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(HANSARD)

Wednesday, March 25, 2015

The Honourable LEO HOUSAKOS
Speaker *pro tempore*

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

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THE SENATE

Wednesday, March 25, 2015

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

Prayers.

SENATORS' STATEMENTS

FIRST NATIONS FISCAL MANAGEMENT ACT

TENTH ANNIVERSARY

Hon. Dennis Glen Patterson: Honourable senators, quite often legislation affecting First Nations is met with distrust due to a historically poor relationship between Ottawa and the Aboriginal peoples of Canada. First Nations fear a hidden agenda of title extinguishment or an abandonment of the government's fiduciary duties. However, the First Nations Fiscal Management Act, or FMA, is an exception.

The FMA was a First Nation-led initiative, which resulted in opt-in legislation that, as stated on the *Canada Gazette* website:

> — supports economic development and well-being in First Nation communities by enhancing First Nations property taxation, creating a First Nations bond financing regime and supporting First Nations' capacity in financial management. These objectives are achieved through the First Nation fiscal institutions established through the . . . act.

Three institutions were created through this act. The First Nations Tax Commission, headed by Chief Commissioner Manny Jules, provides regulatory support to First Nation property tax jurisdictions. To date, it has approved over 760 laws under the act and FMA First Nations are generating over $42 million in property tax revenues annually, enabling these nations to leverage such own-source revenue to securitize long-term loans.

The First Nations Financial Management Board, led by Harold Calla, promotes improved financial literacy by setting standards related to financial administration laws, financial management systems and financial performance and, on the request of a First Nation, certifies that First Nation as having met those standards.

Finally, the First Nations Finance Authority, headed by Ernie Daniels, is a special purpose, not-for-profit corporation governed by those First Nations that constitute its borrowing members. Currently there are 39 borrowing members and five that are in the process of becoming borrowing members. To date, approximately 150 First Nations have requested that the minister permit them to use the act and the services of the institution.

On March 23, 2005, just over 10 years ago, the act received Royal Assent having passed through both houses with all-party support. Ten years later, 147 First Nations, 25 per cent of all First Nations in Canada, use this legislation. They have raised over $220 million in local revenues and issued a $90 million debenture. More than 50 First Nations have received financial management certification. Over 100 First Nation students have taken university-accredited courses to use this legislation. More First Nations want to join, even some that originally opposed the legislation.

Even with such success, there are queries and practical implementation issues that have arisen. These were raised during the review mandated to take place seven years after the act received Royal Assent. Aboriginal Affairs and Northern Development Canada, in consultation with the three financial organizations, has been working on amendments designed to accelerate and streamline participation in the First Nations Fiscal Management Act, to reduce the administrative burden on participating First Nations, and to strengthen investor and capital market confidence in the FMA.

I would urge honourable senators to support any recommendations that may be presented for our consideration and congratulate the First Nations Tax Commission, the First Nations Financial Management Board and the First Nations Finance Authority on their continuing success on the occasion of their tenth anniversary.

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

FOURTH REPORT OF JOINT COMMITTEE TABLED

Hon. Denise Batters: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Joint Committee for the Scrutiny of Regulations, which deals with vague and subjective time periods in subordinate legislation.

ADJOURNMENT

NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 31, 2015 at 2 p.m.

APPROPRIATION BILL NO. 5, 2014-15

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-54, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015.

(Bill read first time.)

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

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

APPROPRIATION BILL NO. 1, 2015-16

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-55, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2016.

(Bill read first time.)

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

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

• (1340)

NATIONAL ROUNDTABLE ON MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

NOTICE OF INQUIRY

Hon. Lillian Eva Dyck: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the National Roundtable on missing and murdered aboriginal women and girls and the Government of Canada's *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*.

[*Translation*]

QUESTION PERIOD

CITIZENSHIP AND IMMIGRATION

IMMIGRATION APPLICATIONS—
EXPRESS ENTRY SYSTEM

Hon. Claudette Tardif: Honourable senators, my question is for the Leader of the Government in the Senate. In January, Citizenship and Immigration Canada launched the new Express Entry system. Many people were impatiently awaiting the arrival of this new system, but they soon realized that it did not live up to their expectations.

During his appearance before the Standing Senate Committee on Agriculture and Forestry, Rory McAlpine, a Senior Vice President at Maple Leaf Foods, explained that the processing sector cannot use the Express Entry system because its jobs are not seasonal and do not require skill type 0 or skill levels A or B, as set out in the National Occupational Classification system. Yesterday in committee, the Canadian Agricultural Human Resource Council raised the same concerns. The Express Entry system has some serious shortcomings. A number of companies that were hoping to be able to use the system cannot, and they will have to cut productivity as a result.

Will the government commit to working with companies affected by a labour shortage to improve the Express Entry system without delay?

Hon. Claude Carignan (Leader of the Government): Senator, as you know, that is what we are continuously doing. We are working with companies to create wealth and jobs. When it comes to immigration and the recent reform, the goal is to match individuals' skills with companies' needs, and that is what we will continue to do.

You also know that the Minister of Finance will table Economic Action Plan 2015 in the coming weeks. I am certain that you will find therein an expression of the government's intention to continue to move forward with that philosophy and vision, which are focused on developing the economy, creating jobs and creating wealth. I hope that you will join with us to pass that action plan.

Senator Tardif: The situation is particularly troubling in Alberta. According to the Parliamentary Budget Officer's report, based on data gathered between 2002 and 2012, temporary foreign workers make up a larger portion of the labour force in Alberta than in the other provinces. Temporary foreign workers account for 3.03 per cent of Alberta's labour force, which is nearly twice the national average of 1.79 per cent. Most of those temporary foreign workers work in low-skill jobs and therefore do not qualify for the Express Entry system.

What does the government plan to do to help businesses in Alberta find the workers that they so desperately need?

Senator Carignan: As I said, senator, our government has always been very clear about the fact that Canadians must always be first in line for jobs, and our message will not change. Our reforms of the Temporary Foreign Worker Program and its original purpose ensure that it serves as a limited, last-resort, short-term measure. Under the program, when employers can't find enough skilled Canadian workers to fill job vacancies, they must demonstrate that they tried to recruit candidates among young Canadians and other under-represented groups before recruiting foreign workers. Whenever possible, as you mentioned, the Express Entry system can be used. Everything is in place to ensure that Canadians can find work and that employers can get help from outside Canada when workers are not available within the Canadian population.

Senator Tardif: Yesterday evening, the Canadian Agricultural Human Resource Council told us that there is a shortfall of 35,000 jobs in Canada every year. This is having a serious impact on the productivity and competitiveness of businesses in the agricultural sector. We need to take this situation seriously. The government needs to come up with a strategy to meet those needs.

I want to come back to the issue of the Express Entry system for francophones. On February 5, I asked you a question about the fact that the Express Entry system did not include a francophone component that promotes francophone communities outside Quebec. In the meantime, on March 9, the Minister of Citizenship and Immigration attended a day of reflection on francophone immigration organized by the Fédération des communautés francophones et acadienne. The Express Entry system was the focus of the discussions. In response to the federation president's questions, the minister said he hoped to announce something within the year.

When will the government incorporate a francophone component into the Express Entry system?

Senator Carignan: Senator, as you probably heard straight from the minister's mouth, we committed to promoting francophone immigration across Canada through a permanent immigration program. As of January 1, applications are processed in six months or less with the new Express Entry system. It is my understanding that the minister has taken part in consultations, as you said, to see how we can attract more of the best and brightest francophone immigrants to help Canada meet its workforce and economic needs.

I trust the minister. He will continue to develop policies and make decisions that will create wealth and attract targeted people to help our businesses and improve immigration.

• (1350)

Senator Tardif: The question is: When? Allow me to read an excerpt from a letter I received from a family in Alberta.

> This is our story. We are Parisians who arrived in Edmonton on August 27, 2012. I had an open permit, my husband had a one-year visitor's permit and my seven- and nine-year-old sons had study permits.
>
> In January 2015, we became eligible to apply for permanent residence. Therefore, we submitted the application on January 24, 2015. It was at that point that we realized that the Express Entry system puts us at a serious disadvantage. We received a reply informing us that we were eligible for permanent residence under the Canadian experience class with 253 points. Citizenship and Immigration Canada does not take into consideration my husband's experience as a warehouse supervisor because he secured his job one year earlier without the famous LMO, which is now a requirement. Therefore, we lost 600 points that could have led to our receiving an invitation to submit documentation in order to obtain permanent residence.
>
> Will the immigration department take into consideration the two and a half years we have spent in Canada or will they be considered lost years? Should my husband, my three children and I pack our bags for Paris?
>
> We had dreams of opening a Parisian-style bistro selling baked goods and pastries, but this is now just wishful thinking. We are now living in a nightmare.
>
> Yes, it is true that the Express Entry system is a much faster system. However, for some, the unintended consequences are catastrophic. Our family is living on borrowed time as our work permit expires in July 2016.

Leader, what will we do for these families who want to contribute to Canadian society by choosing to become Canadian citizens?

Senator Carignan: Senator, you know that we do not typically comment on specific cases in the Senate during Question Period. In the Roadmap for Canada's Official Languages 2013-2018, we committed to working on education, immigration and communities. Citizenship and Immigration Canada is investing $29.4 million to support official language minority communities, and the Government of Canada is funding 13 francophone immigration networks across the country, except in Quebec and Nunavut. These networks bring together key stakeholders with the goal of working together to increase francophone immigration in the targeted communities. There are many resources in place to provide support for immigration, and especially francophone immigration, which is highly valued, as you know.

Senator Tardif: Mr. Leader, representatives from the Réseau en immigration francophone de l'Alberta, located in Edmonton, have told me that there are five or six cases similar to this one.

When will there be changes to the Express Entry system to enable these francophone families to integrate into Canadian society?

