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OFFICIAL REPORT
(HANSARD)

Thursday, April 2, 2015

The Honourable LEO HOUSAKOS
Speaker *pro tempore*

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THE SENATE

Thursday, April 2, 2015

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

POPE JOHN PAUL II DAY

Hon. Suzanne Fortin-Duplessis: Honourable senators, today, April 2, is the first Pope John Paul II Day. It was officially proclaimed in this chamber on December 16, 2014, by way of a bill that I was proud to sponsor.

Regardless of our religious convictions, we can all agree that Pope John Paul II's fame goes well beyond that of the Catholic Church.

His life was a model of courage and resilience. At just 20 years of age, John Paul II secretly pursued his studies in Krakow at a time when Poland was suffering from the bloody ravages of the Second World War.

Ordained in 1946, he carried out his priestly calling in a country where communist powers trampled on individual freedoms and democratic principles. John Paul II became Pope in 1978. He symbolized peaceful resistance to the totalitarian abuses plaguing Eastern bloc countries at the time.

A phrase from his first mass set the tone for his papacy. "Be not afraid!", he urged the whole world. Drawn from the Gospel of John, that phrase became deeply meaningful in the years that followed.

Despite an attempt on his life and gradual decline due to illness, Pope John Paul II conveyed his message of faith, peace and hope around the world for 26 years.

[*English*]

Pope John Paul II was a pilgrim. He undertook 104 pastoral visits outside Italy. In 1984, he became the first Pope to visit Canada when he undertook a 12-day visit that took him across the country. He was impressed by the wealth of our nation, where cultures and faiths live in a peaceful way. He was particularly interested by the faith of Aboriginal people in Canada and the inclusion of people with disabilities.

In 2002, Pope John Paul II visited our country one last time. He called upon us to be the salt and light of the world, to choose goodness, to live in justice and to become instruments of love and peace.

[*Translation*]

Thirteen years on, that message remains universal and very relevant. Esteemed colleagues, Pope John Paul II Day gives us an opportunity to remember a man whose dignity was equal to the values of tolerance and peace that guided him throughout his life, values that resonate deeply here in this chamber and with all Canadians.

[*English*]

INTERNATIONAL DAY OF MINE AWARENESS AND ASSISTANCE IN MINE ACTION

Hon. Elizabeth Hubley: Honourable senators, I rise today to recognize the United Nations International Day of Mine Awareness which takes place each year on April 4. The objective of this year's theme, "More than Mines," is to raise awareness that landmines are not the only explosive hazards that pose a danger to civilians living in conflict and post-conflict settings. For instance, landmines include cluster munitions which we debated in this chamber just last fall. As I stated then, cluster bombs have been frequently used for the past two years in the Syrian civil war.

The Landmine and Cluster Munition Monitor reports that more than 1,000 Syrians were killed or injured by cluster munitions in 2013, with hundreds more casualties reported in 2014. We know that long after this conflict, like conflicts in the past, innocent men, women and children will continue to fall victim to explosive hazards that not only injure and kill, but also block access to health care, education and economic development.

I would like to take this opportunity, as we observe this very important day, to recognize that a few weeks ago Canada finally ratified the Convention on Cluster Munitions and totally banned these inhumane weapons. While I'm not completely satisfied with the government's legislation, I am pleased that since passing the legislation, Canada has moved quickly to ratify the Convention on Cluster Munitions, and that last June we destroyed our stockpiles.

As we mark this important day, I ask the government to actively discourage our allies from using all forms of landmines and to encourage all countries to join the treaty and to work with affected states to reduce the danger of mines and explosive hazards. Thank you.

DR. RONALD DANIEL "RON" STEWART, O.C., O.N.S.

CONGRATULATIONS ON JAMES O. PAGE AWARD

Hon. Jane Cordy: Honourable senators, on February 26, at the thirty-third annual EMS Today Conference and Exposition in Baltimore, Maryland, Dr. Ron Stewart of North Sydney,

Nova Scotia, was awarded the James O. Page/Journal of Emergency Medical Services Award. Dr. Stewart is the first physician outside of the United States to receive this prestigious honour.

The James O. Page Award recognizes individuals or agencies who have exhibited the drive and tenacious effort necessary to develop improved emergency medical services systems, resolve important emergency medical services issues and bring about positive system changes.

Dr. Stewart began his medical career in the small coastal community of Neil's Harbour in northern Cape Breton. He then completed his residency program at the University of Southern California in emergency medicine and became the first medical director of the County of Los Angeles paramedic training program. Who knew that the path to becoming the first medical director of paramedic training in one of the biggest cities in North America would pass through Neil's Harbour, Cape Breton?

