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OFFICIAL REPORT
(HANSARD)

Wednesday, December 10, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker

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

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THE SENATE

Wednesday, December 10, 2014

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

CANADIAN HOSPITALS

Hon. Ghislain Maltais: Honourable senators, as the holidays approach, I would like to take this opportunity to draw attention to some people who work behind the scenes. I am talking about the individuals who work day and night in our great Canadian hospitals to help save people's lives. I am talking about those who, often at the expense of their personal lives, studied for years and gave up part of their youth to be able to save people's lives.

I have a few examples related to my own family. At some point in their lives, my three children have all been in life-threatening situations. My son Frédéric was diagnosed with kidney cancer. Thanks to Dr. Frédéric Blackburn, Dr. Jean-François Audet and Dr. Olivier Ferland, my son was able to go back to being an engineer. Today, he is practising his profession and continuing to raise his two children.

My youngest daughter was born with diabetes and lost both of her kidneys. My other daughter, Isabelle, was generous enough to donate one of her kidneys to her sister. Dr. Comartin and Dr. Isabelle Houde at L'Hôtel-Dieu de Québec hospital operated on them. Doctors did not just help my children. They do this work every day for people across Canada. They work day and night to save lives.

When I finish speaking today, I would like your applause to be heard outside the walls of this chamber. I want the media and our public broadcaster to pay tribute to these people rather than spending three minutes talking about the lack of parking in Sherbrooke, as they did last night. At least in Canada, today, before the holidays begin, I would like us all to sincerely thank these committed people and their teams for the service they render to the Canadian public.

Honourable senators, I invite you to stand up and applaud these indispensable individuals who work behind the scenes.

Hon. Senators: Hear, hear!

[*English*]

THE LATE WILFRED "WILF" ARTHUR CHARLES CARTER

Hon. Wilfred P. Moore: Honourable colleagues, I rise today to pay tribute to Wilf Carter, legendary country and western singer. December 18, 2014, marks the one hundred and tenth anniversary

of the birth of Wilfred Arthur Charles Carter at Port Hilford, Guysborough County, Nova Scotia.

His father was a Baptist minister, and the family moved to Canning, Kings County, Nova Scotia, when Wilf was still a child. There he began to sing and yodel. He left home at 15 years of age, worked as a lumberjack while also singing with hobos in boxcars. In 1923 he moved to Calgary, where he worked as a cowboy and made some extra money singing and playing his guitar at dances and events throughout the Canadian Rockies. Wilf made his radio debut in 1930 on CFCN in Calgary. Soon thereafter, he was heard on other local stations and then nationally. His popularity grew, and in 1933 he was in Montreal, where he began his recording career with RCA Victor Bluebird Records. He recorded two songs that he had just written, "My Swiss Moonlight Lullaby" and "The Capture of Albert Johnson," both of which featured his superb yodeling and became best sellers.

In 1935 Wilf Carter moved to New York City, where he performed on radio and in concerts until 1937, when he moved back to Alberta and bought a ranch. While in the U.S.A., he took on the stage name of "Montana Slim" to help enhance his popularity with the American public.

Back in Canada, he continued to perform on American and Canadian radio shows and at concerts until he seriously hurt his back in a car accident in Montana in 1940. He was not able to perform again until 1949 but sustained his popularity with periodic record releases. By 1949, he'd sold 2.5 million albums. That year, he again moved to the United States; and from that base he continued to be a major attraction at live events, touring with his own family show. In 1964 he appeared for the first time at the Calgary Stampede and was among the most requested guests on CBC Television's "The Tommy Hunter Show."

Over the years, Wilf Carter recorded over 40 original albums with RCA Victor, recording the last in 1988. In 1991, at age 86, he made his last concert tour. He retired the following year and passed away in 1996 at Scottsdale, Arizona, at age 91. Wilf Carter was inducted into four halls of fame, including the Nashville Songwriters Hall of Fame. His simple honest sound and yodeling skills continued to attract listeners with each generation. Wilf's recording of "Blue Canadian Rockies" and "You Are My Sunshine" are among his most popular. He truly is a father of Canadian country and western music and paved the way for many artists who followed him in Canada and in the United States.

THE LATE WILLIAM "BILL" GEORGE BREWSTER

Hon. Daniel Lang: Honourable colleagues, I rise today to pay tribute to an outstanding Canadian and outstanding Yukoner, Bill Brewster. Bill passed away on November 13 at the age of 90 and is predeceased by his lovely wife, Ricky.

Born in Alberta on October 24, 1924, Bill visited Yukon as a horse wrangler for the Geological Survey of Canada when he was 14. When the Second World War broke out, Bill, like many other Canadians, answered the call and volunteered to serve as a member of the Royal Winnipeg Rifles. He took part in the liberation of Europe, landing in Normandy three days after D-Day and fighting his way through France, Belgium, Holland and Germany. At the end of the war, he returned to Canada, and in 1950 he moved to Yukon, where he built his home, business and community.

Like so many Yukoners, Bill was a straight-talking, principled, no-nonsense leader who at times would appear to be crusty; but like so many old-timers, he had a great compassion for his fellow man. I had the pleasure of serving with Bill in the Yukon legislature. He was first elected in 1982 and served for 14 years until 1996 as a Conservative MLA, representing the constituency of Klwane.

During his time in the legislature, he served as Deputy Speaker, Minister of Community Affairs and Transportation Services, Minister of Renewable Resources, Minister Responsible for the Liquor Corporation, Deputy Government Leader and Deputy Premier. Before we had a privacy commissioner and an integrity commissioner, we had Bill Brewster. He never took no for an answer in the legislature. He was as honest as they come and never forgot that the money that pays for government comes from the hard-working people of Yukon. He championed their causes, raised money for the local hockey arena and presented petitions in the legislature to protect the trapping industry on behalf of the First Nations. He worked to save the gold panner on the Yukon license plates, helped recognize the fiftieth anniversary of the Alaska Highway and played a key role in bringing the Canada Winter Games to Yukon.

• (1340)

Bill and his wife, Ricky, helped build their community in Haines Junction from the ground up. Like so many small communities in rural Canada, they worked with all the mothers and fathers to build the community hall and their local indoor hockey rink. As a hockey coach, he welcomed girls on the ice long before it was popular to do so.

He served as president of the Yukon Amateur Hockey Association, chair of the Haines Junction Minor Hockey Association and, rightfully so, in 1980 he was inducted into the Sport Yukon Hall of Fame.

When Bill was not out playing old-time hockey or coaching, he and Ricky could be found running their outfitting businesses — Brewsters Lodge and Brewsters Yukon Pack Train in the Hart River area. Their legacy has shaped Haines Junction and Yukon Territory.

He and Ricky are survived by his daughter Sharon and family and friends in Yukon.

Please join with me in paying tribute to a great Canadian, a wonderful Yukoner, Bill Brewster.

FOOD BANKS

Hon. Jim Munson: Honourable senators, it is 11 years ago today that I was appointed to this special place, the Senate of Canada — 11 years, it's amazing. That was 2003. My life was about to change in many positive ways, but for thousands and thousands of Canadians, life and its prospects were drastically different from mine. In March of 2003, food banks in communities across the country assisted 776,783 people — 776,783 people. More than 40 per cent of them were under the age of 18.

I would like to think that Canada has managed to reduce its citizens' dependence on food banks since that time, but that is not the case. In fact, the situation has worsened. Almost 850,000 Canadians turn to food banks every month. This reality is a clear symptom of poverty.

Illness, family breakup, job loss and other difficult circumstances are among the stories of those who are unable to meet their basic needs. People on social assistance turn to food banks, as do Canadians with disabilities and seniors living on fixed incomes. Food banks also help unemployed people and people who are working but whose wages are insufficient.

Thirty-seven per cent of those coming through the doors of food banks are children. Malnutrition affects children's development, their growth, weight and even their capacity to pay attention and learn. The potential for lifelong negative effects from hunger in children is real, and each of these effects, as with hunger itself, is unjust. Children have the right to nutrition as much as they have the right to be safe, have a home and be cared for.

It is difficult for people to rise out of situations of poverty. Food banks provide assistance so they are better equipped to overcome the challenges they face. They offer something important to us, too — the opportunity to learn about hunger among Canadians and possible ways to put an end to it.

