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(HANSARD)

Thursday, February 16, 2017

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Thursday, February 16, 2017

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

Prayers.

SENATORS' STATEMENTS

THE LATE STUART MCLEAN, O.C.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, Canada lost an icon yesterday. Stuart McLean — journalist, storyteller, humorist, and friend to all of us through the magic of the radio — died at the age of 68 years.

Though I never met Stuart McLean, like so many Canadians across the land, I felt he was my friend. His voice, his timing and his stories showed us, with humour, who we are.

He brought out the best of us and of our country.

The tagline of his CBC radio show “The Vinyl Cafe” was, “We may not be big, but we’re small.”

Stuart — forgive me, but after decades of listening to him, he is and always will be “Stuart” to me — saw the greatness in the small and in the ordinary moments of our lives.

He regularly travelled with his radio show across the country, bringing a national voice to each community and the voice of each community to the nation. He had the gift for listening and then sharing what he heard with his own listeners. He made us feel that we were in the auditorium with him and that we were walking the streets of the town and sharing the local specialty and gossip with him at the diner.

He helped us celebrate our differences and knit us together, with laughter, some tears and always with great stories.

Say just five words, “Dave cooked the Christmas turkey,” and millions of Canadians would laugh, just as we have here today.

Well, Dave, Morley, Sam and Stephanie will have to live on without Stuart to tell us their stories. But they are part of the Canadian lexicon now, indelibly inscribed by that unmistakable voice and no doubt eating one or two of Kenny Wong’s Scottish meat pies.

Stuart, you will be terribly missed, but your voice and your stories will live with us forever. Rest in peace.

Hon. Senators: Hear, hear!

RICK HANSEN FOUNDATION

Hon. Douglas Black: Honourable senators, I rise today to share with you the work of the Rick Hansen Foundation and the vision for a more accessible and prosperous Canada.

I am fortunate to sit on the advisory board of the Rick Hansen Foundation, so I have seen firsthand the transformative work being done to benefit Canadians.

The mission of the foundation is to inspire leaders, such as senators, governments and Canadians, to join with Rick Hansen in creating a global movement to remove barriers in the physical environment, to liberate the full potential of people living with disabilities.

With that fundamental foundation in place, other barriers are addressed, including barriers to employment, education and transportation.

The result? Full engagement as productive citizens becomes possible.

A lot has been done, but so much more is needed to make Canada fully accessible and inclusive. According to Statistics Canada, approximately one in seven Canadians aged 15 or older reported having a disability that limited them in their daily activities, and, as we all know as aging baby boomers, this number will rise to as many as one in five Canadians within the next 20 years. This demographic will drive the business case in support of accessibility.

As well, there are over 400,000 working-age Canadians with disabilities who are not working but whose disability does not prevent them from doing so. Almost half of these potential workers have post-secondary degrees. Accessibility is often the reason given for this loss of productivity.

We have a once-in-a-generation opportunity, with the federal infrastructure plan being proposed by the Government of Canada, to ensure that an accessible Canada is built in which no one is left behind.

In a recent Angus Reid public opinion survey, 88 per cent of respondents agreed that Canada should be a global leader in ensuring universal access to public places, and we should be.

Canada needs to achieve universal accessibility, as championed by the Rick Hansen Foundation. By doing so, we maximize the self-respect and the economic potential of Canadians with disabilities.

I urge senators to support this work.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Benoît Huot, a Paralympic swimmer, his wife, Annie Couture Courteau, and Alexandre Despatie, an Olympic diver. They are the guests of Senator Petitcherc.

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

Hon. Senators: Hear, hear!

CANADIANS WITH DISABILITIES

Hon. Chantal Petitcherc: Honourable senators, great minds think alike because today, I rise to speak about the employment situation of Canadians with disabilities.

Allow me first to again acknowledge the presence in the gallery of my friend, Benoît Huot, swimmer and multiple Paralympic medalist. Tomorrow, Benoît will be made a member of the Order of Canada for his contribution to parasports and his work with young people.

Hon. Senators: Hear, hear!

Senator Petitcherc: For Benoît and for thousands of Canadians, a disability is not an obstacle to excellence. As we just heard, however, this is not yet true in the workplace.

According to a recent Angus Reid poll, half of disabled Canadians do not find work even though their disability does not prevent them from working. Statistics Canada came to a similar conclusion in 2014 and even noted that disabled workers earn less than their colleagues who do similar work. For example, despite the fact that 14 per cent of Canadians 15 and older are disabled, persons with disabilities account for less than 1 per cent of people in the workplace, even here in this chamber. Fortunately, we all earn the same salary.

• (1340)

Honourable colleagues, barriers to employment still exist. We heard about them over and over during the consultations that should soon result in a new federal accessibility law. More and more potential workers with disabilities have post-secondary qualifications and the skills to be not a burden, but active, productive citizens, yet our society still does not have the right infrastructure to make it easier for people to get to and around at work.

In addition, many Canadians with disabilities find that social attitudes and beliefs remain the greatest obstacles to their professional integration. The erroneous belief that such individuals do not have the right skills prevents employers from seeing their abilities and their potential.

We know that employers have a lot to gain from changing their outlook on disabilities. For example, IT companies recruit autistic individuals to program and validate software because they have a tremendous ability to concentrate and find coding errors. Banks also benefit from the data analysis skills of autistic people. Open-mindedness opens up all kinds of possibilities.

Honourable colleagues, I am not here today to complain. I am here to say that if Canada wants to foster equal opportunity and the participation of people with disabilities, we must do everything we can to eliminate obstacles that stand in the way of employment.

In closing, I want to acknowledge the Government of Canada and Minister Qualtrough's efforts to build an accessible Canada, and I hope that the results we're looking for will meet our expectations.

Hon. Senators: Hear, hear!

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of guests of the Honourable Senator Patterson who are here for the screening of the film *Heaven's Floor*. They include Katie May Dunford, Andrew Dunford, Jeannie Qaurinr, Molly McCarthy, Malaya Qaurinr Chapman and Justin Ford.

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

Hon. Senators: Hear, hear!

NUNAVUT

NORTHERN FILMMAKING

Hon. Dennis Glen Patterson: Honourable senators, Nunavut as a territory has been growing and evolving since its creation on April 1, 1999. Its cultural identity is shaped and heavily influenced by Inuit culture because Inuit make up approximately 85 per cent of the population in Nunavut. Their strong ties to their language and traditions are evident throughout the territories. Traditional art forms such as carving, sewing and screen-printing continue to be passed down, but the younger generation of Inuit has also begun to embrace and experiment with other forms of self-expression.

Film has become a medium that more and more Nunavummiut have come to embrace — and with great success. Pioneer filmmaker Zacharias Kunuk gave the world its first film ever to be written, directed and acted entirely in Inuktitut. His film *Atanarjuat: the Fast Runner* won the esteemed Camera d'Or and Golden Camera at Cannes and six Genie awards, which recognize Canadian filmmaking excellence. In 2015, the Toronto International Film Festival released its updated list of the top Canadian films of all time, with *Atanarjuat* being ranked number one.

Last year I had pleasure of screening the film *Angry Inuk* on the Hill. In that multiple award-winning film, director and narrator Alethea Arnaquq-Baril powerfully depicts Inuit victimization and long-repressed anger over the demonization of the seal harvest by southern-based activists who know nothing of the importance of this traditional industry to Inuit.

Tonight, I have the great pleasure of screening another film, *Heaven's Floor*. It's also an award-winning film that has been described as a love letter from a mother to her adopted Inuk daughter, Malaya, who is here today. Written and directed by Lori Stoll, the story centres on how a young Inuk, Malaya Qaunirq Chapman, played by 14-year-old Nunavut actress Katie May Dunford, who is also with us today, came to be the adopted daughter of Los Angeles-based photographer "Julia," played by Clea Duvall. Katie May won the best actress award at the Eldorado Film Festival in Arkansas in September.

Heaven's Floor is now an award-winning film, having won Best Narrative Feature, the biggest award of the Napa Valley Film Festival, and the Grand Jury Award at the Alaska International Film Awards.

May I modestly note that my son George makes a cameo appearance in the film?

Some Hon. Senators: Oh, oh!

Senator Patterson: The film features poignant scenes between mother and daughter, showcases the splendour and realities of the North, and includes many Inuit in its productions. Among the producers of the film is Justin Ford, another young Nunavummiut who is here today.

It is no easy feat to shoot a film in the North.

Colleagues, please join me in supporting this burgeoning industry and encouraging the continued support of an art form that captures so well the stories, traditions and imagination of Inuit.

Thank you. *Qujannamiik*.

[*Translation*]

VICTIMS OF CRIME

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today on behalf of dozens of victims of crime who reach out to me every week and who believe that the justice system has forgotten them.

When the Conservative government was in power, it implemented important measures to help victims: parents whose children were murdered or disappeared became eligible for employment insurance; the Canada Labour Code was amended to protect their jobs; and the Canadian Victims Bill of Rights was passed.

Today, I want to share with you a heartbreaking and unacceptable situation in which hundreds of victims of crime and their families find themselves in Canada.

[Senator Patterson]

[*English*]

I would like to speak to you today about Ms. Lise Bilodeau, from Quebec City, whose daughter Corellie was assassinated in Sault Ste. Marie in 2013. Over four years have passed since her death and to this day the trial still has not taken place.

[*Translation*]

In her farewell message to her daughter, Ms. Bilodeau wrote:

Corellie was swept up by fate one morning, on August 10, 2013. A young 18-year-old man believed he had ultimate power when he altered my daughter's destiny. The police told me it was a gratuitous and horrible murder.

Corellie's hell ended with her death, and that is when her mother's hell began.

Ms. Bilodeau sent me the following message a few weeks ago:

We heard absolutely nothing for three years. We received tidbits of information once in a while. We had to beg the investigator for information. I never found out who disposed of my daughter's personal effects. They treated her like a homeless person. I would like to tell you so much more, but I know nothing, nothing, nothing. . .

This mother is fighting to be treated with respect and dignity in the criminal justice system. She had to fight the Government of Ontario, which refused to give her any kind of assistance so she could bury her daughter and give her the funeral every human being deserves. When I learned of the situation facing this grieving parent, and many others like her, I began dreaming of the day when all victims and their families are treated fairly and equally, from coast to coast to coast.

Unfortunately, that is not the experience of victims in Canada. It saddens me that the families of these victims are given little or no assistance because of the lack of reciprocity between provinces.