In 1978, he accepted a position with the University of Pittsburgh, where he helped establish the Center for Emergency Medicine and became the medical director for Pittsburgh Emergency Medical Services, while also serving as the head of the emergency department at the University of Pittsburgh Medical Center Presbyterian Hospital. His early efforts included the creation of the Emergency Medicine Residency Program at the University of Pittsburgh and the offices of Education, Research and STAT MedEvac at the Center for Emergency Medicine.

Dr. Stewart is Professor Emeritus in Medical Education at Dalhousie University, Officer of the Order of Canada and Adjunct Professor, Department of Health Services and Emergency Management at Cape Breton University.

• (1340)

Ron Stewart was elected MLA in 1993 and he served as Minister of Health in Nova Scotia. In 2013, Dr. Stewart was appointed to lead MedLink, a joint initiative of Cape Breton University, Dalhousie University and the Cape Breton District Health Authority. The brainchild of Dr. Stewart, this collaborative effort pursues enhanced coordination and post-secondary health education and training availability in Cape Breton.

Through his passion and dedication to emergency medical services and out-of-hospital emergency care, Dr. Stewart has been a driving force behind innovations that have affected millions of lives both in the United States and here in Canada. There is no one that I know of who is more deserving of the recognition that an award like the James O. Page bestows.

I wish to congratulate Dr. Stewart for a career dedicated to improving emergency services all over the world and particularly I would like to thank him for his service to the people of Nova Scotia.

ROUTINE PROCEEDINGS

HEALTH

USER FEE PROPOSAL—DOCUMENT TABLED AND REFERRED TO AGRICULTURE AND FORESTRY COMMITTEE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to section 4 of the User Fees Act, I have the honour to table, in both official languages, Health Canada's proposal to Parliament respecting pesticide cost recovery.

After consultation with the Deputy Leader of the Opposition, the designated committee chosen to study this document is the Standing Senate Committee on Agriculture and Forestry.

The Hon. the Speaker *pro tempore***:** Honourable senators, pursuant to rule 12-8(2), the document is referred to Standing Senate Committee on Agriculture and Forestry. Pursuant to rule 12-22(5), if that committee does not report within 20 sitting days following the date it received the order of reference, it shall be deemed to have recommended approval of the user fee.

[*Translation*]

RED TAPE REDUCTION BILL

NINETEENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, April 2, 2015

The Standing Senate Committee on National Finance has the honour to present its

NINETEENTH REPORT

Your committee, to which was referred Bill C-21, An Act to control the administrative burden that regulations impose on businesses, has, in obedience to its order of reference of Thursday, March 12, 2015, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

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

(On motion of Senator Black, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[*English*]

VICTIMS BILL OF RIGHTS BILL

BILL TO AMEND—TWENTY-SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, April 2, 2015

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-SIXTH REPORT

Your committee, to which was referred Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts, has, in obedience to the order of reference of Tuesday, March 24, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

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

(On motion of Senator Runciman, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CANADA REVENUE AGENCY ACT

BILL TO AMEND—FIRST READING

Hon. Percy E. Downe introduced Bill S-226, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

(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 Downe, bill placed on the Orders of the Day for second reading two days hence.)

[*Translation*]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—SHORTAGE OF INSPECTORS— FOOD SAFETY

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

On March 31, 2015, the Agriculture Union sounded the alarm regarding the unraveling of food safety measures because of a shortage of inspectors at the Canadian Food Inspection Agency.

[*English*]

During a news conference in Edmonton, the president of the Agriculture Union, which represents Canada's meat inspectors, indicated that a critical shortage of inspectors is putting the safety of consumers at risk across the country. Only 12 of 18 meat hygiene inspection positions are filled at processing plants in northern Alberta. The numbers are the same in the Calgary region. He stated:

> This government has a lot to say about protecting Canadians. And I'm hoping they realize that these are more than just numbers on paper, ...
>
> There's lives at risk — a real likelihood that people are going to die. . . .

He also explained that some inspectors are worried sick about declining safety standards. He stated:

> They just can't take the pressure anymore.

[*Translation*]

According to Mr. Kingston, the union has been raising the issue of the shortfalls in the inspection sector for over a year now. Instead of filling the vacant inspector positions, the government has decided to reduce inspection activities.

Leader, how can the government guarantee the well-being of Canadians under these conditions?

