suffering to people who need Canada's protection. If you do that with only three days of consideration of an immensely complicated bill, then you will have failed in your constitutional duty. That is a harsh thing to say, but I have personally seen the consequences of bad refugee decisions and the consequences of sending vulnerable people to prisons. I feel it is my duty to come forward and point out that you have an important and powerful role in the passage of this legislation. If you pass it in its present form, there will be immense human suffering and you will have had a role in that. I am sorry to say that.

Honourable senators, we have a very important job to do. Let us take it seriously.

Hon. Catherine S. Callbeck: I want to make a few remarks on the motion for time allocation to curtail debate on Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

I have serious reservations about this legislation, and I believe that such a significant overhaul of the refugee system should be given adequate time for real discussion and debate.

However, once again, the Conservative government has seen fit to limit debate on legislation that has been brought before this chamber. Once again, all senators are being restricted in their ability to adequately debate the legislation up for consideration.

In the case of Canada's refugee system, the result of this lack of scrutiny could be devastating. I have no doubt our system could be better. Only a fool believes that there is no room for improvements in government policies.

However, changes like we are seeing in this piece of legislation, without fully exploring and debating the consequences, could have a deep, dramatic impact on the most vulnerable people in the world.

I am a member of the Standing Senate Committee on Social Affairs, Science and Technology, which studied this legislation. The committee heard from 22 witnesses. This was packed into a little more than eight hours — hardly sufficient time to look at and really delve into the broad issues that are in this piece of legislation.

As Senator Jaffer has said, this is a very, very complex piece of legislation, and she outlined well in her speech to this house just how complex this bill is.

I feel that we are doing a grave disservice to our international obligations by moving forward on this legislation without substantial debate. The consequences are clear. In her remarks a few minutes ago, Senator Jaffer referred to the professor from

the Human Rights Research and Education Centre at the University of Ottawa, Peter Showler, and it is strange that I have the same quotation here. I am going to repeat it because I think it is extremely important. Here is what he said:

> This bill will damage the lives of asylum seekers. It deserves to be carefully and fully reviewed by Senate. I am asking you to please take the time to identify the flaws in the bill, craft reasonable amendments and return a far better bill to the House of Commons.
>
> If you pass this bill in its present form — I am sorry to say this — you will be complicit in causing immense and unnecessary suffering to people who need Canada's protection.

Honourable senators, I agree that this legislation needs further study and debate in the Senate. I am disappointed that the government once again is limiting the time we are able to consider this particular piece of legislation, and, for those reasons, I will have to vote against this time allocation motion.

• (1510)

Hon. Lillian Eva Dyck: Honourable senators, I rise to speak to this time allocation motion, because I do not think we have taken into account all the complexities of this bill. I thank my colleague, Senator Jaffer, for the wonderful work she has done on this bill.

In particular, I want to read from one from one of the many letters we have received in regard to the bill, which highlights the impact of this bill on families. I will start with that.

> Over the years I have become more patriotic and proud to be a Canadian. In the 1980s Canada won an award for their immigration policies. However, I have been very disappointed lately with Bill C-31 and how our government plans to treat newcomers to Canada. There are many things I would change about this bill but I will mention only two.
>
> My greatest concern is that of detention of refugee claimants. I would like to see this eliminated altogether but if this is not possible then at least no detention for those with children. To separate children from their parents upon arrival to Canada is inhuman. Many of these people have been through extremely traumatic events and to enter a new country that they have hoped was "safe" and then have their children put into foster care would be devastating for these children.
>
> My other concern is the "Disincentive Package." This also applies to the negative effects on children. If a refugee claimant is deemed credible but has been in one of these detention centres, s/he may not apply for their families to join them for 5 years after becoming a permanent resident. This is an unacceptable timeline to keep families apart even if they are in a safe situation let alone if they are in an unsafe one.
>
> Please consider Bill C-31 carefully and make the appropriate changes.

Honourable senators, we have obviously not taken the time to consider this bill carefully and make the appropriate changes. When we are talking about refugees, we are talking about families and their children. Many people who come to Canada are coming here because they want to make a better life for their children. I will remind honourable senators of some of our history.

In 1923, Canada passed the Chinese Immigration Act. In that act, Canada did not allow Chinese immigrants to bring their families to Canada. No Chinese was allowed to come into Canada between 1923 and 1947. The effect of that law on the families was devastating. We had mostly what were called "Chinese bachelors" living in Canada who had families in China — wives and children who could not come to Canada to live with their father. Those fathers were living here by themselves, leading a very lonely and desperate life, because they could not unite with their families.

In 2012, it is 65 years since we repealed the Chinese Immigration Act. In 2008, the Canadian Government apologized to the Chinese for applying the head tax, which was essentially the same sort of thing. It was putting a head tax on Chinese so that only the men could come.

The government is passing a law that will do very similar things and that will also require an apology. When will we apologize for this? In another 100 years or in another 50 years? It is really not fair. The impact on families is not something that we, as Canadians, should take lightly.

Some Hon. Senators: Hear, hear.

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

Some Hon. Senators: Question!

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators in favour of the motion will please signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Honourable senators opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Honourable senators, it will be a one-hour bell. The vote will take place at 4:15 p.m.

• (1615)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Marshall
Angus	Martin
Ataullahjan	Meredith
Boisvenu	Mockler
Braley	Nancy Ruth
Brown	Nolin
Buth	Ogilvie
Carignan	Oliver
Comeau	Patterson
Dagenais	Plett
Di Nino	Poirier
Doyle	Raine
Duffy	Rivard
Eaton	Runciman
Finley	Segal
Fortin-Duplessis	Seidman
Frum	Seth
Gerstein	Smith (*Saurel*)
Greene	Stewart Olsen
Housakos	Stratton
Johnson	Tkachuk
Lang	Unger
LeBreton	Verner
MacDonald	Wallace
Maltais	Wallin
Manning	White—52

NAYS
THE HONOURABLE SENATORS

Baker	Hubley
Callbeck	Jaffer
Campbell	Kenny
Chaput	Mahovlich
Charette-Poulin	Massicotte
Cordy	Mercer
Cowan	Mitchell
Dallaire	Moore
Dawson	Munson
Day	Peterson
De Bané	Poy
Downe	Ringuette
Dyck	Rivest
Eggleton	Robichaud
Fairbairn	Tardif
Fraser	Watt
Furey	Zimmer—35
Hervieux-Payette	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

[The Hon. the Speaker]

• (1620)

The Hon. the Speaker: Honourable senators, pursuant to the *Rules of the Senate*, the question before the house, on which debate will begin momentarily, is the motion of the Honourable Senator Martin, seconded by the Honourable Senator Unger, for third reading of Bill C-31. A motion in amendment was moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy.

Honourable senators, the rules are sometimes difficult to follow in these proceedings. I will attempt to explain them. We have six hours of debate, pursuant to the order just adopted. Should the debate collapse, the first question that the Speaker will put to honourable senators is the motion in amendment. After the house has dealt with the motion in amendment, the Speaker will ask if honourable senators are ready for the question on the main motion.

Time becomes a factor. If debate concludes on the motion in amendment, there will be a 15-minute bell. It is not deferred. As for the main motion, if this occurs before 5:30 p.m. during today's sitting, the vote takes place at 5:30 today. Should the debate on third reading motion end after 5:30 p.m., the vote will be deferred automatically until 5:30 p.m. on the next sitting day, which will be tomorrow.

There will be a 15-minute bell. However, should debate on the third reading motion finish close to 5:30 p.m., for example at 5:28 p.m., the vote, if it is to occur today, will be at 5:30 p.m., which means there will be a two-minute bell, effectively. That is the way our rules currently read, and that is the way I have to conduct business.

Honourable senators, we are now into the six-hour debate on the main motion and on the motion in amendment.

BILL TO AMEND—THIRD READING—
DEFERRED VOTE

On the Order:

> Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Unger, for the third reading of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act;
>
> And on the motion in amendment of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, that Bill C-31 be not now read a third time but that it be amended
>
> (*a*) in clause 23,
>
> (i) on page 12, by replacing line 39 with the following:

"and who is 18 years of age or older on the day", and

(ii) on page 13, by replacing line 3 with the following:

"who was 18 years of age or older on the day";

(*b*) in clause 24, on page 13, by replacing line 11 with the following:

"Division and who was 18 years of age or older";

(*c*) in clause 25, on page 13, by replacing line 27 with the following:

"was 18 years of age or older on the day of the";

(*d*) in clause 26, on page 14,

(i) by replacing line 9 with the following:

"designated foreign national who was 18 years",

(ii) by replacing line 20 with the following:

"designated foreign national and who was 18", and

(iii) by replacing line 37 with the following:

"18 years of age or older on the day of the arrival";

(*e*) in clause 27, on page 15,

(i) by replacing line 2 with the following:

"designated foreign national who was 18 years of", and

(ii) by replacing line 10 with the following:

"foreign national who was 18 years of age or"; and

(*f*) in clause 28, on page 15, by replacing line 32 with the following:

"who was 18 years of age or older on the day".

Hon. Art Eggleton: Honourable senator, I rise to speak at third reading of Bill C-31, a bill that uses in its language the word "balance." However, I find that the bill is not balanced or fair, and I do not believe that it will protect, as it suggests, legitimate refugees who seek asylum in this country.

Honourable senators, Canada's refugee system is more than just a government program; it says a lot about us and who we are as a people. Are we compassionate? Do we believe in human rights? Do we believe that we have an obligation to the world? Unfortunately, this bill brings those Canadian values into question, as was amply demonstrated by Senator Jaffer in her remarks on Bill C-31 last Friday and today. They were excellent and comprehensive remarks born out of her experiences as a refugee and as an immigration lawyer. We should heed her comments and the amendment that she has moved.

What has precipitated this bill appears to be what the government thinks is the emerging threat of mass arrivals coming by boat to this country, as was the case with the MV *Sun Sea* and the *Ocean Lady,* which landed on the British Columbia coast. Has this been a large problem? Have we seen mass arrivals hitting our shores on a constant basis? The answer is no.

A little over 500 people have been involved in these incidents so far, yet the government is proposing a fundamental change to Canada's refugee acts. They were only 500 people out of about 9,000 that come to this country every year, but they do not happen to be arriving at our airports or at our land crossings. They are coming by boats, and because of that, the government is proposing that they be treated differently. It will become a kind of two-tiered system for dealing with immigrants. According to this bill, the people who arrive by boats such as the MV *Sun Sea* and the *Ocean Lady* will be deemed irregular arrivals, which leads to something called a "designated foreign national," or DFN.

The moment they are thus branded, they will be treated differently than other refugees. As Senator Jaffer pointed out, this is contrary to the 1951 United Nations Convention relating to the Status of Refugees, to which this country is a signatory. There will be two different treatments for refugees.

These people left their country because they were scared of being tortured or possibly killed. Most of them are not criminals — although some might be. Do we pass legislation that takes so many innocent people and treats them like criminals when they are not? The concern here is about people who organize this kind of smuggling effort. Well, at this time, only two persons have been charged with smuggling on the MV *Sun Sea*. Most of these people who arrive are fleeing persecution. Some honourable senators know about people who have fled or perhaps know someone who has fled because of persecution, or perhaps they have fled themselves.

Would you want to be treated the way this bill suggests? Would you want your friends or relatives to be treated the way this bill suggests? For example, the government initially said that a person could be in detention for 12 months. They finally came through and said that there would be at least a review at the 14-day stage, with subsequent reviews at six months. That is still a very long time to keep people, many of whom will be legitimate refugees, in detention.

According to Peter Showler, former Chairperson of the Immigration and Refugee Board of Canada, refugee lawyer and professor at the University of Ottawa, detention is not in comfy motels, as the minister likes to think. Mr. Showler said in his testimony:

> If it is a large group, there is only capacity for 299 federal detainees across the entire country.

Therefore, they have to go to the provinces. Then he said:

> . . . detainees — particularly mandatory detention for six months — will be transferred to medium security prisons. First, those prisons are overcrowded. Second, they have staff trained to deal with prisoners. Third, they are put in with a mixed criminal population. Finally, frequently what happens — and what has happened already, but not with groups — is that the detainee does not speak English or French, is not the "right colour" and is vulnerable. In many instances, they put them into solitary confinement, presumably for their own protection. However, the treatment that will happen in medium security prisons for refugees is potentially quite horrific.