Senator Carignan: Senator, as I said, we are working continuously to ensure that Canadian employers can hire skilled workers. As I explained to you, francophone immigration is highly valued, and as the minister has said, we will continue to work to meet our labour market and economic needs and support this type of immigration.

[*English*]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to draw your attention to the presence in the gallery of a former colleague of ours from the territory of Nunavut, former senator the Honourable Willie Adams.

On behalf of all senators, welcome back.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—THIRD READING

Hon. Carolyn Stewart Olsen moved third reading of Bill C-27, An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces).

She said: I am pleased to rise again today to speak on the important changes which will further enhance job opportunities for members of the Canadian Forces and our veterans.

I would also like to take the opportunity to thank my colleagues on the Veterans Affairs Subcommittee for their support in bringing this bill back to the chamber. We are all united, I believe, in our commitment to ensuring veterans, serving members and their families have the supports they need to successfully transition to civilian life.

This legislation was introduced with the intention of giving our men and women in uniform, our veterans, more of the tools they will need to transition successfully to civilian life. Our government understands that a large part of a successful transition is opportunities for stable employment and a new career. For this reason, I believe it's important the bill be brought into force as soon as possible so that our veterans and serving members are not delayed in gaining all the benefits this legislation will afford them.

Our committee heard from a number of very knowledgeable witnesses who gave useful testimony on how best to expand access to government jobs for current and former members of the forces.

One consistent theme in the testimony was the overwhelming support our witnesses had for the spirit of the proposed legislation and the opportunities it will afford our veterans and serving members.

Some witnesses raised concerns about the adjudication process that will be necessary for determining the designation of a service-related injury or medical condition. I welcome the insights and view them as part of our government's continuum of opportunities to improve the services and benefits for our veterans.

Veterans Affairs and the Department of National Defence are committed to working together in close collaboration toward eliminating the red tape that hampers individuals from receiving the benefits they are owed. I believe the adjudication issues raised by our witnesses will be resolved by this collaborative effort being engaged between both departments.

As one example, when the minister appeared before our committee, he noted the government had already responded to a House of Commons recommendation with this intention in mind. We've instituted a policy that no one will be released from the Canadian Forces until their medical condition has stabilized and VAC has been engaged in a meaningful way for the benefit of the veteran. Actions like this work towards easing the transition burden and promise a continuum of care, which is so important to those returning to civilian life.

Just as an aside, I spoke with former serving member Walt Natynczyk today, and he was very pleased that this bill is before us because it has always been his belief that providing the security for employment post-service is the key to helping families, and if you have a mental health issue, this is the key. That's where the government is moving and I am so glad that we're able to move this along.

• (1400)

In principle, I believe the hiring process referred to in Bill C-27 should be as simple as possible and that the administrative mechanisms put in place must reflect this and not be onerous to our veterans. This is all part of the consistency our government has shown in its commitment to ensuring veterans and their families have access to the support and services they need.

Recently, we introduced a number of measures to improve the way we care for those in uniform. Last week we announced that we are honoring our commitment to give part-time reservists the same support as full-time reservists and regular force soldiers. Beginning next month, injured part-time Reserve Force personnel will receive the same minimum income support payment through the Earnings Loss Benefit program as all soldiers do. The support will be calculated using their actual military salary, commensurate with their rank and duration of service, rather than the per-day payment that part-time reservists receive.

We are also moving to provide lifetime financial support for injured veterans and their families through the proposed Retirement Income Security Benefit. This benefit will provide for seriously injured veterans with ongoing monthly income support beginning at the age of 65. In total, it will ensure that an eligible veteran's annual income will be at least 70 per cent of what they received in benefits before the age of 65.

We also announced that we are expanding the eligibility of the Permanent Impairment Allowance so that more veterans with serious injuries will receive assistance. With broader eligibility, veterans and their families can have confidence that they will have the support they need to manage their medical conditions as they transition to civilian life.

We're also introducing a new Family Caregiver Relief Benefit. This benefit will provide an annual tax-free grant of more than $7,000. This grant will provide the necessary compensation to allow caregivers in the home to be replaced by another family member, a friend or any other professional of the veteran's choice. This benefit will be provided in addition to all the other benefits already in place to support a veteran's health care needs.

Without doubt, Bill C-27 will add to these measures by expanding the financial security and quality of life for members of the Armed Forces who are transitioning.

Our men and women in uniform reflect the very best of who we are as Canadians and are admired for their leadership and dedication, both at home and abroad. More important, they have the skills, training and experience necessary to make them perfect candidates for federal public sector jobs. Businesses and organizations across the country are realizing that hiring a veteran is not just a patriotic sentiment. Our government's Hire a Veteran initiative has been very successful, partnering with organizations such as CN, Cenovus and 3M Canada. All of these companies and employers fully recognize the value and expertise of those who have served. Our government, with Bill C-27, is walking the walk and not just asking others to do it for us.

Our veterans are individuals who come back to civilian life with a wealth of acquired practical knowledge and the professional maturity necessary to deal with a wide range of situations. Bill C-27 will give qualified veterans with at least three years of service preference in advertised external hiring processes within the public service for up to five years after their release. Witnesses before our committee indicated that roughly one in six hirings by the federal government is pursued through this mechanism.

Canadian Forces personnel and veterans meeting the same criteria with at least three years of military service will also be able to participate in advertised internal hiring processes for up to five years after their release.

The exact number of jobs available fluctuates from year to year depending on the level of hiring. With this in mind, our witnesses indicated that this mechanism represents the vast majority of public service hirings.

Our witnesses also generally agreed that a five-year window provides sufficient time for releasing members of the forces to become ready for entry to the civilian workforce. This period provides veterans and serving members with adequate time to get their post-military life in order, while also providing them with a reasonable amount of time to take action to advance their careers.

Our government believes that veterans who are injured in the line of duty should have the first opportunity for any job in the federal public service. Bill C-27 does exactly that by proposing to legislate a hiring priority for veterans who are medically released for service-related reasons. This priority will continue for five years once activated by a veteran and will extend retroactively to April 2012.

Our government is also exploring future actions that will further benefit veterans and serving members. For example, speaking of lifetime pension provisions, we are looking at options for ensuring that reservists, who benefit from this proposed legislation, are able to convert their existing pension contributions to the defined benefit Public Service Pension Plan.

Returning to the guiding spirit of the bill, the successful passage of this proposed legislation will result in greater security for releasing members of the Canadian Forces and our veterans. Without doubt, this will ease many of the problems that veterans face in the transition process and help to improve the overall situation of veterans and their families.

I ask my honourable colleagues to join me in supporting Bill C-27 and pass it so that we can move forward with these important changes for our veterans.

Hon. Joseph A. Day: Honourable senators, I wanted to make sure there were no questions that any honourable colleague wanted to pose. If not, I propose speaking to this particular matter at this time.

Let me start, honourable colleagues, by thanking the Honourable Senator Stewart Olsen, Deputy Chair of our Subcommittee on Veterans Affairs, and other members of the Subcommittee for the good work they've done on this matter. As each of us found out today as we attended the Army, Navy and Air Force Veterans in Canada meeting, the Senate generally and the Senate Subcommittee on Veterans Affairs in particular are recognized for their dedication to improving the lot of Armed Forces personnel, veterans and their families. It's nice to receive those accolades when one attends meetings, so I was glad we were able to be there.

Honourable senators, I would like to state that I intend to generally support this proposed legislation. I strongly support and urge my colleagues to support the initiative. However, I have some points that I spoke to at second reading that I believe could improve the bill. They're reflective of some of the witness testimony we heard. I will touch briefly on those points that were made.

Our role in the Senate is to take proposed legislation, which has come from the executive, gone through the House of Commons scrutiny and then come to us, and make any improvements or suggest any changes, if we can, and we should be doing that. Whether they're made in respect of this proposed legislation or picked up in some future initiatives that the honourable senator mentioned, either of which is possible, it's incumbent upon me, as I speak on behalf of the opposition, to restrict my comments to this bill and not comment on a number of the other possible initiatives that the government might take as mentioned by the Honourable Senator Stewart Olsen. We'll deal with those if and when they are before us.

Honourable senators, I would like you to take a look at the title of Bill C-27, an Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces). The bill relates primarily to amendments to the Public Service Employment Act.

• (1410)

There are many other initiatives that we can take, but this is a good one that we can take to help meet our social obligation to members of the Armed Forces who are retiring or who have retired, whether injured or not. The primary amendment here deals with Armed Forces personnel who have been injured in the course of duty and as a result are required to leave the Armed Forces. If you can focus on that particular priority, that is by far the most important initiative here that we should deal with.

Among the witnesses that we received, and Senator Stewart Olsen mentioned the various witnesses, we were pleased to welcome the new Veterans Affairs minister, Minister O'Toole. This was his first public appearance before a Senate committee, and we were pleased it was the Veterans Affairs Subcommittee. We heard also from the Veterans Ombudsman, Guy Parent, and the Ombudsman for the Department of National Defence and the Canadian Forces, Gary Walbourne.

If passed, this bill will give a priority to retiring members of our Canadian Armed Forces and veterans. That's a priority in the hiring process by the Public Service Commission. As honourable senators will know, the Public Service Commission is the primary employer of all public servants, but in the piece of legislation that we dealt with in this chamber a few years ago, the practice now is that the Public Service Commission acts like an auditor. The authority is delegated by the Public Service Commission to the various departments, and then the Public Service Commission will audit and oversee the employment activity. Each of the departments within the government will be required to follow this legislation and to provide that priority.

It's not a simple priority situation, honourable senators. I have a list here of the priorities. They start with statutory priorities and then go to regulatory priorities. The list is quite extensive. As you might expect, there are several provisions to protect and provide priority or preference to laid-off public servants in a particular department. They don't have work for them any longer. It makes sense that we should protect those individuals as well. But the question is how do we work in the Armed Forces personnel who are not considered the same way as public servants. How do we work them into this priority list? That is really what a lot of the discussion was about in relation to this particular piece of legislation.