Then again, if you are charged with murder, no matter where you live in Canada, you will undoubtedly be eligible for legal aid and you will have the right to a fair trial. If you are convicted, you will have the right to certain support measures for your rehabilitation. Much like if you travel anywhere in Canada and you become sick, you will receive the same level of care.

However, if you are a victim of a crime committed outside the province where you live, you will receive very little or no assistance.

[*English*]

Honourable senators, the horrible experience of Corellie's mother is one example that represents the sad reality of what thousands of Canadian families go through every year.

[*Translation*]

That is why I am asking for your support over the next few months as I appeal to the Minister of Justice of Canada to recognize, with her provincial counterparts, the principle of

reciprocity between the provinces when it comes to supporting victims.

[*English*]

It's a matter of equity and justice. It is a fundamental right that should be granted to all victims of crime in our country.

• (1350)

THE LATE STUART MCLEAN, O.C.

Hon. Ratna Omidvar: I rise today to pay tribute to one of Canada's greatest storytellers, Stuart McLean. It is with tremendous sadness that I read of his passing away yesterday from skin cancer.

I started to listen to him many years ago when someone told me that to understand Canada and Canadians, I had to tune in to the CBC, and I did.

And so I stumbled on to Stuart's signature voice on Saturday afternoons. He told stories about ordinary Canadians doing ordinary things, in ordinary times. I think that was his magic: to hold us together with the power of his voice and narrative, no matter if you were listening from Toronto or Flin Flon, or Quebec City or Calgary.

I think there was something very seductive about that voice, because it invoked images and senses and flavours — so much so that, usually, when I heard him on Saturday afternoons, I was driving in Toronto, usually stuck in a traffic jam, sometimes in an ice storm, but mentally, that voice took me somewhere else, usually a cozy home with a fireplace.

Stuart lived in the best city in Canada: Toronto.

Some Hon. Senators: Oh, oh.

Senator Omidvar: I was waiting for that.

Senator Campbell: You were doing so well.

Senator Omidvar: I expected that.

He lived in Kensington Market and it was there — one of the most beautiful markets in our city — that he set the Vinyl Cafe, with Dave and Morley, Sam and Stephanie and the turkey and the pets, and all those little stories that he told with compassion and with humour, but always with respect and dignity.

Canadians sent him their stories, and he took these little ordinary stories and transformed them into vignettes of humanity. As someone said today, he told us our stories. He moved us to tears of joy and sadness, in equal measure, and often at the same time, and as someone tweeted on social media today, this man could read a phone book and make you laugh or cry. I bet he could do that with the debates of the Senate, too.

In 2009, I had the incredible honour to spend a day with him at Rideau Hall, because he and I were both inducted into the Order of Canada on the same day, and my image of him as the quintessential Canadian was validated. We sat for dinner together and I noticed that he was a very quiet person. He was very modest and extremely self-deprecating, and whilst we were chattering in our excitement — “Why did you get the order?” and “Why did I get the order?” — he was making mental notes of our idiosyncrasies, our vanities and our foibles.

I secretly started to hope that I would find my way into his stories, but it was not to be. Stuart signed off every show with his signature sendoff, and whilst I cannot do his voice, I can do his send-off.

I'm Stuart McLean. So long for now.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

PUBLIC HEALTH AGENCY—CASE REPORT OF FINDINGS IN THE MATTER OF AN INVESTIGATION INTO A DISCLOSURE OF WRONGDOING TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a Case Report of Findings of the Office of the Public Sector Integrity Commissioner of Canada in the Matter of an Investigation into a Disclosure of Wrongdoing at the Public Health Agency of Canada, pursuant to subsection 38(3.3) of the Public Servants Disclosure Protection Act.

CONTROLLED DRUGS AND SUBSTANCES BILL

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-37, An Act to amend the Controlled Drugs and Substances Act and to make related amendments to other Acts.

(Bill read first time.)

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

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

[Translation]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

DAIRY INVESTMENT PROGRAMS

Hon. Claude Carignan (Leader of the Opposition): Thank you, Mr. Speaker. My question is for the Leader of the Government in the Senate.

In November 2016, the Minister of Agriculture announced two new programs worth \$350 million in support of Canada's dairy producers as the Canada-European Union Comprehensive Economic and Trade Agreement comes into effect.

Online consultations were held regarding these new programs, namely, the Dairy Farm Investment Program and the Dairy Processing Investment Fund. These consultations were completed about two months ago.

Could the Leader of the Government tell us when the government plans to implement these two programs?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. It is entirely appropriate that, as we now have the bill to implement the CETA, that questions should arise with respect to how Canada will implement the arrangements in a forward-looking way.

With respect to the precise timing, I will certainly inquire, but I would expect that that timing would have everything to do with when this chamber, quite appropriately, after deliberation and consideration, passes the bill that would allow CETA to be implemented.

After that, there is an exchange of diplomatic notes which will allow both the European Union and Canada to implement this agreement. It would be in that context that the government will put forward its plan in a more precise way for implementation of the CETA.

[Translation]

Senator Carignan: Thank you. From my understanding, the programs that you mentioned will not come into effect until the trade agreement is fully implemented. However, perhaps the Leader may recall that, when this funding was announced, some people indicated that they were concerned about how much was being allocated and how it would be divided among the provinces. Has the government determined how this money will be divided among the provinces, assuming of course that Canada goes forward with the trade deal? If not, when does the government intend to make a decision on this and share it with the provinces and the dairy industry?

[English]

Senator Harder: I believe those discussions are still ongoing, both with stakeholders and within government, and an announcement will be forthcoming when it is appropriate.

[Translation]

CANADIAN FOOD INSPECTION AGENCY— BOVINE TUBERCULOSIS

Hon. Ghislain Maltais: Thank you, Mr. Speaker. My question is for the Leader of the Government in the Senate, of course. Could the leader sum up what he has learned so far about the bovine tuberculosis epidemic that hit Alberta and Saskatchewan?

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. As he well knows, because he has asked many questions on this issue, the Government of Canada and the ministers responsible, particularly the Minister of Agriculture, have been monitoring this situation very closely. I will inquire of a precise update so that I have that available for the Senate, but I am aware that significant progress has been made, although there continue to be a number of farms that are in quarantine, and I will seek an update and report to the Senate.

[Translation]

Senator Maltais: You know, Mr. Leader, the British parliamentarian Winston Churchill liked to say, "I'm asking the question because I know the answer." Here is, then, the answer to mine.

• (1400)

As of February 2, 10,000 head of cattle had been slaughtered and \$11 million in compensation paid out to farmers. There is still one infected herd, six animals are infected, and 28,000 are in quarantine. The provinces involved are Alberta and Saskatchewan. Twelve sites have been released from quarantine. Basically, the crisis is over. The only problem is that the Canadian Food Inspection Agency has not yet figured out how the animals were infected in the first place. I know that the Minister of Agriculture is working on this and is supposed to get me an answer.

It is critical for the problem to be resolved before the animals are released into the wild in the spring. The infection must not be allowed to spread beyond the provinces involved.

[English]

Senator Harder: I thank the honourable senator for his answer. It felt like "Jeopardy" for a while. I will take his supplementary into account when I speak with the minister.

POULTRY REGULATIONS

Hon. Kelvin Kenneth Ogilvie: My question is for the Leader of the Government in the Senate, and I know this is a subject on which he has considerable expertise. It has to do with spent fowl.

Canada's chicken producers continue to raise concerns regarding broiler chickens from the United States being mislabelled as spent fowl and crossing our border tariff-free. For senators' benefit, spent fowl is the name given to laying hens that are no longer productive. They are processed, and the meat is generally used in soups and other things of that nature.

The issue here is that even though we have tariffs on all value-added products in this area — very important agricultural tariffs on products crossing the border with the United States — this is one aspect of chicken that comes into Canada essentially tariff-free.

Why is that a problem? Our first clue should have been that the U.S. ships more spent fowl into Canada than it produces in a year. How can that be? It turns out that broiler chicken is often deliberately mislabelled as spent fowl and then shipped into Canada. Broiler chicken is a value-added product. If it enters Canada tariff-free and is then repackaged in Canada as broiler chicken or another high value-added product, it competes unfairly against Canada's own production, and it subverts the quota that is allowed to come into Canada.

The issue here is that this is causing our chicken producers in Canada considerable losses annually, and the Government of Canada, as recently as November, has indicated that it intends to deal with this issue under one of the duty relief programs.

I have a question and a brief supplemental. First, could the Leader of the Government tell us how quickly the government is proceeding to deal with this clearly contraband issue?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He's a bit generous in suggesting I'm experienced with the subject matter, although I wouldn't go so far as to suggest it was a "fowl" question.

As he knows, when the Minister of Agriculture was here responding to a question from a Senate colleague on this very subject, he indicated that it was one that he was very actively engaging with his U.S. counterpart on.

You will know of course that there has been an administration change. I will inquire of the minister when and how he is engaging with the new administration on this subject as the new secretary of agriculture has just assumed office — I believe that secretary has been confirmed — and I will report back.

Senator Ogilvie: Here is my supplementary. It was our understanding at the Agricultural Committee that a DNA test has been developed at Trent University that can distinguish spent fowl from others. As you know from your days on the board of Genome Canada, a DNA test is often very rapid and highly accurate in its detection. We were assured by government officials that they were actually moving in this direction and taking it seriously with regard to either using this test or another DNA test to help on this matter.

I wonder, leader, if you could follow up on this issue as well, because it obviously offers an immediate ability to detect at the

border the differences between the legitimate and non-legitimate product.

Senator Harder: I will, indeed, senator.

I would use the occasion of responding to your question by just outlining and underlining to all senators and Canadians the benefits of investing in genomics in Canada, because it is not just in relation to health benefits but there are benefits in the agriculture, forestry and fisheries sectors — they all benefit from the investments that have been made. This is a classic example of a new tool that can cheaply and readily identify what was before a more problematic identification.

TRANSPORT

WESTERN CANADIAN GRAIN TRANSPORTATION

Hon. Donald Neil Plett: My question is also for the Leader of the Government in the Senate, and it is on an issue I have previously raised with him.

Mr. Leader, the grain transportation has been a concern for Western Canadian grain farmers for several years now, and you have spoken in favour of some of the initiatives. As the government leader, you are aware that the Minister of Transportation has promised to introduce legislation this spring to allow reciprocal penalties in service-level agreements between railway companies and their customers. Decisions on two related issues, interswitching distances and the maximum revenue entitlement, are expected at the same time as this legislation. The 2017-18 crop year begins on August 1. The time frame here is extremely tight.

My question, leader, is this: Does the Liberal government expect that this forthcoming legislation will be in place for the start of the next crop year?

