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BUDGET IMPLEMENTATION BILL, 2022, NO. 1

THIRD READING—DEBATE ADJOURNED

Speech by:
The Honourable Diane Bellemare

Wednesday, June 22, 2022

THE SENATE

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[Translation]

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THIRD READING—DEBATE ADJOURNED

Hon. Diane Bellemare: I want to congratulate Senators Moncion and Marshall, the sponsor and critic of Bill C-19. I want to speak briefly at third reading of this bill.

I have three points that I want to address.

Many of you have already spoken about the democratic deficits of omnibus budget implementation bills, but I'd like to say it in my own words.

The practice of introducing omnibus bills undermines the democratic process because, as you know, it limits debate and limits potentially worthwhile amendments that could be made to bills.

It is much more complicated for the Senate to amend the budget than to amend a specific bill, and we have much less time set aside to study a bill.

The Senate generally adopts the government's budget without amendment, but omnibus bills force us to vote in favour of the budget even if it contains provisions that are not directly connected to the government's budgetary and fiscal policy and to which we might be opposed, as Senator Simons previously pointed out.

A quick review of budget implementation bills introduced since the beginning of the 21st century shows that these mammoth bills are a relatively new phenomenon in Canada's parliamentary history.

[English]

As proof on this subject, let me quote from journalist Bill Curry's article in *The Globe and Mail* today entitled, "Senate reports express concern with large budget bills ahead of final vote on C-19" where he states:

According to research compiled by the Library of Parliament, the first reference to a "budget implementation bill" occurred in 1991. Throughout the nineties, they were small bills of about a dozen pages each.

Budget bills started to grow in size in the next decade, but their page count jumped dramatically to hundreds of pages in 2009 and 2010 as the government dealt with a global economic crisis.

[Translation]

It was during the Harper government that omnibus bills first made an appearance. At that time, as you may recall, the Department of Finance didn't announce the contents of budget implementation bills ahead of time. Parliamentarians were often surprised to see what was in them and the last-minute additions that were made. Let me give you a few examples. In the 2014 budget implementation bill, there were amendments to the Labour Code regarding health and safety that were developed without consulting the stakeholders.

The 2015 economic action plan bill included provisions that amended the Immigration and Refugee Act. It also included amendments to the Ending The Long-Gun Registry Act, which put an end to the debate with certain provinces, including Quebec, that wanted to keep the existing data in the registry.

Those are examples of legislation that shouldn't be part of budget implementation bills but rather should make their own way through the legislative process.

I believe it was in 2017 that the Liberal government adopted a very similar practice, essentially the same one as the previous Conservative government, the only difference being that parliamentarians are now informed ahead of time of the legislative provisions to be included in budget implementation bills. The budget speech includes a schedule listing all the legislative measures to be presented, which means we can prepare.

The process is now more transparent, but that doesn't make it more acceptable, as these bills contain a number of elements that don't really have anything to do with the budget. Examples I gave earlier are amendments to the Criminal Code with respect to the Holocaust, the amendment to the Judges Act and the amendment to the Parliament of Canada Act. Those are all well and good, but those kinds of amendments should not be in this bill.

Furthermore, these bills are often too big. In fact, many witnesses, including some who appeared before the Standing Senate Committee on Banking, Trade and Commerce, said that some divisions of Part 5 of the bill, such as the division on competition, should be in a bill of their own.

In short, just because a bill has financial implications doesn't mean it deserves to be incorporated into the budget, and it is poor practice to include so many issues in the budget that aren't directly related to the budget statement, even if that practice is more transparent than it was before.

One has to wonder how and why governments got to this point.

We know that the reason this practice exists is to make it easier to pass legislation that would otherwise be more difficult to pass.

Is another reason that we have a minority government? Is it because of the COVID-19 pandemic or the scope of the legislative agenda? I don't think those are valid excuses for broadening the scope of budget implementation bills.

In my opinion, one way to reduce the size of mammoth budget implementation bills is to spread out the introduction of government bills more evenly throughout the year.

I therefore invite academics and political science experts to tell us what they think about this and propose solutions.

One thing is certain, and that is why I rose to speak today: If this practice continues to grow, Canadians are going to become increasingly cynical about our institution.

That being said, I will obviously be voting in favour of Bill C-19, but I want to take this opportunity to ask the government not to include employment insurance reform in the next budget implementation bill. Which brings me to my next point.

[English]

In the budget speech, the government said it will release its long-term plan for the future of EI after the consultations conclude.

Let us be clear: It would be inappropriate to include this plan in a budget implementation bill. The reasons are obvious. It would be difficult for us to realize an in-depth study of this reform, which is central to the health of the labour market. We would not be able to look at regional consequences and make a value-added contribution.

However, I want to take this opportunity to insist on the necessity for an iterative consultation process with the labour market partners who finance entirely this social program. The proposition I made in Bill S-244, which I introduced recently, would make an important addition to the EI Commission that could make a difference in favour of better EI reform. It proposes to strengthen the social dialogue within the EI Commission. This constitutes the kind of iterative approach in the consultation process that can be extremely useful and innovative in this case. I will continue this file upon our return in September. As you might recall, this bill has been supported by the main labour market partners in Canada, such as the Canadian Labour Congress and the Canadian Chamber of Commerce.

I think the Senate can play an important role in the EI file because we have a cognizant group of senators who could invest themselves in this reform. We could have the time to do an in-depth analysis, especially if the government asks us to pre-study the bill.

[Translation]

As my third and final point, I want to emphasize that the Senate can make a difference in the quality of legislation. It has done so in the past. The Senate exerted its influence when examining Bill C-19, although it did not make any amendments.

[English]

Indeed, Bill C-19, when tabled in the House, contained 32 divisions in Part 5. It now contains 31 divisions.

We are grateful for the leadership of our colleague Senator Yussuff in persuading the government and Minister Qualtrough to remove Division 32 on the creation of a new EI board of appeal that would have replaced the EI appeal process under the Social Security Tribunal of Canada. The withdrawal of this division is consequential to the unanimous objection of labour and employers' associations.

[Translation]

The government was surely acting in good faith in proposing reform. It wanted the reform to respond to the grievances of workers and employers, but it missed the mark.

If the proposals to strengthen social dialogue at the Employment Insurance Commission included in Bill S-244 had been in effect, the government would not have missed the mark. Stakeholders could have pointed out the problematic situations from the outset and proposed reforms to the tribunal that would have really addressed the needs.

In closing, I want to acknowledge the tremendous amount of work done by all honourable senators on Bill C-19. I especially want to commend the sponsor of the bill, Senator Lucie Moncion, and its critic, Senator Elizabeth Marshall. Thank you. *Meegwetich.*