Hon. Claude Carignan (Leader of the Government): Thank you, senator, for your question. I would like to emphasize that the Conference Board of Canada rates our food safety system number one against 17 OECD countries, including the U.S. Furthermore, as Minister Ambrose has pointed out, the union's portrayal of this issue is inaccurate.

• (1350)

They are undermining public confidence in food safety. It is irresponsible. As I have said before, the funding allocated to food safety remains among the highest in the history of Canada. I

would remind honourable senators that Economic Action Plan 2014 provides for the hiring of an additional 200 front-line food safety inspectors. As you know, senator, and the union is well aware of this too, the procedures for exports are different, for reasons related to trade and not to safety, when we are talking about things like certification, labelling or classification of cuts and grades. I think we need to set the record straight.

[*English*]

Senator Tardif: In 2013, the federal government promised to strengthen the food safety system after an E. coli outbreak at the XL Foods plant in Brooks, Alberta, which sickened 18 people and led to the largest beef recall in Canadian history.

Let us not forget the listeria outbreak in 2008, in which 22 people died after eating contaminated deli food meats from a Maple Leaf Foods plant in Toronto.

The Weatherill report, which came out in 2009, cited a shortage of inspectors and an absence of training as factors that contributed to the Maple Leaf Foods disaster.

In the words of Marianne Hladun, the Prairies Regional Executive Vice-President for the Public Service Alliance of Canada, the government may have forgotten the consequences of the Maple Leaf tragedy, but Canadians have not.

Why is the government, in all conscience, not following the recommendations the Weatherill report put forward and rolling back on measures to verify the sanitation of meat production facilities?

[*Translation*]

Senator Carignan: Senator, our government strengthened the food safety system and will continue to do so through the Safe Food for Canadians Action Plan that we implemented. As part of the plan, we are implementing stiffer penalties and better screening for E. coli. We are imposing new meat labelling requirements and taking measures to counter the import of unsafe food. We have an action plan and we will continue to take action.

As I said, and it bears repeating, the Conference Board of Canada ranks our food safety assurance system the best in the 17 OECD countries, including the United States.

Senator Tardif: Leader, meat that is sold in Canada is subject to fewer inspection activities than meat that is sold in foreign markets. We are therefore protecting exporters at the expense of Canadians' health.

On January 2, the Canadian Food Inspection Agency instructed its staff in northern Alberta to cut general sanitation inspection by 50 per cent and pre-operation inspections by 30 per cent. The president of the food inspectors union said, and I quote:

> With available resources, the only way the CFIA can meet American inspection standards in order to maintain access to the US market is to shortchange inspection of meat for Canadian consumers. It's that simple.

Plants that process meat destined for the United States are inspected every 12 hours, while chicken plants in Edmonton are inspected just three times a week. Why is the government cutting spending and staffing for food safety, thus putting the health of Canadians in jeopardy?

Senator Carignan: As I just said in response to your first question, and as the union knows very well, the procedures for exports are different for reasons that are related strictly to trade and that have nothing to do with safety. I am talking about, for instance, certification, labelling or the classification of cuts and grades. I thought I was clear about that, senator.

Senator Tardif: The figures vary greatly between what you said and what the government is planning. According to the projections of the Canadian Food Inspection Agency, the government plans to reduce spending on food safety by 21 per cent in 2016-17. That represents a cut of $78 million and involves the elimination of 548 jobs.

Furthermore, the agency has added responsibilities. It will have to regulate 10,000 food importers but will have fewer resources to do so. By reallocating resources to address international trade issues, the government could be compromising the safety of food within the country.

The government chose to reduce food safety inspections and, according to people working in the field, Canadians are now suffering the consequences of that choice.

Mr. Leader, this is a very serious situation. The Canadian Food Inspection Agency must have the resources it needs to ensure that food is safe in Canada. What will the government do and when will it fix this alarming situation?

Senator Carignan: There is something we must all agree on. The Conference Board of Canada rates our food safety system as number one out of 17 OECD countries.

I encourage you to be careful about endorsing the statements made by the union. As I said, the union's comments in this regard are inaccurate and they irresponsibly undermine the public's confidence in our food safety and food security. I encourage you to distance yourself from these statements.

I would like to remind honourable senators that the funding allocated to food safety remains at the highest level in Canadian history. Economic Action Plan 2014, which you voted against, provides for the hiring of an additional 200 front-line food safety inspectors.

Senator Tardif: According to the Canadian Food Inspection Agency's projections, its budget will be cut by about $78 million in 2016-17 and 548 positions will be eliminated. Are you claiming that these figures, which were released by the agency, are incorrect?