Hon. Peter Harder (Government Representative in the Senate): I thank my honourable cousin for his question. Honourable senators have all forgotten that we're related.

Senator Neufeld: Actually, he has.

Senator Harder: That's a good one. On both sides.

I also want to compliment the senator for bringing the grain producers together in a session yesterday, I believe. The question he's asking is one that I will have to speak with the minister about. I do know the minister made a commitment for the spring. Spring is not yet here, but I will seek an update and report directly.

Senator Plett: Cousin Harder, as I said to you yesterday, we can choose our friends but not our relatives.

Some Hon. Senators: Oh, oh!

Senator Plett: Of course, I'm proud to be related.

[*Translation*]

A supplementary question for my cousin: If this new legislation is not in place for the new crop year, would you ask the government to consider extending the provisions of the Fair Rail Grain for Farmers Act for an additional year?

Senator Harder: I certainly will.

FINANCE

CARBON TAXES FOR FARMERS

Hon. Tobias C. Enverga, Jr.: My question is for the Leader of the Government in the Senate. It's a follow-up to a question I asked last week about the Liberal carbon taxes hurting Ontario farmers.

Greenhouse growers in Ontario have been hit with high energy costs since the Liberal provincial government brought in its cap and trade tax on January 1. One greenhouse grower in Essex county told the media last week that his annual gas bill will double from about \$120,000 last year to \$240,000 this year.

• (1410)

My question for the Leader of the Government in the Senate is this: If farmers are already struggling with higher costs due to increased provincial taxes, how does this Liberal government expect they will cope with the federal carbon taxes imposed?

Hon. Peter Harder (Government Representative in the Senate): I think it's important for all senators to understand that the approach the government has taken to climate change is one of working with the provinces and allowing some variability in how provinces respond to their collective commitment to dealing with climate change. The question he's asking is more appropriate for the chamber in Ontario, where the Government of Ontario has chosen a particular course and will have to answer, as it should, to all Ontarians with respect to its implementation.

Senator Enverga: I have a supplementary question. These greenhouse growers compete with American producers who will not bear the burden of carbon taxes under the new Trump administration as Canadian operations will. Why is this Liberal government intent on taxing our farmers out of competition with their American counterparts?

Senator Harder: Again, I would remind the senator and all senators that the approach being taken by the Government of Canada is one of cooperation with the provinces, one of collectively aligning our policies to deal with climate change.

It is the view of the Government of Canada and, through the expression of federal-provincial cooperation, a determination by all levels of government to deal with this problem in a fashion that advantages Canada and makes a more sustainable and environmentally sound economic ecosystem for Canada. That remains the objective of the federal-provincial work in this area.

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate. The visit of the Prime Minister of Canada with the new President of the United States, Donald Trump, was not very reassuring when it comes to the trans-Pacific partnership. The future of many Canadian businesses and thousands of jobs, including in the agriculture sector, depends on that agreement.

Can the Government Representative in the Senate tell us whether the TPP will survive under the new administration south of the border? If not, when will the Prime Minister unveil a plan for bilateral negotiations to reassure our producers?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Thank the honourable senator for his question. It raises a subject that is very important for Canada, for parliamentarians both in this place and the other, and that is quite frankly how are we, as a country, going to engage bilaterally and multilaterally with the expanding economies in Asia.

This is a subject that is very high on the agenda of the government. The Minister of International Trade is actively looking at and discussing with his colleagues the TPP framework and how best to proceed. There are discussions taking place and at the appropriate time the Government of Canada will make its strategy known.

AGRICULTURE AND AGRI-FOOD

EXPORT OF PULSE CROPS TO INDIA

Hon. Victor Oh: Honourable senators, my question is for the Leader of the Government in the Senate.

Today is Canada's Agriculture Day. There is a media report today that Canada's export of peas and lentils to India may soon be in jeopardy. India requires the use of certain pesticides to control pulse pests. However, Canada is trying to phase out this pesticide due to the concerns of its inefficiency in our cold climate and its risk to the ozone layer.

There are indications that as of the end of this March, India intends to implement new measures. There are about 12,000 pulse farms in Canada. According to Pulse Canada, more than 85 per cent of Canada's pulse production is exported globally. India is a major destination, accounting for one third of our pulse exports in 2015, worth about \$1.5 billion. This is similar to a situation that emerged last year involving canola exports to China when the Chinese expressed concern regarding the possibility of transferring blackleg fungus from canola exports.

What is the Government of Canada currently doing to ensure Canadian peas and lentil exporters maintain access to the Indian market?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. Clearly, every day is Agriculture Day for the Minister of Agriculture and for the Minister of International Trade because so much of our trade is agriculture and agri-food related.

This is a serious issue. The minister is very much engaged with his counterparts in India. You are quite right in referencing the canola issue in China last year. It is one where high-level engagement needs to take place, is taking place, and at the appropriate time I would expect the minister to respond.

[Translation]

DIAFILTERED MILK

Hon. Claude Carignan (Leader of the Opposition): Clearly, it's Agriculture Day today, Leader. We wanted to mark the occasion with a series of questions relevant to agriculture.

My next agriculture-related question deals with diafiltered milk. In January, groups of American dairy producers wrote the new President of the United States on the issue of diafiltered milk to say that they believed that Canada violated its NAFTA and WTO trade obligations when it moved to block these imports. A similar letter was sent to the governors of 25 U.S. states last month.

Can the Leader of the Government in the Senate tell us whether the Government of Canada has caught wind of a response to the allegations contained in these letters?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Diafiltered milk has been the subject of a question in this chamber with the Minister of Agriculture. I will have to take his question on notice because of the specific nature of the request, but I can assure the senator and all senators that the Minister of Agriculture is deeply engaged on a regular basis with this subject and with his American counterparts. I would be happy to report back.

[Translation]

Senator Carignan: Last June, the Minister of Agriculture and Agri-Food said that he wanted a permanent solution to the diafiltered milk issue. Since then, the federal government has not said a word on the matter.

Canada's milk producers estimate losses due to the diafiltered milk issue to be approximately \$231 million a year.

Could the Leader of the Government in the Senate tell us when the government intends to keep the promise it made during the campaign to resolve this very serious problem for the dairy sector?

[English]

Senator Harder: I want to assure the honourable senator and all senators that the Minister of Agriculture remains deeply committed to a satisfactory outcome of this state of affairs with

respect to diafiltered milk. He has engaged the previous administration. I would expect that he will equally engage the new administration with a view of finding a solution that protects Canadian interests.

[Translation]

ORDERS OF THE DAY

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am ready to rule on the point of order raised by Senator Plett yesterday. On February 14, when Senator McPhedran gave her first speech in the Senate, she included the following statement:

[English]

Last week, when Senator Plett was here, I heard him speak of his opposition to Bill C-16, and I have read some senators' concerns that Bill C-16 and new grammar on trans rights will infringe on their rights. I am not able to find any legal substance to these concerns but, as my fellow senator from Manitoba spoke, Senator Plett referred to "these people" or "those people," and, to my ears, I heard "othering." Othering can be understood as an indicator of bigotry. Colleagues, bigotry does not strengthen an inclusive democracy.

The substance of Senator Plett's point of order is that he has been identified as a bigot through association with "othering." He understood Senator McPhedran's statement as a direct accusation of bigotry, and he was not alone in this interpretation. Senator Pratte, for example, recognized the powerful nexus in the speech, when he stated:

Even though there was subtlety in the words, I certainly perceived this as unparliamentary language. I know that if I had been the target of those words, I would have felt very unsettled and profoundly insulted. I understand Senator Plett's feelings today.

• (1420)

[Translation]

Senator McPhedran did attempt to clarify her remarks, arguing that they were not actually about Senator Plett. She stated that the language used by Senator Plett with respect to "those people" "can be" symptomatic of bigotry, but are not necessarily so. She also proposed to remove the specific references to Senator Plett if that would help address the objection.

[English]

Honourable senators, words are powerful; they do matter. This is especially true when they are used to criticize not just a different point of view, but those who

hold that point of view. A statement must be looked at in its totality, taking account of its overall effect, not just parsing fine gradations of meaning. Senator Pratte's statement to which I have made reference summarizes well the effect of the remark at issue.

Rule 6-13(1), states that "All personal, sharp or taxing speeches are unparliamentary and are out of order." The Senate is characterized by the respectful exchange of ideas and information, even when we deal with topics about which honourable senators have strong views. We should always show respect for each other, no matter our views on an issue, since the right to hold and express our divergent opinions is the basis of free speech.

I know that we do give some leeway to new senators — we have all been new senators at one time — particularly in their first speech. However, the remarks alluding to Senator Plett were outside the bounds of acceptable parliamentary debate. They were hurtful and inappropriate. Such language does not help us in performing our duties. It creates discord and animosity. This does not serve the public good, the ultimate objective of all our work here as senators.

The language in Senator McPhedran's speech of February 14 can, in the context it was used, be characterized as unparliamentary. The point of order is well founded. I strongly urge Senator McPhedran, and of course all senators, to avoid offensive personal language. Colleagues, let us continue to engage in respectful debate and avoid, at all times, personal attacks.

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. André Pratte moved second reading of Bill C-30, An Act to implement the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and to provide for certain other measures.

He said: Honourable senators, I'm sorry to say that I will not be brief.

I rise today to speak in favour of Bill C-30, An Act to implement the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and to provide for certain other measures.

All indications are that Canada, like all developed nations, will experience relatively slow domestic growth in the foreseeable future. This is due to a combination of several factors, particularly the aging population and the slowdown in emerging countries such as China. As a result, our governments and central banks are seeking desperately, I would say, ways of stimulating growth: expansionary budgets, infrastructure spending, quantitative easing and low or even negative interest; however, for a country as rich in resources and talent as Canada, the most powerful driver of economic development is trade.

This is why the Comprehensive Economic Trade Agreement, CETA, with the European Union, is so crucial for Canada. It comes at a time when our economy needs a boost. That can only happen, of course, if the agreement comes into force. Since the European Parliament has approved the agreement yesterday, all that remains for that to happen is this chamber's approval of Bill C-30.

[Translation]

For the agreement to come into force, our Parliament first needs to pass Bill C-30, which amends a number of acts to make them consistent with the terms and conditions of CETA. Now that parliamentarians have accepted the agreement, we need to pass Bill C-30 rapidly and we need to do it with conviction.

There is no reason not to. The agreement was negotiated by governments led by the two political parties in this chamber. When he was Prime Minister, Stephen Harper said:

... the trade agreement between Canada and Europe is the biggest deal Canada has ever made. It will create jobs and opportunities for families, businesses and workers across Canada.