• (1630)

Also, as Senator Jaffer pointed out, this legislation would detain children, effectively breaking the Convention on the Rights of the Child, which Canada has ratified. That is why she has an amendment to take out the 16- and 17-year-olds, so that we bring ourselves into compliance with children versus adults at the age of 18.

Mr. Showler has more to say about that. He says:

> . . . even if parents accompany children, they are still detained if they are 16 years of age or older. Only those under 16 years are not detained. Even there, it will be de facto detention because, as we have seen on the West Coast of Canada, the choice is between staying with your mother in the Burnaby Detention Centre or going with a stranger who speaks a different language you have never heard.

This is a compassionate way of treating refugees?

He goes on to say:

> Remember, we are talking about asylum seekers where we do not know to what degree they have already been traumatized.

Honourable senators, the government is saying the people will have a choice — the choice being that they can take their 8-year-old son with them to jail so that they can still be together.

What kind of an option is that? Perhaps the child goes to someone he does not know. Many refugees do not have a lot of friends and relatives here necessarily, as regular immigrants might. As a parent, their choice is either to take an 8-year-old child into jail or a detention centre or to have their child separated from them and living in a foster care facility.

One does not need to be a psychiatrist to understand that this will cause all sorts of social issues, all sorts of mental health issues going forward after the matter has been resolved. Is that how the government wants children treated? Innocent children treated that way? It is disgusting.

Those who are granted refugee status finally — some of them have been on those boats, by the way — will be denied the right to apply for permanent residency for a period of five years. Why is that? If they come in at the airport, no, they do not get that same kind of status. There is the two-tiered status. If they come in by boat, they will; they could.

Honourable senators, during this period, refugees would be prohibited from applying to reunite in Canada with spouses and their children. In effect, this means that actual reunification could be delayed for approximately six to eight years after being granted refugee status because they need the five years before they can even apply. That is just the beginning of the process at that point in time. They would also be prohibited from travelling outside of Canada. If they do, they are not going to get back; they would have to start all over again. I think, as has been suggested both by the witnesses and by Senator Jaffer, this is a breach of our international human rights and humanitarian obligations. It is downright cruel.

Then there is the safe country of origin issue. Here is a case where the minister is now going to decide this all on his own. Another minister gets the opportunity to determine whether it is a regular or an irregular arrival. They want to be able to say what a safe country is. In the previous legislation — which I think goes down the drain if it is not implemented by the end of the month — had in it an advisory panel on this whole question of deciding what a safe country of origin is. Why is that? He agreed to it. The same minister — Minister Kenney — agreed to it previously. Why is he reneging on this now? Why is the government that agreed with him reneging on it now? Here is an opportunity to get a panel of people who are knowledgeable about these so-called safe countries to advise him, to help bring some further scrutiny to this whole issue.

We have heard many concerns that there will be no accountability, no recourse, and it dangerously politicizes the refugee system. That is what the witnesses were saying. We also must be cautious about this list. Just because the country is safe for a majority of its people does not mean that there is not a minority of people, often particular minorities, who actually are at risk.

As Senator Jaffer pointed out, the Roma are particularly at risk in many European countries that we would probably have on the list of safe countries — Hungary, for example. It may very well be a safe country that is part of the European Union, part of NATO, part of the structures that we are involved in. That does not mean people are not persecuted within that country. Maybe not by the government — I am not suggesting that they are — however, we know from history that this happens. They are not the only ones. There are women. We have heard that women quite frequently — in many countries that we consider our friends — are dealt with in a way that would be very unsafe for them to go back. There are gay and lesbian people as well.

Again, as the Commissioner for Human Rights pointed out that millions of people in Europe are stigmatized and even victims of violence because of their perceived sexual orientation or generally identity. They cannot fully enjoy their universal human rights.

Honourable senators, this is as it was for many Jews in the Second World War or before the Second World War in Europe and before that, who were greatly persecuted in Europe. It was not always by government entities — certainly by many of them — but

certainly starting with a lot of persecution by certain elements of the society. We must be careful not to forget the lessons of history and not to forget these people who might come here in that condition; it may not be a safe country that we are suggesting they go back to.

There is one other area: health care. Under these new rules, refugee claimants from countries that the minister considers safe will receive health treatment only if their condition poses a public threat. Those from countries racked by war, ethnic cleansing, and tribal violence will receive basic provincial health coverage but will lose their eligibility for drugs, medical devices such as wheelchairs, dental care and vision care. Resettled refugees, for example people who assisted troops in Afghanistan and were airlifted from refugee camps in strife-torn regions, will also lose supplemental health benefits.

The minister says that is something Canadians do not get, so why should people get it if Canadians do not get it? Canadians, by and large, can have access to these. They by and large have programs that will give them access. These are people who come from war-torn countries where they have been persecuted, and they do not have the money to be able to buy these services and the insurance for themselves. We should be giving them the opportunity to be resettled in this country without denying them that kind of treatment. Only if it is a public threat will the minister suggest that any services continue to be provided over and above the basic provincial service.

• (1640)

A doctor from a clinic at Women's College Hospital said in testimony:

> We listened to their stories of enduring war and violence and being separated from their families.

The Hon. the Speaker: I regret to advise the honourable senator that his 15 minutes have expired.

Senator Tardif: Five minutes.

The Hon. the Speaker: Agreed?

Hon. Senators: Agreed.

Senator Eggleton: This doctor said:

> We listened to their stories of enduring war and violence and being separated from their families. We believe it is inhumane —

— this is a doctor speaking —

> — to deny them access to the health care they need to begin their new lives in Canada.

Unlike Canadians, many refugees have gone through horrific ordeals. They come because they are fleeing torture, rape and violence, and unlike Canadians, refugees often have no relatives or friends to turn to for help. They are at Canada's mercy, so let us be merciful. Let us in fact be humanitarian as we have traditionally been.

Let me conclude by quoting from the Canadian Civil Liberties Association:

> The provisions of Bill C-31 stand in stark contrast to Canada's legal obligation under our Charter of Rights and Freedoms and a variety of international human rights conventions. Furthermore, this Bill represents a dramatic departure from the ethos and reputation of Canada . . .

I agree with that. This bill is wrong for this country, and we should vote against this bill.

Hon. Jane Cordy: Honourable senators, I rise to speak at third reading of Bill C-31. I also want to thank Senator Jaffer for the work she has done as critic on the bill, bringing her background as an immigration lawyer and as a refugee to provide an excellent perspective to the bill.

Honourable senators, here we are with another Harper government ominous bill, Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

Bill C-31 sets out to make significant changes to many aspects of Canada's refugee and immigration policies, policies that have evolved over decades to become some of the strongest, the fairest and most compassionate policies in the developed world.

Bill C-31 is an unfortunate step backwards. As one witness before the Standing Senate Committee on Social Affairs, Science and Technology commented, Bill C-31 makes things "fast, unfair and inefficient."

The minister likes to use the 250,000-applicant backlog as his measuring stick of how inefficient the refugee processing system is. However, the minister conveniently omits the fact that this government left the Immigration and Refugee Board shortchanged by not filling vacancies on the IRB, essentially limiting the number of applicants they could process. Even the most efficient system needs people to work it.

Reforming the system so that processing times are fair and reasonable should be the goal, rather than arbitrarily denying groups of applicants, putting unrealistic time constraints on landed immigrants for claims, and returning thousands of unassessed applications as proposed in the budget bill, of all things.

Honourable senators, the new system for refugee claimants will change time limits. A new claimant will now have 15 days from arrival to file a written claim. Under these new rules, a claimant will have 15 days to find a competent lawyer or, in most cases, get legal aid approval, have their lawyer arrange for an interpreter in many cases, have the lawyer understand the case, and then draft and deliver a well-written account of the refugee claim. This process is no small task and can be quite intimidating for a refugee unfamiliar with our culture and how we do things.

The concern that many have expressed is that many claimants faced with this daunting task will instead represent themselves. This will only lead to a poor or improperly prepared claim before the IRB, resulting in deserving refugee claimants being denied because their case was not presented competently.

Honourable senators, again, we know that the current refugee system is too slow, but only allowing 15 days to file a written claim is not workable. It is not unreasonable to allow 30 days, an extra few weeks. Let the process begin on the right foot.

As you can imagine, many refugee claimants give up everything to seek asylum in another country. They sell their belongings. They spend their only savings and they may even borrow money to get to the safe haven of Canada. Let us be fair.

As Peter Showler, Director of the Refugee Forum in the Human Rights Research and Education Centre at the University of Ottawa, stated:

> Any refugee advocate or anyone that understands the refugee business will tell you that 15 days is not enough time, you just walk out of the Pearson Airport, you don't speak English or French, you've maybe got a cousin in town, you've got to find a place to stay for you and your family, you've then got to try to find some form of legal advice.

Honourable senators, Bill C-31 does not just drastically cut the time allowance for a refugee to file a claim; it will also allow only 15 working days to file an appeal for an unsuccessful claim to the Refugee Appeal Division. I have received many letters from people who are very concerned about this. The appeal involves reviewing all evidence presented at the IRB. By the way, honourable senators, the IRB has recently announced that it will no longer prepare transcripts of hearings, as a cost-cutting measure, so evidence from the IRB will have to be listened to. Documentation from the claimant will have to be read and the legal arguments will have to be prepared. The work involved in preparing an appeal is about the same as preparing an application for judicial review with the Federal Court, yet 45 days is allowed for that. Some people believe this change is designed to restrict access to the Refugee Appeal Division.

Chantal Desloges, an immigration lawyer who was a witness on the other side, in speaking about the 15 days to appeal, said:

> Shortened timelines definitely are a good idea, but this kind of a shortened, accelerated timeline is too much. It cannot work.

Honourable senators, why would we bring in timelines that will not work? Why would we not make the appeal period 45 days to be in line with the judicial review at the Federal Court? The time frames set out in this bill for refugee claims are unrealistic for many claimants who arrive in Canada. Many do not speak French or English, do not have much money, do not have legal representation, do not have a place to live, and are unfamiliar with the culture and the complicated application process. They must overcome all these hurdles and present their case within 15 days of arrival in Canada.

Another concern raised is the increased powers provided for by Bill C-31 to the Minister of Citizenship and Immigration. Many feel that the decision to designate a safe country of origin should not be left to the sole discretion of the minister. There will be no accountability, no recourse, and it politicizes the refugee system. There should be an advisory committee that the minister must consult in order to determine designated countries of origin. This committee should include at least two non-government human rights experts.

With the removal of the expert panel when designating countries, the minister will now have broad discretionary powers to deem which countries are to be designated safe countries and which countries are not. This gives one person the power to choose who can claim refugee status and who cannot.

The inclusion of the expert panel was part of the Balanced Refugee Reform Act passed by Mr. Harper's government in 2010 after amendments in the other place. Regarding those amendments to Bill C-11, the Balanced Refugee Reform Act, which were encouraged and supported by immigration and refugee stakeholder groups, experts and opposition parties, the minister made these comments on June 15, 2010 in the other place:

> We have, in good faith, agreed to significant amendments that reflect their input, resulting in a stronger piece of legislation that is a monumental achievement for all involved.
>
> These amendments, I am happy to say, create a reform package that is both faster and fairer than the bill as it was originally tabled.
>
> There is a remarkable spirit of co-operation around this bill. It is amazing to see that consensus could be reached on such a sensitive issue by all the parties in the house with their divergent views.

Here we are two years later and the Harper government has put a stop to the Balanced Refugee Reform Act to keep it from being implemented and the government has reneged on its promises, which Mr. Kenney at the time admitted made Bill C-11 "a stronger piece of legislation" and "faster and fairer." Whatever happened to that "good faith" Minister Kenney spoke of?

A country might be considered safe for a majority, honourable senators, but not safe for a minority group within that country. Such is the case for the lesbian, gay, bisexual and transgender community in many nations around the world.

• (1650)

In 1992, Canada was one of the first countries to extend refugee protection for those facing sexual orientation or gender-based persecution. Twenty-one countries now do the same.