At the national level, Food Banks Canada works to bring us together on issues and strategies for improvements. The Ottawa Food Bank and hundreds of food banks across this country fight hunger with boots on the ground. They give food to those who need it. They make donations and volunteering easy and meaningful. With strong partnerships in the food industry and bulk purchasing power, food banks can turn a \$1 donation into \$5 worth of food.

Though the ideal situation would be one with no hunger and no poverty, that is not our current reality. That is why we need and I am grateful for the good work of Food Banks Canada and local food banks in communities everywhere.

Honourable senators, during this holiday season, please give what you can, where you can. Clients of the food banks are really your neighbours.

Thank you.

ROUTINE PROCEEDINGS

ABORIGINAL AFFAIRS AND NORTHERN
DEVELOPMENTNISGA'A FINAL AGREEMENT—2011-12 ANNUAL
REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2011-12 Nisga'a Final Agreement Annual Report.

INUVALUIT FINAL AGREEMENT IMPLEMENTATION
COORDINATING COMMITTEE—2010-12 ANNUAL
REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2010-12 Annual Report of the Inuvialuit Final Agreement Implementation Coordinating Committee.

IMPLEMENTATION OF THE WESTBANK FIRST
NATION SELF-GOVERNMENT AGREEMENT—
2011-12 ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report on Implementation of the Westbank First Nation Self-Government Agreement for 2011-12.

MAA-NULTH FIRST NATIONS FINAL AGREEMENT
IMPLEMENTATION REPORT—
2012-13 REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Maa-Nulth First Nations Final Agreement Implementation Report 2012-2013.

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ANNUAL SESSION OF THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE
PARLIAMENTARY ASSEMBLY, JUNE 28-JULY 2, 2014—
REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the 23rd Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Baku, Azerbaijan, from June 28 to July 2, 2014.

QUESTION PERIOD

FINANCE

ECONOMIC DIVERSIFICATION

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Since 2009, the government's economic action plans have put an emphasis on the natural resources sector. In 2009, this sector received 13 per cent of the funds dedicated to economic growth, even though it lags behind the service sector, which accounts for 75 per cent of Canada's economic production. As we all know, the price of oil has been plummeting for three months, and it has lost 40 per cent of its value so far. What is more, experts believe that this situation is only going to get worse.

Mr. Leader, Canada seems to have become an oil state under your government's administration. Can you tell us why the Prime Minister has taken the gamble of making our economy dependent on oil, thus potentially compromising growth in all other sectors?

Hon. Claude Carignan (Leader of the Government): Senator, as you likely noticed when all of our economic action plans were passed, our objective has always been to develop the Canadian economy, create jobs and ensure that Canadian families have more money in their pockets and young families receive appropriate tax breaks.

That has always been the ultimate goal of our different economic action plans, which you have always voted against, if I recall correctly.

Senator Hervieux-Payette: Leader, my question was about how the Conservative government intends to deal with its finances.

According to the economists at Caisse populaire Desjardins, a diversified economy is by far preferable to one based on a single industry. Recent economic history shows that major single-industry projects do not have the same impact they did 20 years ago because of globalization. I will read an excerpt from the report written by the Caisse populaire Desjardins economists:

Since the 1990s, we have realized that relying on a single industry is not viable in the long term. The economy changes every five years, so it is important to have sectors that can help the economy bounce back. Often, in a single-industry situation, prices are set internationally. The problem is that when prices drop, regional economies have nothing else to rely on in order to recover.

• (1350)

Instead of a robust and diverse recovery, instead of building a 21st-century economy with its action plans, the government opted, in 2009, for a quick and cheap recovery on the wave of a

boom in the energy sector, a common practice in the last century. Unfortunately, what goes up must come down, and that is exactly what is happening today with the price of oil. I was at the other place 25 years ago, and I can tell you that the prices weren't \$60 and \$100.

Leader, how does your government plan to diversify the Canadian economy in order to make it less dependent on oil and, more importantly, how does it plan to invest in cutting-edge sectors that will make us competitive in the global economy?

Senator Carignan: Senator, I hope you aren't relying on stock market reports to determine the strength of the economy. Since coming into power, our government has posted the strongest performance in the G7 in terms of job creation.

Since the depths of the global recession, our government has created 1.2 million net new jobs, 82 per cent of which are full-time and 84 per cent of which are in the private sector. If you want to talk about diversification and different sectors, that is a fine example.

Canada's economy grew by more than 2.8 per cent in the third quarter, which is another positive sign that our Conservative government is on the right track.

The OECD once again recognized that under our government, Canada's economy remains strong and continues to grow. I would like to read an excerpt from the OECD economic forecast released on November 25:

Building on solid growth, real GDP is projected to accelerate through 2015

On November 26, senator, the International Monetary Fund mission to Canada congratulated our government on its progress toward eliminating deficits and its recent measures to lower taxes for Canadian families and workers.

This IMF report is further proof that our economic action plan is working. Furthermore, as Bloomberg recently said, Canada is the second-most attractive country for business. However, Canada is not immune to economic difficulties beyond its borders, and that is why we introduced Bill C-43, the next phase in our action plan to create jobs and opportunities for Canada thanks to the new small business job credit.

Some Hon. Senators: Hear, hear!

Senator Hervieux-Payette: The next time we get an update on the state of Canada's economy, we will be able to gauge the magnitude of the situation that resulted from the meeting of the Organization of the Petroleum Exporting Countries and the dramatic drop in the price of oil, which is raising many concerns. Will there be a significant impact on your government's equalization payments to the provinces? Will lower federal government revenues end up reducing equalization payments?

Senator Carignan: Senator, I am sure you have heard our Minister of Finance say that economic forecasts and updates take the fluctuating price of oil into account. We will continue to act in accordance with the strategy set out in our economic action plan, and of course none of this has anything to do with provincial transfers.

We won't do what the Liberals did, which was to finance or reduce the deficit at the expense of the provinces, which then passed the burden on to the municipalities, which ended up paying the price.

Some Hon. Senators: Hear, hear!

Senator Hervieux-Payette: In any event, we'll see where we stand with the deficit in 2015.

I'd like to remind you that your finance minister's forecasts were based on a price for oil of \$75. Now it's around \$60 or \$63, and it's expected to drop even further.

Will you ensure that the provinces receive the same transfers in 2015 as they did in 2014?

Senator Carignan: Senator, I prefer the Minister of Finance's figures over yours. Let's talk about facts.

Manitoba will receive nearly \$3.4 billion in federal transfers this year, which is a 24 per cent increase over the amount transferred by the previous Liberal government, and it includes more than \$1.7 billion through equalization.

Federal transfers to Ontario have increased by 76 per cent since we came to power in 2006. Ontario will receive \$19.1 billion in federal support in 2014-15, which is an increase of \$8.3 billion compared to the transfers made by the previous Liberal government, and it includes nearly \$2 billion through equalization.

Quebec has never received so much federal support. This year, Quebec will receive more than \$19.6 billion in federal transfers, which includes nearly \$9.3 billion through equalization, for an increase of 94 per cent since 2006.

Prince Edward Island has also never received so much federal support. This year, Prince Edward Island will receive \$542 million in federal transfers, which is a 33 per cent increase compared to the transfers made by the previous Liberal government, and it includes \$360 million through equalization — an increase of \$83 million compared to 2006.

New Brunswick will receive more than \$2.6 billion in federal transfers this year, including nearly \$1.7 billion through equalization, an increase of \$318 million since the Liberals formed the government.

I could go on and on, senator. I can assure you that the provinces are much better off under the Conservatives than under the Liberals — much, much better off.

Some Hon. Senators: Hear, hear!

Senator Hervieux-Payette: You gave us a bit of a history lesson. You reminded me of the good old days, when we were in power. I would remind you that at that time, Ontario was not receiving any equalization payments, because it managed to balance its budgets. Furthermore, Ontario is receiving money now because the less well-off people are, the greater the deficit.

Boasting about paying money to each province goes against your action plan, which is meant to develop the economy. It is precisely because the economy is contracting in those provinces that we are having problems.

My question relates directly to the funds that are collected from the provinces that are better off and redistributed to other provinces. At this time, what the government should be doing is not always handing more money over to the poor provinces, but simply helping the provinces create more wealth so they don't have to rely on the federal government for money.

I would remind you that equalization is about sharing the national wealth and that the provinces that receive transfers have to cover a deficit related to a struggling economy, like Quebec's, and I am not proud of that.

