



The Day Report

THE SENATE OF CANADA

SUMMER 2010

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Hello and welcome to another edition of the Day Report!

I hope this newsletter finds you well, and I hope you are enjoying the summer with your family and friends. This past Parliamentary session was a busy one, here's what I have been working on for the past few months.

Spring 2010 recap

National Finance

The National Finance committee, which I chair, had a very busy spring session. Our main duties were to examine and report on the third set of Supplementary Estimates for the fiscal year 2009-2010, and to examine and report on the Main Estimates and the first set of Supplementary Estimates for the fiscal year 2010-2011. The Estimates documents are the Government's expense plan for the year. The National Finance Committee's main mandate is to study these documents, hear testimony from various departments about spending plans for coming year, and then report back to Parliament. The committee was also tasked with studying the government's massive omnibus budget bill, Bill C-9. To read about Bill C-9 in more detail, please check page 2. Finally, the committee began hearings on the future of the penny. We have undertaken to report back to the Senate with our findings from that study by the end of this year.

Other committees

I am also a member of the Senate committee on National Security and Defence, and the subcommittee on Veteran's Affairs. The Defence committee has been studying several topics, including Arctic sovereignty, Afghanistan, and the state of the Canadian Forces. The Veteran's committee continued its study of the implementation of the New Veteran's charter which we began last fall.

Parliamentary associations

As Co-Chair of the Canada-China Legislative Association, we were pleased to welcome President Hu Jintao to Canada for a state visit. This year marks the 40th anniversary of Canada-China relations.

Looking ahead to the Fall

The Senate adjourned for the summer on July 12th, while the House of Commons had adjourned earlier on June 17th. The Fall will bring new bills, including a second budget implementation bill, and bills that have been reintroduced, including the government's new attempt at consumer product legislation, which I wrote about in my previous edition of the Day Report. There will likely also be a further set of Supplementary Estimates to be studied by the National Finance committee. I will also be welcoming a delegation from the China-Canada Legislative Association who will be visiting from Beijing.



Senator Day and Liberal leader Michael Ignatieff

Quick facts on Bill C-9:

-880 pages
 -24 parts
 -2208 clauses
 -3 schedules
 -78 statutes were amended
 -The committee spent more than 60 hours studying the bill
 -We heard from 129 witnesses
 -The committee removed 1 clause and 3 parts of the bill before sending it back to the Senate
 -The bill spent 72 days in the House of Commons and 35 days in the Senate before being given Royal Assent and becoming law

On budget implementation bills:

"The principles of good legislation drafting demand that bills should deal with a single topic or theme, and they should be presented to Parliament in a form that allows a focused debate on and committee examination of this topic or theme."

-Professor Ned Franks, Queen's University

Bill C-9: The 2010 Budget Implementation Act

The government's budget implementation bill, Bill C-9, was introduced in the House of Commons on March 29th, 2010, and came to the Senate on June 8th. Bill C-9 was an omnibus bill, and the largest budget bill in Canada's history (see sidebar). Many senators felt that the bill was an affront to Parliament and should have been split into pieces that could have been studied by different committees. Senator Lowell Murray introduced a motion in the Senate to split the bill, but it was defeated.

The bill was referred to the National Finance committee, and we studied it as best we could over 60+ hours of meetings that stretched over 4 weeks. We heard from 129 witnesses on subject matter that included cigarette labelling, tax on air travel, softwood lumber, customs tariffs, equalization payments to provinces, pensions, credit and debit cards, credit unions, and employment insurance.

The committee voted to remove 4 sections of this bill which dealt with GST payments for financial services, Canada Post, Atomic Energy of Canada Ltd., and environmental assessments; the GST changes included a retroactivity clause that stretches back to 1990, Canada Post has lost its monopoly on overseas mail delivery, Atomic Energy of Canada, including isotope production, can be sold for

any price and under any conditions the government sees fit, and environmental assessment criteria for projects has been weakened.

These four sections were thought by the committee to be the most egregious, and so were removed from the bill. Unfortunately, on July 12th the Senate voted 48-44 to return the bill to its former state and pass it without amendment.



Senator Day with student representatives from the Canadian Alliance of Student Associations (CASA)



Senator Day with former Senator Atkins and Dean Black, executive director of the Air Force Association of Canada at Air Force Appreciation Day on Parliament Hill

What is an omnibus bill?**Why is an omnibus budget bill a bad thing?**

Omnibus bills are bills that contain more than one subject matter. This is problematic because if there is more than one topic in a bill, it is difficult to choose a committee with the proper expertise to study it.

Budget bills should only contain items that were introduced in the budget. These should be largely financial issues, which is why the budget bill is traditionally sent to the National Finance committee to be studied. The budget bill is also a confidence matter in the House of Commons. In a minority Parliament, if the opposition chooses to vote against the bill, the government will fall and an election will take place.

In recent years, it has been the practice of governments to include non-budgetary measures in budget bills. This ensures that unless the opposition wants an election, the bill will be passed. The problem arises when the non-budgetary measures being included are major or controversial issues that should be studied as stand alone bills in their own right. Putting these measures in a budget bill means that they probably won't be studied by the committee with the most expertise on the subject, and that they will be passed hastily, without the necessary study to ensure there will be no unintended consequences. Once a bill is passed, it is law, and it can be difficult to correct mistakes that were made by rushing a bill through Parliament without proper scrutiny.

