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The Honourable Rose-Marie Losier-Cool Speaker *pro tempore*

ORDERS OF THE DAY

Budget Implementation Bill, 2009

Second Reading

Hon. Consiglio Di Nino moved second reading of Bill C-10, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures.

He said: Honourable senators, I rise today to commence debate on Bill C-10 with a great deal of urgency and, I must admit, some relief. I will talk more about both later, but I will start by applauding members of the other place for recognizing the urgency and passing this bill expeditiously.

.....

Hon. Joseph A. Day: Honourable senators, I will join in the debate on Bill C-10, and I remind honourable senators that we are debating Bill C-10 at this time. We are debating Bill C-10 and not Main Estimates, supplementary estimates or the budget. Bill C-10, honourable senators, is "An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures." I emphasize "related fiscal measures." That is the title of Bill C-10.

For the benefit of those honourable senators recently appointed, I will take honourable senators back to June 12 of last year when we were dealing with Bill C-50, An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget. That was a year ago. We complained, honourable senators, about the omnibus nature of that bill and title last year and I leave it to honourable senators to determine whether the change in title has achieved the obvious intended goal of allowing Bill C-10 to become an omnibus bill. It is, in fact, an omnibus bill and should not be referred to solely as budget implementation.

Honourable senators, observations were attached to the committee's report, after study of the Bill C-50 last year at this time. It is worthwhile to hear what was said by the honourable senator's committee after due consideration of the bill last year. It had in its title "budget implementation":

The majority of the Committee strongly objects to the practice of including legislative measures that have no direct relationship to budgetary matters in budget implementation bills. This practice has the effect of discouraging serious parliamentary scrutiny, and creates a situation in which parliamentarians are loath to conduct a proper examination of non budgetary measures for fear of delaying budgetary items that are more pressing. In the present bill, the government has included a large number of amendments to Acts of Parliament that are not related to fiscal management or economic policy. In particular, the majority of the Committee notes that major amendments to the Immigration and Refugee Protection Act properly belong in a stand-alone bill, which should also address the backlog of applications that is now approaching 1 million.

(1530)

Honourable senators, last year we saw the Immigration and Refugee Protection Act included in the Budget Implementation Act. This year we find equalization pay and pay equity. We find a number of other pieces of legislation, such as the Navigable Waters Protection Act, the Competition Act and matters relating to Air Canada shareholdings. The government is following exactly the same process that we strongly objected to last year. Our observations have not achieved the desired result.

Let me take you to the debate that took place with respect to that same Bill C-50 at this time last year. I will only refer to a few items here to make the point that I wish to make, but I refer honourable senators to the budget implementation bill and the debate in its entirety, if you would like to see the mood of the Senate expressed at that time. I submit that it is similar to the mood of the Senate that is being expressed — and will be expressed — with respect to this particular bill, Bill C-10.

The point that was made, honourable senators, a year ago in the committee report was that we strongly objected to this practice of including legislative measures that have no direct relationship to budgetary matters and are found in budget implementation bills. The practice discourages proper in-depth scrutiny, for which we traditionally are well-known in this place.

Some Hon. Senators: Hear, hear!

Senator Day: Honourable senators,

Let me provide you with my concluding remarks when I spoke on Bill C-50 this time last year at third reading:

In the future, I think this chamber — if it is not done before such a bill arrives —

— and by that I meant severing the bill and excluding those non-fiscal, non-budgetary measures in a budget implementation bill —

— should seriously consider splitting such bills. I do not recommend this course of action to delay the progress of the government's legislative agenda but, rather, to ensure that major policy initiatives receive the full and expert attention of the relevant committee that has the institutional memory and the focus to evaluate that particular portion properly.

Honourable senators, that was the message we sent to the government at this time last year with respect to a budget implementation bill.

The bill last year, as many honourable senators will know, was considerably smaller than this particular bill. Bill C-10 that we are dealing with today has 528 pages, 471 sections divided into 15 parts, and impacts and amends 42 different statutes. Honourable senators, that is what we are being asked to deal with expeditiously and with a minimum of scrutiny.

Honourable senators, we have received an extraordinary range of unrelated measures in a budget implementation bill, many of which are not of an urgent nature. Many items in this bill require urgent attention and we want to direct our attention to those. However, this practice of including other, non-budgetary items exploits the good faith of parliamentarians who wish to cooperate on those matters of clear urgency. It undermines the capacity of Parliament — both chambers, not only the Senate — to hold the government to account. These are fundamental issues, honourable senators.