Do you agree with that premise?

Senator Carignan: You are contradicting yourself. This is so funny. In your series of questions, you started by criticizing natural resources, and that is precisely what allows us to have the economic development that we have, to have equalization and to be able to redistribute that wealth.

Earlier, you levelled criticism at us with respect to natural resources, but you do not seem to understand that that is what allows us to make equalization payments and redistribute wealth. That is unbelievable, senator.

Some Hon. Senators: Hear, hear!

Senator Hervieux-Payette: We will continue our discussion and do a little year-end soul-searching.

I am looking at Canada's trade balance, which is certainly nothing to celebrate. The United States is one of the few countries that have posted a surplus. Most countries have a trade deficit.

If your economic action plan had worked, other sectors would be doing just as well as the oil sector. We have put all our eggs in one basket. Today, with the weakening of the energy sector — the one that generated the most revenue — no other sector is able to offset this loss.

When are you going to invest in sectors that create jobs, innovative sectors that will make us an exporting country with a budget surplus? We are going backwards in that regard.

• (1400)

Senator Carignan: Senator, you can keep thinking about the good old days when you balanced budgets at the expense of the provinces by cutting transfers. We, on the other hand, will continue our work with our action plans while you ask questions about other sectors.

This week, the government announced that Pratt & Whitney Canada will receive \$300 million to research and develop jet engines. The project will maintain 1,500 jobs over the next five years and countless jobs along the supply chain. Thanks to our government's support, this company will be able to produce the world's next generation of lightweight, eco-friendly jet engines. The government will continue to invest in the economy and create jobs with examples like this one. In the meantime, you can think about the good old days.

Some Hon. Senators: Hear, hear!

Senator Hervieux-Payette: Since Christmas is coming, I will congratulate the government on this investment. Well done.

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Just coming back to a couple of assertions made by the Leader of the Government, I wonder if he would be prepared to admit on the record the following facts.

The first fact is that of the past six provincial elections, the Liberal Party has won five, including the elections in the three largest provinces of Canada, which suggests that the people of those provinces do not necessarily feel they are in better hands under the Conservatives. That's the first fact I'd like him to confirm that he's aware of.

The second is that virtually every economist in the land says that the reason we have had the deficits that this government has been burdened with is the first thing it did was cut the GST — the Mulroney government's GST — and cost us, if my memory is right, something like \$14 billion a year — now, next year, the year after and on into eternity.

Would he accept those two factual comments?

[*Translation*]

Senator Carignan: Senator, what I recall about the last election is that the Liberals beat the NDP and came in second. However, in terms of helping families, thanks to our tax plans Canadian families will reap benefits that total, on average, more than \$1,000. Thanks to the measures we have implemented — including the reduction in the GST but not including the tax benefit — every Canadian family will receive more than \$3,400. That does not include the new measures concerning the Universal Child Care Benefit, for example.

[English]

Senator Fraser: That was a perfectly splendid non sequitur. I thank you for it, leader. It was a model of the genre.

[Translation]

Senator Carignan: Might I remind you that people campaigned against the GST?

[English]

FOREIGN AFFAIRS

OVERSEAS DETENTION FACILITIES

Hon. Wilfred P. Moore: Honourable senators, my question is also for the Leader of the Government in the Senate and concerns the reports coming out of the United States with regard to the Central Intelligence Agency and the improper prisons and treatments that it bestowed upon prisoners in those facilities.

About five years ago, there was a wonderful book written called *The Dark Side*, by Jane Mayer, who was an investigative reporter and writer in the United States. In it, she cites the fact that then Vice President Dick Cheney, who was giving direction to the CIA, was confronted with the fact that the United States had been signatory to the Geneva Conventions, to their own constitution and to the United Nations human rights charters, and said to him, "How are you going to do what you're proposing to do here, Mr. Vice President?" He said, "Well, we'll just work on the dark side," — in other words, outside of all those agreements that this country entered into, outside of the charter and outside of the Constitution of the United States.

It has been reported that Canada is one of the countries that collaborated with the United States in the establishment of those prisons and the things that took place within them.

I'd like to know: Do you know what role Canada played in those enterprises? If so, could you tell us —

An Hon. Senator: Oh, oh.

Senator Moore: Could I have some order here, please, Mr. Speaker? If you would like to ask a question, madam, you can get up next.

Leader, I'd like to know: Do you know what role, if any, Canada did play in those enterprises?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator Moore, Canada does not approve of the use of torture and certainly does not employ torture. The report you are referring to is about activities carried out by American intelligence agents on American bases. As far as we know, there is no Canadian connection to those activities.

The main responsibility of Canadian security organizations is to protect the lives and property of Canadians. If information from any source suggests that Canadian lives are in danger, we will act to protect those lives. We will continue to ensure that any such information is examined and assessed by Canadian intelligence experts before taking action.

[English]

Senator Moore: We had the Maher Arar situation, where information was passed over which wasn't vetted and which wasn't true. It resulted in a black eye for our country, and it resulted in his having personal suffering and so on.

Are there any other situations where information was passed over without being vetted by the appropriate Canadian authorities, whereby people would have been apprehended and/or transported to one of these facilities?

[Translation]

Senator Carignan: As I said, senator, our government does not approve of the use of torture and certainly does not employ torture. Canadian security organizations are responsible for protecting the lives and property of Canadians.

[English]

FISHERIES AND OCEANS

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

Leave having been given to revert to Notices of Motions:

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

That the Standing Senate Committee on Fisheries and Oceans have the power to sit at 5 p.m. on Monday, December 15, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

ORDERS OF THE DAY

APPROPRIATION BILL NO. 4, 2014-15

THIRD READING

Hon. Larry W. Smith moved third reading of Bill C-45, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015.

He said: Honourable senators, I'd like to thank Senator Nicole Eaton for providing a brief summary of the appropriation act yesterday, and I'm pleased to give the floor to the chair of our National Finance Committee, Honourable Joseph Day, to summarize the situation.

• (1410)

Hon. Joseph A. Day: I thank my honourable colleague for that introduction.

Honourable senators, this is supply and is the Supplementary Estimates (B) supply. Honourable senators are being asked to vote on \$2.9 billion. Honourable senators will recall that we debated this extensively yesterday, and Senator Eaton did give a very fair summary of the major expense items within the particular piece of legislation.

The only thing outstanding, which I normally undertake to do and which I have done in this instance, is to check Bill C-45, the supply bill, the fourth supply bill for this year, to check the schedules that are attached to this. As honourable senators will know, we have already studied the estimates, Supplementary Estimates (B), that had all these schedules, and now we have to make sure that we're now voting on the same thing we've studied. I have confirmed that Schedules 1 and 2 attached to this bill are the same as the ones that we studied and are reflected in our report that we filed and passed earlier in relation to this.

Another thing, honourable senators, is that Schedule 1 deals with authority that you're giving for one year and one year only, and Schedule 2 contains a few agencies that, by virtue of their nature, are given authorities for two years at a time. They include the Canada Border Services Agency, Canada Revenue Agency and Parks Canada. When you vote on this for the money they're looking for in Schedule 2, you're approving over a two-year period to spend it. Everybody else, if they don't spend it within the year, like Veterans Affairs we talked about yesterday, it lapses and goes back into general revenue. The total is \$2.9 billion, honourable senators.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Senator Fraser: On division.

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

ECONOMIC ACTION PLAN 2014 BILL, NO. 2

FOURTEENTH REPORT OF NATIONAL FINANCE COMMITTEE ON SUBJECT MATTER ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on National Finance (Subject-matter of Parts 1, 2, 3 and Divisions 1, 8, 13, 14, 19,

23, 25, 30 and 31 of Part 4 of Bill C-43, A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures), tabled in the Senate on December 4, 2014.

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

He said: Perhaps just a few words, if I may, Your Honour, to put this in context. This particular report is the work that the Finance Committee did in relation to the budget implementation bill, which we have not yet received in this chamber. We did a pre-study on this. As honourable senators will know, six other committees within the Senate studied portions of that budget implementation bill that is still before the House of Commons.

We finished our preliminary work on this. It's not the kind of thing that we like to be doing, pre-studies of legislation, because it distracts from the role we traditionally have of providing sober second thought to the legislation. We don't know what changes are being made. We don't know what amendments are being offered or accepted in the House of Commons. We don't know any of that until we receive the bill.