Today, Prime Minister Justin Trudeau said:

CETA will offer significant benefits for most sectors of the Canadian economy, from fishermen in Newfoundland and Labrador, to aerospace workers in Quebec, and from people assembling automobiles in Ontario, to forest industry workers in British Columbia to miners in the Northwest Territories.

CETA will give Canadian businesses tariff-free access to a huge market of 510 million residents, which is 14 times the population of Canada, the second largest market of goods and services in the world. Even without the United Kingdom, after Brexit, it is still a market of 445 million people, which is 110 million more people than the United States.

Once the agreement is in effect, 98 per cent of Canadian goods will be able to enter Europe tariff free, compared to just 25 per cent today. This is true for many agricultural products, including everything from maple syrup to apples to cranberries. Canadian beef and pork producers will benefit gradually, over a five-year transition period, from greater market access in the EU thanks to new tariff quotas.

Once in effect, Canadian metals and minerals, such as aluminium, copper and zinc, will be able to enter EU countries duty free. That will also be the case for petroleum products and certain fish and seafood products, such as lobster, salmon and crab. Lastly, it is also true for manufactured products, 99 per cent of which will be exportable duty free as soon as the agreement comes into effect.

[English]

The key characteristics of this agreement, however, are its scope and its innovativeness. In the area of investment, for example, the agreement not only paves the way for greater investment by both

[The Hon. the Speaker]

sides but also institutes a permanent dispute settlement mechanism. This mechanism differs from the NAFTA arbitral tribunals in that arbitrators will be chosen from a permanent pool of 15 persons instead of being appointed by the parties on a case-by-case basis. This will prevent any perceived bias towards businesses, since all the arbitrators will have been chosen by the participating states beforehand.

In addition — and this is very important — the agreement confirms the right of governments to act in the public interest in areas such as health, safety and the environment. In other words, investors cannot sue governments for acting solely in the public interest.

The agreement promotes and facilitates the mutual recognition of professional qualifications between Canada and Europe. Because the mobility of highly skilled business people is so important to companies' growth and the expansion of trade, temporary entry of Canadian business people into Europe and of European business people into Canada is also made easier. The agreement takes aim at reducing technical barriers to trade, which are sometimes substituted for tariffs when these are lower.

The provisions of the chapter on technical barriers to trade ensure that where differences in regulations or standards arise between Canada and Europe, convergence is promoted where possible, while protecting each party's right to regulate in its own best interest.

One chapter in the agreement aims at simplifying licensing and regulatory requirements for services and investments so that they do not curb trade between the two blocs. We must be mindful that Europe is the largest importer of services in the world, \$936 billion in 2015. Business opportunities for Canadian firms are tremendous.

• (1430)

Where government procurement is concerned, CETA goes much further than the WTO agreement. Here, a very broad range of government entities — central, sub-central, municipal governments, government enterprises — must submit contracts that are above a certain value to non-discriminatory tendering. Some sectors have been excluded, such as health, education, culture, public administration, financial services and R & D. Nevertheless, CETA gives Canadian companies access to an enormous government procurement market valued at \$3.3 trillion per year, in areas such as water treatment, electricity generation and public transit.

Another fundamental consideration is that under this agreement, Canada and the European Union agree not to lower their labour and environmental protection standards as a means of encouraging trade or investment.

[*Translation*]

Honourable senators, the implementation of this sort of agreement naturally requires some changes to be made to Canadian legislation. These changes are set out in Bill C-30.

The bill is divided into four parts. Part 1 officially approves the agreement, provides for the payment by Canada of its share of the expenses associated with the operation of the institutional

and administrative aspects of the agreement, and authorizes the Minister of International Trade to propose the names of individuals to serve as members of the various tribunals established to settle disputes between parties and between investors and the states.

Part 3 contains consequential amendments, and Part 4 contains coordinating amendments and the coming-into-force provision. Part 2 is the heart of Bill C-30.

Among other things, Bill C-30 amends the following acts. First, it amends the Export and Import Permits Act to allow the implementation of the provisions of CETA pertaining to the rules of origin, which will make it possible to export many Canadian-made products to Europe with preferential tariff treatment, including some products made partially of imported materials, such as automobiles.

Second, Bill C-30 amends the Patent Act to create a framework for the issuance of certificates of supplementary protection, for which patentees with patents relating to pharmaceutical products or medication will be eligible. These certificates will extend the life of the patent for up to a maximum of two years to take into account the delay between the date the patent is filed and the date it receives market authorization. I will come back to that a little later.

Bill C-30 will amend the Trade-marks Act to protect EU geographical indications found in an annex of the agreement. Think of names such as prosciutto, Brie de Meaux, and parmigiano reggiano. Indications that have long been used by Canadian producers, such as feta and gorgonzola, will benefit from acquired rights.

Bill C-30 will also amend the Investment Canada Act to raise from \$600 million to \$1.5 billion the threshold as of which investments are reviewable by investors from countries that are party to the agreement, or in other words countries that are members of the European Union.

The Coastal Trading Act is amended to provide that European ships will be able to engage in certain dredging activities in Canada and in coastal trade between Montreal and Halifax. The Customs Tariff Act is amended to eliminate tariffs on goods imported from the European Union, immediately or in stages.

As we know, and as I said earlier, the Comprehensive Economic and Trade Agreement between Canada and the European Union was negotiated by a Conservative government and a Liberal government. It therefore enjoys significant support among the political class. Nonetheless, some aspects of the agreement have been criticized. Unions, for example, and a segment of what we call "civil society" take a dim view of a particular part of the agreement.

They believe it will bring few gains in terms of economic growth and jobs, even lead to job losses. They believe the agreement extends excessive rights to multinationals and that it will result in privatization of public services and higher drug prices at the expense of sick people and public drug insurance plans.

Some of these predictions are familiar. There were similar attempts at fearmongering before the free trade agreement with the United States and NAFTA were signed. Those fears were not

borne out. Other criticisms are specific to the Comprehensive Economic and Trade Agreement.

[*English*]

When it comes to CETA's impact on jobs, most studies forecast a positive impact in Canada and the European Union alike, although one analysis in particular predicts a negative one. Personally, I'm skeptical of a scenario predicting that employment will decline following the opening of one of the largest markets in the world to Canadian businesses.

Let us look at just one promising area out of hundreds: plastics and chemicals. Right now, these products face average tariffs of 4.9 per cent in the European Union, which will be eliminated when the agreement comes into force, giving Canadian producers an advantage over their competitors. The same applies to a host of Canadian industries. CETA will create jobs in Canada.

One would think that extending the period of patent protection on new drugs — from a few months to up to two years — would have some effect on prices, but how much of an effect? Opponents of the agreement quote a study indicating that prices will increase from 6 to 13 per cent by 2023. According to the authors themselves, however, there are several uncertainties in this study.

Let us start by pointing out that the extra protection will apply only to drugs entering the market after the agreement comes into force. An amendment was made to the bill in the other place in order to make this crystal clear. So the price of drugs that you and I are taking today, and at our age we're taking more and more, whether they be brand name or generic, will not increase, nor will the drug bill now being paid by the health care systems. If there is an impact, it will only be in the long term because generics will take a little longer, up to two years longer, to come on the market.

Note that many factors play a role in drug prices, which are already higher in Canada than in some European countries, even though patent protection lasts five years longer in Europe than here. Factors other than the patent protection term are therefore in play here, government policy being a big one.

That is why the Government of Canada has partnered with provincial governments so that they, through the pan-Canadian Pharmaceutical Alliance, can negotiate brand name and generate drug prices as a bloc with pharmaceutical companies. These collective negotiations have generated \$700 million in savings to date. Ottawa, the provinces and territories are now looking at other ways to make prescription drugs more affordable.

The other controversial component of the Canada-EU agreement is the investor-state dispute settlement system. The National Union of Public and General Employees say that the dispute settlement system is the most dangerous characteristic of the agreement and the greatest threat to the integrity of our democratic institutions. Under this scenario, states would become increasingly reluctant to bring in new public policies because investors could receive significant compensation as a result of adverse government decisions.

I call it the way I see it: That is paranoia, especially since, as I said earlier, the dispute resolution mechanism has been improved substantially since NAFTA. Members of the investment tribunal

[Senator Pratte]

will be chosen by the member states, not by the parties to a particular dispute. Investors will have no say in it at all. Arbitrators must adhere to a code of ethics. Unlike cases we have seen in the past, they will not be able to act as counsel, experts or witnesses in other investment disputes with the concomitant risk of perceived conflict of interest.

The arbitration tribunal hearings will be open to the public and records of the proceedings will also be made public. According to University of Ottawa Law Professor J.A. VanDuzer, CETA incorporates Canadian best practices designed to enhance the state's ability to manage investors' state disputes and addresses many of the legitimacy-based concerns that have been raised.

[*Translation*]

In the agriculture sector, as I said earlier, CETA opens the enormous European market to Canadian producers. In exchange, a concession had to be made. We managed to preserve the supply management system, but Canada has authorized the duty-free importation of 17,700 tonnes of cheese, of which 16,000 tonnes will undoubtedly be fine cheeses, which corresponds to 30 per cent of the existing Canadian market for this type of cheese. That will happen gradually over the next five years, but it will inevitably have an impact on milk and cheese producers in Canada.

• (1440)

To soften the blow and, especially, to help them face this heightened competition, the government has created a \$350 million assistance program — \$250 million for dairy producers and \$100 million for processors — to help them modernize their equipment and adapt to the new market conditions. The dairy producers with whom I have met believe this is not sufficient and are calling instead for \$150 million per year, over at least seven years, since they maintain that all new cheese imports represent a net loss to them.

In reality, according to Agriculture Canada's projections, cheese sales will continue to rise in Canada over the next ten years, in spite of increased European imports, thanks to population growth, and so Canadian dairy producers' and processors' revenue will rise by more than two per cent per year, on average, in spite of increased imports.

Milk producers and processors will do well if the assistance programs are properly tailored to their needs and if the import quotas are wisely allocated. That is why the government of Canada has held intensive consultations on these issues over the last few months with affected individuals and groups, and the decisions on this subject will be made and announced this spring.

Honourable senators, as we know, we are living in times when the temptation to turn inward is strong. Hoping to solve our security problems and our economic problems, we look to solutions that appear easy, like closing our borders to people and goods from outside.