Some Hon. Senators: Hear, hear!

Senator Day: It prevents committees from evaluating legislation properly and it precludes public participation in the committee process that is terribly important to this particular Senate and to the various Senate committees. If this practice continues, honourable senators, it will result in the legislative process being deemed irrelevant. We must guard against that at all costs.

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Senator Murray: Honourable senators, I cannot refrain from saying that the solution is not in the hands of this government. The solution is in the hands of my honourable friend's committee and of the Senate, and I think he knows that. I am sure he and they will act accordingly.

.....

.....The point I am making is abundantly demonstrated by Bill C-10 before us today, which is a more egregious example of the abuse of the omnibus process than that which the committee complained of a year ago.

So often these observations amount to an apologia on the part of the committee for not taking the action it should take within the legislative process, and I will come to that before I finish.

Let me come to the point. **This bill should not pass the Senate in its present form. We should find a way to delete from this bill, for later consideration as separate and distinct legislative initiatives, the proposed amendments to the Navigable Waters Protection Act, the Competition Act, the Investment Canada Act, as well as the proposed new public sector equitable compensation act.**

.....I might say in parentheses that although I support the government's approach to the eventual creation of a national securities regulatory body, I believe the government would be better advised to bring this in as a separate bill, so that those who have reservations or are opposed to it — two or three provinces are in this category — would have the opportunity to make their case before a parliamentary committee. That they are not likely to have that opportunity or that they may be denied that opportunity does not speak well for Canada's Parliament or its government or, indeed, for Canadian federalism.

Within Bill C-10, I trust the Senate will also find a procedurally effective way to rectify the injustice summarily inflicted by the Minister of Finance by the government and people of Newfoundland and Labrador in this bill. I am confident that Senator Baker is working on it.

Honourable senators, as I said, the amendments to the Navigable Waters Protection Act, the Competition Act and the Investment Canada Act do not belong in the budget implementation bill, nor does the proposed new public sector equitable compensation act. Those measures are even more conspicuously out of place in this particular budget implementation bill, focused as it properly is on immediate economic stimulus and recovery. Indeed, it is because of the urgency of economic stimulus measures, as Senator Di Nino has mentioned, that this year's budget was brought in several months earlier than usual.

The amendments to the Navigable Waters Protection Act, the Competition Act, the Investment Act and the proposed new public sector equitable compensation act are far-reaching. In some cases, there are fundamental changes; in a few cases, there are historic changes. Most important, there are strongly held differences of opinion on these issues among those Canadians who are most knowledgeable, most concerned and most directly affected by these proposals.

With regard to the proposed amendments to the Navigable Waters Protection Act, honourable senators have had hundreds of e-mails from Canadians concerned about access to waterways that they believe they are about to lose. We have also heard from organizations representing most of the major watersheds from the Fraser in British Columbia to the Petitcodiac in New Brunswick. I do not pretend and I do not think many of us can pretend to be able now to judge the force or validity of their arguments. What I do say is that they have a right to be heard.

Some Hon. Senators: Hear, hear!

Senator Murray: In the interests of sound public policy and, indeed, in the interests of the democratic values we espouse, we have a duty to hear them. Their concerns about adverse legislation should not be brushed aside by sneak attack, which is what happens when extraneous measures are forced through in an omnibus budget implementation bill.

There is no reason why we need delay stimulus measures — and Senator Day has alluded to this — in order to hear these people and give proper examination to those amendments.

....." In the words of Stikeman Elliot:

... by including these amendments within the budget implementation bill, the Government has potentially forestalled serious debate. . . . As unprecedented as the scope of the amendments, however, has been the Government's failure to publicly consult with stakeholders with respect to some of the proposed changes.

Again, honourable senators, one does not need to have a strong position in favour of or against these measures — and I do not — to know that the far-reaching changes to the Navigable Waters Protection Act, the Investment Canada Act, the Competition Act and the proposed new public sector equitable compensation act need more consultation, study and debate in Parliament than we could possibly give them and still respect the need for quick action on the stimulus measures. To rush them through would be demeaning to Parliament and contemptuous of public opinion.

[Translation]

Mr. Flaherty will tell us that the economic stimulus measures must, at all costs, be in place by April 1

However, the government cannot seriously say that this deadline also applies to amendments to the Competition Act, the Investment Canada Act and the Navigable Waters Protection Act. And the same deadline applies even less to the new bills concerning equitable compensation in the public sector or securities regulation.