But in order to meet the schedule that is imposed upon us by the House of Commons in terms of when we receive the bill and when they want it back, we have adjusted our practice here to change things somewhat, even though it is fundamentally changing the way we do matters. We've done that in order to meet that obligation that we'll have. When we receive this particular bill from the House of Commons today or tomorrow, whoever will be speaking on the government side will be saying, "Please pass this bill expeditiously because it's important to pass it" for a whole lot of different reasons that we'll be informed of at that time.

So what I thought I might do just briefly is talk about one aspect of this particular report because it fits in with what we have been talking about in the last few days, and that is the portion of the report that deals with intellectual property.

There are, honourable senators, in Part 4, Division 1, certain intellectual property clauses, and those intellectual property clauses deal with proposed amendments to patent law and to industrial design law. Honourable senators will recall that we have dealt with copyright reform in a separate, stand-alone bill. That was Bill C-11 two years ago. Then in Bill C-31 in the spring of this year, Budget Implementation Act No. 1, we dealt with some trademark reforms, and then we dealt with trademark reform again in Bill C-8, which just passed through the chamber here, in relation to anti-counterfeiting. Yesterday we heard debate with respect to Bill C-18, and Senator Plett had introduced that particular legislation, and Senator Tardif spoke on that with respect to plant breeders' rights. All of those different areas, honourable senators, relate to intellectual property, which is an ephemeral right. It's not something you hold in your hand but is a right by virtue of the creativity of the person. All of those areas of intellectual property have been reviewed.

I'm somewhat concerned that we're seeing the approach quite shotgun, quite haphazard — little pieces in legislation, other pieces hidden away. This is the second budget implementation bill that has had portions of the intellectual property law amended, and I'm concerned about that.

[Senator L. Smith]

I'll just direct my attention to this particular area, Part 4. There are four parts to this budget implementation bill, and it's Division 1 of Part 4. There are quite a few different divisions, about 30 different divisions, and this is just one of them, to put that in perspective. I'm dealing with one small portion of this entire bill that goes on for 350 pages. So that, honourable senators, is what I would like to talk about today because it just fits in with what we've already been dealing with.

We had before us government officials, and we had the Intellectual Property Institute in to talk to us. There's again a concern that there hasn't been the level of consultation with the experts that work in this field as there perhaps should have been, and then an awful lot of the change is in very general terms but will appear in the rules, which the minister has been given the authority to change without coming back to Parliament. That's always a concern when there has not been the level of consultation that we would like to see, and then a lot of this is left to the regulatory or rules powers of the executive that moves aside the role of Parliament.

• (1420)

There was not a lot of objection to the proposals. There were some suggested changes, and I was pleased to have those reflected in the report. The report is there and will act as a record of this chamber with respect to the work that we did on this and other areas that could be very helpful to individuals in the future. As Senator Baker often points out, the judges review the work that we do and the debate that we have and the reports that we make, or others who are involved with policy development. Honourable senators, that is there for you to review.

The other point at this stage that I would like to make with respect to our report is that it is one of seven reports on this budget implementation bill. Each committee has put a lot of time and work into their aspect of this bill that was referred to those committees by order of this chamber.

If you look at your Order Paper, you will see all the other reports that are sitting here on the Order Paper. Honourable senators, it would be very helpful to us if we could have someone from each of the committees move these reports, let them become reports of this chamber by virtue of debate and a vote, because they're there; and the scheme that we have adopted to deal with these huge omnibus budget implementation bills is to divide them up, but then we don't even have a debate in this chamber on the work that those committees have done. I think that's an important oversight that we owe it to posterity to rectify.

When the bill arrives and goes to the Finance Committee, the committee will be expected to review the entire bill and do a clause-by-clause analysis and vote on the entire bill. Any debate that we could have and that would help the members of the Finance Committee in dealing with this would be very much appreciated.

Honourable senators, Bill C-43 is an extensive piece of legislation. I think I said 500 pages earlier on, but they stopped at 460. It has 401 clauses, and it has four major parts. Part 4 has 31 divisions. One of those is the intellectual property area that I

was just talking about. It amends or enacts or repeals 40 different laws, honourable senators, in that one piece of legislation. In order to deal with that, we felt it should be divided into seven parts. Indeed, I'm pleased that we did divide it into seven parts, but I'm not sure that the process is fully refined yet, as I've just mentioned.

Two stand-alone statutes appear in this budget implementation bill. When we get it, we'll find there are two stand-alone statutes in there that could easily have been the subject matter of a separate bill, and probably desirably. One relates to the station in the North, the Canadian High Arctic Research Station Act, and the other is in relation to disclosure measures, which should be made in a separate bill, if we're really talking about disclosure of information. The statute is a subject matter that doesn't flow from a budget but is a separate piece of legislation; therefore, the legislation should have come as a separate, stand-alone bill.

Honourable senators will know that we have complained about this in our committee and in this chamber. Time and time again, we have talked about the undesirability of omnibus bills dealing with so many different subject matters: How could we possibly treat these subject matters in the manner that we should be treating them when they all come together?

I've got a little bit of history that I can give you, honourable senators. I don't know what the committee might or might not attach to this particular bill when it goes to committee, if anything, but at least we know what has been said by committees in the past. I believe these observations are reflective of the mood that exists and continues to exist.

There are many comments by many in this chamber in the past that are worth remembering. One was by Senator Lowell Murray, who expressed his dissatisfaction in relation to Bill C-10. The Honourable Senator Lowell Murray stated:

Honourable senators, as I said, the amendments to the Navigable Waters Protection Act, the Competition Act and the Investment Canada Act do not belong in the budget implementation bill, nor does the proposed new public sector equitable compensation act. Those measures are even more conspicuously out of place in this particular budget implementation bill, focused as it properly is on immediate economic stimulus and recovery.

This was in 2009, when the whole focus was economic recovery and stimulus, which we supported. There were a lot of other things in there that senators might not have been as anxious to support, but you can't vote "yes" for half of the bill and "no" for the other half of the bill. That's part of the problem with this conglomeration of different policies in one bill. I say a "problem"; it's a problem from the point of view of those of us who want to do our job of scrutiny, but it's a clever, not-so-well-disguised action by someone who wants to get through a lot of this legislation as quickly and as easily as possible.

Senator Lowell Murray goes on to state:

In the interests of sound public policy and, indeed, in the interests of the democratic values we espouse, we have a duty to hear them.

And we can't just let them pass by. These are people that wanted to appear who aren't able to.

Their concerns about adverse legislation should not be brushed aside by sneak attack, which is what happens when extraneous measures are forced through in an omnibus budget implementation bill.

Senator Yoine Goldstein makes exactly the same points in different words. He states:

What is happening is not that a budget or a stimulus bill is being passed because, indeed, it will be passed. What is happening is we will be encouraging this government to tread on the absolute democratic rights of Canadians to have all legislation heard, considered, vetted and given the appropriate thought. Canadians have a right to demand this of us.

Honourable senators, I'm almost finished. I wonder if I might have five more minutes to conclude my remarks.

• (1430)

The Hon. the Speaker *pro tempore*: Will the chamber grant Senator Day five more minutes?

Hon. Senators: Agreed.

Senator Day: Thank you, honourable senators. You can see why I only chose one of thirteen divisions out of one of four parts to talk about today. That's reflective of the situation that exists here and that we're dealing with in terms of these omnibus bills. We can either throw our arms up and rubber stamp them, or we can try to do our very best under the circumstances to cover some of the items — at least the most egregious ones.

Those, honourable senators, are just some of the comments that I have gleaned from various observations and statements made by honourable senators in this chamber in relation to previous budget implementation bills that could easily and equally be applied to this particular budget implementation bill, when and if we receive it.

Senator Mitchell: Could you go through each section, please?

Senator Day: I could. Time wouldn't permit me to go through each section.

Looking for some of the history in relation to this matter, I found that omnibus budget bills were only introduced in the 1990s. This is not a long-time thing. We have to draw a distinction between an omnibus bill, which is a legitimate bringing together of something where there is a common thread through them but a lot of different changes in a number of different pieces of legislation, and an omnibus budget bill, which is putting things in a finance bill that aren't connected with the budget but just trying to get them through. It's that that I object to. It's that latter activity that has been growing up in the last while.