As I stated earlier, now with Bill C-31, the Minister of Citizenship and Immigration has sole discretion of which countries to designate a safe country. A country can be designated safe if it has a democratically elected Parliament, independent judiciary and civil society organizations. A country's record on human rights is not part of the criteria. South Africa,

for example, recognizes same-sex marriage and yet human rights organizations there report 10 cases a week in which lesbians have been targeted for what is called "corrective rape" and police do not investigate. Brazil has the largest gay pride parade and yet has the highest rate of homophobic and transphobic murders in the world.

What is written in law can often be far different than what is happening on the ground in many so-called "safe countries." Indeed, it is when a country is deemed safe that those facing persecution often face the greatest challenges.

It is also unfair that Bill C-31 prohibits claimants from a designated safe country to an appeal. Applying a blanket designation to an entire country, labeling it a safe country based on the criteria that it is democratic, has an independent judiciary and civil society organization ignores the fact that many countries with these attributes still persecute minority groups within their borders.

An example of a minority group persecuted in such a manner is the Roma community in Hungary. Hungary is a democratic European country with an independent judiciary that openly targets the Roma community with threats and discrimination at an institutional and governmental level. However, as Minister Kenney pointed out before the Standing Senate Committee on Social Affairs, Science and Technology, Canada would not accept refugee claims from Hungary, and in fact his department has already begun discouraging the Roma in Hungary from making a refugee claim through a literature campaign. We know that Amnesty International, Human Rights First and the Helsinki Commission have all extensively documented the discrimination and violence against Roma people in Hungary, Slovakia and the Czech Republic. We know that Hillary Clinton has recently spoken of her concern about the discrimination and persecution of the Roma in Europe.

Honourable senators, we also know that there is a strong rise of anti-Semitism in Hungary. In articles on June 4 and June 11 of this year in *The Canadian Jewish News*, a concern was raised about this surge in Hungary. Under Bill C-31, the "Designated Country of Origin" classification would restrict refugee claimants in Canada from Hungary, including Jewish claimants. Human rights for the assessment of designated countries of origin should be included as part of the criteria. This would be reasonable and fair to those who are being persecuted in designated countries of origin.

Honourable senators, we have heard a recent announcement that will transform our refugee system by making cuts to the refugee health care services. This change is going to have a drastic impact on the refugees who are coming to Canada.

Since the 1950s, the federal government has provided temporary help to pay for medical care, prescription drugs and other health care needs for refugees. Its purpose was, according to the Interim Federal Health Plan, ". . . to reduce risks to public health, ensure care and assist with successful integration into Canadian Society."

Beginning on June 30 of this year, the "basic medical care" currently being offered will be replaced with "urgent and essential care." The problem is that no one is quite sure what the definition of "urgent and essential care" is. My understanding is that diagnosing a cough or fever would be covered, while checkups and preventative care are not covered. Mental health treatment and medication would not be covered, but psychotic episodes would be covered. Perhaps we could avoid the psychotic episodes if we allowed mental health treatment and medication. Insulin will not be covered. Delivering a baby would be covered, but prenatal care would not be covered.

Physicians are rightly concerned that this could result in a serious illness, greater health complications and even higher costs to our health care system down the road with these increased costs downloaded onto the provinces and territories.

We have heard the minister and Mr. Thomas from the Canadian Taxpayers Association saying that refugees should have the same playing field as Canadians. Honourable senators, refugees do not have the same playing field as Canadians. Many have spent everything they have to come to Canada. Many have no money and they cannot work when they first arrive. However, we expect them to pay for their health care. This playing Canadians against refugees, this playing "us against them" by this government, is mean-spirited.

I would like to quote Chris Morrissey, who appeared before the Standing Senate Committee on Social Affairs, Science and Technology last week on the issue of health services for refugees and said:

> . . . what bothers me about this is that many of these people have spent years in refugee camps. They have not had access to health care.
>
> I am one of those Canadians. I am retired. I have no eyeglass care. I have no prescription coverage, and I know that many of my friends do not resent people who have experienced real persecution in their lives having the possibility, at least, of being able to see a doctor and have their teeth taken care of. I have to pay for all of that, and I would pay again to make sure that others had the same right.

Honourable senators, reform of our immigration and refugee system requires analysis and consultation with stakeholders and knowledgeable experts conducted in good faith. However, yet again, Bill C-31 is a prime example of this government's ideologically driven agenda and reneging of prior commitments. Lawyers, scientists, doctors and anyone with expert working knowledge who presents evidence contrary to this government's plans are shrugged off or attacked by this divisive Harper government.

Honourable senators, I would like to close my speech with a quote from an article in *The Globe and Mail* on June 15, 2012, written by Philip Berger, Bernie Faber and Clayton Ruby:

> As Canadian Jews, we grew up hearing stories about how our families came to this country as refugees. We also heard about the relatives who never arrived because of the Canadian government's closed-door policy for Jews.

May I have five more minutes, please?

Some Hon. Senators: Yes.

Senator Tardif: Absolutely.

Senator Cordy: The article continues:

> Historians Irving Abella and Harold Troper's book 'None is Too Many' told of this sad and ultimately deadly policy.
>
> In the early 1900s, Jews fled persecution in European countries where anti-Semitism was rampant. They were not alone; the Roma and Sinti people were caught in the same web of hate.

The article goes on to say:

> While Designated Countries of Origin have yet to be named, Hungary will assuredly be on the list. If these policy changes come into effect, Roma refugee claimants will lose access to health care on June 30. We are also likely to see many more deportations of Roma back to Hungary.
>
> Judaism teaches the concept of "tikkun olam," an exhortation to repair the world. If passed, Bill C-31 would be antithetical to these values. It is our hope that as Canadians hear more about the dangers of this legislation, they too will not stand by as refugees lose basic health care and persecuted groups or individuals are sent back to face violence in their home countries.
>
> Today, we go on record as Jews and descendants of immigrants to say that we oppose cuts to refugee health care and the designation of so-called "safe" countries. Denying other human beings health care and a haven based on their country of origin is simply wrong. As Jews and human rights activists, we know well that countries deemed safe for the majority can be deadly for some minorities.
>
> Pressure must continue. It's never too late to ask for changes or amendments to the regulations. Ironically, we also understand that, were our families to arrive today under the Federal Government's new rules, they would be denied health care and, ultimately, citizenship. Returning to the retrograde policies that inspired 'None is Too Many' must be rejected.

Hon. Yonah Martin: Honourable senators, I wish to respond to Senator Jaffer's proposed amendment and take this opportunity to also respond to some of the comments we have heard regarding this bill.

As previously stated, the Balanced Refugee Reform Act, Bill C-11, which was passed previously, will come into full effect June 29. There is a real urgent need to act in terms of what has been identified since the passage of that bill.

As Minister Kenney and officials have stated, the whole immigration system is not a static system. It really is dynamic and there are gaps and holes that can be identified, as we witnessed with the arrival of the ships *Sun Sea* and *Ocean Lady*. That pointed to the gap in our current system of not having a mechanism to address these irregular arrivals.

• (1700)

Honourable senators, we heard in committee that there have not been that many arrivals in the last 20 years. However, we had two within a few months of one another in which it was clear, from what the CBSA officials had to undertake, that by law they are obligated to follow very stringent processes. Therefore the mechanism in order to address irregular arrivals must be in place, which is one of the items addressed in this bill.

I would counter that we need to pass this bill without amendment due to the timeliness of the June 29 date that is looming before us and from what we heard in committee. The minister is in fact doing the responsible thing to look at the whole system in order to preserve the integrity of the immigration and the refugee determination system, knowing what has happened even in the past year with claimants from the democratic countries in the EU. Those claims spiked almost 100 per cent. With the current system in place, we are still facing many fraudulent, potentially bogus claims and the numbers are quite compelling.

We heard from a member of the Roma community that they do face incredible hardship in Europe. We are also aware that member states of the European Union have certain responsibilities and that Canada in being responsible. All of the witnesses clearly stated how generous our system has been and how responsible Canada has been in carrying the weight of the needs of the most vulnerable people in this world. In the case of the Roma, we had 4,400 claimants and the United States, our closest neighbour with 10 times our population, had only 47.

These numbers are extremely telling of our Canadian system, which taxpayers must support with their hard-earned money. There are huge discrepancies in these numbers. Many witnesses, as well as supporters of this bill, have highlighted that fact in order to ensure the future for our children and grandchildren, in order to protect Canadians from potential criminals and the smuggling ring that is prevalent and growing. We heard from officials that it is an international ring and we have read stories in the news about what is happening overseas. These are all compelling reasons for Canada to respond in a very just, fair and responsible way to protect Canadians, as well as to uphold all of our obligations.

The minister is on record as saying that the UN conventions, the Charter and privacy laws are all being upheld. The rule of "non-refoulement" states that Canada is obligated to ensure that no person is sent back if they face imminent death or torture or danger. That principle is being upheld. Nothing in the provisions that are part of this bill would put Canada in a position to impact the very clear reputation we have as one of the countries that is doing more than our share in the world.

Honourable senators, I will speak to why I oppose this specific amendment and also quote some of the testimony that has been given in the house as well as the Senate. In fact, Mr. Furio De Angelis, the United Nations High Commissioner for Refugees, stated on May 7, on the House of Commons side:

> On timelines, we appreciate . . . the government's efforts to create a more efficient system in the processing of asylum claims. This is reasonable and legitimate. We also support implementation of efficient timelines.

> . . . at the end of the process, there must be a quick removal. The quick removal part of the process is the real disincentive. We are talking very much within the context of Bill C-31. If you have a solid process and a quick removal at the end of that process, you will create a disincentive, which hopefully will take care of the people who want to abuse the system.

We know that is what we have been witnessing and the numbers are quite telling of the abuse of our Canadian system, which is overly generous in meeting the needs of the most vulnerable people in our world.

Honourable senators, in terms of the amendment proposed by Senator Jaffer, I too will add that she has painstakingly worked on this bill as the critic. We have had ongoing communication. We met with the ministers' officials and staff to ensure her questions were answered. I do fully respect her right to look at this bill and propose the amendment. However, I will just say that the detention provisions in Bill C-31 are a clear improvement over the previous human smuggling bill, Bill C-49. Whereas Bill C-49 did not exempt anyone at age from detention, Bill C-31 includes an exemption from detention for minors, which in this bill is defined as anyone under the age of 16.

I will also add that there are other jurisdictions that have detention of children even younger than 16, so this is a provision and an amendment that was made for Bill C-31, which shows Canada's willingness to listen to the concerns and the minister's ability to address what was brought up in the house.

This improvement to Bill C-31 from the previous human smuggling bill is yet another example of our government listening to feedback from experts and being open to reasonable amendments that improve the goals we are trying to achieve.

The government is of the opinion that age 16 is the appropriate age for the detention provisions to apply and is the age at which a person can make decisions in an independent manner. In other words, it is the age at which a person can be involved in a criminal human smuggling event, such as helping to organize it. It is also the age at which a person can independently decide whether to use the services of criminal human smugglers.

It is therefore important to ensure that those aged 16 and older are not released among the Canadian public until we identify them and determine if they took part in organizing the criminal smuggling event, or if they pose a risk to the safety and security of Canadians and their families. This is what any responsible government would and should do.

I would point out that 16 is the age at which Canadians are considered independent and provided with certain privileges in a number of areas. For example, 16 is the age at which Canadians can obtain a driver's licence. This is a significant responsibility and infers that age 16 is the appropriate age to provide someone with that kind of responsibility.

Furthermore, I question the amendment of changing the age from 16 to 18 when one considers the position of the Liberal Party on other issues that deal with what age a person should be to be considered legally responsible for their actions. The most obvious example I cite today is the Liberal position on the age of consent. Our Conservative government increased the age of consent from 14 to 16 in order to protect minors, but at the time, the Liberals fought against this change. They argued that at age 14 individuals are responsible enough to choose to engage in sexual relations and deal with any consequences of those actions. How is it they are now arguing that age 16 is too young to be responsible for choosing to use the services of criminal human smugglers? They either think 14 is the age when individuals should be able to make independent decisions and be held accountable for their actions or they think it is age 18. It cannot be both.