The protectionist trend was certainly illustrated spectacularly last year by Donald Trump's victory in the United States and the Brexit victory in the United Kingdom. The trend did not start last year, however. According to the most recent World Trade

Organization report, almost 3,000 trade-restrictive measures have been introduced by WTO members since 2008. Of those measures, only 700, or about one quarter, had been eliminated by mid-October 2016. There are therefore still over 2,200 trade-restrictive measures still in place.

According to Roberto Azevêdo, the Director-General of the World Trade Organization, and I quote:

Trade restrictive measures can have a chilling effect on trade flows, with knock-on effects for economic growth and job creation.

[*English*]

After the European Parliament's international trade committee voted to approve CETA in late January, European Parliament member Sorin Moisa said, "It's more than just a free-trade treaty with Canada. It's a statement about how we relate with the rest of the world." This statement is certainly true for us as well.

It is sometimes said that Canada has no choice but to trade with the rest of the world, that it is in a way doomed to do so by its geology, geography and demographics.

That is true to a great extent. As the government's Advisory Council on Economic Growth recently pointed out, the relatively small size of our economy requires us to trade to maintain our growth and prosperity. Developed economies that are larger and more diversified have other sources of growth. For example, international trade represents 30 per cent of the GDP in the United States but 65 per cent of the GDP of Canada.

At the same time, Canada also chooses to trade with the world because it is profoundly Canadian to maintain ties of all kinds, friendship, solidarity and economic and cultural relationships with people from all over the world.

Last year, Canada was held up as an example throughout the world for the way it welcomed refugees from the Syrian conflict. In 2017, Canada will be highlighted for the way it resisted the protectionist current and implemented history's most modern and most ambitious free trade treaty, the Canada-European Union Comprehensive Economic and Trade Agreement.

This is why I urge you to vote in favour of Bill C-30, which implements this landmark agreement. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): Would the senator take a few questions?

First of all, congratulations on your lengthiest speech, senator.

I was the sponsor of the Canada-Korea Free Trade Agreement implementation bill. As I was listening to you, many of your comments sounded very familiar to me.

A few things are curious. In the ratification process for the European Union, all the member states have to ratify in their respective parliaments. Is that any indication of what Canada may have to face, even after successful ratification of this agreement? Will Canada have access that will be truly with

fewer barriers than there would be without an agreement? Or will there be complicated processes to go to various parliaments rather than dealing with the European Union as a whole?

I know there will have to be a little of both, but I'm wondering about how complex the ratification process will be. What other barriers and complex processes will Canada have to deal with even after implementation?

Senator Pratte: Thank you for the question. Things are never as easy as we wish them to be, but, yes, once Bill C-30 is adopted, there will be a few things to settle. There will be an exchange of letters between Canada and the EU, and then the agreement will be provisionally implemented. That means that tariff reductions will be in force, but there will be a ratification process in Europe where each parliament will have to ratify the agreement. However, the agreement will be in full force right from the moment that the exchange of letters happens, and Canadian businesses will have access to those markets immediately.

Senator Martin: It still sounds like it will be a complex process, but I understand your answer, senator.

You did acknowledge the work of our previous Conservative government, Minister Ed Fast, his predecessor and the incredible work they did to allow the current government to continue the work.

The dairy producers were here recently. I was quite startled at the figure that 30 per cent of the cheese market will be the impact of this agreement; and \$250 million for an entire industry is a lot of money, but it doesn't seem enough.

Would you expand on what assurances our dairy producers can hear at this time? I'm from British Columbia. It is a very important industry there as it is in other parts of our country, so the 30 per cent seems very high to me.

Senator Pratte: Yes, it is 30 per cent of the specialty cheese market, not of the whole cheese market. Oftentimes, this amount is compared to the amount proposed by the previous government, which was \$1 billion over 10 years. Obviously that sounds like a smaller amount, but the \$1 billion over 10 years was an amount for compensation for both CETA and TPP, and TPP was an opening of the whole milk market not only of the cheese market, so there's a huge difference there.

All the groups and experts I have talked to tell me that the sales of cheese were increasing very rapidly. There will be a reduction, but it is a reduction in the rate of increase, not a net reduction, so that producers of cheese can still count on a yearly increase of their market, but it will be a smaller increase.

Everyone tells me as well that a very important thing will be how import quotas are distributed. Depending on who gets the import quotas, who gets control of what, will be extremely important. That will be a determinant of how milk producers can fare with that increase of imports. That's a decision the government has to make. Hopefully, with the wide-ranging consultations that they have made, they will be able to make the right decisions so that milk producers and transformers will be able to fare with the increase in imports.

• (1450)

Hon. Percy E. Downe: Honourable senators, after Senator Pratte's enthusiastic endorsement of Bill C-30, I felt I should talk about a few things.

Senator Pratte, in the translation you said we should pass it quickly. I hope those were your words and not misinterpretation. That's a red flag to me, because when I was here in my early days in the Senate — and many have heard me speak about this before — it was the best of intentions. In 2005, then-Prime Minister Martin, Opposition Leader Harper and NDP leader Layton, visited the Netherlands and had a ceremony honouring Canadians who fought in the Second World War, they were obviously moved by the events, and on the plane on the way back they decided they should pass the veterans' charter with much haste, no delay, because who is not in favour of assisting veterans, their families and giving them the resources they need?

The veterans' charter came back to the House of Commons. It was moved by the Minister of Veterans Affairs. The motion was agreed to, the bill was read the second time, considered in committee, reported, concurred and read the third time and passed in one minute in the House of Commons. It then came to the Senate, the chamber of sober second thought, where we were all swept up in wanting to do the right thing. Again, who is opposed to improving veterans' benefits? Who is opposed to benefits for the families and children?

In the Senate we spent a little more time. We had first and second reading on the same day. It was agreed that there would be one speaker and half an hour of questions, and then the Senate collectively agreed that we would refer it to committee, unlike the House of Commons. Which committee did we refer it to? You would assume it would have been the Veterans Affairs Committee, where we have had members who have studied veterans' issues for years; or, failing that, the Committee of National Defence.

The Senate decided in their rush to refer it to the next committee sitting, which was the Finance Committee. So the veterans' charter went to the Finance Committee, where we had one long meeting. I happened to be on the Finance Committee at that time, so I recall it very well, and I recall the rush to get it through. I cast no dispersions on those involved. It was done with the best of intentions. Everyone was doing it for the right reasons, but the institution of the Senate did not do its job. We did not do sober second thought.

At the Finance Committee, we heard from Sean Bruyca, a veteran of the Canadian Forces. He's been in the media, so I'm not telling any stories here. He suffers from post-traumatic stress syndrome. He has stated that publicly. He said at that meeting:

We all know that the government wants to be seen as honouring veterans, but that does not necessarily mean that their veterans charter is free of errors. In fact, given that the veterans' contribution to society is defined in many ways as timeless, one must ask, why is there such a rush to force something through in only two days after Veterans Affairs Canada has been dragging its heels for more than 15 years? We believe disabled veterans and the CF would rather have it right than have a flawed and unjust charter right now.

Well, we have spent many years trying to repair the veterans' charter. We have veterans still complaining about it. We have the departments still trying to resolve the problems of it, all because it was rushed through.

Senator Pratte, again, I cast no dispersions. I believe your enthusiasm for the legislation is well-placed, but let us do our job. Let's confirm that.

We also had a recent example of rushing in the Senate, and that happened last year. At the Senate Foreign Affairs Committee, International Trade Minister Freeland testified in support of enabling legislation for a World Trade Organization agreement Canada had signed. It was a rush to pass it.

The Minister said at the meeting: "I believe Canada should ratify it as quickly as possible" for the TFA to come into force.

... 108 WTO member countries need to ratify it. Right now —

— and this is November 22, 2016 —

— 96 countries have ratified the TFA. It's really important for Canada's status as an effective and energetic participant in the multilateral trade community and in the WTO to be one of the countries whose ratification of the TFA acts brings it into force.

It might bear noting that at this point, the bill had been in the Senate for five weeks. It took 27 weeks for it to go through the House of Commons, where it enjoyed the support of all parties. The need for energetic participation was rather late in coming and only arrived when the bill got to the Senate.

Many of us, including myself, questioned the urgency and need for such a tight timetable. I asked her if Canada ratifies after 110, we're still a member. I appreciate there's some face-saving, as the minister indicated earlier, but does the minister anticipate 14 countries, which would take it to 110, to ratify within the next week? The reason for the next week is we were looking for information on transiting goods within Canada, where there had been any accidents or whatever. That information would take another week or two to obtain.

The minister responded "absolutely" it would be ratified. And when I questioned her again, she said, "Yes. Everyone has been acting on this." In other words, it was crunch time. We had better act quickly. We didn't have a week to spare.

So in light of the minister's sense of urgency, the committee had just one more meeting, passed the bill, reported back on November 24, passed in this chamber on November 30 in a total of seven weeks, a quarter of the time it spent in the House of Commons.

Those 14 countries that were going to ratify within one week, as assured by the minister, three months later, as of today, 110 haven't ratified; 108 have. We were told we had a week. We could do it today and we would still be under the 110.

So the purpose is again not to cast dispersions but to speak about this sense of urgency we always fall under. It is our job to review documents and bills carefully, and we can't count — we know this from long experience, and Senator Baker has highlighted it many times — on the House of Commons to do the analysis. Canadians have to count on the Senate.

I would just like to close by reminding colleagues that Canada has 12 free trade agreements. This is only one measure of the effectiveness but it is an important one. Of those 12 agreements, with 8 of them, our balance of trade has increased, 8 of the 12. Let me give you some of the numbers.

Before we signed NAFTA with Mexico, our trade balance was minus \$2.9 billion. It is now minus \$24 billion. Senator Martin mentioned Korea. In one year, our trade balance with Korea went from \$3.1 billion to \$3.9 billion. In Peru, it went from \$2.1 billion when we signed in 2009 to the last year we have figures available, \$2.4 billion.

I won't repeat them all. They're public information, but we have to be careful about the effects of these deals. We have to be particularly careful explaining to Canadians the benefits. We're a trading nation. We're highly dependent on trade, but Canadians have to see how it affects everyone, not just corporate Canada, how factories closing means there are opportunities somewhere else. The government has not done a particularly good job of explaining the benefits of trade deals, and that's something we should look at rather carefully as well.

Colleagues, I just wanted to add those few comments before we refer to committee.

The Hon. the Speaker: Will you accept a question, Senator Downe?

Senator Downe: Yes.

[*Translation*]

Hon. Claude Carignan (Leader of the Opposition): The figures you gave are interesting. I would like to know if the increase in the trade deficit is due to the fact that we are consuming more goods originating from this new partner with which we have negotiated a free trade agreement.