I believe that the Senate should assume its responsibilities in full, immediately pass the stimulus measures found in Bill C-10 and set aside, for the time being, those elements that require more in-depth study and that, at any rate, have nothing to do with the immediate need for recovery targeted by this budget.

I recognize that, in our Canadian parliamentary system, the House of Commons, which is democratically elected, must prevail "at the end of the day", as the Right Honourable John Turner once said. The Senate is not the confidence chamber; that is the exclusive role of the House of Commons.

Having said that, we have a vital role to play. As I was saying the other day, the Senate is sometimes the people's last recourse against the abuse of power by the executive.

For a bill such as C-10, I must say with all due respect, and I am speaking to the honourable senators opposite, that it is not enough to protest against the abuse and manipulation of our legislative process. If the Senate believes that these abuses are very serious it must take action, even the limited action that our parliamentary traditions and conventions deem legitimate.

Otherwise, in the words of Senator Day, "we will be close to rendering the legislative process irrelevant."

Mr. Flaherty has said that it is vital to pass the stimulus measures into law by the end of March, and the sponsor of the bill, Senator Di Nino, has underlined this urgency — "by the end of March."

Honourable senators, I believe we can do better than that. If the Senate wishes, we could give second reading to this bill tonight and send it to the National Finance Committee. The committee could meet at its usual time on Tuesday morning. They could hear from a government witness, the minister perhaps, and proceed immediately to clause-by-clause consideration of the bill. At that stage, they can delete the provisions relating to the Navigable Waters Protection Act, the Competition Act, the Investment Canada Act, the proposed public sector equitable compensation act and the securities regulator. They can correct the injustice done to Newfoundland and Labrador, and they could report Bill C-10 to the Senate the very next day, next Wednesday, the essence of which will be the economic recovery and stimulus package.

On that very day, Wednesday, March 11, we could send Bill C-10 to the House of Commons with the stimulus measures unamended, untouched, intact and ready to go — shovel-ready, as they say.

The unrelated extraneous measures would have been deleted and set aside for later consideration. I have every reason to believe that the government could easily bring these measures back as separate bills during the present session of Parliament; and, indeed, I am taking the liberty of having them drafted as separate bills in order to assist the government in this enterprise.

Honourable senators, if we send the stimulus bill back to the House of Commons by mid-week, those urgent stimulus measures could have Royal Assent not by March 31, as Mr. Flaherty asks, but by March 13, next week. The government and the House of Commons would then have to decide whether to

implement the stimulus measures immediately or to delay them by playing unnecessary legislative ping-pong with the Senate.

Some Hon. Senators: Here, here!

Hon. Elaine McCoy: Honourable senators, I welcome this opportunity to speak on second reading of Bill C-10 and particularly to endorse my Progressive Conservative leader's suggestions.

I, too, recognize, as do we all, our dire economic straits. This is truly a time for all Canadians to work together to get ourselves out of this mess that we have fallen into, in part because we are a member of the global community. We do not have to point fingers to establish our own innocence or blame anyone other than ourselves, but we do have to turn to one another and hold out a helping hand to get out of it as soon as possible.

I support in principle the stimulus elements of Bill C-10 that are intended to hold out a helping hand to Canadians and would look to see them adopted with alacrity.

Other matters in Bill C-10 have nothing to do with the stimulus package, as we keep saying. Senator Murray has spoken to four: The Navigable Waters Protection Act, the Competition Act, Investment Canada Act and the proposed public sector equitable compensation act. I now wish to speak to the proposed national securities regulator and to add the reasons why that, too, is an act that requires to be set aside for consideration in greater depth at a later time.

.....

One of the things that we can do, at least for these proposals, is to put them aside. As Senator Murray has said, if the Senate believes that there is an abuse of executive power, then senators are honour-bound to listen to the Canadians who are pleading with us to address their concerns. That is why we are appointed; so we have the independence to do so. We have the ability to stand up as the last recourse to ensure that these processes are in place, so that Canadians can be the best that they can be.

Now is the time to make it possible for Canadians to be the best that they can be. Honourable senators are receiving e-mails every two minutes. If I looked at my BlackBerry right now — and I looked at it only half an hour ago — I would find 15 more e-mails from Canadians, begging us to look at the Navigable Waters Protection Act in more depth.