• (1710)

Our Conservative government thinks 16 is the appropriate age for the detention provisions in Bill C-31 to apply. I should point out that, as we said, these are irregular arrivals. We have only had three incidents in the last 20 years. It is in anticipation of the next irregular arrival that we are looking at the mechanism to deal with a potential mass arrival. For children under 16, detention would be the last resort. We would look at what is in the best interests of the child. The minister and the officials all spoke about how carefully they would be working with provincial counterparts to ensure their protection. Therefore, in light of the urgency of this bill and the need to really protect the integrity of the entire system, I will simply state that we will be opposing this amendment.

Hon. Mobina S. B. Jaffer: May I ask whether Senator Martin will accept a question from me?

Senator Martin: Yes.

Senator Jaffer: Thank you for your remarks. I understand when you talk about people being brought to our country via the smuggling route. However, the way I have understood this bill that is before us, the minister can designate people that come in a group. A group is defined as two or more people, not just on the boat. They can come in any way to our country. The minister can designate them as foreign nationals, and, if a 16-year-old Somalian boy flees Somalia and arrives here on a plane with a group of other 16-year-olds, the minister can consider them to be a designated group. Then that young boy who has fled a terrible situation can be sentenced to prison. We heard that there are only 229 detention places in the refugee system, so most of them would go to prison. In addition to that, we have heard that Australia and the U.K. have stopped sending young people — 16-year-olds — to jail. In fact, the United Kingdom has paid tremendous sums of money in compensation. When Australia and the U.K. have abandoned this system and when the system that France follows does not send children to jail, why are we sending 16-year-olds to jail?

Senator Martin: It is not jail. It is detention, and there are detention centres. In the cases that the honourable senator described, I will not speak for the minister as to what would happen other than to state what we heard in committee. If the arrival of such a group would require the kind of time and attention that we had heard because of the complexity of assessing identification, as well as admissibility, those are the key considerations. I would think that they are very rare occasions

that the minister would treat with extreme care and caution and, of course, with the responsibility that would fall upon him as that minister.

As for other jurisdictions, I know that the U.K. does not. It is a very different system, so costs related to their system are not something we should compare to Canada. However, other jurisdictions have such detention. In this amended Bill C-31 —

The Hon. the Speaker: I am afraid that the honourable senator's time has expired.

Senator Eggleton: Five minutes.

Senator Martin: I will state that the cases that you are talking about —

The Hon. the Speaker: Is the honourable senator asking for an extension of five minutes, and does the house agree?

Senator Martin: Yes, may I have an extension of five minutes?

Hon. Senators: Agreed.

Senator Jaffer: May I ask a supplementary? Oh, sorry.

Senator Martin: I would simply say that, in the case that the honourable senator described about the Somalian boy coming on his own, we heard that such cases are 0.05 per cent of what we have experienced so far in Canada.

We clearly heard from the minister and the officials that we need to be very vigilant, and this will be under review in three years as well. The concerns that the honourable senator raised are important. From what we heard in the committee as well as what we heard in the house, as the honourable senator knows, there are attempts to ensure that all of those rights are clearly upheld and that Canada is being very responsible in how it deals with these situations.

Senator Jaffer: I know the honourable senator also cares about the issue that I care about — 16-year-olds. However, my serious concern is that the minister has no power. Under the bill, it will be mandatory detention. The minister will not be able to exercise discretion. Under the bill, there will be 14 days and then a review, not to be conducted for another six months. It is mandatory detention of the 16-year-old.

Senator Martin: What we have heard, just in general statistics, is that, if it is a legitimate, very clear, compelling case, every person will receive a fair hearing. Of those that were held in mandatory detention, on average 35 to 40 per cent were released within 48 hours.

In the case of the unaccompanied child, we heard that it was 0.05 per cent of the cases that were seen.

I do share those concerns, and these were questions that I also asked. We need to exercise extreme care and caution in all of these cases, and they are very extreme cases.

Senator Eggleton: Will the senator take another question?

Senator Martin: Yes.

Senator Eggleton: The honourable senator seems to be relying on a lot of statistics here — 0.05 per cent or whatever — but these are human beings we are talking about. Not all of them are guilty of anything. A lot of them are quite innocent, and a lot of them are children.

The honourable senator refers to detention centres. Detention centres are not pretty places. They are not motels. They are a place where you put criminals as well, and there are a mixture of kids. I do not know how the honourable senator justifies this.

The other thing that I do not know is how the honourable senator justifies this and I would like her to comment on is why the person who is designated as an irregular arrival and becomes a designated foreign national is treated so differently from any other refugee claimant that they have to wait for five years before they can even apply for residence or start to get their family.

What kind of humane way is that to treat a family when — let us say that it is a man — it might be six to eight years before he can be with his wife and kids again? That is not a humane way of treating people, is it?

Senator Martin: Again, these are very extraordinary situations. In the last 20 years we know of the three incidents. We also heard that this is an international network, and so this bill attempts to include those disincentives to the pull factors for those who are considering becoming a part of the smuggling ring or business to come to Canada in this sort of unorthodox way.

Having said that, I do share the concerns that were expressed about that, but, as we heard — the honourable senator was on the committee as well — with children under 16, we are looking at what is in their best interests, whether it is to stay with the family or otherwise. They may have family in Canada, so that would be first considered, as would, perhaps under the provincial system, places that they could be sent to.

Again, in the best interests of the child, these will be very carefully considered, case by case. I do appreciate the concern that the honourable senator is expressing today.

[*Translation*]

Hon. Maria Chaput: Honourable senators, I also want to take part in the debate on Bill C-31.

Some immigrants choose to come to Canada, but Canada also welcomes people who are fleeing extremely desperate situations. Canada has a responsibility to ensure that all those seeking asylum in our country are treated fairly, because Canada is a compassionate country and a refuge to those seeking protection from violence and persecution.

• (1720)

[*English*]

As my honourable colleague, Senator Mobina Jaffer stated:

> This bill represents our government's attempt at protecting the integrity of Canada's immigration system by helping to ensure that it is fair, consistent and efficient. Unfortunately, this bill fails to meet each and every one of those objectives. Not only does it fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and that are in direct contradiction with Canada's international obligations.
>
> Bill C-31 is yet another example of an omnibus bill as it combines earlier anti-human smuggling bills which were presented in the form of C-4 and C-49, and sets out a number of proposed amendments to the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act.

Senator Jaffer has also pointed out:

> . . . Bill C-31 can potentially deny genuine refugees access to family, which violates security of the person. In addition, this bill can also lead to increased detention periods, which violates one's rights to liberty. Section 9 of the Charter states that individuals have the right to not be arbitrarily detained. However, Bill C-31 imposes a detention period without review until the expiration of six months and fails to uphold the right as the minister is not held accountable for the prolonged detentions.
>
> Finally, section 10 of the Charter states that an individual is guaranteed the right to prompt review of detention. However, under Bill C-31, if an individual is identified as a designated foreign national, they are detained and eligible for review only after six months, which is in contrast to the Immigration and Refugee Protection Act, which states that foreign nationals should receive a review 48 hours after they have been detained.

[*Translation*]

I will now read an excerpt from a document prepared by the immigration critic for the Liberal Party of Canada, Member of Parliament Kevin Lamoureux:

> There has been a lot of discussion about the Conservative government's new "super visa" in the community recently, but unfortunately it has turned out to be an insult to families desperate to bring their parents here.
>
> The super visa was supposed to bring families closer together by allowing parents and grandparents to visit their children in Canada for up to two years at a time over a decade.
>
> But the reality is that most families won't be able to afford the high costs involved with the visa, including meeting minimum salary levels and paying thousands for private health insurance. All of this is assuming the application is even approved, and we all know how difficult that has become under the Conservatives.
>
> Worse, the super visa controversy is distracting attention from the Conservatives' decision to freeze parental sponsorship applications for two years — breaking a promise to new Canadians. For some, having the right to sponsor their parents is the reason why they chose to come to Canada. What the Conservatives have done — no matter what their excuse — is not right.
>
> . . . In contrast, the Liberal Party of Canada believes in reuniting families. In government, Liberals worked closely with immigrant communities leading to a fair and flexible immigration system. Indeed, more immigrants have been welcomed in by Liberals than by any other party in Canada.
>
> Only with a Liberal government in Ottawa will Canada have an immigration policy that puts the concerns and needs of immigrants first.

Honourable senators, as the Honourable Senator Mobina Jaffer said:

[*English*]

> The United Nations Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18.
>
> Honourable senators, the fact that this bill calls for the unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all of my honourable colleagues to revisit these provisions and adopt the definition of a child that reflects the one set out in the UN Convention of the Rights of a Child, adjusting the age requirements from 16 to 18 years. . . .
>
> In its present form, Bill C-31 violates Article 37 of the United Nations Convention on the Rights of Child, which states:
>
> > No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. . . .
>
> We must remain mindful that, when dealing with children, it is our responsibility to always protect their interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres where they will experience a heightened risk of suffering from several mental and behavioral health issues, not to mention the emotional distress of being in a new country separated from their loved ones.
>
> . . . Canada has a very proud and well-earned reputation for being exceptionally tolerant and an accepting nation, a nation that has always been generous to those who have

sought refuge and protection. However, this has not always been the case. Our government once imposed a head tax on all Chinese immigrants, refused to allow African farmers to immigrate into our country, and incarcerated Ukrainians and later Italian and Japanese Canadians. We have before us in the Senate a motion introduced urging the government of Canada to officially apologize to all of those individuals who were targeted by Canada's discriminatory policies and who were turned away from entering Canada in 1914.

Our government has realized their wrongdoings and chosen to redress these historical wrongs. . . . Our government has also pledged to never repeat these mistakes.

We must learn from our mistakes and ensure that we do not repeat historic wrongs.

[*Translation*]

In a June 18, 2012, press release, MP Kevin Lamoureux said:

The Conservative government's planned cuts to Interim Federal Health Program services will mean that individuals fleeing the most desperate circumstances will no longer have access to essential healthcare services.

As a signatory to the United Nations Convention relating to the Status of Refugees and the 1967 New York Protocol, Canada has a responsibility to ensure the equal treatment of those seeking asylum within our borders, and that means ensuring their access to social services, including healthcare.

The Conservatives are making this an issue of "us" versus "them," rather than sending a strong message that Canada is a compassionate nation. Our country has long been a safe haven for those seeking protection from violence and persecution, yet this government continues to rip away our welcome mat to the world.

Liberal Health critic Dr. Hedy Fry continued:

This government's decision to eliminate upfront care for refugee claimants will inevitably lead to undiagnosed and untreated problems, and in turn greater health complications and higher costs to our healthcare system. In addition, as is the case with many of the Conservative cuts, it will simply download responsibilities on the provinces and territories, which will now bear greater costs for refugee healthcare.

Honourable senators, on June 20, 2012, World Refugee Day, the Fédération des communautés francophones et acadienne du Canada, which includes francophone organizations from nine provinces and three territories, issued a news release that said:

Many of the immigrants who settle in our communities are refugees, and we know what kind of challenges they face. We think it is important to set them up for success in Canada. That is why we are concerned about the impact of recently announced modifications that will change how refugees integrate into our society.

Over 13 per cent of French speakers outside Quebec are immigrants, and refugees make up a significant proportion of those using reception and integration services in francophone and Acadian communities. These people have specific needs, and over the years, we have created services to meet those needs directly, thereby helping refugees become active members of our communities and Canadian society, explained Ms. Kenny.

• (1730)

The FCFA is particularly concerned about how the proposed changes will affect family reunification. With these changes, refugees will have to wait five years before they can apply to sponsor their families, whereas in the past, they were able to apply as soon as they received their permanent resident status.

The Fédération is also very worried about the restrictions on refugees' access to medical services, which mean that asylum seekers and refugee claimants will no longer have any medical coverage until their case is heard and they are granted refugee status.

Our communities are committed to working hard to recruit and welcome immigrants — including refugees — and to help them integrate into society so that they can succeed and contribute to our collective well-being. However, it is important to understand that if refugees have to wait several years to be reunited with their families and if they have difficulty accessing health care, this will have an impact on our efforts and on our results, said Ms. Kenny.

Honourable senators, Canada has a duty to welcome with compassion anyone who seeks refuge in Canada and to ensure that all refugees are treated fairly.