There's an interesting history of this particular matter. The Liberal opposition, back in the 1980s, objected, stating that the practice violated parliamentary tradition that required a vote on the principle of a bill at second reading. When you have so many different items in this particular bill, how could we under our rules say that this bill is a legitimate bill for voting on the principle when there are many principles in the same bill? That is a very good argument for saying that these bills should not be accepted here.

Topics from different standing committees have different expertise. That's another objection and problem in relation to sending this all to one committee for clause-by-clause consideration.

There's an argument that the reason for these omnibus bills is to generate embarrassment within the opposition parties by diluting highly controversial items into a very complex package, some of which you want to vote for and some of which you don't want to vote for, but you have to vote for the bill as a whole in order to get through the ones you want.

Honourable senators, the real question, beyond the convenience of the government and the effect, is whether the public interest is being served by these omnibus budget bills and the use of them. Take, for example, a clause-by-clause study in committee. When a bill deals with topics as varied as fisheries, unemployment insurance and the environment, it is unlikely to be examined properly if the whole bill goes to the Standing Senate Committee on National Finance. That is so true. As hard as the Finance Committee works, there's a lot of expertise developed in other committees in the areas that they work very hard on, and we should be using that expertise.

We know that Speakers have consistently refused to act as referees on these items, while at times hinting that the house might provide for some special rules. I have requested special rules in the past, honourable senators, but nothing has happened thus far.

Lucien Lamoureux, who was a Speaker in the other place, came up with what is probably the best question: Is there any end to what is happening? Could a government wrap up half of its legislative program into a single measure dealing with improvement in the life of Canadians or ensuring prosperity for all and saying, "We'll have everything in that one bill once a year, and that's our job?"

We often hear that omnibus bills are like closure and time allocation. All governments do it, which of course is true. I'm not suggesting that other governments are any different from the current one, but, honourable senators, there is very real evidence that this is increasing very significantly. The analysis I have and that I can't go into here is that the number of pages in omnibus bills for budgets has increased sevenfold over the past 20 years — sevenfold, honourable senators. Now we're into two omnibus bills per year. It used to be there was just one. Now we're into two per year, which just increases things even more.

There are many more things that could be said about this, honourable senators, but as we wait for the bill to come, I wanted us all to be thinking of the effect of what is happening in relation

[Senator Day]

to this legislation. In spite of it all, as committees, we're doing the very best we can with what we're given, but I'm hopeful that pressure will be brought to bear to change that in the near future.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1440)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Patterson, for the second reading of Bill S-225, An Act to amend the Criminal Code (physician-assisted death).

Hon. Larry W. Campbell: Honourable senators, I rise today to speak to this bill. It's probably no secret that I spent the majority of my adult life investigating death as a coroner for British Columbia, and the last four years as Chief Coroner; so I think I have some understanding of not only the process of death but also the sanctity of life. I would like to address three points today with regard to this bill.

The first point I want to make is that sometimes death can be in a patient's best interest. The value of life is great, but it is not infinite. When faced with a dire prognosis, some patients or family members will find strength in an old proverb: "Where there's life, there's hope." But this proverb is best interpreted as a prayer that things will get better, rather than as a literal statement that anyone with vital signs should be kept alive by any means.

Many religious authorities endorse the vitalist notion that all life is valuable. These same authorities also feel that it is wrong to prolong a life artificially to no end and they accept the limitations of life-prolonging treatments. Most accept the principle of double effect, which holds that a patient can receive comfort medications that have the potential to shorten life, so long as that is not the intention. People who accept that lives need not be prolonged indefinitely or that a life can be risked in the interest of comfort have implicitly accepted that life is not of infinite value. They recognize that compassion can sometimes be shown only through actions that might compromise lifespan.

Death is not an optional experience, and death in Canada is usually a predictable event following a chronic incurable illness. Given the choice, many people try to delay death, and some will seek out aggressive means of prolonging life, even when faced with a hopeless situation. Other patients have limited life-prolonging options and, although they remain cognitively

intact, their quality of life and function deteriorate below the threshold that they would consider acceptable. These patients usually choose comfort-based care and are happy to wait for a neutral or a natural death.

However, some patients prefer not to wait for a complication to end their suffering. Several recent high-profile cases of Canadians with brain cancer, Alzheimer's and ALS have illustrated this. The patient is comfortable with the idea that they may be forgoing some period of life in the interest of comfort. They will not avoid death and might even seek it out, and everyone will feel a degree of relief when it arrives.

There may be a conceptual difference between actively assisting death and passively assisting death by withdrawing or withholding therapies; but both approaches are justified on the same premise. Death is in the best interest of the patient. The patient's interests are not affected by whether the outcome is achieved actively or passively.

Second, capable patients are well-positioned to determine when death is in their best interests. Many Canadians die in an intensive care unit, often as a result of a decision to withdraw or withhold life-sustaining treatments. Ideally, this decision comes from the patient himself or herself, and we are sure that this is what he or she wants.

In reality, we usually cannot involve the patient directly in the decision, and instead we rely on substitute decision-makers, SDMs, who are supposed to reproduce the decision that the patient would have made by considering advance directives or best interests.

Substitute decision-making is a flawed process. SDMs are inaccurate predictors of what a patient would want. Advance directives are uncommon and usually too vague or too specific to be useful for medical decisions. SDMs also have numerous potential conflicts of interest. If a patient dies, they may inherit some wealth. If a patient dies, they will not be burdened with the emotional and physical aspects of caregiving.

Despite all of these concerns about substitute decision-making, we continue to allow SDMs to decide when a patient should be allowed to die. If we are comfortable with this arrangement, why would we feel less comfortable acting on wishes communicated directly by the patient with none of these potential inaccuracies, misinterpretations or conflicts of interest?

Indeed, we are happy to respect a capable, terminally ill patient's desire to receive palliative care and forgo life-prolonging therapy. We don't insist that they continue their chemotherapy until they die a natural death. We don't try to convince them that a ventilator will help them to find meaning in their life. We respect their ability to know when they've had enough. If a patient is allowed to decide when a passive death is in their best interests, why would he or she not be allowed to decide when an active death would be in his or her best interests?

Third, nobody's interests are served by denying patients the right to physician-assisted death. If we want to prevent a rational person from pursuing his or her best interests, we must have a strong justification for doing so.

The common argument used against legalization of PAD is framed as concern about the effects on vulnerable people, the availability of palliative care service and physicians as a group. None of these concerns are supported by data.

Data from the United States show that among patients who receive PAD, 95 per cent are white, 93 per cent are high school graduates and 97 per cent have some form of health insurance. Data from Switzerland show that the wealthier and better educated are more than twice as likely to receive assisted death than the poorer and less educated, while institutionalized people are less likely to receive an assisted death than those living in a private residence. The people who receive PAD are not the vulnerable; they are, in fact, the privileged.

Palliative care services appear to have done well in jurisdictions that legalize PAD. Legalization of PAD is often accompanied by a larger strategy in funding to improve end-of-life services as described in the Netherlands and Australia's Northern Territory. In the United States, the three states that have legalized PAD by statute — Vermont, Oregon and Washington — are ranked first, sixth and eighth respectively in the nation for the availability of palliative care services in hospitals.

In 2010, *The Economist* ranked the basic end-of-life health care environment of 40 nations around the globe. Countries in which PAD is legal — Switzerland, Netherlands, Belgium, Luxembourg and the U.S. — ranked first, fourth, fifth, seventh and ninth respectively. Canada ranked twentieth.

Some physicians argue that legalizing PAD would compromise the physician-patient relationship. This is a difficult argument to sustain in a country where PAD is supported by 80 per cent of the population. Data from Oregon show that patients are more likely to become upset by physicians who oppose PAD than by physicians who support it.

Furthermore, the Canadian Medical Association essentially rejected this argument at its recent annual general meeting, where 90 per cent of members voted to support the right of all physicians within the bounds of existing legislation to follow their conscience when deciding whether to provide so-called medical aid in dying.

Some have expressed concern that PAD would be a violation of the Hippocratic oath and suggested that a new profession of euthanasia practitioners should be created. We should remember that the Hippocratic oath has been modified extensively over the years to reflect changes in the laws and sensibilities of the time. Specifically, the prohibition on abortion and the implication that only males should be trained in medicine have both been removed from the original version.