Honourable senators, we need to be honourable. We need to give our National Finance Committee a very strong recommendation to split the non-stimulus items out of this budget, to send the stimulus package back to the House of Commons so that they can get on with rolling out those dollars. We then can use all of the considerable expertise that we have in this chamber to take an in-depth look at these various other matters that are contentious, divisive, and need to be considered in depth.

I look forward to the report of our committee, and I look forward to congratulating that committee on taking an honourable stand on this bill.

Hon. Yoine Goldstein: Honourable senators, I thank Senator McCoy for a very moving speech on the issue. There are many in this chamber who fully share her opinion and concur in her approach. Virtually everyone on this side of the chamber agrees that a budget bill should not have add-ons of this nature. These add-ons deprive Canadians of their right — and it is a right — to have legislation properly debated by both their elected representatives and the senators who represent regional interests.

We are faced with the following very real problem: We have an economy in shambles.

.....I would be very pleased to co-sponsor? It could be a very simple bill, with three or four paragraphs to it, presented when the budget implementation bill is adopted and sanctioned, and repealing all of those pieces of the budget implementation bill that do not properly belong in a budget bill.

Senator McCoy: Senator Goldstein has raised a couple of interesting points. I would urge other senators who are more experienced than I am in procedural matters to add to this discussion.

.....

The Canadian people deserve to have someone paying attention to their concerns, and I think that the Senate may do so. However, this is the best way, the way that Senator Murray — and indeed Senator Day — has urged upon the government: to proceed expeditiously and without unnecessary procedural wrangling.

Senator Goldstein: I certainly agree that this is not a confidence chamber, constitutionally. My concern remains that with the obstinate government now in place, that government will seize upon the opportunity to either be highly critical of the Senate, which it does in no small measure in any event, or, alternatively, force the bill to go through as originally suggested. We could therefore find ourselves in a situation where, first, we would not succeed in making the changes that many on this side would like to see made; and second, find ourselves in a situation where we could say to the government: "Take your bill, pass it. Canadians need the stimulus. We are presenting a private member's bill to repeal that which you should not have put in that bill." We accomplish the same result and do so without endangering the stimulus.

Senator McCoy: I think we share an assumption, which is that we should be reaching out and finding ways to promote a national dialogue so that there is, in fact, a common approach, a common will to lend a hand to our neighbours and move ourselves forward on the economic front, and to at least allow sufficient dialogue on contentious matters that have nothing to do with the stimulus package.

As to how we go about that, I cannot carry on a sufficiently useful conversation on the floor here but I certainly believe that the cleanest way to do it, the fastest way to do it is to get that money out of the door by March 13, as has been suggested; that this bill be passed at second reading on the understanding that we are fully behind the stimulus package in this chamber. We then send the bill to committee and have it back in this chamber by the day which the honourable senator mentioned, which I believe would be Wednesday.

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Hon. Mira Spivak: The budget implementation bill contains amendments to legislation, as has been eloquently explained here, that has nothing to do with rapid assistance to Canadians who actually need it desperately. I want to speak particularly to the amendment of the Navigable Waters Protection Act, in order to illustrate exactly what the impact of that amendment placed in the budget implementation bill would mean, and I apologize if senators have already received some of the material in their e-mails.

These amendments, under Part 7 of the current budget implementation bill, to the Navigable Waters Protection Act stem from a report submitted to the Ministry of Transport Infrastructure and Communities. That committee did not consult with stakeholders from the outdoor recreation and tourism industries, as well as the paddling, environmental and First Nations communities. Lake Ontario Waterkeeper was the only nongovernmental environmental organization able to present to the committee, and did so on

approximately 36 hours' notice, via teleconference. The Ontario Recreational Canoe and Kayak Association was also invited on short notice but was not able to present.

Three amendments suggested in that report submitted to the ministry are problematic: separating major and minor waters; separating major and minor works, with reference in the committee minutes to a "microhydroelectric project" as being a minor work; and removing any reference to the four named works — bridge, causeway, dam, boom — which by their very nature interfere with navigation and aquatic ecosystems.

These amendments are in Part 7 of the budget implementation bill, amending sections 5 and 13 of the current act. The amendments propose a radical transformation of the regime that protects the navigability of Canada's rivers and streams. The original section 5(2) of the Navigable Waters Protection Act reads:

Except in the case of a bridge, boom, dam or causeway, this section does not apply to any work that, in the opinion of the Minister, does not interfere substantially with navigation.

The amendments in the budget implementation bill remove this and grant the minister sole authority to decide what constitutes substantial interference with navigation. The new section 5.1(1) allows for exceptions as per the minister's discretion. It reads:

Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters established by regulation or under section 13.