[*English*]

Hon. Terry M. Mercer: Honourable senators, I rise before you today to speak at third reading of Bill C-31, protecting Canada's immigration system act. Bill C-31 amends the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

I would first like to thank Senator Jaffer for her leadership on this file. She has been on this file for so long, and I would like to thank her for that on behalf of every Canadian.

Some Hon. Senators: Hear, hear.

Senator Mercer: Bill C-31 makes a number of changes to Canada's inland refugee determination system by amending the Balanced Refugee Reform Act and by introducing entirely new provisions. It also amends the inland refugee determination system with respect to irregular arrivals of refugee claimants through provisions substantially similar to those previously introduced in Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act.

Bill C-31 also amends other areas of immigration law, notably by providing for the collection of biometrics from temporary resident visa applicants and expanding opportunities to sponsor immigrants.

After reviewing this bill, it has become very clear to me that it demands our attention. Although there are a number of provisions that need to be closely examined, I would like to focus on a few that are of particular concern to me.

Immigration is an important issue to me. Growing up in Halifax, we were well aware of the impact Pier 21 had on this country. One simply has to walk down the street to see the different cultures that have shaped the communities of Halifax, and indeed last weekend there was a demonstration of a community fair representing all kinds of cultures in Halifax, which could happen in any community across the country.

Pier 21 was the gateway to Canada for 1 million immigrants between 1928 and 1971 and served as a departure point for 500,000 Canadian military personnel during the Second World War. Immigrants have helped shape Canada's identity. That is why any bill that hinders the process of immigration to Canada by violating an individual's rights is just plain wrong.

Honourable senators, Bill C-31 not only clearly violates the Canadian Charter of Rights and Freedoms but also is inconsistent with a number of Canada's international obligations. For example, section 7 of the Charter states that everyone has the right to life, liberty and security of person. However, Bill C-31 will potentially deny genuine refugees access to family members, which I believe violates security of the person. In addition, this bill could lead to increased detention periods, which violates one's right to liberty.

Section 9 of the Charter states that individuals have the right to not be arbitrarily detained, but Bill C-31 imposes a detention period, without review, until the expiration of 12 months and thus fails to uphold this right as the minister is not held accountable for prolonged detentions.

Finally, section 10 of the Charter states that an individual is guaranteed the right to prompt review of detention.

However, under Bill C-31, individuals who are identified as designated foreign nationals are detained and eligible for review only after 12 months. This is in contrast to the Immigration and Refugee Protection Act, which states that foreign nationals will receive a review 48 hours after they have been detained. That is quite a difference.

Honourable senators, several factors lead one to seek refuge or to emigrate to a new country. Over the past several decades, political upheavals, conflict and persecution, as well as food and economic crises, have motivated individuals from all walks of life to immigrate to Canada, a country full of opportunity and promise.

Not only does Bill C-31 fail to recognize the dangerous and life-threatening circumstances that many men, women and children are confronted with, it also makes these individuals feel unwelcome and treats them as though they are criminals rather than victims. That is not the Canadian way; that is not how we want the world to see us.

Although I find many aspects of this bill exceptionally troubling, one of the most pressing concerns is the impact this piece of legislation will have on children. As a signatory to the United Nations Convention on the Rights of the Child, Canada has made a commitment to always ensure that civil, political, economic, social, health and cultural rights of children are protected. We as a country have an obligation to honour that commitment and do everything we can to protect the world's most vulnerable population, our children.

As many of you know, Senator Munson and I, along with Senator Cochrane, our newly retired colleague, have taken up the torch of children's rights since Senator Landon Pearson retired. We are pleased that this year Senator Martin will be joining us to help out with the child's day. Over the years we have seen the large impact children have on our society. New immigrants to Canada only augment this effect as they bring their children with them to the promise of a new future.

Honourable senators, the UN Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18. The fact that this bill calls for unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all honourable senators to revisit these provisions and adopt the definition of a child stated in the UN Convention on the Rights of the Child, adjusting the age requirements from 16 to 18.

Moreover, Article 37(b) of the United Nations Convention on the Rights of the Child, to which Canada is a signatory, states:

> No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time . . .

That is pretty clear. In addition, under provisions of Bill C-31 that discuss irregular arrivals, children who are 16 and 17 years of age who would under this bill face mandatory detention will be separated from their families as the facilities are segregated by gender, meaning a child would be unable to be accompanied by both parents.

This is in direct contradiction of Article 9.1 of the UN Convention on the Rights of the Child, which discusses forced separation:

> States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents . . .

That is pretty clear.

• (1740)

Honourable senators, we must be clear that when dealing with children, it is our responsibility to always protect their best interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres, where they will experience a heightened risk of suffering from several mental and behavioural health issues, not to mention the emotional distress of being in a new country, separated from their loved ones.

In fact, as mentioned earlier, both the United Kingdom and Australia implemented policies very similar to this one we are debating. However, both Australia and the United Kingdom later rescinded these policies, as they realized the detrimental effects they had on children who are desperately seeking asylum.

Having proven that policies of this nature are clearly harmful to children, we must ensure that we learn from the mistakes of other nations and do not neglect to properly assess the impact these provisions would have on children. We should learn from their mistakes.

Honourable senators, we have a duty to Canadians and to the thousands of refugees who come to Canada every year to take the time required to properly study and debate Bill C-31. More important, we have a responsibility to protect the world's most vulnerable population, our children.

Let us honour the spirit of multiculturalism and embrace new ideas, just as Pierre Trudeau did in reforming immigration in the 1970s. Let us not close doors and impede immigration in this country. Remember, other than our First Nations people, we have all come from someplace else.

[*Translation*]

Hon. Roméo Antonius Dallaire: Honourable senators, I also want to speak to this bill. I believe the government is taking a heavy-handed approach to solving a problem that is controllable. It is irresponsible to use a time allocation motion for a bill of this nature.

I am moved by the sensitivity of Senator Martin, the sponsor of the bill, and Senator Jaffer, who has criticized the bill.

Senator Martin comes from a country that entered into war 62 years ago this past June 25, which is my birthday. That war created many refugees and left many people in distress.

That brings me to my own personal story. After the Second World War, my mother, who is Dutch, and I, who was born in the Netherlands, crossed the Atlantic on a Red Cross ship to Pier 21 in Halifax, where we disembarked and boarded a Red Cross train that was crossing the country.

The interesting thing is that although all these foreign nationals were able to board these ships and trains, there was not always someone waiting for them on the other side, because some had gotten married or had disappeared. Some soldiers had grown close to people overseas, which sometimes meant, for a war bride and her children getting off the train in Saint Louis-du-Ha! Ha! in the middle of the night in December, that there was no one at the station to greet them. In other cases, families and friends waited in vain at the station for a soldier who never arrived, because he had turned his back on his responsibilities to the wife and children he had left behind.

Communities and the Red Cross took care of them, particularly those who no longer had any reason to be in Canada. Did we deport them, or did we try to keep them in the country so that they could integrate into their new community?

Vietnam is another example. Lots of Vietnamese boat people came to Canada. Ultimately, we realized that their arrival did not have a negative impact on our communities despite the fact that they were Vietcong, spies from the north, subversive people. On the contrary, we immediately accepted them as refugees and welcomed them as best we could at the time.

That brings me to more recent cases, including that of Senator Jaffer, who came from a war-torn country. These days, more and more countries are imploding, internal political and economic structures are collapsing, and huge numbers of people are expected to end up in refugee camps. Most of these victims are women and children because in these countries, nearly 50 per cent of the population is under the age of 15. As a result, the number of children without parents or guardians could rise dramatically.

I am raising these points to emphasize some of the major repercussions of this complex omnibus bill.

I speak from personal experience. My foundation in the Quebec City region helps children of refugees integrate into the community. I have also done research on child soldiers living here and others who are trying to get into the country but who have run up against laws that prevent them from coming here unaccompanied.

Former Senator Pearson now works with children, in particular abused Aboriginal children, both in Canada and abroad.

All that to say that I am familiar with the issue of children and youth who are not refugees, but who live in conditions of extreme poverty and destitution. We are not neophytes; we are knowledgeable about such matters. We have known and worked with people experiencing difficulties, and we have tried to help and to rectify the difficult situations in which they found themselves.

In this context, I must first tell you that I agree 100 per cent with Senator Jaffer's amendments. These amendments are well-thought-out and jeopardize the bill that you are in such a hurry to pass because a deadline was set in advance.

It is your fault if you introduced a bill with such a short deadline and then attempted to introduce another, saying that it must be passed quickly, otherwise the former law will be invalid and will cause you more problems.

That is your problem. Ours is to try to bring to your attention the possible mistakes that you are making in your zeal to pass bills that are not negligible in scope.

We are not here to deal in statistics. That point was raised by Senator Martin when Senator Eggleton asked her a question. Unaccompanied children represent only 0.4 per cent of all people who enter the country. A weapon or a truck that works at 99.6 per cent of its capacity is very efficient, and an engineer would be very pleased to have a system that operates at 99.6 per cent efficiency.

But there is a small problem in this case. We are not talking about a truck, a weapon or an engineering problem. We are talking about human beings.

• (1750)

Under the Charter of Rights and Freedoms, all human beings — whether we are talking about one, one hundred or one thousand — are equal. No one is more human than everyone else. No one is entitled to more attention than everyone else; everyone is entitled to attention, in accordance with the fundamental laws of this country.

We do not need statistics thrown at us, but we must think about whether we are meeting the needs of the human beings who are coming to our borders, whether they arrive by boat, plane or other means that we have yet to imagine.

All humans have the right to be treated humanely, in accordance with our laws and our established charters. If the government wants to create laws with exceptions, it must not say that we have fundamental laws and a strict rule of law. It should say that our laws contain exceptions because there are some people who matter and others who matter less. There are real humans and there are less-than-humans.

This bill contradicts the positive evolution that the international community is trying to achieve in recognizing human rights, and particularly children's rights. Why the focus on children's rights? Because, as I mentioned earlier, we live in an age where civilian populations are not only victimized, but also targeted by war. These populations are primarily made up of women and children. In many cases, children make up the majority of the population.

We are not talking about exceptional situations involving people who could perhaps arrive at our borders by boat or other means, whether accompanied or not. We are talking about the fundamental nature of the conflicts that exist in today's world. The civilian population, which is the target, is also inexorably the victim.

Still, it is reasonable to expect the government to protect our safety in relation to the complex scenarios that these wars can create and that will incite refugees to try to come to Canada.

I would like to draw your attention to something a Conservative MP said recently in the other place. I think it speaks volumes about the spirit underlying the bills the Conservatives want to pass so swiftly and with so little consideration.

The Conservative member's name is Ted Opitz. Here is what he said:

[*English*]

> I know something about war zones. They're not black and white. A lot of the people who come aboard those ships are ones who have pioneered suicide bombers, the use of child soldiers, and all kinds of things. So when all these people come here and we don't know who they are . . . Canada has a right to defend its integrity, and it has a right to defend Canadian families. If we don't know exactly who those individuals are, it's in Canadians' best interests. . . . I'm sure that if these guys get off the boat, you're not going to be inviting them into your home until you know who they are.

[*Translation*]

I agree with that, if we are talking about the logic of the laws we have created, but not in a context where the government wants to go against the international rights that Canada has so passionately defended. The international community, particularly through the United Nations Under-Secretary-General on the rights of the child, reminds us that we should be concerned about children's rights, particularly when we are introducing new legislation that goes against the fundamental philosophy that our country has been defending for decades now on the international stage.

When we go to those countries that Canada is trying to help, people ask us: What is happening in Canada? Why does everything seem to be changing? Why this viciousness and paranoia so suddenly in these bills and procedures? Why is Canada taking such extreme positions that are so contrary to our way of thinking? For these are not small, trivial changes. They fly in the face of the fundamental philosophy that our country developed and has defended and that has been emulated by a number of other countries around the world, because people felt that what we were advocating made sense.