This bill aims to improve and ease the transition to civilian life and ensure that our soldiers and our veterans receive a good quality of life, which they highly deserve after they leave the Armed Forces, in recognition of the service that they have provided to Canadians, security services over a number of years, and their service in Canada and abroad.

While I welcome the initiative brought by the government, I would like to address a few of the key points that were raised during our hearings on Bill C-27. I believe that these points, if appropriately addressed, would improve Bill C-27 in order to better serve our veterans. After all, that is the whole purpose of this legislation — to better serve our veterans. Let's talk about some of those different initiatives.

In principle, as I said earlier, this is a good bill, but I believe some areas can be improved significantly. Our subcommittee fully supports clause 12(2) of the bill, which includes a definition of "veteran." This is a new definition of "veteran" in the Public Service Employment Act: any person who has served at least three years in the Canadian Forces and has been honourably released. This is a new section or subsection being added to modernize the definition of "veteran." The new terminology refers to anyone who has served for that three years and has been honourably released, and that's a new subclause, as I indicated.

Unfortunately, clause 12(1) of the bill continues to restrict the definition of "survivor of a veteran," and I think that's regretful. The definition of "veteran" has been expanded to include modern-day veterans, anyone who has served for three years or more, but the "survivor of a veteran," a partner of a veteran who has died serving, is still restricted to survivors of First and Second World War veterans.

If any change should be made to this legislation, it should be either to say, "Well, we don't want to do anything for the survivors of the veterans who have been killed or have died as a result of serving; the survivors don't count," and take it out or, alternatively, make it meaningful. I prefer the latter; make it meaningful. We should look after the families of veterans who have died as a result of service.

That's not in here because we have not amended the legislation. Right now, survivors of veterans — that is, a wife, a common-law partner, a child of a partner who is no longer living — are from the First World War. So they are going to be around 120 years of age, looking for a job in the public service. Or they are from the Second World War, in their nineties and looking for a job in the public service. It's just not a meaningful privilege and priority to have that in the legislation. When we see it, we should correct it. I believe that we all here believe that it should be corrected to update the meaning of "survivor of a veteran." The definition of "veteran" changed, so why not the definition of "survivor of a veteran" as well?

Let me go on to the Veterans Ombudsman, Guy Parent, and the Ombudsman for the Department of National Defence and the Canadian Forces, Gary Walbourne, who appeared together and were coordinated in their approach. They're supportive generally of the bill, as has been indicated. They shared concerns with regard to the process to be used for determining whether medical reasons leading to the release are attributable — that's the word that appears in the legislation — to the service. Is the person who is being released, the Armed Forces person soon to become a veteran, being released because of an injury attributable to or because of his or her service? They were concerned about the process for determining that. Both ombudsmen believe that the Canadian Armed Forces, as the employer with all the medical information about its members, should determine whether medical reasons leading to release can be related to or attributed to the service. The veteran might have been in the service but developed some medical problem or is being released

because of that medical problem, but it's not attributable to service. It's just a natural injury or medical problem that has developed, maybe something like multiple sclerosis. Can you attribute that to the service as an Armed Forces person, or is that just an unfortunate malady that the individual has acquired?

• (1420)

Each of the ombudsmen believes that the Canadian Armed Forces is best suited for determining the reason, rather than Veterans Affairs. That is the issue, because Veterans Affairs normally determines these kinds of questions for other purposes, such as pensions and lump-sum payments. That's normally a Veterans Affairs role. They're skilled at doing that. They have an appeal process set up in the Veterans Affairs appeal process.

The legislation wants Veterans Affairs to do it. Witnesses say it would be better to have the Armed Forces do it because they know the individual will be released about six months before. They have six months to get ready and why not make that determination earlier on so that the person can get on with their life?

Other witnesses, more specifically the Royal Canadian Legion and Mr. Tim Laidler, Executive Director, Veterans Transition Network, agreed with the two ombudsmen in relation to Veterans Affairs and the Armed Forces.

The problem is that we have these two silos. We have Veterans Affairs and their schemes, rules and appeal processes all set up, and then we have the Armed Forces, and this is in a transition area that is causing some difficulties.

Carolyn Gasser, who is the service officer at Dominion Command Service Bureau, stated:

> . . . earlier in the process when a member is going to be medically released, they're informed by paper message about six months before they're releasing.

That's about six months before releasing.

> At that point, it is reviewed by the Director of Medical Policy at DND. We feel that would be an ideal time to determine whether it was caused by service or not. It gives six months for a member to get on the priority list to have an opportunity earlier to know what they're going to be doing as soon as they get out of the military.

Logically, they say, why not have the military make that determination?

There are others — and you have heard the Honourable Senator Stewart Olsen — who believe that because Veterans Affairs is already equipped to make this kind of decision, they should continue to be the entity to make that decision of attribution of the injury and the condition as a result of service. That is the test.

Again, Senator Stewart Olsen addressed this issue by saying that the fact that Veterans Affairs and DND recognize the difficulty with respect to transition, they're going to try to work more closely together. I'm content, having heard the minister and knowing that he is aware of this issue and that it has been brought to his attention by us and by others, to wait and see on this particular issue, but it is one that we will want to keep an eye on.

Mr. Parent, one of the ombudsmen, also warned the subcommittee about certain potential issues related to the fact that the bill would leave the decision to Veterans Affairs. It is important that the legislation be applied in a way that clearly reflects potential differences between attributing medical release to service and determining disability benefits. There are all these tests that a veteran has to go through. Imagine a veteran who is suffering from a physical or mental problem and who is being released having to go through all of these different tests, one with Veterans Affairs and the other with his soon-to-be former employer, National Defence. That is what the ombudsman is concerned about.

Let's try to make this simpler. Let's try to make this more direct and not have one body making one decision and another body making the other decision, which is the counter-argument to this, but let's have it done more quickly in the interest of the veteran.

I wonder why in this bill the government wants to make a difference between a veteran who is medically discharged because of his duties and a veteran who is discharged not because of his duties but just discharged medically. In this process, the government will create at least two different classes of veterans, and we should not create that dichotomy, because a veteran is a veteran is a veteran. If you believe that, then we shouldn't have all these sub-rules and the tests that veterans have to go through.

I would like to express my concern, as well, in regard to the five-year activating for priority. There is a five and five in this bill that just complicates matters again. Do we really need the five years? The five years says that once they start looking for a job in the civil service, they only have the priority for five years. The question is as to why we need it. The priority access for medically released members of the Canadian Armed Forces is after they are deemed fit five years.

Let's say a veteran is discharged for non-medical reasons. or not attributable to his service, or not relating to his time in uniform. If this veteran decides to appeal the decision to the Veterans Review and Appeal Board and says, "No, that multiple sclerosis that I now have was activated and brought on by my service," sometimes it takes years to sort these items out. Therefore, the appeal process can potentially exceed the five-year period when he would be declared ready for work, or could be a serious issue before the veteran could lose his rights that we're trying to establish. If we didn't have these five years and five years, then that wouldn't be an issue. The ombudsman shared this concern, honourable senators.

This question has also been raised by our colleagues on the other side and they have been told that the five years will start on the date on which the veteran is considered as honourably

discharged. However, there is nothing in this bill that says so. In other words, it will be up to the officer who will be dealing with this file to make this clear, because the five years is there.

Therefore, I think it's necessary, honourable senators, to extend the five-year limit or put no limits at all, which I would prefer, and make it clear through the bill that the veteran's priority right will be granted whenever an appropriate institution establishes the link between the injury and the activity while on duty. If that were the case, if the determination could be made by either Veterans Affairs or by DND, then the veteran could get on with his or her life. I believe that is what we would like to see happen.

Honourable senators, there is one other area that I wanted to mention and that is with respect to the RCMP. They have not been included in this new priority aspect, although they are in the other priority aspect that was established previously. There has been no explanation as to why they have been dropped with the new priority. The new priority is top priority. If you have been injured and are released from the service by virtue of that injury, you get top priority.

• (1430)

The top priority became important because we had already in the legislation a priority that was called regulatory. There are statutory priorities and regulatory priorities. It was working. The scheme, the system, was working for retired members of the Armed Forces up until about two or three years ago. Then, all of a sudden, there was major downsizing because of the economic situation, and over 25,000 people were laid off. As I mentioned earlier, those who were laid off have a higher priority.

So suddenly the RCMP and the military and the spouses of military were down on the priority list and didn't have a chance of acquiring a job through this preference that was established.

That's why we have the legislation, to create this new top priority for those injured while in service. But why not injured in service serving as an RCMP officer or as a member of the Armed Forces?

Down below the regulatory — I say "below" because my list is pretty extensive in the different priorities — and as I mentioned earlier, if you're declared surplus in your job, if you're on a leave of absence, if you're laid off, that's a higher priority, but down here, one of the regulatory priorities, a member of the Canadian Armed Forces or a member of the Royal Canadian Mounted Police who is released or discharged for medical reasons has that regulatory priority; they have it now. But having priority over him or her are all these people who have been laid off, the 25,000 who are looking for jobs; they were in the public service and are looking for a new position.

The only change that the government has made is in relation to the Armed Forces person injured on duty; they have brought him or her up to the top but have left the RCMP down below.

Honourable senators, those are just some of the points that I wanted to mention to you that I believe could make this legislation even better. I wanted to bring them to public attention. They had been brought to the attention of the minister. I believe these changes could be helpful.

I'm not proposing an amendment with respect to each of these, but I am going to propose one amendment because I believe it is clearly an oversight on behalf of the government in relation to the point I raised earlier regarding survivors of veterans. Putting something in the legislation that you know can't possibly be used is clearly an oversight. At one time it was valuable. Shortly after the First and Second World Wars, it was a valuable priority for survivors of veterans who died as a result of injuries sustained while serving Canada.