The new section 13(1) reads:

For the purposes of section 5.1, the Minister may, by order,

(a) establish classes of works or navigable waters; and

(b) impose any terms and conditions with respect to the placement, construction, maintenance, operation, safety, use and removal of those classes of works or works that are built or placed in, on, over, under, through or across those classes of navigable waters.

The Navigable Waters Protection Act, as it exists, only applies to waterways that are navigable and deals with works that are obstructions to navigation. These amendments authorize the minister to exempt projects and waterways from application of the act, and that is problematic on several fronts. It jeopardizes access to navigate waterways, threatening the heritage right of navigation, which predates Confederation. The exemption of works, or classes thereof, and waterways, or classes thereof, from the Navigable Waters Protection Act removes the trigger for the Canadian Environmental Assessment Act, thus undermining the environmental protection of Canada's waterways and posing a threat to all the species and habitat that depend on them.

I want to quote a memo from Mr. William Amos, a very smart lawyer with Ecojustice. He says:

The proposed amendments to the NWPA would create a tiered system to Canadian Navigable waterways, granting the government a discretionary authority to identify waterways deemed worthy and unworthy of federal protection. Those waterways that are declassified would not be subject to the existing NWPA requirement that all works impacting navigable waters undergo an approval process. This approval

process, which includes public notification and which triggers a federal environmental assessment, is at the core of the federal government's clear constitutional jurisdiction over navigation and pursuant to s. 91(10) of the Constitution Act, 1867. The amendments are intended to limit the applicability of the Act and hasten the approval process for works that interfere with the right of navigation. In the opinion of the author, these changes are an unnecessary form of deregulation that would undermine the government's public trust duty to protect Canadians' right to navigate waterways in a fair and transparent manner.

Although the public right of navigation is protected more generally at common law, the Navigable Waters Protection Act is the most comprehensive articulation of this right and the federal government's responsibility to protect this right.

Mr. Amos goes on to make an important point in a footnote. He says that the right to navigation is a long-standing right rooted in the Roman and Anglo-Saxon legal doctrine — think Magna Carta — of the public trust, not to mention the Aboriginal rights. The amendments to the Navigable Waters Protection Act compromise this public trust by allowing the minister to approve works that could damage waterways and diminish free access to our natural environment without consulting the very public it is entrusted to protect. The net result is less navigational and environmental protection, less accountability and less consultation.

It beats me why the government would place these amendments to an act implemented in 1882, arguably one of the most important pieces of legislation, into this omnibus bill. This placement prevents proper debate and public input to consider the enormous implications of the change. Without the Navigable Waters Protection Act, the rivers and lakes of Canada would undoubtedly be different.

Honourable senators, I am certainly a champion of lost causes. I understand the political difficulty of deleting these extraneous amendments, although I think a very shrewd political solution has been proposed by, if not a master of the universe, certainly an old political china hand. However, if this does not happen, the regret and the sorrow of many Canadians at having their rights abrogated and at this seeming injustice will linger for years.

Hon. Tommy Banks: Honourable senators, when we vote at second reading of a bill, we are voting to express our approval or disapproval of the principle of the bill. If this place votes in favour of the principle of the bill, it is then sent for further study, in the ordinary course of events, to a committee of this place, which then studies it in more depth and reports back to us.

This bill, in its present form, is, to me, an affront for all the reasons that Senator Murray talked about last week and that we have heard from others today. I want to thank Senator Murray, Senator Day and all senators who have spoken, including Senator Di Nino, who was forthright in his presentation. It is such an affront to Parliament, for all the reasons we have heard, that it was my intention, until I heard the elegant solutions that have been presented by Senator Day, Senator McCoy and Senator Murray, to send the bill and deal with alacrity with the important part of it. Of the 500-some-odd pages, about this much of it actually has to do with budget implementation.

Senator Day: Twenty-seven pages.

Senator Banks: We should, and can, as we have heard in a couple of different and elegant ways, deal with that immediately so that the money can get out the door. No one in this place says that that is bad idea.

People elsewhere say it is a bad idea, but at the moment, wise people are saying that we must move this money out the door and into action right away, and we should do that. We should also pass with alacrity, as Senator McCoy said, those other elements of the bill that are umbilically, or at least grazingly, connected in some way with the concept of budget implementation.