This bill proposes restrictions such as the age criteria of 16 years. The government claims that a 16 year old should reasonably know which boat he was on. As soon as he boards that ship, he is necessarily involved in an illegal immigration process and, because he is 16 or 17 years old, he is old enough to be aware of that fact. That is not true. Allowing a young person to drive a car is not comparable to the case of a young person who has been mistreated and used as a child soldier and who has managed to escape that situation and to come to Canada. Such a person will present himself to our immigration officers and will be thrown in prison and treated as an adult; his ability to defend himself will be limited.

The Hon. the Speaker: Honourable senators, Senator Dallaire's time is up.

Senator Dallaire: Honourable senators, I request a few more minutes.

Hon. Senators: Agreed.

Senator Dallaire: Honourable senators, we do not have the right to toy with positions that have been already been taken at the international level just because perhaps, all of a sudden, the government wants to close a door. In this case, the government is not closing the door gently and carefully; rather, it is slamming the door on the fingers of young people to be sure they understand that we do not want them here if they are unable to meet our criteria and standards.

The plight of child soldiers in these countries is dire. Many of these children want to come to Canada. They have lost their families, their villages and everything around them. They have been mistreated and used. Under the protocol to the Convention on the Rights of the Child, anyone under the age of 18 must be considered a minor and treated in accordance with the conventions we have signed.

However, there is a small problem with that: some of the conventions that we have signed have not been reflected in our laws. Accordingly — and this is particularly true of Bill C-31 — this allows us to play with numbers, to play with ages, to use the age of 16 instead of 18 as the point of reference, because we have not changed our laws to reflect those conventions.

If changes are needed, they have much more to do with a reflection on our history, our beliefs and, fundamentally, on our perception of the rule of law, human rights and the idea that all human beings are persons and have a right to be recognized by our laws.

In that context, our laws are based on the conventions that we have signed and that we have a duty to uphold. Furthermore, those who serve in uniform, those who serve in the diplomatic corps, those who serve in the area of development and those who work with NGOs all obey these laws and ensure that they are obeyed beyond our borders. Why are we incapable of ensuring that they are obeyed here at home?

I believe that this bill is an abuse of authority. It is an abuse of power. Yes, you are in power, but that does not mean you have the right to concoct anything you want and impose it on us, and that we will simply stand by and stop discussing these things. We are here to discuss them as long as we can, even if you limit our time. If we could, we would be discussing this much more thoroughly.

• (1800)

[*English*]

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

The question is the motion in amendment of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, that Bill C-31 not now be read a third time but that it be amended.

All those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Two senators rising, there will be a 15-minute bell. Therefore, the vote will take place at 6:15.

• (1810)

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Callbeck	Hubley
Campbell	Jaffer
Chaput	Mahovlich
Cordy	Massicotte
Cowan	Mercer
Dallaire	Mitchell
Dawson	Moore
Day	Munson
De Bané	Peterson
Downe	Poy
Dyck	Ringuette
Eggleton	Robichaud
Fairbairn	Tardif
Fraser	Zimmer—29
Hervieux-Payette	

NAYS
THE HONOURABLE SENATORS

Andreychuk	Marshall
Angus	Martin
Ataullahjan	Meredith
Boisvenu	Mockler
Braley	Nancy Ruth
Brown	Nolin
Buth	Ogilvie
Carignan	Oliver
Comeau	Patterson
Dagenais	Plett
Di Nino	Poirier
Doyle	Raine
Duffy	Rivard
Eaton	Runciman
Finley	Seidman
Fortin-Duplessis	Seth
Frum	Smith (*Saurel*)
Gerstein	Stewart Olsen
Greene	Stratton
Housakos	Tkachuk
Johnson	Unger
Lang	Verner
LeBreton	Wallace
MacDonald	Wallin
Maltais	White—51

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1820)

The Hon. the Speaker: Honourable senators, the question before the house is on the main motion for third reading of Bill C-31.

Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Unger, that Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, be read the third time.

Those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying "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: Pursuant to the *Rules of the Senate*, the vote is automatically deferred until 5:30 p.m. tomorrow with a 15-minute bell.

POOLED REGISTERED PENSION PLANS BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Nancy Ruth, for the third reading of Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts.

Hon. Art Eggleton: Honourable senators will appreciate that Canadians are worried about their pensions. They are worried about whether they will have enough to retire. A recent survey of working Canadians between the ages of 30 and 70 years showed that only 17 per cent said they are prepared to retire and will have enough money to retire, while 83 per cent of those surveyed said they did not know how much they needed to retire on. Those statistics clearly indicate that many people are not sure about where they stand or whether they will be able to afford a decent standard of living in their retirement. Indeed, many of these people will end up falling below the poverty line. They will end up with a significant decline in their standard of living.

We have three pillars in our pension system to help people in their retirement. We have the Canada Pension Plan or the Quebec Pension Plan, as the case may be. Those amounts of money are certainly far below any poverty line measurement at $4,900 a year for women on average and $6,500 for men. According to the OECD, we are very modest in what we are able to provide in terms of pension retirement plans.

In addition, we have Old Age Security and, in some cases, the Guaranteed Income Supplement. Also, there are work place pension plans, which are diminishing substantially. Only 23 per cent of people have workplace pension plans and 70 per cent do not have any workplace pension plan whatsoever. Those people have to rely on RRSPs, the equity in their home, or on other savings that they may or may not have.

According to Statistics Canada, the median pension savings in RRSPs is about $60,000, which will buy a $3,000 a year annuity — hardly enough. It is quite clear that people have not saved enough to be able to meet their pension needs.

The government is suggesting that Bill C-25 — pooled registered pension plans — is part of the answer. However, when we look at the bill, we see that they are not much different from existing RRSPs. They are very similar to group RRSPs and are locked in.

A person does not have much choice about whose PRPP they get locked into because the employer determines that. However, the employer does not necessarily have to contribute to it and the employer does not have anything to do with the administration of it, but the employee is the one who gets locked into it. Employees get locked in even if the plan turns out to be poorly managed and does not have much of a return on the investment. Employees cannot get out of PRPPs.

The pooling of this plan is also very small. For example, the big pooling entities such as OMERS and the Teachers' Pension Plan have a very broad pooling arrangement so that the ups and downs in the market are not nearly as problematic as they would be for smaller pooling arrangements.

When there is a downturn in the market, as there was during the recent recession, people paid a lot of attention to their retirement savings. They said, "My goodness — I have lost a lot of money in my plan. The market returns are not there to give me a decent retirement." As a result, many people are talking about working longer to be able to make up for that.

There is no provision in the proposed PRPP in Bill C-25 to make up for those bad years. If the bill really is to help people, it should contain a provision that allows the employee to add money at a later time to help make up for those market fluctuations.

The CEO of the Canadian Federation of Independent Business appeared before the Standing Senate Committee on Banking, Trade and Commerce to speak to Bill C-25. He said at least three times that this bill is not a panacea. He said that maybe a third of their members would consider this — not that they would implement this, but they would consider it. By the same token, they are also saying that they cannot afford to get into these plans unless they make some other change to employee wages and benefits. That is not a net benefit to the employee at all.

• (1830)

This is a very problematic course to take. In fact, we should learn, since for some reason government does not learn from what previous governments have found out about this. I can think of Bill C-10 and the advice we got from the United States about the direction we were going there, which they said they tried and failed.

We just talked about Bill C-31 and talked in terms of the U.K. and Australia, both of which went down a similar path and decided it did not work and got out of it. Australia went down this path about a decade ago. In a recent study they found that earnings for pensioners, the employees, were really quite low and that the big winner was the financial service industry. That is due to the fact they stand to make a fair bit of money on fees.

The Canada Pension Plan and the big pension plans, like OMERS and Teachers' Pension Plan, operate on a fee basis. They call it "basis points," that is, about 50 to 65 basis points, 50 being half a per cent, but the witnesses at the committee said this plan would probably operate at about double that number. Half a per cent more over the long haul is a lot of money in terms of pensions. There is no guarantee that it would even be that low. There is nothing here but wishful thinking about the rate that might be charged. The rate could be up above 2 per cent, in fact 200 basis points in terms of the fee structure. Again, in Australia it turned out to be a lot higher than they had hoped or expected.

Honourable senators, there must also be something the Ontario government is concerned about because it is not embracing this plan. The plan really only directly covers federally regulated industries. In order to make this work across the board the provinces have to be part of it, but Ontario has questioned a number of things and they are not keen to get on board.

For example, on the matter of fiduciary responsibility, the adequate protection of plan members to ensure that people honestly and correctly deal with the investment of this money, the Ontario government is not satisfied that that framework in this bill has been properly addressed. They also raised the question of the low-cost objective. They are saying the same thing I just got through asking and the same thing that was a problem in terms of the Australian experience. There are no figures in here as to what the low cost will be. It is, again, just wishful thinking.

Finally, the Ontario government thinks any enhancement should be tied to the Canada Pension Plan. That is a lot of employees in that province who do not think this is the way to go.

I think that a much better way to go would be the Canada Pension Plan. It can be done in a way that is also voluntary, like this one. It is not compulsory. However, the benefit of going with the Canada Pension Plan and a supplementary "CPP2," in other words, is to tie into the Canada Pension Plan Investment Board. One of the good things about being tied into them is that they have a terrific track record and a terrific fee structure. Their fee structure is very low. That leaves more in the pockets of the people who are retiring.

In terms of retiring, there will be more and more individuals coming over the next couple of decades as the population ages more and more. That baby boomer bulk will mean a lot of retirements. We face the distinct possibility of a real crisis because those people, by their own admission, will not have enough money on which to retire.

The other day, when I was speaking on second reading, Senator Di Nino asked whether I thought these people should take some responsibility for their own pension plans. Yes, they should. There is the CPP and the OAS, but yes, they need to contribute more. They obviously have not with respect to RRSPs because Statistics Canada says a median $3,000 a year annuity is the most someone will get with that.

Here we have an opportunity for them to invest in a better way than what is being recommended in this bill, and that is a voluntary supplementary CPP. There may be improvements we should also make to the basic CPP. I happen to believe we should. However, I know some people are concerned if we go too far in that direction it can diminish the possibility of investments and job creation, and that could be true for small business. We need to have something that is better than this bill if we really want to deal with the issue seriously.

Honourable senators, one could take the view that it is better than nothing, or what do we have to lose in trying it? The problem is that this will lull people into a false sense of security. It will give the government the opportunity to say it has done something when it really has not. This is really just window dressing. This is not the answer to the problem.

The answer to the problem, a voluntary supplementary Canada Pension Plan, will not cost the government any more money. It will not be a drain on the budgets of businesses, particularly small businesses. In fact, the CEO from the Canadian Federation of Independent Businesses said he would be fine with a supplementary CPP. He thinks that is equally a good idea.

Honourable senators, I think this plan is flawed and I would hope the government would do something far more serious about helping people with pension plans before it is too late. We are heading down a very slippery slope that will result in a lot of people heading towards poverty and a lot of people not having the kind of standard of life they thought they would get with their pensions.

Some Hon. Senators: Hear, hear.

An Hon. Senator: Question.

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

It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Nancy Ruth, that Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts, be read a third time.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker: Carried, on division.

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

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Brown, for the third reading of Bill S-9, An Act to amend the Criminal Code, as amended.

Hon. Roméo Antonius Dallaire: Honourable senators, I rise today to speak to Bill S-9, An Act to amend the Criminal Code in order to combat nuclear terrorism.

I want to share some of my concerns regarding Canada's efforts in the fight against nuclear weapons. These concerns were raised when the Special Senate Committee on Anti-terrorism was trying to understand how Bill S-9 fits in with our fight against the proliferation of nuclear weapons. I would also like to recommend that we pass Bill S-9, but at the same time, I would like to share some of my observations.

• (1840)

Nuclear weapons are the most extreme massive violation of human rights imaginable. They are immoral, strike indiscriminately and violate our human right to peace and security in the world.

These terrible weapons of mass destruction not only threaten us as a species, but they threaten our humanity as well. There is simply no other threat or danger to Canadians and to global security that is as important as or more important than nuclear weapons. I appreciate the efforts made by the Special Committee on Anti-Terrorism and the remarkable leadership of Senators Joyal and Segal. The committee studied this bill with pragmatism, thoughtfulness and earnest reflection.

After extensive deliberation on the issue, there is no doubt that Bill S-9 will strengthen our country's ability to prosecute those who engage in nuclear terrorism activities.