Laws, policies and codes of ethics change over time. Certainly, many physicians now feel that providing PAD would be an extension of their duty of care when other means of therapy and treating end-of-life suffering have failed. Physicians can offer ranges of therapy beyond PAD, allowing an opportunity to relieve suffering through other means right up to the last moment.

[Senator Campbell]

What options would a euthanasia practitioner offer? Honourable senators, we have to debate this. We have to bring it out into the public and talk about it. We need to be respectful of everybody's views. This is not an issue that you can come down on one side or the other, I would say, solidly. We need to look at it and decide how we can help Canadians. We cannot ignore good science and good medical care. The overwhelming majority of Canadians want this debate to take place. I urge that you allow this to go to committee as soon as possible.

(On motion of Senator Verner, debate adjourned.)

SUPPORTING NON-PARTISAN OFFICES OF AGENTS OF PARLIAMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rivard, seconded by the Honourable Senator Wallace, for the second reading of Bill C-520, An Act supporting non-partisan offices of agents of Parliament.

Hon. Percy E. Downe: Honourable senators, I'd like to take this opportunity to say a few brief words about Bill C-520. It's a private member's bill, but I urge everybody to read it because, after my reading of it, I believe it should be titled "Are You Now or Have You Ever Been a Member of a Political Party?" The bill asks this of agents of Parliament and their employees — people like the Auditor General, the Chief Electoral Officer, and the Senate Ethics Officer, and their staffs, to name but three; people who perform vital work for Parliament and for Canadians in general — and this bill goes to the heart of the way they perform that work.

• (1450)

Briefly, the bill requires agents of Parliament, as well as those working for them and applying to work for them, to declare publicly any partisan political jobs they may have held in the last decade. Those same employees, or would-be employees, must also sign an undertaking indicating their intention to, in the words of the bill, "conduct themselves in a non-partisan manner." Who could be opposed to that? But this bill is a solution in search of a problem.

In his speech in the other place, the sponsor of the bill said:

... it is crucial that agents and their staff work in a non-partisan way to maintain the confidence of parliamentarians and Canadians.

But the agents and staff already know that, and it's what they already do and always have. They conduct themselves in a non-partisan manner. It is why they already have measures in place to ensure that continues to be the case.

Employees of agents of Parliament are, for the most part, ordinary public servants. As a result, they are already subject to restrictions on partisan activities under Part 7 of the Public Service Employment Act, and the Values and Ethics Code for the Public Sector.

The Public Service Employment Act prohibits public servants from engaging in any political activity that would affect or appear to affect their impartiality and the Values and Ethics Code for the Public Sector prohibits employees from acting in a partisan manner. Indeed, the sponsor of the bill was unable to provide a single example of the activity his bill is seeking to prevent.

Those agents to whom this bill would apply have also expressed their concern not only that it tackles non-existing problems, but in testimony before the House of Commons Standing Committee on Access to Information, Privacy and Ethics, the Conflict of Interest Commissioner described this bill as not appearing to have been introduced in response to a problem that requires fixing, but it also may create other problems.

For example, the requirement for prospective employees to declare past partisan work may cause difficulties with regard to the Public Service Employment Act. Public service hiring, as we know, must be made solely on the basis of merit, but someone rejected for a position after disclosing past partisan activities may conclude that the disclosure played a part in their rejection. Similarly, the requirement to disclose may deter qualified candidates from applying in the first place.

Looking at this bill, I can't help but think of the are-you-now-or-have-you-ever-been questions from the Communist witch hunt in the United States during the 1950s. Is that really what we want in Canada? Do we want to ask people, "Are you now, or have you ever been a member of the Conservative Party of Canada?"

We expect people in non-partisan positions to conduct themselves in a non-partisan manner, and they do just that. Look at judges. Many people appointed to the bench have come from the political world, but once they don the robes they put aside that partisanship and act in a way that is a credit to their profession.

I recall from my own time in the federal government that some of the best departmental officials were former political staffers from Prime Minister Mulroney's government, not in spite of but because of their past partisan service. Because of that experience, they possessed sensitivity to issues not generally held by their counterparts who had spent their entire careers in the public service.

Past partisanship, as long as it's in the past, is no impediment to future non-partisan service and to suggest otherwise, as this bill does, benefits no one.

In the words of the Auditor General Michael Ferguson, who many of us are getting to know extremely well in the last few weeks, before the Commons committee:

. . . I think the way it is drafted now, there are some irritants in it that really aren't necessary and wouldn't help our independence . . . I think what it can do is just cause some confusion.

I trust that the government, or the sponsor of the bill, is open to changes. Honourable senators, let us reject this bill as it is not needed.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable colleagues, I wish to say a few words about this bill. I will do so tomorrow and I therefore move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SIXTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Andreychuk, for the adoption of the sixth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendments to the *Rules of the Senate*), presented in the Senate on October 21, 2014.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I move the adjournment of the debate in my name.

(On motion of Senator Martin, debate adjourned.)

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY TRADE BETWEEN THE UNITED STATES AND CANADA AND ADHERENCE TO LAWS AND PRINCIPLES OF ALL TRADE AGREEMENTS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Tardif:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on trade between the United States and Canada and the adherence to the laws and principles of all trade agreements, with particular focus on spent fowl and chicken imports, including:

- (a) the application of tariffs and quotas on classifications that include blends, food preparation, kits, and sets, as well as the potential for these products to circumvent the law and principle of trade agreements, in particular import quotas;
- (b) the regulations regarding import tariffs and quotas as established by the Department of Finance;

- (c) the interpretation and application of those rules and regulations by the Canadian Border Services Agency;
- (d) the monitoring of products defined as blends, food preparation, kits, and sets; and
- (e) The reciprocity of US regulations regarding similar Canadian imports;

That the committee provide recommendations for regulatory and legislative actions to ensure fairness for Canadians in the system; and

That the committee submit its final report to the Senate no later than June 27, 2014, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

Hon. Lynn Beyak: Honourable senators, I move the adjournment of the debate in my name.

(On motion of Senator Beyak, debate adjourned.)

DISPARITIES IN FIRST NATIONS EDUCATION

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dyck, calling the attention of the Senate to the disparities in educational attainments of First Nations people, inequitable funding of on-reserve schools and insufficient funding for postsecondary education.

The Hon. the Speaker: Before the honourable senator speaks, I wish to inform the Senate that if Senator Dyck speaks, her speech will have the effect of closing the debate on the motion. Senator Dyck.

Hon. Lillian Eva Dyck: Honourable senators, I rise today to give a response and the final speech on my inquiry on First Nations education.

I would like to thank all senators who participated in the debate.

I started this inquiry in December 2013, a year ago. At that time there was great anticipation in the air about the forthcoming First Nations education act, and the chiefs were discussing it at the Assembly of First Nations meeting in Gatineau. But over the past year, hopes for reforming and improving education on reserves have been extinguished. How did this happen?

• (1500)

In December 2013 at the Assembly of First Nations meeting, the chiefs passed a resolution that set out five conditions that needed to be met before they would accept the new First Nations education legislation. The five conditions were as follows: one, First Nations control, and respect of inherent treaty rights; two, increased statutory funding; three, incorporation of language and culture as core instructional elements; four, respect of First Nations' jurisdiction and rights in any oversight; and five, ongoing, meaningful engagement.

Negotiations took place, and in February 2014, National Chief Atleo and Prime Minister Harper announced Bill C-33, First Nations control of First Nations education act. The Prime Minister announced that an additional \$1.9 billion would be earmarked in Budget 2014 for First Nations education, with an escalator of 4.5 per cent starting in 2016-17.

The bill consisted of the creation of a joint council of education professionals that would advise the minister in the development of regulations under the act. It established teacher certification and diploma recognition on and off reserve, and a creation of First Nation school boards. The bill also included provisions to remove references to residential schools from the Indian Act.

Shortly after the announcement of Bill C-33, many First Nation chiefs rejected it. They argued, one, that the five conditions had not been met; two, that they were not adequately consulted on the bill; and three, that the minister, rather than the First Nations, held the jurisdiction and authority to structure the education system on reserves.

Nevertheless, in April the government tabled the bill in the House of Commons, and a pre-study of the bill was to be done by the Standing Senate Committee on Aboriginal Peoples. However, the majority of chiefs continued to oppose Bill C-33 while the government maintained that they had a deal with National Chief Atleo. Many chiefs argued that the national chief could not agree to support legislation without their consent. They stated that Mr. Atleo didn't get their agreement and that the five conditions had not been met.