• (1500)

Is there a shift in our consumption, for example, from a country that we do not trade with to this new partner? This would appear to increase the trade deficit, but could simply represent the transfer of purchases from a country with which we do not have a free trade agreement to this new trade partner. Have you seen such shifts in purchasing trends, or figures that would suggest such?

[*English*]

Senator Downe: That is an excellent question. I have looked at the ones we have deals with. Obviously the economies have expanded. As I said in my remarks as well, this is one indicator

but in my view a major indicator, and without putting words in his mouth, President Trump has quoted figures of Mexico as well that he's concerned about on the balance of trade.

I don't have that information. It's a good question. When we signed the trade deal with Jordan in 2012, there were a host of questions about what we intended to do and what actually happened. It's part of this follow-up. Did foreign countries move some of their workers into Jordan and then start to export directly into Canada because they didn't have trade deals with Canada? Did they take advantage through Jordan as opposed to doing something in Canada? Those are some of the questions we should study.

The second part that concerns me about the trade deals is the lack of follow-up the Government of Canada seems to do. Export Development Corporation is running commercials on TV saying you buy your shirt in Italy, your tie in France, why can't you sell overseas? We're a G8 country. That's not a plan for export. I don't know what that is, but the trade figures indicate that not enough small- and medium-sized businesses are taking advantage of opportunities.

The question for me is: What program does the government have to come up with to do that? What do we have to do to convince somebody that it's as easy to sell in Peru — there are opportunities there — as it is to sell in the United States, where we do very well because we have similar culture and so on? That's an area that the government should be looking at.

Hon. Yuen Pau Woo: I have a question for Senator Downe. As a member of the Foreign Affairs Committee, I share your concern to examine this bill very carefully and thoroughly. I pledge to do so expeditiously in order to move this bill along in solidarity with the world community that is supportive of open trade, supportive of reducing trade barriers and supportive of our European friends who have moved mountains to come to an agreement on the ratification of this deal on the other side of the Atlantic.

Senator Downe, the basis on which you make, I think, an assessment of free trade agreements that we currently have based on the size of the deficits we have bilaterally, what economic theory or what rationale explains the belief you have that a larger deficit bilaterally is a bad outcome for Canada?

Senator Downe: As I indicate, and I'll repeat again, it's one of the many indicators of the effectiveness of trade deals. One of the areas we have to be particularly concerned about in Canada is what we saw and what we continue to see in many other countries: an opposition to trade deals because Canadians don't see the benefits. This is one area where Canadians look and say: What is going on? How is that working for us?

The pork sector will do very well under CETA. Agriculture should do very well under CETA. Other areas won't do as well. However, you can't only highlight the positives without offsetting the negatives and asking what we can do to help some of those industries adapt or how can we adjust. On these trade figures, it's an area where you see our exports declining after we sign trade deals.

Senator Woo: Senator, would you agree that in some situations an increase in imports, which could lead to a larger trade deficit, are actually beneficial for Canadians? First of all, beneficial for Canadian consumers who may be receiving these goods at a lower price; and, second, for Canadian manufacturers and other business owners who receive intermediate inputs in order for them to manufacture final goods?

The Hon. the Speaker: I regret to inform Senator Downe that his time has expired. Are you asking for time to answer the question?

Senator Downe: Yes, please.

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

Hon. Senators: Agreed.

Senator Downe: Senator Woo makes a very valid point. Supply chains are a very important part of the economy, but there are other areas of the economy as well that are impacted in this, and it appears to be in a negative way. I notice the new line from some people is, "Well, a lot of the job losses have been because of robotics and there are really not people working there anymore." But Canadians look at Mexico and don't see robots. They see Mexicans working at lower wages with lower benefits, taking jobs that used to be in Canada and they ask what's going on. Where are the young people? Where are the children of Canadians going to find opportunities and jobs? Are trade deals oversold or is the government not doing a good enough job preparing business to take maximum advantage of these deals and employ more Canadians in Canada selling all over the world? I think personally that's part of the problem.

Hon. Art Eggleton: I congratulate both the past and current government for bringing these talks to this point in time where we have an opportunity to enter into an agreement that I think is quite significant for this country. I can say this also as a former trade minister, having occupied the position for about a year and a half in the 1990s and completing two of the free trade agreements that have been referred to in the numbers by Senator Downe.

I think this needs to get careful examination in every respect, and one of the things that does need some additional attention is what the government is going to do to help facilitate trade, because this agreement, yes, it can produce quite a lot of jobs and it does bring considerable access to this huge market, but it's an enabling piece of legislation. It doesn't necessarily mean that's going to happen. It's only going to happen if we get our business community and professionals in terms of professional services taking advantage of it.

There's a little bit of a risk-averse tradition in Canada and so there may need to be a little extra effort by the government to help facilitate this trade opening up so that we do get a chance to take as much advantage of it as they will take advantage of in many countries where they are more aggressive in pursuing these things. A lot of our businesses tend to look to the route to the United States where 70 per cent of our trade in goods and services is directed.

It would be good when you get this bill to committee to question the government on what they intend to do to facilitate

what is enabling legislation but by no means a guarantee that all those jobs and opportunities will be taken advantage of.

The other thing that is worth bearing in mind here, and I pick up on Senator Pratte's comment about the new President of the United States and the fact that the commentary is to the effect that a lot of people feel left out of what is happening in terms of globalization, and globalization is something that's facilitated by these trade agreements. Yes, a lot of them are being left out because of automation, but a lot of inequality exists in our society, as in some other Western societies. How do we help people who might otherwise be left behind in some of these trade agreements?

All of these things are worth pursuing. The agreement is worth pursuing, but do have a good look at the details when it gets to committee. There may be some parts of it that may not be quite what they should be, but I'm sure you'll hear from different people that will help you come to that decision on each of these points in the agreement.

• (1510)

Also remember that the government needs to get behind this and not just do what they are doing now. They have trade officers out there all over the world, but I think extra effort will be needed to get people to go to Europe and other places, other than going to the United States. Also, how do we deal with people who get left behind and are at the lower end of the income scale when it comes to the issues of inequality?

(On motion of Senator Martin, debate adjourned.)

[Translation]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON
FEBRUARY 28, 2017, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 15, 2017, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, February 28, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 15, 2017, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 28, 2017 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CANADIAN JEWISH HERITAGE MONTH BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Pratte, for the second reading of Bill S-232, An Act respecting Canadian Jewish Heritage Month.

Hon. Joan Fraser: Honourable senators, I am not our caucus' critic on this bill. That is Senator Jaffer. So at the conclusion of my remarks I will move the adjournment in her name, but she has kindly allowed me to speak today.

I want to thank Senator Frum for presenting this bill, which I think can have a profoundly constructive impact on the fabric of Canadian society for Jews and non-Jews alike.

The Jewish heritage in Canada is vast and rich. It goes from coast to coast to coast. We heard Senator Wetston talk about his childhood in Cape Breton. Many of us remember Senator Jack Austin, who served here with such great distinction and I believe was born in Edmonton but fervently represented British Columbia in this chamber and at all points in between. There have been great Jewish contributions to this country for many years.

I'm going to speak basically about my region, my city, because that is the part of Canada that I know best: Montreal.

The Jewish history in Montreal and contribution to Montreal is absolutely extraordinary. As far back as 1768, as Senator Frum reminded us, the Spanish & Portuguese Synagogue was founded

in Montreal, the oldest synagogue in Canada, one of the oldest in North America, and it's still going strong, I'm here to tell you, and a good thing, too.

Jews have been part of our history since then and even a bit before. There has been pretty constant immigration, but we had two great waves of Jewish immigration at the end of the 19th and beginning of the 20th century, and then again after the Second World War when many thousands of Holocaust survivors came to our country.

In Montreal, in 2011, there were still nearly 6,000 living Holocaust survivors, and they have had an impact on the consciousness of our community that should never be underestimated.

We still have about 90,000 Montreal Jews. A quarter of them are Sephardic, which is a relatively new phenomenon. Most of the Jewish immigration to Canada for many years was Ashkenazi, but the Sephardic Jews have come and in part have enriched us because so many of them are naturally francophone, and this has had a tremendous impact on our understanding of the Jewish community but also of the world, particularly the Middle East.

Montreal Jews over the years have built a rich, vibrant and absolutely extraordinarily generous community. It is almost impossible to go anywhere in Montreal and not be reminded of the extraordinary generosity of the Jewish community. The generosity has gone first, of course, to the Jewish community itself, which has had the benefit of hospitals and schools and social programs of an extraordinary richness, but also generosity to the entire community. Wherever you go, you're going to see Jewish names as donors of great philanthropy: Bronfman, Cummings and Hornstein. Many will remember our former colleague Senator Leo Kolber, also a philanthropist.

Some years ago I was having lunch with the Israeli consul in Montreal, and he mentioned the generosity of the Montreal Jewish community. Since that was the only Jewish community that I knew, I said, "Oh, is it unusual? I thought all Jews were generous." He said, "Yes, but Montreal is absolutely extraordinary." And that is true.

I'm going to name you some Montreal Jews who have contributed to Montreal and to Canada. This is not an exhaustive list. It's just a bunch of names that occurred to me when I sat down with a pen and a piece of paper for about 10 minutes. So nobody should be insulted if your very favourite person is not on this list. It's a fault in my memory, not in anybody else's.

Let's start with politics. Ezekiel Hart was elected to the Legislative Assembly of Quebec in 1807, the first Jew ever elected in Canada. Now, there's more to that story and I'll get back to it in a minute, but there have been many other illustrious Montreal Jews who have contributed to the political life of our country.

We all know and respect our former colleague Irwin Cotler, the great human rights advocate whose most famous clients included Nelson Mandela and Maher Arar.

Everybody remembers the wonderful, eloquent David Lewis, who made his career in Ontario, okay, but he was educated in Montreal. One of the most gorgeous stories is about when he was

being interviewed at McGill University for a Rhodes Scholarship. One of the examining panel was Sir Edward Beatty, then the President of the CPR. I think it was Beatty who asked David Lewis, "If you were Prime Minister, what's the first thing you would do?" Lewis answered, "Nationalize the CPR." They gave him the Rhodes Scholarship anyway, and I think it had to be in part due to his great political courage.

There have been other people who have had possibly debatable political courage. Some of you will recall the story of Fred Rose, the Montreal MP who was a faithful communist and indeed later was imprisoned, I believe, convicted, anyway, of spying for the Soviet Union and ended his days in Poland having been stripped of his Canadian citizenship. I doubt any of us would have shared the ideals he had, but he lived by the courage of his convictions.