Through the extraterritorial jurisdiction approach, the bill extends the reach of Canadian law where prosecution may have previously occurred in a legal vacuum. It also provides for extradition in the case of nuclear terrorism without the need for pre-existing bilateral agreements.

Canada is also a signatory to the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), which defines categories of offences and stipulates how those who commit nuclear terrorism offences are to be prosecuted.

The bill will expedite changes to our national laws so that they reflect this international obligation, something we can all be proud of.

[*English*]

As I have expressed before, however, the passage of this bill is nothing short of a calling to do more. Times have changed. In a strategic environment 20 years removed from the Cold War, the costs of a world imbued with the presence of civilization-destroying weapons far outweigh any technical advantages that they can deliver. They threaten our humanity just as much as they threaten us physically. To sit idly by and pass up opportunities to stem the tide of proliferation is simply unacceptable.

Following the conclusion of the new Start Treaty between the United States and Russia in 2010, President Obama made it clear that those cuts did not go deep enough. His critics called him naive and dangerously submerged in wilful thinking. They, and those who echoed their sentiment, were doused with cold water when a retired vice-chairman of the Joint Chiefs of Staff, General James E. Cartwright, the former commander of all U.S. nuclear forces, also called for deeper cuts. He told the world that the current nuclear arsenal is a relic of the past, a deterrent no longer capable of deterring the challenges of the 21st century.

Honourable senators, what General Cartwright recognized was a truth that we cannot let escape us. The truth is that nuclear weapons are not only horrendous weapons of destruction but also that we need far fewer of them than we possess now.

Canada is committed to participating in international efforts not only to fight proliferation but to fight nuclear terrorism as well, so says Bill S-9. We are one of the States Parties to the 1980 Convention on the Physical Protection of Nuclear Material, the CPPNM, which establishes measures related to the prevention, detection and punishment of offences related to nuclear material. This bill seeks to implement updating amendments made to that convention in 2005.

Bill S-9 is a strong step in the fight against that proliferation and the fight for the continued criminalization of nuclear offences. It should be supported. In fact, I am particularly proud to see that the amendment proposed by the Honourable Senator Joyal was accepted by the committee. This amendment prohibits the making of radioactive devices. While the verb "makes" was not included in the original text so that it would not expand the scope to include the legal production of radioactive materials, this amendment is very specific about relating only to the making of a device. The making of a radioactive device is just as much a danger to this country as is the acquiring of the necessary materials to do so.

To paraphrase Senator Joyal, the making of a bomb should be a preoccupation to anyone who deals with nuclear materials. His amendment properly addresses this and serves to more directly input the safeguards outlined in Article 2 of the CNS, which is the agreement. It is, furthermore, a testament to our policy of being tough on terrorism.

This is one of the rare times where I certainly agree with that qualifier.

Nevertheless, I must remind the Senate that we must be vigilant in the implementation of this legislation and steadfast in our promotion of the global governance of nuclear weapons. Of particular concern for me is security at civilian nuclear facilities in Canada, which altogether house hundreds of kilograms of enriched material, material essential to producing weapons. In fact, when Matthew Bunn, an eminent scholar at Harvard University and a former White House adviser in the Office of Science and Technology Policy, spoke to the Special Senate Committee on Anti-terrorism, he pointed out that not only are the security measures at the over 100 research reactors in the world that still use highly enriched uranium extremely modest but also all of the cases of theft have been perpetrated by insiders.

It is not uncommon for private security firms often used to patrol and guard civilian nuclear sites to be plagued by poor regulation, oversight and personnel management, let alone cost-effectiveness processes. Do more with less. They have been accused of not having sufficiently comprehensive background checks, licensing requirements or training. It is, indeed, all too common, according to a 2002 Law Commission of Canada report, to hire applicants at these firms one day and have them in uniform and on patrol the next. In fact, in Canada, with the exception of New Brunswick, a criminal record does not deny a person licensing if a security company wishes to make a case for an employee. Compare this to what the military requires in incredibly extensive security checks, continuous review of these checks, and constant upgrading of training and capabilities to be prepared to use those weapons. These private security firms, which are often employed to patrol and guard civilian nuclear sites, may, therefore, represent a prime target, the weak link that could be exploited to gain access to nuclear materials. Rigorous regulation, ongoing oversight and strong personnel security measures are essential to mitigate this risk. This is a significant risk.

Though many of these elements are already in place here in Canada, I nonetheless wish to underscore the importance of maintaining an adequate security posture, one that addresses all potential attack vectors, including insider threats. Equally important is the need to provide for ongoing review of accountability for these security measures, including rigorous and regular screening of employees, not every 10 years as required in certain provinces — and many are fighting to be done every five years — but at a far more accelerated pace, every two or maybe three years at most. Those are the criteria used within the military milieu. Every year we review the security capabilities of those individuals.

• (1850)

I suggest that the Canadian Nuclear Safety Commission also consider adding a specific section on personnel security in its annual report so that we see what those reviews are and we are able to validate them with a sort of inspector general oversight.

I had attempted to have these suggestions included in the observations attached to the committee's third report. Having not received the full support of colleagues from both sides of the committee table, I am now making these observations here at third reading. That is to say, the majority won and my colleagues and I on my side lost.

Professor Bunn explained to the committee that the al Qaeda terrorist network has made repeated attempts to buy stolen nuclear material in order to make a nuclear bomb, a dirty device. They have indeed tried to recruit nuclear weapons scientists, including two extremist Pakistani nuclear weapons scientists who met with Osama bin Laden shortly before the 9/11 attacks to discuss nuclear weapons — an option. This is all the more reason why the security of Canadian nuclear facilities is of paramount importance. Nuclear terrorism, according to Professor Bunn, remains a real and urgent threat. If the world power panicked after two towers came down, what will happen when half of Atlanta is wiped out by a dirty nuclear device?

I have stated before that the problem of nuclear terrorism cannot be seen in isolation. It is but one facet, albeit important and not insignificant, of the overall problem of nuclear weapons. The physical security of our nuclear facilities is a top concern. This year, our country was ranked tenth overall on nuclear security by the Washington-based Nuclear Threat Initiative, NTI. That places us in a three-way tie with Germany and the United Kingdom out of 32 nuclear-capable nations. Canada received perfect marks in a number of categories, including adoption and compliance with safeguards, lack of corruption, the presence of an independent regulatory and control and account procedures.

The score was dragged down, however, in part because Canada has not yet ratified the 2005 amendment to the CPPNM or the Nuclear Terrorism Convention. However, the passage of Bill S-9 will go a long way to solve that. It was only seven years in the making.

We also scored only eleventh on our physical security, a rather shameful score for a developed country that possesses hundreds of kilograms of fissile material. Indeed, it was our possession of that much material that worried the NTI group, for with it comes a much greater onus to protect it. We must not become idle when handed report cards like this. We need to progress.

The Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism are just two of Canada's many commitments into which Bill S-9 will fit. The obligations resulting from these agreements, when contrasted with Canada's lack of progress, not only show the potential and importance of the bill but also remind us of how far we still have to go. We have taken a fundamental step. Now we just have to continue moving forward. It is not a time for status quo, for status quo is not a straight line; status quo is regression, as status quo cannot be sustained.

[*Translation*]

Many believe that a nuclear weapons-free world is nothing but a dream. Many nuclear weapons proponents act as though not having these weapons would be an unacceptable loss. They are the ones holding the world hostage while we are fighting to ensure that our fissile materials, components and related devices do not fall into the hands of terrorists or rogue states.

They are the ones who undermine our credibility when we talk about non-proliferation. Our progress is hindered by states that cling to a military doctrine of nuclear deterrence as a way to exert their authority. They do seem to be paring down their arsenals somewhat, but we know that other states are working to upgrade their arsenals and their delivery systems.

Nuclear powers claim that they have to maintain their arsenals as long as nuclear weapons exist. According to the convoluted logic that led to the nuclear arms race during the cold war, the level of security afforded by nuclear weapons depends on their deployment and the desire to use them.

Honourable senators, I recently had the opportunity to write a letter to a high school student who asked me, as only young people can, whether I thought there were any ways to help people in danger of experiencing a tragedy like the one that devastated Rwanda. I told her that I knew what it was like to be in a place where everything was falling apart and that I was familiar with the attendant feeling of powerlessness.

I encouraged her not to surrender to something that seems insurmountable, to give up in the face of adversity, but to persevere and face the storm because no matter what problem the people of this planet face, there is and will always be hope.

That day, I was writing about Rwanda, but I am convinced that this encouragement, this willingness to hold on to hope also applies when we are talking about nuclear weapons. Fortunately, the world has not crumbled, but we have been living on the edge of disaster for 60 years.

As long as nuclear weapons remain one of the only true threats to all humanity, we must continue to always be vigilant and to take a preventive approach.

We must not lose hope. We must pursue the Pugwash movement — a movement to oppose nuclear weapons that is named for the place in Nova Scotia where it was created by 1995 Nobel peace prize winner Cyrus Eaton. As the Honourary Patron of the Pugwash Peace Exchange, I accepted that prize and placed it in that very special place in the Village of Pugwash.

Such an initiative would demonstrate the desire of Canadians to maximize our efforts and to move toward the elimination of useless weapons — weapons that cost billions of dollars but that have no intrinsic military value.

Honourable senators, I am here to speak not only of our successes but also of our failures and our problems. At every stage, we have to think about the problems that still need to be resolved, the shortcomings that must be addressed and the obstacles that must be overcome to eliminate a weapons system that, fundamentally, is absolutely useless and threatens the safety of the planet.

By taking these issues into account and by continuing to be diligent in the challenges and work that await us, I encourage you to support Bill S-9 and to include in our country's plan for the future the fight for the non-proliferation and elimination of weapons that are costing us a fortune and putting us in danger.

To date, we have not invested $100 billion in the environment, but, since the Cold War, we have invested over $200 billion in modernizing nuclear weapons deployment systems. If a dozen of these weapons were deployed, the planet and all of humanity would be wiped out. This two-headed approach we are taking and passing on to the next generation is surely a reason to review the fundamental policies related to the safety of our country.

• (1900)

[*English*]

Hon. A. Raynell Andreychuk: Honourable senators, I simply want to put two short comments on the record. First, I would like to thank all those senators who, in my absence, stood in for me at the committee due to my medical absence from the Senate, and particularly the hearings that took place on Monday. I very much appreciated those who came forward on short notice. It is not easy to be replaced on a Monday committee and I do want to thank those senators for their kindness to me personally.

Second, I certainly hope that I will have some opportunity later to discuss the whole issue of global nuclear security and how Canada can and should proceed beyond what it is doing now as the situation changes in the world and Canada's position changes with it.

As the initial proponent of Bill S-9, nuclear terrorism, this bill was for the sole purpose of implementing the two conventions that have been referred to. It is extremely important that Canada continue this approach of using a separate mechanism, by way of a bill through Parliament, to ensure that we are implementing conventions. Putting other issues into the bill sends the wrong signals around the world. We want a clear signal that we are committed to international conventions and international standards. When we do so in a bill that contains the specific issue, it is a clear signal to those countries looking for reasons not to implement a bill or to delay the implementation of a bill.

I believe that Bill S-9 has accomplished what it set out to do, and I believe Senator Joyal's amendment was well within the two conventions and was a facilitating amendment for that purpose. I appreciate the attention that the committee and the Senate gave to these two international conventions.

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

Hon. Senators: Question.

The Hon. the Speaker *pro tempore***:** It was moved by Honourable Senator Segal, seconded by Honourable Senator Brown, that the bill, as amended, be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

[*Translation*]

PARLIAMENTARY LIBRARIAN

SECOND REPORT OF JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT ADOPTED

The Senate proceeded to consideration of the second report of the Standing Joint Committee on the Library of Parliament (*appointment of Ms. Sonia L'Heureux to the office of Parliamentary Librarian*), presented in the Senate on June 20, 2012.

Hon. Michel Rivard moved adoption of the report.

He said: Honourable senators, the Joint Committee on the Library of Parliament has considered the certificate of nomination of Ms. Sonia L'Heureux to the position of Parliamentary Librarian. The committee approves the appointment. Together with all my colleagues, I offer my sincere congratulations to Ms. L'Heureux.