In order to address the leadership issues within the Assembly of First Nations, there was a move to activate the Confederacy of Nations structure within the governance structure of the AFN. On May 2, National Chief Atleo resigned, stating, "This work is too important, and I'm not prepared to be an obstacle to it or a lightning rod distracting from the kids and their potential."

Later on in May, at a special meeting of the AFN in Ottawa, the chiefs unanimously rejected the First Nations education act. Minister Valcourt said he would not move forward on any bill without the support of the AFN because Ottawa had spent time and money trying to rebuild its relationship with the group and First Nations. But Minister Valcourt also refused to meet with the dissenting chiefs and maligned them by calling them rogue chiefs. Valcourt told members of Parliament in the House of Commons that they should "... condemn, in the strongest terms, the threats of those rogue chiefs who are threatening the security of Canadians, their families, and taxpayers."

Furthermore, Minister Valcourt refused to increase funding for First Nations education in the interim.

Honourable senators, this take-it-or-leave-it approach from the minister, especially on something as vital as First Nations education, is ludicrous. Refusing to grant fair funding to the education of First Nations children, unless the chiefs accept the federal government's bill, is an autocratic use of power by the minister and the government. Allowing another school year to go by without any boost in funding for First Nations education will only worsen the educational gap between children living on-reserve and those off-reserve. It simply isn't fair or right.

On the prairies in particular, providing an equitable education for First Nation children not only is a key step in breaking out of the cycle of poverty and despair, it is a key step in the future positive growth of the provincial economies. You get an education; you get a job. It's that simple.

In mid-June, I wrote to the Prime Minister, asking him to intervene and to break the impasse between Minister Valcourt and the chiefs. I asked him to convince Minister Valcourt to meet with the chiefs who wanted more changes to Bill C-33 in order to fulfill the vision and laudable goals that the Prime Minister had announced in February. I received a response from an executive correspondence officer thanking me for taking the time to write and indicating that my letter would be forwarded to Minister Valcourt.

In my letter I stated:

Mr. Prime Minister, in July 2011, in recognition of your 2008 apology, you were honoured with being inducted into the Kainai Chieftainship and given the Blackfoot name Ninayh' poaksin, Chief Speaker. As an Honorary chief who holds the chief's headdress with the highest respect, you are expected to be an available resource to First Nations. I was glad to read that you promised that your government would follow the late Senator Gladstone's lead and work on behalf of all First Nations.

Prime Minister Harper, Chief Speaker, Ninayh' poaksin, on behalf of the First Nations' children and youth living on Indian reserves across Canada, I appeal to you to intervene now and convince Minister Valcourt to meet with the AFN chiefs who have stated that Bill C-33 needs more work to fulfil the vision and laudable goals for First Nations education that you announced on Feb. 7th.

In August, Interim National Chief Ghislain Picard wrote to the Prime Minister to urge him to meet with AFN to discuss the education situation. In an attempt to break the standstill, the interim national chief and the AFN executive tried to meet with the government to continue to work towards achieving a deal. However, the Department of Aboriginal Affairs and Northern Development reiterated that it would not move forward with Bill C-33 without the AFN's support and that the funding promises would be tied to the structural reforms outlined in Bill C-33. Additionally, the department stated that they would wait until a new national chief was elected and clarified the position on the bill.

For years, the government has claimed that First Nations students on-reserve were being funded at a rate comparable to that of students off-reserve. Part of the purpose of this inquiry was to illustrate the disparities in funding for those students attending an on-reserve school compared to those attending provincial schools off-reserve. In my speech a year ago, I outlined just how bad the funding gap was and continues to be.

In the February announcement this year of new funding for First Nations education, after years of denying that First Nations education was underfunded, \$1.9 billion and a 4.5 per cent escalator was promised for 2016 if the bill was passed. But, honourable senators, an internal document from Aboriginal Affairs and Northern Development from June 2013 stated:

For the (kindergarten to Grade 12) education programs to maintain provincial comparability and NOT draw on other program funds . . . new investments are required, including a 4.5 per cent escalator on all K-12 education program funds going forward (starting in 2014/15) . . .

• (1510)

Let me repeat that: The department knows that a 4.5 per cent escalator to replace the long-standing 2 per cent cap is needed, and this should have started in 2014-15, this year.

It makes no sense for Minister Valcourt to refuse to increase funding for First Nations education, unless the controversial Bill C-33 is passed, when the memo clearly states that increased funding is needed now, not one or two years from now, after the bill is passed.

Holding the chiefs hostage to a promise of future funding is contrary to the content of the department's own conclusion in June 2013, which is that new funds are needed right now in 2014-15, not after the bill is passed.

Honourable senators, we're fast approaching 2015. Back in 2005, 10 years ago, there was a deal on the table that was agreed to by federal, provincial, territorial and Aboriginal leaders. That deal, dubbed the Kelowna Accord, had the potential to transform not only education on reserve, but it was also transforming the relationship between First Nations and the federal government. First Nations were properly consulted during negotiations of the accord. With regard to funding for education, \$1.8 billion was earmarked. It is sad that 10 years later, 10 years removed from the Kelowna Accord and with the change in the federal government, we have nothing else to show in its stead.

The only other bill that affects First Nation education is the private member's bill, Bill C-428, an act on amending and replacing the Indian Act. Though it is a private member's bill, it incorporates the same clauses in the government bill, Bill C-33, which remove the sections of the Indian Act that make reference to residential schools. In June 2008, Prime Minister Harper promised to do so in his apology over Indian residential schools. This promise was reiterated by then Minister Strahl at the first national meeting of the Truth and Reconciliation Commission in 2010. It is a travesty that the federal government has basically downgraded the importance of its promise by letting one of their

members of Parliament incorporate these clauses into his bill, which isn't focused on education. The federal government sends a clear signal: Supporting one of their minor members of Parliament is more important than negotiating with the chiefs on First Nations education legislation.

The acrimonious stalemate over First Nations education is only one aspect of the deteriorating relationship between First Nations and the federal government. Increasingly, First Nations have had to take the federal government to court to have their rights acknowledged. For example, Dr. Cindy Blackstock's case at the Canadian Human Rights Tribunal on discrimination in the levels of funding for First Nation child and family services programs on reserve has just heard final arguments. The AFNQL filed a lawsuit against the federal government over Bill C-33 in February. Only two weeks ago, Onion Lake First Nation filed a lawsuit against the government over Bill C-27, the First Nations Financial Transparency Act.

The state of the relationship between First Nations and the federal government is so bad that prominent Canadians recently stepped forward to steer us back towards a path of mutual respect and understanding between Aboriginal and non-Aboriginal Canadians. Canadians for a New Partnership was formed by former Prime Ministers Paul Martin and Joe Clark, former National Chief Ovide Mercredi, former Inuit Tapiriit Kanatami leader Mary Simon, former Northwest Territories Premier Stephen Kakfwi, former Auditor General of Canada Sheila Fraser, and Justice Murray Sinclair, who led the Truth and Reconciliation Commission.

Ten months after the Prime Minister announced the First Nations Control of First Nations Education Act, the chiefs are now meeting in Winnipeg. A new national chief was elected today, just over an hour ago. Congratulations to Chief Perry Bellegarde, who is the new National Chief of the Assembly of First Nations.

Prior to this, earlier in the day, all three candidates had called for a reset in order for First Nations to be consulted. Ten months have gone by with the minister refusing to budge. Now is the time where he will have to budge because we have a new national chief. At the very least, the minister ought to offer to increase First Nations education funding by 4.5 per cent as a sign of good faith in negotiations with the incoming national chief in order to be consistent with what the department released and contained in the memo of June 2013.

Honourable senators, let me conclude by quoting at length from an article by Dr. Cindy Blackstock.

In her opinion piece, she says:

The federal government is putting its controversial First Nations education act "on hold until" the Assembly of First Nations "clarifies" its position on the legislation.

Aboriginal Affairs Minister Valcourt recently said, "I am disturbed that they would play politics on the backs of First Nation children." That is a bit rich coming from a government that has been in power for eight years and only promises desperately needed education funds after the next election.