Honourable senators, we will participate in, and acquiesce to, the irrelevance of Parliament, to which Senator Day referred. If we agree with this bill in its present form, we are disembowelling Parliament. Not only the present government, but successive governments of different stripes, have seized upon this device to attach to bills that require urgent attention, offending tails, so they can be pushed through quickly, and then avoid or evade the kinds of questions that this place — forgive me — is famous for asking — the cogent questions, the "Why are we doing this?" questions. All those questions will not be asked of the measures contained in the other 400-plus pages of this bill.

Think of this fact, honourable senators: We will pass amendments to 42 acts of Parliament and we will not know what they are; we will not know what they do; we will not know what their consequences are. The amendments may be fine. I am not opposed to them, nor am I in favour of them. I do not know what they are.

With all due respect to the excellence of the committee and to Senator Day's chairmanship, we must recognize before the end of next month that two weeks of work cannot possibly deal with the examination of expending \$248 billion, on the one hand, and 42 amendments to other acts of Parliament, many of which have no relationship with budget implementation, on the other hand.

No committee of this place can accomplish that task. In fact, Senator Di Nino today, in his excellent presentation of this bill, said that he did not have time to discuss all the measures that are contained in this bill. That was the understatement of the century. Senator Di Nino could have stood there for a week and not had enough time to talk about the measures contained in this bill.

We have heard what some of the measures are, but what we want here, Senator Di Nino, is for something to be accomplished quickly. We want this bill to be a racehorse, to get out of the gate quickly and to make the rounds of the track as quickly as possible. However, the government has attached to that racehorse, with its finely tuned ankles, a wagon-load of extraneous legislative baggage that ought instead to be pulled by a pair of Percherons that are reliable and steady and can be counted upon to do their job. The racehorse is loaded down by all that baggage, and we ought not to deal with those matters here.

I address these comments particularly to new senators. We have passed these bills before. When a Liberal government tried this trick — and it is a trick — this place said, in its Liberal-dominated way: You cannot do that; we will not let you do that because it is improper.

I will tell honourable senators exactly what it was. It was a measure that had to be dealt with immediately in respect to amendments to gun legislation that contained a drafting mistake and which, absent that amendment, would have created inadvertently thousands of criminals in Canada.

We recognized that this legislation had to be passed by a date certain, but attached to that bill was an offensive Animal Cruelty Act that had not been clearly thought out, that was a terrible mistake, an act that we knew we needed to study.

What did we do? This house, which has the authority to do so, instructed the committee dealing with that matter to split the bill. We sent back the first part that needed to be passed, and it was accepted

immediately by the government. Then we dealt separately with the rest of the bill. That solution is among those that have been proposed today on how we can deal with this bill.

I wonder if senators opposite, particularly those from Quebec and Alberta, as Senator McCoy has referred to, understand that if this bill is passed in its present form, it will have the effect of enacting the Canadian securities regulation regime transition office act. It will no longer be a question, or something that is being proposed. The bill as it is presently constituted contains the enactment of that act of Parliament.

I wonder if we have thought about what the implications are of the amendments to the Financial Administration Act. I think everyone has a good idea of how fundamentally important the Financial Administration Act is. Does anyone know what the new powers of discretion are that will be given to the minister, the new authorities given to the minister by the passage of this bill, if we pass it?

We have heard about the Navigable Waters Protection Act. These are antennae-perking things that we must look at. When someone talks about streamlining approval processes and clarifying provisions, we need to look at what that streamlining and clarification is.

This bill, if we pass it, will repeal provisions dealing with price discrimination and predatory pricing in the Competition Act, and it will repeal all the provisions dealing specifically with the airline industry. What will those provisions be replaced with? I think we should ask that question. Apparently, the people in the other place do not think we should ask the question, but, as Senator Murray has said, we are the last line of defence. That is our job. That is what we came here to do, or at least, that is what I, with all due respect, came here to do.

We have heard about all the other acts, and I have not even spoken about what Bill C-10 does to the processes relating to pay equity for women.

Honourable senators, please, when you leave this place this evening, look at the commission that hangs on your wall at home or at your office.

An Hon. Senator: Proclamation.

Senator Banks: It is a commission, as well as a proclamation. Her Majesty calls honourable senators here for a purpose. The commission does not say to set aside your good judgment or your independent thought and your capacity to look at a duck and say: That is a duck; and to act in that way. In fact, Her Majesty commands honourable senators to do precisely otherwise.

I urge honourable senators to do the right thing with this bill, and the right thing is not to let this bill become an act of Parliament in its present form.