MOTION IN AMENDMENT

Hon. Joseph A. Day: Honourable senators, I move:

> THAT Bill C-27 be not now read a third time, but that it be amended in clause 12, on page 4, by replacing lines 34 and 35 with the following:
>
> "person who, being a veteran,".

That would take away the restriction that is now in there that means that "veteran" has been redefined but "survivor of a veteran" has not been redefined.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Day, seconded by the Honourable Senator Mitchell, that Bill C-27 be not now read a third time, but that it be amended in clause 12, on page 4, by replacing lines 34 and 35 with the following:

> "person who, being a veteran,".

On debate?

Some Hon. Senators: Question.

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

All those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: Clearly, the "nays" have it. The amendment is negatived.

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Stewart Olsen, seconded by the Honourable Senator Marshall, that the bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

CANADIAN SECURITY INTELLIGENCE SERVICE ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Vernon White moved third reading of Bill C-44, An Act to amend the Canadian Security Intelligence Service Act and other Acts.

He said: Honourable senators, I want to start by thanking the committee, and in particular the chair, Senator Lang, and deputy chair, Senator Mitchell, and the work that was done in relation to Bill C-44.

Honourable senators, it is my great pleasure to stand today in this chamber and sponsor Bill C-44, the protection of Canada from terrorists act. This legislation will do exactly what its title suggests — help to protect Canadians from those who choose violence over peace, hate over acceptance, chaos over democracy.

Before I outline how Bill C-44 will keep Canadians safer and more secure, let me reflect on our rapidly changing security environment.

Since the tragic events of September 11, 2001, and the war in Afghanistan that followed, terrorism has been linked to al Qaida and the Taliban. Indeed, these terrorist groups remain a threat to global security. In 2013, the Taliban conducted the largest number of terrorist attacks of any known group. Meanwhile, an al Qaida affiliate continued its campaign of terror against the Government of Yemen, undermining both the military and Western interests.

More recently, a former al Qaida affiliate also entered the terrorist lexicon of Canadians: the Islamic State in Iraq and the Levant, or ISIL.

This group has committed unspeakable atrocities and then broadcast them brazenly on social media. Its actions are not only destabilizing Iraq, Syria and the entire region but also pose a threat to Canada, our interests and our values.

ISIL has been known to intelligence agencies for some time, but its attacks have become more frequent, complex and lethal. Indeed, ISIL was second only to the Taliban in the sheer number of attacks in 2013. According to the United Nations, ISIL's actions claimed nearly 8,000 lives in that year alone.

I recount these developments to emphasize how quickly the security landscape is shifting. In the face of ever-changing threats, no nation can afford to stand still. If they do, they put their citizens at greater risk.

The threats are real. In Nairobi in 2013, two Canadians were among those killed during an attack by al Shabaab. Canada may not have been the precise target on that occasion, but Canadian lives were lost all the same.

We must also recognize that Canadians not only are victims of terrorism but also can be perpetrators. We all remember how two men were charged with plotting to attack a VIA Rail passenger train, and I believe they were convicted over the past few days.

Our intelligence and law enforcement communities also worked together to thwart an attack on the provincial legislature in Victoria. That case is currently before the courts.

The attacks on our soil in October 2014 remain fresh in the minds of all Canadians, and particularly people here.

Moreover, we continue to hear about the RCMP making arrests and laying terrorism-related charges against Canadians who are suspected of participating in terrorist acts or of attempting to travel abroad for these purposes. This latter activity is one of grave concern to our government. It involves citizens of Western countries, including Canada, who join the cause of terrorism abroad.

That's why we remain firmly resolved in our efforts to build a stronger, safer and more secure Canada.

Our commitment was made clear in 2012 when we released this country's first counter-terrorism strategy. The strategy has four mutually reinforcing elements: preventing individuals from engaging in terrorism; detecting the activities of individuals and organizations who may pose a terrorist threat; denying terrorists the means and opportunity to carry out their activities; and responding proportionately, rapidly and in an organized manner to terrorist activities to mitigate their effects.

• (1440)

As part of the strategy, we release a public report on the terrorist threat to Canada each year. The 2014 report shone a spotlight on violent extremism, and how we can better respond to those who wish to travel abroad to support terrorist activities.

We have also addressed this issue through a number of new legislative measures, including the Combating Terrorism Act, which makes it a crime to leave or attempt to leave this country to commit certain terrorism offences abroad.

More recently, of course, this government introduced an expansive and important piece of legislation, Bill C-51, that I believe will improve Canada's national security capabilities in a multitude of ways.

And certainly by comparison, the legislation before us today, Bill C-44, is much more limited in scope, but it is nonetheless important to further our security agenda. It introduces amendments to two acts that will help detect and deny terrorist threats.

Allow me to highlight the main provisions of the bill.

First, as all honourable senators will recall, the Strengthening Canadian Citizenship Act received Royal Assent in June 2014, and expanded grounds for revocation of Canadian citizenship. It also streamlined the process for making these decisions.

Once the revocation provisions are in force, there would be authority to revoke Canadian citizenship from dual citizens convicted of terrorism, high treason and treason or spying offences, depending on the sentence imposed.

Furthermore, the provisions will ensure that there is authority in place to revoke Canadian citizenship from dual citizens who have served as members of an armed force of a country or organized armed group engaged in armed conflict with Canada.

These provisions are clearly sending an important message about those who use their Canadian passports en route to engage in terror-related activities. This abuse of Canadian citizenship will not be tolerated.

Currently, the decision-making process is slow and it can take up to three years to revoke citizenship. That's why the amendments brought by the Strengthening Canadian Citizenship Act also streamline the revocation decision-making process, while ensuring fairness and respect for individual rights.

To make sure we are not delayed in taking these actions, we have included technical changes in Bill C-44 that will allow for the revocation provisions in the Strengthening Canadian Citizenship Act to come into force earlier than planned.

Moving now to the second element of this bill, which forms the bulk of the amendments we are proposing, it would amend the CSIS Act, which has not been changed since it was first passed some 30 years ago.

Specifically, this bill would: confirm CSIS's existing authority to operate abroad to collect intelligence on threats to the security of Canada; confirm the Federal Court's authority to issue warrants authorizing CSIS to undertake certain intrusive activities abroad; clarify that the Federal Court need consider only the CSIS Act and the Charter of Rights and Freedoms when determining whether to issue such warrants; create an automatic protection for the identity of CSIS's human sources; expand existing protections for the identity of CSIS employees who are or have been engaged in covert activities, or also include employees who are likely to become engaged in such activities.

The amendments proposed in Bill C-44 are modest but critical to ensuring that CSIS can fulfill its mandate.

In responding to questions raised by the Federal Court, the bill confirms certain authorities that Parliament always intended CSIS to have. It does not in any way alter the mechanisms put in place to ensure that the rights of Canadians are protected. Equally important, it does not in any way alter CSIS's fundamental mandate. It will instead ensure that CSIS can fulfill its mandate to investigate threats to the security of Canada.

Clearly, CSIS investigations can't stop at our borders. It must be able to continue its investigations wherever they lead in order to understand the threats we face and advise the government accordingly. These amendments will not alter CSIS's existing mandate to collect foreign intelligence within Canada nor transform the service into a foreign intelligence agency.

Let me reiterate, these amendments do not in any way change the service's foreign intelligence role, which is clearly defined in the CSIS Act and is limited to collection of information within Canada. This is a critical distinction which is sometimes misunderstood. The amendments deal with the service's mandate to investigate threats to our security.

CSIS already operates abroad. The proposed amendments will provide it with an explicit authority to do so, but would not change CSIS's footprint abroad. Operating abroad does have inherent risks. These are recognized and accounted for in ministerial direction and CSIS' operational policies.

For all of these reasons, I support these amendments to confirm CSIS's authority to conduct national security investigations within and outside Canada.

I will now address concerns that have been raised regarding CSIS's adherence to, or violation of, a host country's laws when operating abroad.

I think the director of CSIS was clear in committee in the other place where he stated that most of CSIS's overseas activities are done with the knowledge and often participation of the host country. Such cooperation, he suggested, is key in developing leads and understanding the security threats facing Canada. Frankly, it is also often of mutual benefit.

In other instances, such as in countries that are not like-minded, the circumstances may necessitate that CSIS operate covertly, without the knowledge of a host country. There may also be instances where CSIS needs to conduct a warranted operation abroad to collect information related to a threat to Canada's national security. Let me be clear, consent of a foreign partner does not equal authorization. CSIS mandate and investigative authorities derive from Canadian law. That is why it is essential that the Federal Court be clearly authorized to issue warrants, where necessary.

While we have heard from some who suggest that there is something untoward or unprecedented about such activities, I can assure members of this chamber that this is simply not the case.

No one here should really be surprised about these activities. If the dedicated men and women of CSIS didn't do their job, including collecting security intelligence abroad, Canada could be less secure.

The majority of our Five Eyes partners have agencies mandated to investigate abroad. CSIS, however, requires judicial authorization to engage in certain investigative techniques. In contrast, some of our closest allies rely on executive or ministerial authorization. As such there is no need for those allies to define explicitly in statute the court's jurisdiction or application of national laws. The judicial authorization scheme provided for in the CSIS Act, coupled with ministerial direction and accountability and rigorous independent review provide a robust framework for all of CSIS's activities abroad.

For such reasons, I support these amendments and remain confident that CSIS is operating in line with the Canadian Charter of Rights and Freedoms, the CSIS Act and our values.

The last component of the bill that I will speak to is the set of amendments regarding human source protection. These amendments provide protections for the identity of CSIS's human sources. Honourable senators should be aware that this provision is not precedent setting. Police informants in this country already enjoy a similar protection under common law.

That said, even with these amendments, judges will maintain their authority to disclose the identity of a CSIS human source if that information is critical to prove the innocence of the accused in a criminal proceeding.