[Senator Dyck]

Moreover, that statement lies in direct contrast with the government's actions at the Canadian Human Rights Tribunal where it is vigorously defending inequitable child welfare funding on reserves even though government and officials confirm the underfunding and its tragic links to children going into foster care unnecessarily.

This whole mess leaves me with one key question — if children really are a top priority for the federal government then why are they holding back the money?

That's Cindy Blackstock. I will continue with what she said:

Adam, a grade 3 student at the Kashechewan First Nation wants to know that too. He writes, "When I grow up I want to be a police officer because I will put bad guys in jail. I like school because we do art and recess. I need school because I need to learn. You promised native people to get a school — it's not fair for native people to lose school. I need to go to college to be a police officer."

That kid is so right. He needs an education in order to get a job.

She continued:

Canadians of every political stripe are fair-minded people who love children so it's time we stop letting the federal government get away with these excuses while children suffer. The children deserve proper funding for education, health and child welfare on reserves while they still have a childhood.

First Nations education needs action now.

If children are a top priority for federal government, why hold back education dollars?

Honourable senators, thank you for your attention to this important issue. Once again, I offer my congratulations to Chief Perry Bellegarde, our new National Chief. They are discussing the First Nations Education Act right now in Winnipeg at the Assembly of First Nations and will be in a position to restart negotiations, and I hope Minister Valcourt starts to budge.

(Debate concluded.)

• (1520)

LIGHTHOUSES AS IRREPLACEABLE SYMBOLS OF MARITIME HERITAGE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Munson, calling the attention of the Senate to lighthouses as irreplaceable symbols of Canada's maritime heritage and monuments that enrich communities and the landscape of this country.

Hon. Jane Cordy: Before I begin, I took the adjournment of this debate, and it was held in the name of Senator Mercer. So, after I speak, I would like it to be adjourned in his name.

Honourable senators, Canada is a nation rich in nautical history, and that is especially evident in my province of Nova Scotia. Thoughts of Nova Scotia conjure up images of rugged shorelines, fishermen pulling in their catch, the *Bluenose* racing across the water under full sail and, of course, the lighthouse at Peggy's Cove.

People from all over the world make their way to the iconic lighthouse at Peggy's Cove, which has been an economic boon to the province over the years. As Nova Scotia has been home to the most lighthouses of any province, the lights have always been a fixture dotting the coastline. Nova Scotians and Canadians strongly identify with these iconic structures.

As the importance of the lighthouses in nautical safety fades in the wake of technological advances, they continue to be a tangible reminder of a proud past, one that should be preserved and celebrated. Canadians who live on Canada's vast shorelines know these structures as more than just buildings; they are a link to the past. We have a strong emotional connection with the coastlines of Canada and the way of life associated with the sea. Lighthouses are an integral part of the fabric of that life.

Honourable senators, this important part of Canada's heritage is slowly being lost to history. Since 2010, when the Department of Fisheries and Oceans declared almost 1,000 Canadian lighthouses surplus and discontinued upkeep of the facilities, most of them have been falling into disrepair and crumbling into the sea.

This is the case with one of Canada's most iconic lights, the Sambro Island Lighthouse in Nova Scotia. Located at the mouth of the Halifax harbour, the light on Sambro Island has been guiding fishermen, sailors and vessels of all kinds safely into the harbour for over 250 years. It is the oldest operating lighthouse in North and South America.

The lighthouse on Sambro Island was created by the very first act passed by Nova Scotia's House of Assembly on October 2, 1758. The building of the lighthouse was to coincide with the founding of Halifax.

Standing as a sentinel at the historical Port of Halifax, the Sambro light was the landfall and departure point for centuries for large naval fleets, convoys and troop ships. As well, the Sambro light was the first thing troops returning home from military service would see on their return to Canada.

The light was also the first thing to greet the thousands of immigrants who landed at Pier 21 in Halifax, earning it the name of Canada's Statue of Liberty for a growing number of Canadians.

The lighthouse saw its last lightkeeper in 1988, when the decision was made to automate the light. Since the abandonment of the light station, the lighthouse and the supporting structures

on the island have been left to degrade by neglect, the elements of the open sea and vandalism. Unfortunately, this is common of many of Nova Scotia's lighthouses.

To quote Barry MacDonald, who is President of the Nova Scotia Lighthouse Preservation Society:

Sambro light is considered by many to be the most historically important lighthouse in Canada. Plans to preserve it must reach beyond the efforts of a community-based, volunteer group of individuals.

The lighthouse on Sambro Island has been commemorated by both the Royal Canadian Mint and Canada Post. It is now time for federal leadership to help to ensure that this iconic Canadian maritime landmark will not be lost to history. It will be unfortunate, honourable senators, if it is to be found only on a coin or stamp.

The federal government promoted Canada's nautical history this summer as announcements were made by the Prime Minister himself regarding the exciting discovery of the wreck of the HMS *Erebus* of the doomed Franklin expedition. Canadians were excited by this discovery, as well as they should be, as the Franklin expedition was an important event in the forging of our nation. To many Canadians, particularly those living near the coastlines, the iconic lighthouse is every bit as ingrained in that nautical history.

Since the declaration of the majority of Canada's lighthouses as operational surplus, it has been left to community groups and private citizens to step in and save these abandoned structures. This is not an easy task, and, in most cases, it simply isn't feasible. Parks Canada is now in the midst of the deliberation stage to determine which lighthouses in Canada will receive heritage designation under the Heritage Lighthouse Protection Act. Ninety-two sites in Nova Scotia have been presented for consideration, with final decisions to be made on May 29 of 2015.

Unfortunately, a vast majority of these lighthouses will likely be denied protection, and if the sites are to survive, community groups and municipalities will have to step in. If community support does not materialize, these sites will simply be left to succumb to the elements. Organizations like the Nova Scotia Lighthouse Preservation Society work diligently to provide community groups with guidance on taking custody of these sites, while also petitioning all levels of government to support these culturally significant sites.

The Nova Scotia Lighthouse Preservation Society was founded in 1994 by lighthouse enthusiasts on a visit to Sambro Island. They were concerned about the condition of the lighthouse and the keepers' houses. They set up the non-profit society to benefit all of the 150 lighthouses in Nova Scotia.

Organizations like the Nova Scotia Lighthouse Preservation Society can only do so much. Government support will be required. The relinquishing of these sites to community groups could be a lengthy process, during which time the structures continue to crumble as the federal government has abandoned

their upkeep. Support will be required to bridge the gap between the abandonment of these sites by the government and the transition of ownership to private community groups. I understand that the Minister of Fisheries and Oceans has just recently committed to some very basic repairs to the Sambro Island site to prevent it from falling into irrevocable disrepair.

Honourable senators, we are a nation rich in nautical history. Discoveries such as the HMS *Erebus* are important to preserve, but the preservation of Canada's historical lighthouses is also important. It will not be easy for community groups to take on the challenge of ownership of these structures. Federal support will be necessary to facilitate and assist them.

Currently, the Sambro Island Lighthouse Heritage Society is working on a business plan for the long-term care of the historic Sambro Island site. It is community groups like this that are needed to ensure the preservation of these sites. Sadly, it is impossible to find community groups to step in to save all of Canada's lighthouses, but we musn't give up hope.

As Barry MacDonald says:

It takes just one champion in any community to motivate others to get involved and take pride in preserving their local lighthouse.

This is not just for us. It is for our kids and grandkids. The heritage of our lighthouses connects us with something that came before us and we want to see it continue.

• (1530)

Honourable senators, my hope is that, through community involvement and government support from all levels of government, many of these historical treasures can be saved and rejuvenated for future generations to learn about, to visit and to appreciate.

(On motion of Senator Cordy, for Senator Mercer, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, is it agreed that the sitting be suspended to reassemble at the call of the chair with a

15-minute bell for the purpose of receiving messages from the House of Commons?

Hon. Senators: Agreed.

The Hon. the Speaker: Thank you.

(The sitting was suspended.)

(The sitting of the Senate was resumed.)

• (1620)

NATIONAL HEALTH AND FITNESS DAY BILL

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-211, An Act to establish a national day to promote health and fitness for all Canadians, and acquainting the Senate that they had passed this bill without amendment.

[Translation]

ECONOMIC ACTION PLAN 2014 ACT, NO. 2

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-43, A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

(Bill read first time.)

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

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

(The Senate adjourned until Thursday, December 11, 2014, at 1:30 p.m.)

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