• (1520)

One of my favourite examples is the late Victor Goldbloom, who was at first a cabinet minister in Quebec, where he was responsible for, among other things, saving the Olympic Games, but who then, of course, went on to make great contributions in other fields. Perhaps he is best known in Canada as the former Commissioner of Official Languages, but he was also the head of the Canadian Council of Christians and Jews for many years. He spent his life building bridges.

What about the arts? Oh, my! Rich, rich contributions in the arts! You could go back to the school of the Jewish Painters in Montreal in the 1930s and 1940s, who I have always believed were far better collectively than the Group of Seven, even if not as well known. We have had poets, A.M. Klein; Irving Layton; Leonard Cohen, a poet and a singer; the great novelist Mordecai Richler; the unforgettable William Shatner, not to mention the fact that for many years Montreal was a tremendous centre of Yiddish culture — Yiddish theatre, papers and societies. Not any more as true as it was, but it was a phenomenal centre for many years.

Jurists. Remember Morris Fish, former justice of the Supreme Court of Canada? The late Alan Gold was Chief Justice of Quebec's Superior Court, and one of the great mediators and arbitrators and negotiators of this country. It was to him that governments turned to solve things like the Oka crisis — not easy tasks. Then, of course, you all knew our colleague Yoine Goldstein, who was himself often thought of as a candidate for the Supreme Court.

I could go on. I could talk about medicine and business, of course. All that philanthropy had to come from success somewhere, mostly business. But what I want to stress is that all this success and generosity is all the more remarkable because in my city and province, as elsewhere throughout the Western world, Jews have not always been welcome. I mentioned Ezekiel Hart. He was twice elected and twice expelled from the legislative assembly by his peers there, basically because he was a Jew. It was not until more than 10 years after Ezekiel Hart died that Louis-Joseph Papineau passed an emancipation act at last to allow Jews to serve in our political institutions.

We've all got bitter awareness of the policies in the 1930s that came under the general heading of "none is too many." No Jewish immigration at all would still be too many Jews coming into our

country. We know how many died as a result. And it goes on. There is still vandalism of synagogues; resistance to the construction of new synagogues. We have come a long, long, long way in our society, but we still have some way to go. Anti-Semitism, which is one of the most deeply rooted and pernicious aspects of our civilization, is not yet dead.

I'd like to quote for you some remarks from former American President Barack Obama. A couple of years ago he was speaking to an American group on the occasion of Jewish American Heritage Month. He said a couple of things that I think are worth putting on the record:

... Anti-Semitism is, and always will be, a threat to broader human values to which we all must aspire. And when we allow anti-Semitism to take root, then our souls are destroyed, and it will spread.

I'm going to quote another element of his speech in a moment, but I would just like to add here that that is why I think this bill is important. It's important for all of us to be aware not only of the richness, the wealth and the extraordinary contribution that the Jewish heritage has made to this country but also of the fact that we can never consider ourselves immune to the forces of abuse and of hatred.

The Jewish community in Montreal has been an extraordinary source of outreach. Jews were never afraid of learning French. The first couple of families I ever met in Montreal who were Jewish, each, as it happens, spoke five languages. English and French were just two of them. That was fine. In particular, one family I remember, would tell jokes over the dinner table in the language best suited to the jokes. I was just dazzled.

But we are not immune. The particularly deep-rooted nature of anti-Semitism requires that we be reminded again and again — perhaps not every day, but for one month every year? That would be good: to be reminded of both the good and the dangerous.

I'm going to conclude by quoting President Obama again. He said:

... to make our values live requires courage. It requires strength . . .

So may we always remember that our shared heritage makes us stronger, that our roots are intertwined. May we always choose faith over nihilism, and courage over despair, and hope over cynicism and fear.

I believe that will be the result if Canada adopts this bill and lives up to the promise that it offers.

I move the adjournment in the name of Senator Jaffer.

Some Hon. Senators: Hear, hear!

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

(On motion of Senator Fraser, for Senator Jaffer, debate adjourned.)

[Translation]

SENATE MODERNIZATION

SECOND REPORT OF SPECIAL COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Wells, seconded by the Honourable Senator Enverga, for the adoption of the second report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Omnibus Bills)*, presented in the Senate on October 4, 2016.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): I rise today to continue the thread of the speech I began last week regarding the motion relating to the report on modernization dealing with omnibus bills.

I have done some research, and although my thoughts are not yet entirely in order, I would still like to speak to this matter today because I understand that we need to send this motion on to the Standing Committee on Privileges, Standing Rules and Orders as soon as possible.

As I was saying, the use of omnibus bills in this country dates back almost to Confederation. According to the Library of Parliament, the first omnibus bill was introduced in 1868. As far back as 1923, the practice began eliciting a negative reaction.

• (1530)

As I said last time, omnibus bills raise many questions around the performance of our constitutional duties. The motion before us seeks to adopt the second report of the special committee. This report contains two recommendations. Recommendation No. 9 calls on the Committee on Rules and Procedures to develop a process in the *Rules of the Senate* by which omnibus bills are referred to an appropriate committee to determine whether they ought to be divided into several bills. Recommendation No. 10 states that when the Senate applies this practice, the government and the House of Commons will be informed of such referral and of any determination by a committee to sever an omnibus bill.

A closer look at these recommendations reveals that making such a request to the Rules Committee is not as easy as it seems. I think it will take time to develop a clear process. As I said before, there are no rules governing omnibus bills. According to parliamentary procedure at the other place, an omnibus bill is defined as a bill consisting of a number of related but separate parts which seek to enact one or several new acts or to repeal or amend one or several existing acts.

Many a debate has been held on the subject of omnibus bills and Speakers have ruled on the matter. I invite you to read the debates held in 2014 on a question raised by Senator Moore.

References regarding omnibus bills also exist. One that I believe to be particularly useful concerns the objective sought by the

omnibus bill. In 1988, the Right Honourable Herb Gray, then leader of the opposition in the House of Commons, said:

The essential defence of an omnibus procedure is that the Bill in question, although it may seek to create or to amend many disparate statutes, in effect has one basic principle or purpose which ties together all the proposed enactments and thereby renders the Bill intelligible for parliamentary purposes.

The committee should probably take that criterion into account. As other parliamentarians pointed out in subsequent debates, that unifying principle can be quite a broad one, such as the prosperity of Canada's economy. This very broad principle can accommodate many bills that might better have been passed individually, not as part of an omnibus bill. That is why I feel this debate is important.

Since coming to the Senate, I have seen a considerable number of bills passed as part of budget implementation bills. It needn't always be that way. A budget implementation bill can serve to announce public policy intentions. It can combine all amendments of a fiscal or budgetary nature. However, in recent years, some of these bills have had nothing to do with budget implementation. My staff and I have started putting together a list of such bills, but we haven't finished.

Nevertheless, for the benefit of our new senators, I would like to raise a number of points that the Rules Committee ought to examine and that we ought to discuss here. Some of the bills that were passed could have been split. One particular bill that the Finance Committee and the Social Affairs Committee studied comes to mind: Bill C-4, a budget implementation bill introduced in March 2013. Division 5 of Part 3 of the budget included amendments to the Canada Labour Code that had to do with occupational health and safety. The bill proposed a new definition of "danger", eliminated health and safety officers and regional security officers and transferred their duties and responsibilities to the Minister of Labour, and enhanced internal resolution mechanisms for employee complaints of workplace hazards.

It is almost immediately apparent that this bill had little to do with the financial nature of the budget. In particular, there were no prior consultations about this bill. This was noted by the Social Affairs Committee which, in its report, pointed out the lack of consultation on this aspect of the budget implementation bill. I was a member of the committee at the time, and I found it interesting to reread our debates. Senator Eggleton asked a witness a question when union and management representatives appeared before the committee. His question was as follows:

[English]

Thank you very much, gentlemen, for being here and contributing to our deliberation of this provision of the budget.

There was a definition that was worked on for several years and I think was put in place in terms of the word "danger." It was back in 2000, and it involved extensive consultations with both employers and employee representatives, but this one I'm not aware of much consultation having gone on.

Could all three of you tell me just how much consultation went on leading to this change in the definition?

[*Translation*]

The employers' representative, Mr. Farrell, answered as follows:

[*English*]

FETCO was not consulted in advance of the drafting of this legislation.

The union said the same and all the witnesses were not consulted for those changes.

That leads me to put before you criteria that perhaps we should have when we look at bills that look like omnibus bills. How much was it consulted? Was there any consultation? What was the process followed? I looked at the budget implementation bills and I found some of them and I think in the process we will have to study those. That could be a criteria on which we could base the judgment.

[*Translation*]

Several other budget implementation bills gave rise to tensions, of which the committees made note.

We may see fewer omnibus bills of this nature with the Senate we have today. The Senate is more independent, which will undoubtedly shape its relationship with the other chamber. Recent budget implementation bills gave rise to uneasiness due to the Senate's bipartisan nature. It was easier to lump together several bills in a budget implementation bill, even though they may have deserved to be studied separately.

I will end my remarks here.

• (1540)

Hon. Claude Carignan (Leader of the Opposition): Senator Bellemare, I was listening to you and I noted the difficulty raised by making changes like this quickly. As I say more and more often, 150 years of tradition cannot be changed in 150 days. We have to take the time to carefully study the reasons why the Senate operated this way and how we can improve the system for the future.

I therefore want to add my voice to the debate on the second report of the Special Committee on Senate Modernization dealing with omnibus bills. Much ink has been spilled on the issue of omnibus over the past several years. This is a case where we see a conflict between the government's right to legislate in the manner it deems appropriate and the right of parliamentarians to examine that legislation appropriately and reach a clear, informed opinion on the matter.

This issue has generated heated debate in the past. We will all recall how, in 1982, the bells rang for two weeks in the House of Commons when the opposition called for the energy policy bill to be split. It would seem the Committee on Senate Modernization was right to examine that thorny issue.

[Senator Bellemare]

Those who have been here for a few years know that it is a well established tradition that budget bills are divided in order to be studied by different committees. Whether under Liberal or Conservative governments, the government and the opposition in the Senate have agreed that different committees will be tasked with examining the various parts of omnibus budget bills in greater depth. Those committees must then report to the Committee on National Finance, which oversees the study and reports to the Senate. That process functions relatively well. It provides the benefit of the expertise of the committees and their members and allows for more time to do the studies.