I was pleased to see that Mr. Tom Stamatakis, the President of the Canadian Police Association, spoke in the other place during study of this bill. He provided to the committee an investigative perspective often missing from these discussions. Mr. Stamatakis confirmed that protecting the identities of confidential informants is vital to both criminal and national security investigations, such as those conducted by CSIS.

Mr. Stamatakis also provided unique insight on how human sources often contribute to multiple investigations and that compromising their anonymity could jeopardize not only their safety, but months and years of investigative work in relation to those other investigations. Clearly, without such provisions, CSIS remains at a disadvantage in recruiting human sources and protecting invaluable sources of information. It is also necessary for the safety of those sources and their families.

Honourable senators, CSIS must be provided with the tools it needs to investigate threats to Canada and keep us safe. Without the amendments in this bill, CSIS would operate in a state of uncertainty.

I encourage all Senators to support this important bill that seeks to protect and strengthen our Canadian citizenship, and to provide CSIS with the authorities it needs to get the job done. Thank you very much.

(On motion of Senator Mitchell, debate adjourned.)

• (1450)

THE ESTIMATES, 2015-16

MAIN ESTIMATES—SEVENTEENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on National Finance (First interim report on the Main Estimates 2015-2016), tabled in the Senate on March 24, 2015.

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

He said: Honourable senators, this is the twin of the document I talked about yesterday. Yesterday we dealt with the sixteenth report on Supplementary Estimates (C) ending off the fiscal year at the end of March. Now we're into estimates for 2015-16 and they begin as of April 1.

We received these on March 1. Our committee looked into the Main Estimates and we know that there are bills which arrived, honourable senators, today. I believe it was Bill C-54 and Bill C-55 that just arrived in this chamber today, and they are the bills that go along with these reports. One of the reports we adopted yesterday, on Supplementary Estimates (C). The report has been before you.

This is the second report that is now before you. We will deal with the two bills. One is the supply bill that gives the government funds to complete the fiscal year ending the end of March 2015, and this second bill gives interim supply to the government so the government can continue its activities until we give full supply at the end of June, so there's a three-month period.

Typically when we see the bills — and I haven't received a copy of one yet, but we will have those available to us — one would expect to receive it with straight-line expenditure, the same every month. The request for three months, which would be April, May and June, you would expect to see that in the supply bill for interim supply. That, honourable senators, is usually what we would see, but there are some departments that spend more at the front end of the year and, therefore, it's not a direct, straight line. But that is how this particular report fits in.

This is a report by our committee, having begun our work on the estimates for the year. The report, honourable senators, is the seventeenth report of our committee.

The Main Estimates lay out the amounts the federal government and agencies plan to spend over the next fiscal year. This can change somewhat by virtue of the Supplementary Estimates that we talked about yesterday. So, the Main Estimates are planned back in January, December even, and they look at the expenditures from the previous year and determine generally that this is what the different departments would like to have for the coming year. These Main Estimates have total planned expenditures of $241 billion, honourable senators. That includes both statutory and voted.

In the bill that will be coming before you for interim supply, it will be only the voted aspect that you see. The total voted will be $88 billion, and you will be asked next week to vote on three twelfths, that is, one quarter of that $88 billion, give or take, depending on the departments' expenses anticipated for the first three months.

We heard from five departments, honourable senators, to give us an understanding of expenditures for the year, and it's important to keep in mind that this is Main Estimates only, not supplementary; so when the budget comes down, you would expect certain initiatives that the government will want to initiate. They will be looked after through Supplementary Estimates, and the funds needed by the departments to meet those policy decisions in the budget will be in Supplementary Estimates. They're not in these Main Estimates and certainly not in the interim supply.

The Treasury Board Secretariat met with us, as they usually do, and they were very helpful. Since Treasury Board is the department of government that brings all of these requests together, they are very knowledgeable on what is in the estimates and, therefore, they're always our first witness in relation to the various government departments that are seeking funds.

We felt it would be appropriate to have the RCMP come to talk to us, which they did; the Canada Mortgage and Housing Corporation; Canada Revenue Agency; and the office of Infrastructure Canada. Some of the departments, you will note, are departments that we bring in fairly frequently because they are dealing with items that are of considerable interest to our committee. Others are departments that we haven't spoken to in a while. Typically, we look at departments that have major expenditures or a major variation from previous expense years.

Before I get into the report, I'd like to spend a couple of minutes to explain how the Main Estimates fit into the budget. That's what I had indicated earlier. In the Senate, we don't vote on the budget. The House of Commons does, but we don't. We also don't vote on the estimates and the words that are in there generally. We vote on supply bills that flow from the estimates, and we vote on the budget implementation bill that flows from the budget. That's what we vote on here and that's how we support, or otherwise, government initiatives.

The fiscal cycle requires the Main Estimates to be filed on or before March 1. They're not extendible, unless there's a major problem, unlike the budget, where the Minister of Finance has extended out the time for the budget into April and possibly beyond.

As previously stated, the estimates provide information on what each federal department and agency plans to spend or would like to spend in the upcoming fiscal year, and it's up to that amount that we're being asked to approve. Since the fiscal year begins April 1 and Parliament has not completed its work on the estimates, we have these interim estimates, and then we'll do main supply in June.

The Minister of Finance tables the budget in the House of Commons and, unlike the House of Commons, we in this place vote only on those specific bills that flow from that, one or two budget implementation bills.

The budget is a policy document and it contains proposals for a variety of measures, including taxation, policy decisions and other matters that are there for information but are not voted on in this chamber. This is not a chamber of confidence in that regard.

After the budget is tabled, we typically would expect one budget implementation bill before summer, and I'm still anticipating that we will receive that. Senator Smith and I, and the committee generally, will adjust schedules to when we receive it and try to deal with that as expeditiously as we can under our rules.

In theory, the budget implementation bill is supposed to be implementing changes and policy proposals laid out in the budget. However, as we've seen in the past, many unrelated measures tend to find their way into this particular piece of legislation and that makes it very difficult for us when we have a finance omnibus bill with a lot of non-finance matters buried among the hundreds of pages.

The estimates arrive before the budget and, as I've indicated, that's the reason why the Supplementary Estimates come along.

Having said that, honourable senators, I would now move to some of the testimony and some of the points that came out of our hearings and that appear in our seventeenth report. I won't go through all of the items that are in here. Time wouldn't permit that, but there are some points that I think might be of interest and of help to you in understanding why you would be voting for billions of dollars next week and might give you a general understanding of the process.

• (1500)

On top of all the allocations of federal departments and agencies, Treasury Board brings in all of these different allocations that departments are looking for and then adds $750 million for urgent situations and unforeseen circumstances. If you want to look into your estimates, you'll see that contained in Treasury Board vote 5. It's used in the event that the government needs to release funds quickly and can't get parliamentary approval for doing so.

We are at a point in the supply cycle where an appropriation bill is too far away to wait for parliamentary approval, or even a supplementary supply bill. That is where the $750 million is used. Within Treasury Board, there is an outline of how that can be used. Should the fund be used, Treasury Board will report back to Parliament what amount of that contingency has been used and then will ask, in supplementary estimates or a supplementary bill, for that to be replenished. At the end of the year it should be back up to $750 million not spent — some of it spent and replenished so that it's back up to the top. That way we ensure that the amounts used are charged to the departments that asked to use the funds.

Honourable senators, a recent example where the fund was used was in relation to the purchase of an office building located at 2-4 Cockspur Street in London, England. In this case the funds were transferred to the Department of Foreign Affairs, Trade and Development Canada so they could purchase a building right next

to Canada House on Trafalgar Square. They needed to act quickly, so that fund was used for that particular matter. The renovation work has now been done in that building adjacent to Canada House, and the official opening took place just recently.

Treasury Board informed us that this $750 million fund is separate from the $3 billion contingency fund that we've heard the Minister of Finance talk about. The $3 billion fund is built into the Department of Finance's overall fiscal framework and is there in the event that certain things happen, such as a downturn in oil prices in the oil extraction industry, resulting in less tax revenue to the federal government. The $3 billion fund can then be used to meet other expenditures and other matters that the government wishes to proceed with.

That was a long discussion we had on contingency and vote 5 with the Treasury Board. We hadn't talked to them about their particular activities in a while. They usually come and tell us about other activities, but in this case that was helpful to us, and I've passed on some of the highlights.

The RCMP is requesting $2.6 billion in additional funds for initiatives such as providing lifelong support to members who are injured while on duty. That part of the fund is similar to what we were just talking about in relation to Armed Forces personnel who are injured on duty. That whole scheme that we dealt with in Bill C-27 is now being repeated for the RCMP. I made the point during discussion of Bill C-27 why not keep the RCMP and National Defence personnel in the same program. It makes sense, and it would make things a lot easier. It wouldn't be duplicating and wouldn't be just another silo. However, at the present time it was felt not —

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise the Honourable Senator Day that his time has expired.

Senator Day: Could I ask for a short while to conclude?

The Hon. the Speaker *pro tempore*: Do honourable senators grant Senator Day five more minutes?

Hon. Senators: Agreed.

Senator Day: Thank you, honourable senators. I'm almost there. I want you to know about some of these issues. I was talking about the silos.

Canada Mortgage and Housing Corporation, CMHC, is requesting $2 billion to assist low-income families, seniors, Aboriginal peoples, people with disabilities and victims of family violence. They feel that $2 billion should be made available to assist in this housing initiative.

Some of our members had questions relating to investments to improve on-reserve living conditions for First Nations, which we recognize as being a very serious challenge for Canada. It is something that we must address and that we continue to ask questions about.

CMHC has indicated that roughly $150 million will go to building new homes, renovating existing homes and providing ongoing subsidies for those living in social housing. You can see that a considerable amount of money is being expended. Our concern is that how the money is being used might leave some questions of desirability and that perhaps we should be watching the way this money is being used and invested in housing a bit more closely so that we know it is being expended appropriately. One of the roles of parliamentarians is oversight of how the money is being used to correct some of the obvious challenges we have in our country.