[*English*]

Honourable senators, Ms. Sonia L'Heureux is Canada's eighth parliamentary librarian and the first female parliamentary librarian.

Hon. Senators: Hear, hear.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

TRANSPORT AND COMMUNICATIONS

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

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Transport and Communications, (supplementary budget—study on emerging issues related to the Canadian airline industry), presented in the Senate on June 21, 2012.

Hon. Dennis Dawson moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

IMPORTANCE OF ASIA TO CANADA'S FUTURE PROSPERITY

INQUIRY—DEBATE ADJOURNED

Hon. Vivienne Poy rose pursuant to notice of June 14, 2012:

> That she will call the attention of the Senate to the importance of Asia to Canada's future prosperity.

She said: Honourable senators, in the past few years, we have heard a great deal about Asia with its vast potential, while the United States and the European Union continue to struggle to revitalize their economies.

As we grapple with the new global economic reality, Asia looms large in our collective imagination. While European banking institutions are ridding themselves of their global assets to shore up their balance sheets, they are holding on tight to their wealth-management assets in Asia, believing China and the nearby Asian countries will be their growth engine.

Our own financial institutions have also set their sights on Asia, taking advantage of Asia's rising prosperity. However, many Canadians remain ambivalent or even uneasy about engaging more actively on political, economic and social issues with Asia. As of 2012, half of all Canadians view China's rising prosperity as more of an opportunity than a threat to Canada. Even though Canadian attitudes towards Asia have warmed slightly over the past year, the region still fares poorly in relation to its Western counterparts. India was rated favourably by only 14 per cent and China by 12 per cent of the respondents to a recent poll.

• (1910)

Canadians fail to realize that Asia matters to Canada, regardless of what Canadians think of Asia. Canadians need to face the fact that our trade relations with China alone surpass all our trade with the European Union and that Chinese and Indian investments in Canada are increasing rapidly. On top of that, every year a large percentage of Canada's future brain power also comes from Asia.

In order to meet the need for public discourse, the Asia Pacific Foundation of Canada launched The National Conversation on Asia last year. Why? Over the next decade, Asia will become the global centre for innovation and technology. Asia has already become the world's greatest investor in new infrastructure: highways, rail, airports and cities with the world's most advanced architecture. As the world's leading manufacturer of mass consumer goods, it needs not only our resources but also our technologies and our expertise in education and governance.

Canada's long-term prosperity will depend on Canadian policy-makers' ability to understand and seize economic opportunities in this region. In order to succeed in Asia, Canada needs to develop a comprehensive strategy since we have fallen far behind our Western competitors.

We recognize that Canadian businesses, academic institutions, NGOs and our provincial governments have already developed close ties with Asia, and Canadians of Asian heritage have become important faces for Canada. The federal government finally sees opportunities on the Asian horizon, but our competitor south of the border is way ahead of us. Of the top 20 American companies, 100 per cent have operations in Asia compared to only half of ours.

The Asia Pacific Foundation of Canada's call is echoed by the Canadian Council of Chief Executives and the Canada China Business Council's 2011 report, which says that Canada must make the region a priority and that we must expand beyond dependence on the resource sector to reach new markets in Asia.

In this effort Canada has other natural assets that exceed those found in the ground. These are Canada's people, the entrepreneurial spirit of our diaspora population dispersed throughout the region, as well as our international and Asian Canadian student body, all vital resources yet to be fully explored.

I know Canada is often called an immigrant country. However, our national psyche needs to account for the fact that Canada is also an emigrant country, since over 8 per cent of our population lives outside our borders. Other than for movie stars and pop singers, the Canadian diaspora has often been viewed as a liability. It is time that Canadian residents and our government realized that this group is also a global asset to be harnessed for Canada's interests.

In the past 30-odd years, because of our low birth rate and ever-increasing senior population, Canada is drawing most of its labour force growth from immigration. With stringent requirements, newcomers to Canada have very high levels of education and relevant work experience, and the majority of them happen to come from Asia.

A major challenge over the next decade is how best to use this important resource effectively, as many of these immigrants remain unemployed or underemployed. The unemployment rate for new immigrants is almost double that for native-born Canadians.

Despite not having Canadian experience, migrant populations are often exceptional people because they are willing to take risks in the pursuit of opportunity. They are divergent thinkers who challenge the status quo, and they bring with them cross-cultural skills and international networks that are great assets to the Canadian economy.

In November 2011, a report from the auditing firm Deloitte sounded the alarm, noting that if Canada fails to use the skills of new immigrants, it risks hampering productivity and economic growth. More worrisome still, the report suggests that Canada will lose its newcomers to other nations who are more accommodating of global talent and Canada's brand will be tarnished abroad.

Let us take the example of internationally trained medical graduates who immigrate to Canada. In order to work in Canada as doctors, they must have degrees from accredited international universities. They must pass a series of exams, and, finally, they must complete their residency training in Canadian hospitals.

In Ontario alone, residencies for internationally trained medical graduates have only increased from 24 to 236 over the past decade. At the moment, there are an estimated 7,500 internationally trained doctors who have passed the exams but cannot get resident positions in our hospitals. Little wonder that Balvinder Singh Ahuja, who delivered a baby on an Air Canada flight, turned out to be a pediatrician with 25 years' working experience in India.

Having immigrated to Canada, he gave up his dream of working in medicine, even though he was admitted because Canada has a critical shortage of doctors. He is instead training to be a truck driver. What a loss to Canada.

Dr. Ahuja has settled in Canada for the sake of a better future for his children, but young, first-generation Asian Canadians and international students who study here are less likely to stay in Canada unless they can find jobs commensurate with their education and training. As global citizens, they will go wherever they can find the best opportunities. For many, having knowledge of East and West can also mean that they can build bridges for Canada to Asia.

There are currently 2.8 million Canadians living and working abroad. Since the Canadian population is aging rapidly, the expatriate population actually makes up 12 per cent of Canadians of working age, which represents a sizeable portion of our taxpayer base.

Comparing native-born Canadians to foreign-born Canadians, the latter group is approximately four times more likely to emigrate. There are a number of policy questions arising from these facts for Canada. The first question focuses on retention: How can Canada make better use of the skills of our foreign-born population to benefit our economic growth and productivity within Canada?

There is another policy question we can ask, which takes into account the nature of this new, younger generation of the Canadian diaspora. As transnationals, many of them will leave and return, living between two countries and feeling equally at home in both. Recognizing this reality, we can reframe our assumptions and ask how we can realize the potential of the Canadian expatriate as a resource and cultural link, acting as a human bridge that connects us to valuable business opportunities overseas.

Instead of looking at expatriates and international students who move south of the border or those who return to their countries of origin as a loss to Canada, we can reconceptualize them as the potential keys to increasing bilateral trade.

• (1920)

After virtually ignoring Asia for the first five years of its mandate, the government now has five bilateral free trade talks at various stages and Canada is negotiating to join the Trans-Pacific Partnership. Provinces such as Ontario, Alberta and British Columbia are very aware of this need to enhance trade ties and have called for greater cooperation in terms of an approach to Asia. It is important to note that a quarter of the global GDP is generated in Asia and that six of the G20 countries are in the Asia-Pacific region.

In April 2011, the International Monetary Fund stated that China's economy will surpass that of the United States in real terms by 2016 and that China will become the largest economy in the world. China is poised to replace Canada as the largest trading partner of the U.S. Both India's and China's populations will continue to grow. Much global innovation will continue to be generated in the Asia-Pacific region, and the future of the environment is dependent on the regions' investments in green technology. As of 2008, Asian intra-regional trade accounted for more than 56 per cent of total trade within the region. Regional manufacturing and service supply chains define much of global trade. Over 30 bilateral and multilateral trade agreements in Asia are fundamentally altering the global economic system.

We must have a holistic view of trade with the whole region while recognizing the need for different approaches with individual members. Two-way trade has increased between China and Canada as well as India and Canada. Much of the increase has occurred over the past year as Canada retreats from its dependency on the United States. However, in comparison with Australia, only 12 per cent of our trade compared to

50 per cent of theirs is with Asia. Australia has a similar-sized economy to our own. Now that Canada has approved destination status with China, we can increase our trade through tourism; and Chinese tourists are by the far the biggest spenders in the world. It is, therefore, in Canada's economic interests to encourage tourism from China and not to put obstacles in the way of potential visitors.

Our efforts to boost trade and tourism are not helped by the fact that we are nearly invisible in Asia. For example, most Chinese do not know where Canada is and only think of Canada as a place to go for clean air. In short, we lack brand visibility and rate unfavourably in comparison to small countries like Switzerland or the Netherlands. We are seen largely as a gateway to the United States. If Canada is to pursue more trade and cultural exchanges with Asia, a fundamental shift in thinking is needed among Canadians.

The Hon. the Speaker: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Poy: Five more minutes?

Hon. Senators: Agreed.

Senator Poy: The broader public, government and the business community need to support their effort. Despite the change in the world economies in the past two decades, Canada still turns to the United States or the EU expecting a renewal of these economies, but remember, the United States is over US$1 trillion in debt to China, and the eurozone is in economic turmoil. According to former Deputy Prime Minister and Finance Minister John Manley, who is now President and CEO of the Canadian Council of Chief Executives, the United States' strategy is no longer a growth strategy. This means we need to turn our vision towards Asia as much of the world has already done.

This is not easy for Canada. There has always been a sense that there is a conflict between the East and the West, once famously framed as the clash of civilizations by the academic Samuel Huntington. However, for the sake of our future prosperity, we need to follow Australia's lead and realign our identity by understanding that we are an Asia-Pacific country.

As Yuen Pau Woo, President and CEO, Asia-Pacific Foundation of Canada, noted, the biggest challenge is not what we do in Asia but what we need to do at home. We need to recognize that Canadians in the next generation are global citizens who may choose to live anywhere in the world. If Canadians are to succeed, we must have cross-cultural skills, be multilingual and have a good working knowledge of international business practices.

This will require a fundamental policy adjustment. While we are focused on bilingualism, many other countries emphasize the learning of at least three languages. Change has already begun in some provinces. In Calgary, public school students are offered language programs in French, Spanish, German and Mandarin. In British Columbia, the Vancouver School Board is offering an Early Mandarin Bilingual program to all of its students.

Canada has several assets in this quest to create global citizens: multiculturalism, a diversity of cultures, and the proliferation of languages that already exist in Canada, which can act as catalysts for policy change. Canadians need to adapt, or we will be left behind. Of course, education is the key. We need to establish a curriculum of Asian studies at all levels of education that includes the opportunity to learn Asian languages. While Asian studies and Asian Canadian studies exist at the university level, teaching at primary and secondary schools remains scarce. We need to encourage student exchanges with Asian high schools and universities, increase the number of international students from Asia, and encourage the crucial development of people-to-people relations.

Another aspect of education would be the establishment of a museum of migration in British Columbia, acknowledging the many immigrants who have arrived in Canada over the Pacific and acknowledging that Canada is an Asia-Pacific nation. The Pacific Canada Heritage Centre — Museum of Migration Society has been incorporated in British Columbia as a counterpart to Pier 21 in Halifax in order to tell Canada's national story. While Pier 21 does an admirable job in documenting the arrivals to Canada over the Atlantic, immigrants who came to Canada over the Pacific do not believe that it tells their stories or reflects Canada's current reality.

Canada has a lot of catching up to do. If we are to survive and prosper, our government should consider leading the strategy, since it is the state that leads many of the major Asian economies, such as Singapore, South Korea and China. We need to strengthen our relationship with the region that will only grow in importance for Canada's future prosperity, because the costs of inactions are too great to bear.

Hon. Joseph A. Day: I would like to thank the Honourable Senator Poy for her inquiry and presentation. I intend to participate in the discussion, but not this evening. Honourable senators, I move the adjournment in my name.

(On motion of Senator Day, debate adjourned.)

• (1930)

[*Translation*]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

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

> That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, Tuesday, May 15, 2012 and Tuesday, June 19, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 29, 2012, to December 31, 2012.

(Motion agreed to.)

(The Senate adjourned until Wednesday, June 27, 2012, at 1:30 p.m.)

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