Canada's role in Afghanistan post-2011

On March 13th, 2008, Parliament adopted the latest motion on Canada's role in Afghanistan. This was less than a year before Canada was to withdraw based on an earlier public commitment to not remain in Afghanistan beyond February 2009. In that debate, it was noted that Canada had actively been involved in Kandahar from February 2002 and from August 2005 had assumed responsibility for the provincial reconstruction team in Kandahar province, which included roughly 300 Canadian forces personnel in addition to approximately 2,000 troops committed as part of the International Security Assistance Force. Later, Canada's commitment was reduced to 1,200 troops in Kandahar for a period ending in February 2007, which was extended for a two year period to 2009. It was that latest extension that was debated in March 2008 and ultimately Parliament further provided that in extending the Canadian mission, "the government of Canada will notify NATO that Canada will end its presence in Kandahar as of July 2011".

A number of conditions were placed on that parliamentary approval of an extension to 2011, one of which was the hope that there would be an increase in public debate and understanding of Canada's role in Afghanistan by requiring the government to file in Parliament a quarterly report, outlining Canada's role and progress in Afghanistan. Unfortunately, these reports do not appear to have generated much debate, nor have they succeeded in informing Canadians of our role and objectives.

First and foremost, one must remember that Canada is in

Afghanistan as part of its NATO commitment and that NATO's role in Afghanistan is sanctioned by the United Nations. These are typical pre-conditions to Canada participating in international missions.

The time has come for a public debate on Canada's future role in Afghanistan. Should we extend our current commitment yet again, with or without conditions? Are there new or different roles for Canada to play in helping to rebuild the nation?

Our difficulty is our political situation in Canada at the present time. In a minority government, it is very difficult to have a parliamentary debate on a contentious issue without jeopardizing the future of the government, which no governing party would wish to risk. Since it is not



Senator Day receives his 12 year medal from Bernard Cormier, Chair of the Board of Governors, Corps of Commissionaires for NB and PEI

apparent that there will be any imminent change in the minority government situation in Canada, the time cries out for political leadership and non-partisan debate. There is no reason why the government need make this debate a matter of confidence, which could lead to an election. Indeed, there should in this instance be a free vote after an open, non-partisan debate on the issue. Under the circumstances, this would appear to be the only

possibility for a reasonable review of the decision to withdraw in July of 2011 and consideration as to what future roles Canada could and should play in Afghanistan. In addition to our battle group operations in Kandahar, there are major efforts being made to train the Afghan national army and Afghan national police through operational mentoring, in which Canada is showing great leadership. The opportunity for NATO to reduce its involvement in Afghanistan will come with the build-up of a strong Afghan national army, an effective Afghan national police, along with public support and confidence in an improved governance structure through provincial reconstruction initiatives and capacity building throughout Afghanistan.

A wonderful opportunity exists with President Obama's decision to send in additional troops. Where Canada struggled in Kandahar with 1,800 to 2,000 troops over the past five years, there are now more than ten times that number of soldiers on the ground in Kandahar province. Time, however, is not our ally. With the UK elections returning a minority government and with the decision in the Netherlands to withdraw its commitment from Southern Afghanistan this

year, the results of the major initiatives led by the US serge of the soldiers in Southern Afghanistan will be critical in assessing the role of NATO-ISAF. One of the top matters on the agenda for the debate in Parliament this fall must be a critical and frank review of Canada's role within NATO, in Afghanistan. I am hopeful a reasoned, bi-partisan decision can be made on the form of Canadian participation in Afghanistan after July 2011.

The reintroduction of "Royal" in the name of the Canadian Navy

The Canadian Navy is officially known today as The Canadian Forces Maritime Command. The name change for the Navy from the Royal Canadian Navy took place in 1967 as a result of an attempt to integrate the Army, Navy, and Air Force.

During the years subsequent thereto, the Navy has slowly regained some of its separate identity, including uniforms and rank structure. It is clear that allowing for separate historical identity does not in any way interfere with the desired integration of naval activities with other military activities.

I was very pleased to learn that the decision had been made to allow for the naval rank designation of officers to have the curl reintroduced. That was another recognition that allowed for some distinc-

tive identity within the Navy, which helps the Navy build esprit d'accord but in no way takes away from the sailors' equally strong commitment to the Canadian Forces and to Canada.

There is one other distinctive aspect of the Navy, which many serving and retired naval personnel have mentioned to me and that is the return to the designation Royal Canadian Navy as the name for the naval element of our armed forces. This is the kind of gesture which would go far in boosting the spirit of the Navy, especially in these difficult economic times and would not have a financial ramification. There is the argument that in its 100th anniversary since the creation of the Canadian Navy, this would be a most appropriate time to give back to the Navy its distinctive identity as the Royal Canadian Navy. I have no doubt that there would be pressure on the government to fol-

low through and give back to the Air Force its designation, the Royal Canadian Air Force, and this would not be a bad thing either. Last year we celebrated the 100th anniversary of flight in Canada and, therefore, there is historical significance to allowing that designation to be returned. It is the spirit of those that work, and have worked, within our national institutions that help develop our Canadian identity and the respect for Canada throughout the world. The Royal Canadian Navy has helped considerably in establishing the positive reputation that Canada has throughout the world and it would be a welcomed gesture by Canada to give back to our naval personnel their hard earned and highly respected designation the Royal Canadian Navy.

Did you know...?

On June 29th, Queen Elizabeth II, Commander-in-Chief of the Canadian Forces, unveiled a commemorative one-dollar coin celebrating the 100th anniversary of the Canadian Navy.

Have your say!

How do you feel about Canada's role in Afghanistan?
Should Canada eliminate the penny?

Feel free to respond using the provided insert.

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