The Canada Revenue Agency is requesting $3.8 billion in additional expenditure to go towards enhancing various compliance programs and administering tax measures. We learned yesterday that the Canada Revenue Agency is now accepting credit cards and that 1.5 per cent of everything they collect that way has to go the banks and credit card companies.

The Office of Infrastructure Canada is the final department I wanted to refer you to. They're handling the bridge in Montreal — not the one in Windsor but the replacement work in Montreal. They are very pleased with the progress on their plan, and they feel they have not lost any time thus far. I think maybe the next part of their building plan might be somewhat ambitious. We'll be watching it closely to see how it goes.

Honourable senators, if you look at the estimates, a tremendous amount of money is going to transfer payments. Of the money that the government brings in in revenue and then expends, $148 billion goes to various forms of transfer payments to the provinces, to seniors, et cetera. Operating and capital, compared to $148 billion, is $67 billion. You can see that a huge amount of the federal government's activity is transferring money to other areas and to the provinces.

Also, a major $25 billion goes to public debt charges. The bigger our accumulated debt is after the deficits each year, the larger this figure of public debt charges will be. Therefore, less money will be available for transfers, for health care and for social care. Furthermore, less money will be available for seniors and for operating.

• (1510)

We have to keep that in mind, honourable senators, and that figure is low. Public debt charges are low now because of interest rates. In fact, the Department of Finance is requesting less money in the estimates to cover this particular matter because they believe the interest rates will stay low. That, honourable senators, is another area to keep a watchful eye on. If interest rates go up, we will have a serious problem in meeting our other obligations.

Thank you, honourable senators.

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

(Motion agreed to and report adopted.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved third reading of Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

He said: Honourable senators, I am pleased to speak today at third reading of private member's Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

This bill essentially seeks to strengthen the justice system's response to one of the most heinous violations of a person's rights and freedoms: human trafficking.

Human trafficking is often described as modern-day slavery. The criminals recruit, transport and house victims in order to exploit them. The victims are usually subjected to sexual exploitation or forced labour. The traffickers conduct themselves in such a way as to lead the victims to believe that their safety would be in danger if they refused to do the work or provide the services demanded of them. What is more, the traffickers do not hesitate to threaten or bully the victims to deter them from breaking free from the trap they find themselves in and from reporting the traffickers and possibly testifying against them.

In short, the victims are denied their freedom. They are trapped in horribly abusive situations and forced to live in inhumane conditions. They have to provide their sexual or other services or face terrible consequences: threats, dehumanization, violence or, worse, death.

I'm not just talking about adults. I'm also talking about adolescents, young girls even. Crimes this serious call for the harshest measures that criminal law can offer. That is the purpose of Bill C-452. I urge you to support it today.

What amendments are proposed in this bill?

First, the bill would create an evidentiary presumption that would help the Crown establish that human trafficking has been committed.

Victims are vulnerable and they fear their traffickers. The presumption would allow prosecutors to establish the commission of the offence of human trafficking by submitting evidence that an accused lives with or is habitually in the company of a person who is exploited.

In the spirit of what I just said, the House of Commons Standing Committee on Justice and Human Rights amended the proposal set out in Bill C-452 to make it compatible with the presumption pertaining to the offence of procuring. I applaud that approach.

The amendments will help to achieve the bill's major objectives in this regard, namely, ensuring that traffickers are held accountable for their heinous crimes.

Second, the bill would require that a sentence handed down for an offence involving human trafficking be served consecutively to any other punishment imposed on the person for another offence arising out of the same event or series of events, because, unfortunately, human trafficking almost always involves multiple related offences. These include physical or sexual assault, threats, forcible confinement, kidnapping, and prostitution or criminal organization offences.

Unlike other crimes, human trafficking takes place over long periods of time. Traffickers exploit their victims for personal gain through various methods. The law must take into account all of this behaviour and the devastating impact it has on victims. The sentence imposed on the trafficker must take into account every criminal act committed. Such an approach makes effective use of the principles of deterrence and denunciation.

Third, the bill would require an offender to prove that his property does not constitute proceeds of crime for the purposes of the Criminal Code forfeiture provisions. No one should be allowed to benefit from the suffering of others. Nevertheless, there is no question that that is what happens when someone engages in human trafficking. The law must not allow traffickers to keep their ill-gotten gains. Bill C-452 would provide law enforcement agencies with the tools they need to meet this important objective. It would make it easier to eliminate the incentive to engage in human trafficking.

[*English*]

In summary, the bill's main objectives are to hold traffickers responsible for their actions, impose sentences that reflect the seriousness of their crimes and ensure that they don't enjoy the proceeds of their illegal acts.

[*Translation*]

The victims and experts who testified before the Standing Senate Committee on Legal and Constitutional Affairs awakened us to the urgent need for action.

We heard from MP Maria Mourani, the sponsor of the bill in the other place, and today I would like to commend her for her perseverance and patience. She reminded us that nearly 80 per cent of victims do not report their abuser. That is one of the basic reasons why reverse onus on the accused is such an important change.

We heard from Detective Sergeant Dominic Monchamp, whom Quebec courts consider an expert on the matter. He has been part of a special team within the Montreal police service for 21 years. He reminded us that reverse onus would not result in the conviction of innocent people or those who want to help prostitutes and others in the human trafficking industry.

The purpose of this provision is to help people who cannot get themselves out, who are afraid to get out, afraid to speak out. It means that other types of evidence can be used to support charges against traffickers.

He also said that the cases they see are really cases of slavery. Girls, some of them very young, are being tortured, raped, confined and forced into prostitution.

The Canadian Bar Association raised questions about the constitutionality of this bill, specifically about reverse onus. Although I respect its opinion, which is based on the one-sided perspective of defence attorneys, it clearly is not in line with the legal reality.

In fact, Nathalie Levman, a lawyer in the Criminal Law Policy Section at Justice Canada, is considered to be an expert not only on this subject, but also on the very important Bill C-36. She was very clear about this issue. She said:

> When you look at the evidentiary presumption proposed by Bill C-452, it becomes clear that in order to invoke the presumption, a Crown would have to prove a number of things: that the accused was not exploited; that the complainant was exploited; and that the accused either lived with or was habitually in the company of that exploited person. Once that has been made out, the accused may point to any available evidence or lead evidence that raises any kind of reasonable doubt as to either the substituted fact or the presumed fact, and that's how the evidentiary presumption in Bill C-452 would work.

• (1520)

Honourable senators, the objectives of the evidentiary presumption found in the old Criminal Code provisions and the new provisions set out in Bill C-452 are the same: to recognize that victims in these types of exploitative relationships are vulnerable and have a hard time coming forward to denounce those who exploit them.

Lastly, we must remember that Ms. Levman said, "The law has to be applied to every case; that goes without saying. But in terms of evidentiary presumptions, it's sort of the inverse of the regular criminal law standard. Crown has the burden of proving that a criminal offence was committed beyond reasonable doubt. All the accused has to do is raise a reasonable doubt as to whether or not that offence was committed, or the substituted fact was in existence. It's a low threshold, in my opinion. The accused need only raise a reasonable doubt or point to evidence that would raise a reasonable doubt."

[*English*]

Honourable senators, we should never allow our Criminal Code to encourage leniency, as these criminals hone their ability to abuse and exploit. Parliament must react quickly and effectively. Constant review and reform of the applicable legislative provisions is required. Bill C-452 is the product of such an exercise.

[*Translation*]

The government is proud of what it has achieved in the fight against human trafficking. For instance, on June 6, 2012, the government introduced the National Action Plan to Combat Human Trafficking. The plan focuses on protecting victims, prosecuting offenders, pursuing partnerships with key stakeholders and, of course, preventing human trafficking. All of these activities are coordinated by the Human Trafficking Taskforce, led by Public Safety Canada.

Canada is already taking a firm approach to human trafficking, but we could be doing more. Bill C-452 is an excellent example of what we can do together to help these innocent victims.

I therefore invite you to join me in supporting this important initiative, which constitutes the next step in meeting our common objective of combating human trafficking. This modern-day form of slavery must not be tolerated. The bill supports this principle, and we should all vote in favour of it. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Ghislain Maltais (The Hon. the Acting Speaker): Are honourable senators ready to ask questions?

Hon. Céline Hervieux-Payette: I would like to ask a question. Senator Boisvenu, I would have liked you to provide more information about the opinion of the Canadian Bar Association and its reluctance to approve the bill as it stands.

Senator Boisvenu: Given that I have been a member of the Standing Senate Committee on Legal and Constitutional Affairs for almost five years now, I know that the Canadian Bar Association raises the issue of constitutionality with regard to many bills. In this case, it questioned the bill's constitutionality with regard to the presumption of innocence in particular. What witnesses who were in favour of the bill told us is that victims often hesitate to report their abuser for various reasons, often because of the connection they had with their former pimp. These people are revictimized when they report their abuser because the sentences are rather short and the burden of proof is very difficult to establish in these cases. Reversing the burden of proof means making the alleged offender prove that he is not making a living from this activity and he does not have anyone under his control.

Furthermore, what the police officer from Montreal told us is that previously, in order to prove that an individual was committing this type of crime, the police had to involve everyone who was under his control, which could mean five, 10 or even 15 young girls. Not all of these girls would have the courage to testify and face the individual who had so much control over their lives in court. Reversing this burden of proof will mean that all of the girls do not have to appear in court. It will be up to the alleged offender to prove that he was not making a living from this activity and he did not manage that network. The witnesses who spoke about this bill, people who are close to the victims, said that this aspect of the bill would be very important in ensuring that not just one or two girls out of 10 are willing to speak out against their abuser.

Senator Hervieux-Payette: I have a supplementary question. This is a private member's bill, and the federal government typically conducts a constitutional review of all the laws before Parliament. Do you have assurances from government authorities that they believe the bill is in line with the Canadian Constitution?