I think we would benefit from doing things that way more often. Take for instance Bill C-6; while all of the subjects it touches on relate to immigration and citizenship, they remain quite different given that they cover everything from terrorist threats to official languages. We suggested that the government divide the study of the bill among various committees: National Security, Official Languages and Social Affairs, to be specific; however, that suggestion was not accepted.

Colleagues, I hope that, in the future, we will be able to benefit fully from the expertise of each of our committees by using this technique of dividing the study of a bill based on the specific subjects addressed in the bill as a whole more often.

Another point I would like to address is the dilemma of the vote. The proposal by the Modernization Committee goes much further than simply dividing the omnibus bill among the committees. The committee proposes a mechanism for dividing omnibus bills into separate bills. As stated in the committee's report, the Senate has done this in the past, so this is nothing new. Rather, this is a matter of codifying the practice and giving it a clear structure.

[*English*]

Before I discuss further the challenge posed by omnibus bills, I want to remind colleagues that the Liberal Party promised in its 2015 platform that they would end the "undemocratic practice" of using omnibus bills. That was because, and I quote again, "Stephen Harper has . . . used omnibus bills to prevent Parliament from properly reviewing and debating his proposals."

We have already seen a certain number of omnibus bills since the election.

[*Translation*]

Numerous decisions by the Speakers of the House of Commons and the Senate have recognized the government's right to do things this way. In the present context, where days of parliamentary debate are limited and legislation is increasingly complex, it is hard to imagine that the government might stop using this tool and it is tempting for governments to slip a number of smaller legislative measures into a budget bill, for example. Everything is put in the same bag. The label "budget" is tacked on and Parliament is asked to pass the whole thing or else bring the government down on a confidence vote. Consequently, we are not about to stop having omnibus bills sent to us.

Parliament must therefore have tools it can use to adequately do its work of examining legislation and making decisions. On the question of examining bills, as I have pointed out, the Senate has

already developed good practices, and it is up to us to make sure not only that they will be continued, but also that they will be used more often still.

It is when the time comes to vote that omnibus bills present a challenge to parliamentarians, one that is almost impossible for them to overcome. How can we vote down a bill with a clear conscience when we support all but one of its 12 divisions? How can we vote for a bill when only one of the divisions matters to us, without being criticized for abandoning our principles on that question? These are real dilemmas that parliamentarians face when presented with omnibus bills.

The dilemma is even greater for senators. Some believe it is their duty to support the government's budget measures, or at least to make sure they are not defeated. In fact, there is a school of thought that holds that the Senate does not have the ability to defeat budget measures passed by the House. In the recent debate on Bill C-29, the government leader addressed us at length on this subject. In his opinion, the Senate could not have voted against or amended Bill C-29, since it was a budget implementation bill. Fortunately, he later changed his mind and proposed an amendment that the Senate in fact accepted, the effect of which was to remove some of the proposed budget measures.

I would point out that the Senate exercised its rights again when it amended Bill C-29. However, Senator Harder's argument that senators cannot vote against budgetary measures has nonetheless been used, to no avail, fortunately.

Furthermore, the solution of dividing such a bill would help senators facing these dilemmas by removing a measure that may have very little to do with the main part of the bill. The Senate could take a clear position on each provision and, by proceeding in this manner for non-budgetary measures subtly slipped into budget implementation bills, we would be giving senators the option of voting without fear of being accused of wanting to usurp the power from elected members for a vote on budgetary measures.

The committee is proposing that we include a mechanism in our Rules whereby the Senate could ask a committee to examine whether a bill should be split up. I think this is a reasonable approach. It would not be a matter of doing so every time or impetuously. It is understood that such a mechanism would be used sparingly, but its mere existence in our Rules, the simple threat that it poses, should cause the government to think twice before using omnibus bills. Although the decision to refer to the committee would require the support of a majority of senators, each and every one of us would have to think about and justify our vote.

Other mechanisms might also be possible, and the committee's proposed solution could certainly be adjusted. I think it makes sense to send this matter to the Rules Committee so that our colleagues there can suggest possible changes we could make to our Rules.

I urge you to adopt the motion so that it may be referred to the Rules Committee as soon as possible.

[English]

Hon. Peter Harder (Government Representative in the Senate): Would the honourable senator take a question?

Senator Ringuette: That's a nice reversal of roles. I like that.

Senator Harder: This feels really good.

I really do welcome the senator's contribution to this important debate. I only wish to underscore the commitment that he referenced of the government with respect to not having omnibus bills, particularly those that involve budgets.

• (1550)

I would like to ask the honourable senator whether he can identify any element in the budget implementation bills 1 or 2 of the last budget that were not elements that were referenced specifically in the budget materials.

[Translation]

Senator Carignan: Bill C-29 included a provision for a complete consumer protection code under the Bank Act, which in my opinion had nothing to do with the budget.

[English]

Senator Harder: If I could I would be happy to provide the honourable senator with the specific reference in the budget that predicted the division that was in the Budget Implementation Act. My point is that this government is very constrained by its own commitment not to include materials in its budget implementation bill that had not been referenced, as has been the practice in the past.

[Translation]

Senator Carignan: What is the question?

[English]

Senator Harder: Would you acknowledge that when you had the joy of sitting on this side, you were quite prepared to have amendments with respect to appointments to the Supreme Court added to budget implementation bills?

[Translation]

Senator Carignan: If we keep this up, we might end up agreeing with one another. I am more accustomed to asking questions than answering them these days. Habits change quickly.

I believe that we agree on how important this is to the quality of our debates and to the transparency we wish to show Canadians. We are fortunate to have among us experts from every field and

to be able to undertake comprehensive legislative reviews in order to provide the best possible advice to the government and to serve the interest of all Canadians.

[English]

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

THE SENATE

ROLE IN THE PROTECTION OF REGIONAL AND MINORITY REPRESENTATION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Seidman, calling the attention of the Senate to its role in the protection of regional and minority representation.

Hon. Salma Ataullahjan: Honourable senators, I planned to speak to this inquiry today but I'm still in the process of writing my notes. I would like to take the adjournment.

(On motion of Senator Ataullahjan, debate adjourned.)

LEGISLATIVE WORK OF THE SENATE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the Senate's legislative work from the 24th to the 41st Parliament and on elements of evaluation.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, with leave I would like to take the adjournment in the name of Senator Andreychuk.

(On motion of Senator Martin, for Senator Andreychuk, debate adjourned.)

[Senator Carignan:]

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF BEST PRACTICES AND ON-GOING CHALLENGES RELATING TO HOUSING IN FIRST NATION AND INUIT COMMUNITIES IN NUNAVUT, NUNAVIK, NUNATSIAVUT AND THE NORTHWEST TERRITORIES WITH CLERK OF THE SENATE

Hon. Dennis Glen Patterson, for Senator Dyck, pursuant to notice of February 14, 2017, moved:

That the Standing Senate Committee on Aboriginal Peoples be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on best practices and on-going challenges relating to housing in First Nation and Inuit communities in Nunavut, Nunavik, Nunatsiavut and the Northwest Territories, and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: On debate, Senator Paterson.

Senator Patterson: Question.

Hon. Joan Fraser: I would like to know why this motion is being put.

Senator Patterson: Thank you, Your Honour. I should have anticipated a question from Senator Fraser. We thank her for her due diligence and keeping the committees on their toes.

Honourable senators, this report is imminent, and we have tentatively scheduled its possible release during the forthcoming break week. That's the purpose of the motion.

Senator Fraser: I have to phrase this as a question: Does Senator Patterson recall my many interventions to the effect that unless the matter is urgent, I believe we should abide by the custom rule that reports should be submitted first to the Senate as distinct from the clerk and the public? I didn't hear from your response, Senator Patterson, an indication of urgency in the case of this particular report.

Senator Patterson: Thank you for that question. Frankly, honourable senators, we have looked at the busy schedule of Senate reports being tabled in the next number of weeks, and having regard to getting proper attention of the press and the northern media to this important study, we did feel that the coming week would be the best opportunity to give this report the attention it deserves.

We will take into account Senator Fraser's concern. There's probably still an opportunity to consider tabling the report the following week, while the Senate is in session. I will pledge that I will encourage members of the steering committee to consider that option seriously.

In the meantime, we would request the indulgence of the Senate to give us a little flexibility — in case that proves logistically

challenging — to go ahead and have this permission that we will not seek capriciously in future. Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY CURRENT AND EMERGING ISSUES RELATING TO THE BANKING SECTOR AND MONETARY POLICY IN THE UNITED STATES

Hon. David Tkachuk, pursuant to notice of February 15, 2017, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study and report on current and emerging issues regarding:

- (a) the regulation of the banking sector in the United States, including in the context of the *Dodd-Frank Wall Street Reform and Consumer Protection Act* (the Dodd-Frank Act);
- (b) monetary policy in the United States, including expected increases in the target range for the federal funds rate;
- (c) bilateral economic relations between Canada and the United States that affect each country's commerce;
- (d) the manner in which changes in these economic relations and regulatory measures, and monetary policy in the United States might affect Canada's economy and financial sector; and

That the committee submit its final report to the Senate no later than June 30, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

He said: The reason for moving this motion is that we have a new administration in the United States. Our Banking Committee believes that it's important to inquire about the issues that we have listed in the motion and to meet our counterparts in Washington and to meet with some of the financial institutions in New York.

• (1600)

I know that Senator Fraser will be asking about travel. We will be presenting a budget to Internal Economy to facilitate that.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Richard Neufeld, pursuant to notice of February 15, 2017, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the transition to a lower carbon economy, between March 7 and March 9, 2017, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE DESIGN AND DELIVERY OF THE FEDERAL GOVERNMENT'S MULTI-BILLION DOLLAR INFRASTRUCTURE FUNDING PROGRAM WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Larry W. Smith, pursuant to notice of February 15, 2017, moved:

That the Standing Senate Committee on National Finance be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between February 27 and March 10, 2017, a report relating to its study on infrastructure, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: The purpose of asking for this motion is that we'd like to get our report out and tabled before the end of the month. We have a break week. We're ready to go in terms of trying to position this report. We think it's a vitally important report in terms of the status of our first installment of the infrastructure study. We think that with the budget coming up, the work we're doing on Supplementary Estimates (C) and the latest estimates,

that this would get lost in the rush of all the other information coming out at the beginning of March. We feel a sense of urgency, and the urgency is real because we think the infrastructure program is a critical platform of the government. We need to get our report out, which comes out subsequent to the report of the PBO, but there will be further messaging in our report that I think gives a better indication of things that could be done to improve the execution of the infrastructure program.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 28, 2017, at 2 p.m.)

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