Senator Boisvenu: We heard from Nathalie Levman, who worked on Bill C-36 and is an expert on the topic. She testified and confirmed that this already exists in other parts of the Criminal Code and that the concept of presumption is absolutely constitutional. However, we are not immune from legal challenges, as has been the case in the past. Defence lawyers will mount legal challenges, but they will take their course, as in the past. Justice Canada confirmed that this aspect of Bill C-452 was constitutional.

Hon. Joan Fraser (Deputy Leader of the Opposition): I move the adjournment of the debate in the name of Senator Jaffer.

The Hon. the Acting Speaker: Senator Batters has a question.

[*English*]

Hon. Denise Batters: I was at the particular Legal Affairs Committee when some documents were provided to us by the Quebec bar association. Is it correct that they had provided a competing opinion indicating that the bill is constitutional, a competing opinion to the one provided by the Canadian Bar Association?

[*Translation*]

Senator Boisvenu: Yes.

The Hon. the Acting Speaker: It is moved by Senator Fraser, for Senator Jaffer, seconded by the Honourable Senator Cowan, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

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

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Rose-Marie Duguay, a professor at the Université de Moncton, and Benoît Duguay, a former Radio-Canada journalist. They are the guests of the senators from New Brunswick.

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

Hon. Senators: Hear, hear!

• (1530)

NATIONAL SEAL AND SEAFOOD PRODUCTS DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-224, An Act respecting National Seal and Seafood Products Day.

Hon. Céline Hervieux-Payette: Honourable colleagues, I rise today to speak to Bill S-224, An Act respecting National Seal and Seafood Products Day.

This bill is a symbol, and you know that in politics symbols count. It is a symbol of the recognition by an act of Canada's Parliament of the importance of coastal communities and their way of life in the culture of our country. It is the expression of our pride in the difficult work these hunters and fishers do, including the seal hunt. It is our desire to show our support for these Canadians who are faced with an unprecedented crisis orchestrated by lobby groups that are threatening the sustainability of these communities' livelihood and their environment, which is our environment.

The choice of the date for National Seal and Seafood Products Day is also symbolic, because May 20 is the day when the European Union also celebrates its Maritime Day.

The European Union, which banned Canadian seal products for moral and not scientific reasons — I will come back to that later — has been honouring its coastal communities and focusing on sustainable development since 2008.

European Maritime Day, also known as the European Day of the Sea, highlights the crucial role that oceans and seas play in the everyday life not only of coastal communities, but of all EU citizens. It promotes more sustainable European growth and employment. It provides an opportunity for reflection by public authorities on better stewardship of coastal zones, seas and oceans by all citizens and stakeholders concerned.

Honourable senators, those are our objectives too. Indeed, we want to affirm that the oceans play a crucial role in the life of our coastal communities and of all Canadians. We want the sustainable economy of the sea to support the growth and job creation that these communities deserve. We are calling on the Government of Canada to pursue and expand its sustainable management of marine ecosystems.

Let's be clear: the seal hunt in Canada is not inconsistent with these objectives. Better yet, it is an integral, inalienable part of these objectives.

The seal hunt is vitally important for many communities. It has helped bring work, growth, and employment to populations living in remote areas. Since the Royal Commission of 1986, the seal hunt has been carried out sustainably and humanely and has helped balance our marine ecosystems. The seal hunt is practiced by fishers who live from and with their environment.

That is why, honourable colleagues, this bill seeks to celebrate not only seal products, but also, more broadly, seafood products because the seal harvest is part of the larger harvest of the ocean's resources.

That is why I am proposing May 20, the same day chosen by the Europeans; we share the same concerns for sustainable management, job creation and sustainable growth as the Europeans — and that also applies to our seal hunt.

However, times are tough for those living from the seal hunt. I began this speech by talking about an unprecedented crisis. That is so. This crisis took root more than 40 years ago and is now jeopardizing the future of seal hunters and their fishing activities.

As I have said before in this chamber, eliminating the market for seal products will never put an end to the seal hunt. Those who claim that it will are manipulating public opinion. The fact is that humans will always have to manage the ecosystem they are part of. In many cases, humans are the seals' only natural predator.

In Canada, we have managed our ecosystem by developing sustainable management of seal species and a pain-free slaughtering method supervised by independent scientists. I have taken the course that seal hunters take from those scientists every year. We did it by developing a market for seal products because only a market for those products can ensure ethical practices in the hunt, contrary to appearances and the rhetoric of vegetarian organizations. The ethical value of using all parts of an animal harvested from its environment is greater than that of doing nothing. We owe that wisdom to the Aboriginal peoples.

For its part, the European Union is playing ostrich. It seems to be asking us to hide the seal it doesn't want to see. I must emphasize that lobby groups have pressured the EU to close its markets to seal products. Still, Europeans continue to kill seals. In Scotland, animal rights and vegetarian groups are still campaigning against the slaughter of seals by salmon fishers, whom they say are trying to protect their source of income. Sweden's environmental protection agency allowed the slaughter of 400 seals in 2014 to prevent fish stock depletion. This year the governments of Estonia and Finland have resumed allocating grey seal quotas in response to a resurgence of the species. Those of my colleagues who participated in the study on the grey seal, which is found primarily in New Brunswick and Nova Scotia, know that we are seeing an incredible resurgence of that species of seal.

I would therefore like to ask the following question: With no market, what is Europe doing with its seals? The answer: nothing. It is doing nothing. It just throws the dead animals into the ocean. Is that a more moral practice than using the resource as we do in Canada? Certainly not. Nevertheless, as I was saying earlier, the European Union decided to ban Canadian seal products on moral grounds. The EU banned the commercial use of seals because it was deemed to be immoral. That does not make any sense, as I just explained. Yet the World Trade Organization decided to uphold this decision, a move that was certainly unprecedented. In making its decision, the European Union rejected any consideration of cruelty or threat to the species. This shows that lobby groups manipulated public opinion with their ongoing complaints that seal hunting is a murderous and barbaric practice.

Canada should therefore not apologize for its seal hunt. We should hold our heads high and continue to assert our leadership since we are doing much better than the European Union in this regard.

If, as I said, we share the same concerns as Europe with regard to sustainable management, the fact of the matter is that Canada is well ahead of the Europeans in this area. Since the 1986 royal commission, Canada has had the courage to take a hard look at its seal hunting practices. We have rethought our slaughter methods to ensure that the animals do not suffer. We have strengthened oversight of the hunt and improved projections for setting hunting quotas in order to keep seal herds healthy. In 30 years, the population of harp seals has tripled. Today, there are between 8 million and 9 million harp seals, the most hunted species of seal. According to projections, that population will reach 10 million to 16 million by 2030. The population of grey seals, the largest species on the east coast, grew from 10,000 to approximately half a million in 50 years.

On the other side of the Atlantic, the European Union has been unable to take steps to protect the Mediterranean monk seal. That species has been critically endangered for 17 years and it is on the "Red List" issued by the International Union for Conservation of Nature. Today there are no more than 400 remaining individuals.

Bill S-224 showcases seal products, and I have to name some of them, while also refuting two false statements made by animal rights and vegetarian groups, who claim that seals are killed only for their pelts and that there is no market for any other seal products. Seal skin is used to make coats, hats, mittens, boots and even wallets. I have quite a few such products, and I must say, they are excellent and of very high quality. Furthermore, seal meat is served in some restaurants in Montreal, and the Côte à Côte butcher shop on the Magdalen Islands sells seal meat to the local people; the shop also sells charcuteries made from that meat, which is known for being lean and rich in Omega 3s.

• (1540)

Seal meat is even available at the parliamentary restaurant. If you want to taste it you have to let the chef know, and he can obtain some during the seal hunt.

Seal blubber is processed into oil, and was used by early settlers as fuel and lubricant. Today, we consume it as a cooking oil and we use it to manufacture dietary supplements rich in Omega-3, which is known to promote cardiovascular and circulatory health. Laboratories in Quebec that conduct research on sea products tell us that Omega-3s from seal products are the best of all those on the market.

Other products could be considered. Before the European boycott, studies were conducted with Greece on the use of seal heart valves in human surgeries. These valves were considered because of their quality and because they pose a lesser risk of hemorrhage or infection.

Seal collagen could be particularly interesting, since it is free from industry-related diseases like mad cow disease. Collagen could be used in beauty products. A Laval University professor predicts that as soon as we start using seal collagen, the value of each seal could go up to $1,000. Therefore, there is a market — and potentially a phenomenal one.

However, seal products are not the only focus of Bill S-224. The bill also addresses seafood as a whole. Our sealers are also fishers, and this bill serves as an acknowledgement of our coastal communities and of the benefits we enjoy from the fruits of their labour: lobster, cod, herring, scallops, shrimp, swordfish, trout

and salmon are among some of the popular species fished by sealers in our country. We must celebrate these products and encourage Canadians to consume them, since they have excellent health benefits.

Before concluding, I have to say a few words about the Aboriginal communities, including the Inuit — who paid us a visit today at the Liberal caucus — and some First Nations that depend on seafood products perhaps more than any other community and whose traditional lifestyle is tied to the seal hunt.

The ringed seal has long been a staple food for the Inuit. Professor George Wenzel from McGill University described the terrible impact that the European anti-seal hunt campaigns of the 1960s and 1970s had on the Inuit economy, which was dependent on seals. According to him, in 1963, a ringed seal skin earned an Inuit hunter $20. In 1967, that same sealskin was worth no more than $2.50, and after Brigitte Bardot's protests in 1977, the sealskin was worth no more than $1 or $1.25. In the meantime, the way of life in these Aboriginal communities was changing and modernizing, going from dogsleds to snowmobiles, harpoons to guns. I can attest to that, since I took part in a seal hunt on the ice in Nunavut.

The cost of the seal hunt went up by as much as 50 per cent because of the new hunting methods, while revenues collapsed. Consequently, these families felt discouraged and abandoned, and some people committed suicide or abandoned the hunt.

The European Union no doubt saw the error of its ways and made sure to make an exception to its recent boycott of seal products. Since 2009, it has banned seal products, with the exception of not-for-profit sales — a not-for-profit industry is quite something — of products from the traditional hunt practised by the Inuit. In addition to reflecting an odious paternalistic and colonial attitude, this exception actually condemns the Inuit to just scrape by because it prohibits them from profiting from their hunt.

Honourable senators, it is also for these communities of proud Canadians that we should create a national day to celebrate our seal and seafood products.

In closing, I would like to quote part of the preamble of Bill S-224, which was drafted as a result of my consultations with scientific groups. It reads:

> Whereas the human species is an integral part of the ecosystem and, as a result, its role as a predator cannot be separated from the rest of nature;

This statement may not seem like much, but it is in direct opposition to the ideology of animal rights groups and vegetarians who oppose the seal hunt. According to them, animals should have the same rights as humans. For example, a tribunal in New York studied a request to grant chimpanzees the same rights as humans. It is a matter of human animals and non-human animals. According to this world view where all living things are animals that have a legal personality, humans cannot prey on non-human animals.

This anti-speciesist ideology, meaning one that does not distinguish between species, is quite widespread. Millions of individuals throughout the world support it. It influences the decisions of parliaments. It closes markets. It is talked about on social networks. It motivates people to become vegans. It recruits supporters. It is the cause of criminal acts in the United States and Europe and leads to sabotage, fires, the destruction of laboratories, harassment and death threats.

Honourable senators, I began this speech by saying that Bill S-224 is a symbolic way to honour our coastal communities, but it is also a standard that proclaims a world view, that reflects an idea that mankind is sensitive and has compassion for others and for all forms of life in general; a standard that recognizes that mankind is at the top of the food chain but interdependent with its environment; a standard that makes mankind a protector who bears the responsibility of leaving future generations a healthy and sustainable world with highly diverse life forms.

Honourable senators, I urge you to make Bill S-224 a law for all Canadians. I urge you to make May 20 our National Seal and Seafood Products Day and to give everyone living on the shores of our three oceans this gift of respect and admiration for their courage. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Maltais, debate adjourned.)

[*English*]

BANKING, TRADE AND COMMERCE

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Tardif:
>
> That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on trade between the United States and Canada and the adherence to the laws and principles of all trade agreements, with particular focus on spent fowl and chicken imports, including:
>
> (*a*) the application of tariffs and quotas on classifications that include blends, food preparation, kits, and sets, as well as the potential for these products to circumvent the law and principle of trade agreements, in particular import quotas;
>
> (*b*) the regulations regarding import tariffs and quotas as established by the Department of Finance;

(*c*) the interpretation and application of those rules and regulations by the Canadian Border Services Agency;

(*d*) the monitoring of products defined as blends, food preparation, kits, and sets; and

(*e*) The reciprocity of US regulations regarding similar Canadian imports;

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

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

Hon. Michael L. MacDonald: I move adjournment of the debate in my name.

(On motion of Senator MacDonald, debate adjourned.)

• (1550)

LIGHTHOUSES AS IRREPLACEABLE SYMBOLS OF MARITIME HERITAGE

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Michael L. MacDonald: Honourable senators, I intend to speak to this inquiry sometime within the next few weeks, so I will adjourn in my name for the remainder of my time.

(On motion of Senator MacDonald, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF SECURITY CONDITIONS AND ECONOMIC DEVELOPMENTS IN THE ASIA-PACIFIC REGION

Hon. A. Raynell Andreychuk, pursuant to notice of March 11, 2015, moved:

That, notwithstanding the orders of the Senate adopted on Thursday, November 21, 2013, and Thursday, June 12, 2014, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its examination of security conditions and economic developments in the Asia-Pacific region, the implications for Canadian policy and interests in the region, and other related matters be extended from March 31, 2015, to September 30, 2015.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

Hon. A. Raynell Andreychuk, pursuant to notice of March 11, 2015, moved:

That, notwithstanding the orders of the Senate adopted on Thursday, November 21, 2013, and Thursday, June 12, 2014, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its examination of such issues as may arise from time to time relating to foreign relations and international trade generally be extended from March 31, 2015, to September 30, 2015.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE POTENTIAL FOR INCREASED CANADA-UNITED STATES-MEXICO TRADE AND INVESTMENT

Hon. A. Raynell Andreychuk, pursuant to notice of March 11, 2015, moved:

That, notwithstanding the order of the Senate adopted on Tuesday, September 23, 2014, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on the potential for increased Canada-United States-Mexico trade and investment, including in growth areas in key resource, manufacturing and service sectors; the federal actions needed to realize any identified opportunities in these key sectors; and opportunities for deepening cooperation at the trilateral level be extended from March 31, 2015, to September 30, 2015.

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

Hon. Anne C. Cools: I was just wondering, regarding Motion No. 120, I take it that Senator Andreychuk is not planning to speak to the motion? What motion are we on?

The Hon. the Speaker *pro tempore*: We're on Motion No. 120, Senator Cools.

Senator Cools: Senator Andreychuk moved it, but I was waiting to hear her speak to it. I am talking about Motion No. 120, moved by Senator Andreychuk in respect of Canada, United States and Mexico trade.

Senator Andreychuk: I didn't intend to speak to it. This motion is to extend the time for preparation of the report. It is not the content of the report. It's just an extension of the time.

Senator Cools: I agree, but maybe we could hear why an extension is needed.

Senator Andreychuk: We will not have the report ready by March 31. We are still completing the report and drafting it. Our researcher has been ill, so we have been delayed. We're asking for a reasonable time.

Senator Cools: That is reasonable. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO TAKE NOTE OF THE CASE OF SERGEI MAGNITSKY—DEBATE

Hon. A. Raynell Andreychuk, pursuant to notice of March 24, 2015, moved:

> That the Senate take note of the following facts:
>
> (*a*) Sergei Magnitsky, a Moscow lawyer who uncovered the largest tax fraud in Russian history, was detained without trial, tortured and consequently died in a Moscow prison on November 16, 2009;
>
> (*b*) No thorough, independent and objective investigation has been conducted by Russian authorities into the detention, torture and death of Sergei Magnitsky, nor have the individuals responsible been brought to justice; and
>
> (*c*) The unprecedented posthumous trial and conviction of Sergei Magnitsky in Russia for the very fraud he uncovered constitute a violation of the principles of fundamental justice and the rule of law; and
>
> That the Senate call upon the government to:
>
> (*a*) Condemn any foreign nationals who were responsible for the detention, torture or death of Sergei Magnitsky, or who have been involved in covering up the crimes he exposed;
>
> (*b*) Explore and encourage sanctions against any foreign nationals who were responsible for the detention, torture or death of Sergei Magnitsky, or who have been involved in covering up the crimes he exposed; and
>
> (*c*) Explore sanctions as appropriate against any foreign nationals responsible for violations of internationally recognized human rights in a foreign country, when authorities in that country are unable or unwilling to conduct a thorough, independent and objective investigation of the violations.

She said: Honourable senators, this motion is directed at the perpetrators of human rights abuses wherever they occur, but it is centred on the notorious death of Mr. Sergei Magnitsky in a Russian prison in November 2009.

Sergei Magnitsky grew up in Southern Russia. Gifted in physics and mathematics, he went on to become a successful lawyer and auditor in a quickly changing Russia.

In 2008, while working for an American firm in Moscow, Mr. Magnitsky uncovered massive corruption. The case involved the theft of three of his client's companies and an alleged $230 million tax fraud. Mr. Magnitsky testified against senior Interior Ministry officials whom he accused of masterminding and carrying out the theft.

A month later, the same officials arrested Magnitsky on allegations of tax fraud. Magnitsky spent almost a year in prison. He complained of unsanitary, confined conditions, of rats and of ill health.

In July 2009, he was diagnosed with gallbladder stones, pancreatitis and other conditions. Doctors said he needed an operation. Instead, he was moved to medical isolation.

As his case moved through the courts, prosecutors produced more evidence, and Magnitsky's detention was extended.

On November 16, 2009, Sergei Magnitsky died in pretrial custody. He was 37 years old. He was survived by his wife, his mother and his two young sons. Mr. Magnitsky's death was met with international condemnation. The Kremlin's own Human Rights Council deemed the case against Magnitsky illegal for several reasons. One concerned conflict of interest.

The case against Magnitsky had been brought by the same officers whom he had implicated in corruption. The council also highlighted evidence that Magnitsky had been badly beaten before his death. Russia's investigative committee, for its part, said:

> . . . the shortcomings in the provision of medical assistance to Mr. Magnitsky have a direct cause-and-effect relationship with his death.

But President Putin insisted that he had died of a heart attack. Allegations that Magnitsky had suffered torture were dismissed. The government did not allow an independent autopsy.

Charges against a senior prison official, the only person to be charged in connection with Magnitsky's death, were thrown out.

In May 2010, Human Rights Watch noted that:

> The Russian government's response to the death in custody of Sergei Magnitsky was another example of how gestures are falling short of real change.

On July 11, 2013, Sergei Magnitsky was tried and convicted posthumously. Many accused the Kremlin of doubling down on its version of events.

Amnesty International called the prosecution "deeply sinister." It added that the case ". . . set a dangerous precedent that could open a whole new chapter in Russia's worsening human rights record."

The European Union, for its part, said the trial sent a ". . . disturbing message to those who fight corruption in Russia."

Many others also expressed disappointment. The motion before the Senate today builds on the tide of international condemnation that followed the death in custody, the posthumous conviction and the lack of justice for Sergei Magnitsky.

[*Translation*]

The Hon. the Speaker *pro tempore***:** It is now 4 o'clock. Pursuant to the order adopted by the Senate on February 6, 2014, I declare the Senate continued until Thursday, March 26, 2015, at 1:30 p.m.

(The Senate adjourned until Thursday, March 26, 2015, at 1:30 p.m.)

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