Senator Carignan: I am saying that Economic Action Plan 2014 provides for the hiring of an additional 200 front-line food safety inspectors. If the regulations governing the transportation and characteristics of exports, as well as the associated procedures, are

different, it is for trade reasons, not safety reasons. I once again ask you to distance yourself from the statements and comments made by the union since they are inaccurate and, unfortunately, they irresponsibly undermine the public's confidence in our food system.

Senator Tardif: This data is not from the union, but rather from the Canada Food Inspection Agency's proposed budget. Are there 200 new inspector positions being created in addition to the 548 positions being eliminated?

• (1400)

Senator Carignan: Senator, as I said, Economic Action Plan 2014 provides for the hiring of an additional 200 front-line inspectors. I believe I was clear.

[*English*]

ORDERS OF THE DAY

CANADIAN SECURITY INTELLIGENCE SERVICE ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Dagenais, for the third reading of Bill C-44, An Act to amend the Canadian Security Intelligence Service Act and other Acts.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore***:** Adopted, on division.

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

ROUGE NATIONAL URBAN PARK BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Gerstein, for the third reading of Bill C-40, An Act respecting the Rouge National Urban Park.

Hon. Art Eggleton: Honourable senators, I rise to speak at third reading of Bill C-40, An Act respecting the Rouge National Urban Park.

Last week I listened to Senator Eaton in her speech. Unfortunately, what I heard from her is not what I heard at the committee. She is right that everyone wants a national urban park in the Rouge Valley. That sentiment was unanimous. Unfortunately, there is much disagreement about the provisions of Bill C-40.

For many, Bill C-40 does not protect the environment sufficiently. I will remind senators that clause 6 says that the minister must "take into consideration" the ecological health of the area. Jim Robb from the Friends of the Rouge Watershed, an organization and an individual that have been active in this area for over 40 years, said before the committee:

> Take into consideration is what we do everywhere. In an open pit mine we take into consideration the environment. In an oil field development, we take into consideration. When you declare a park, it's given a higher standard.

Due to this lax environmental standard the Ontario government, that controls more than 50 per cent of the land in the proposed park, will not put their lands into the proposed federal park. This is important because the provincial lands contain almost all of the Rouge Valley system, which is the centrepiece of the park. It's where visitors can hike, explore nature and bask in the diversity of the ecosystem. The federal lands are mainly farmland with limited public access.

As one witness said, "Without the provincial lands, there really isn't a park."

Honourable senators, it is quite interesting that Senator Eaton quoted the memorandum of understanding between the province and the federal government. The MOU said, "meet or exceed provincial policies."

I stress the word "policies." Those policies include The Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Growth Plan for the Greater Golden Horseshoe. They are not just The Greenbelt Act, which she quoted from.

What do these plans say when it comes to environmental stewardship? The Greenbelt Plan says:

> The Natural System policies protect areas of natural heritage, hydrologic and/or landform features, which . . . collectively support biodiversity and overall ecological integrity.

Those are important words, ecological integrity.

The Rouge North Management Plan states:

> Uses and/or activities . . . must ensure that the park's ecological integrity, scenic and cultural values are protected, restored and enhanced.

The objectives of the Oak Ridges Moraine Conservation Plan include:

> (a) protecting the ecological and hydrological integrity of the Oak Ridges Moraine Area. . .

Honourable senators, I'm not sure how the minister or Senator Eaton can say they take into consideration the ecological health of an area and meet or exceed provincial policies. It clearly does not, and the provincial government plans to use a higher standard. That higher standard is the term "ecological integrity," which I defined during my remarks at second reading.

The government admitted during testimony that "ecological integrity" is a higher standard than what the bill provides. I'd also like to point out that these provincial plans were created after extensive consultation between different Ontario governments, including the Mike Harris government, and the community over a span of some 20 years.

Countless meetings and consultations with residents, community groups and farmers went into creating these plans, and with the stroke of a pen the federal government wants to get rid of all of that process.

Originally, Ontario wanted to maintain the reference to "ecological integrity" in the area. Minister Duguid wrote to Minister Aglukkaq in the fall of last year asking for "ecological integrity" to be included in Bill C-40, but his efforts fell on deaf ears. But that silence didn't deter Ontario.

In the public interest they pursued a compromise. During the same time that our meetings were being held at committee, Ontario sought out and had meetings with federal officials seeking a compromise. They dropped their request for the use of the words "ecological integrity." They drafted instead amendments in consultation with environmental and agricultural stakeholders that would strike the right balance between environmental protection and promoting a vibrant farming community.

They provided those amendments to the committee. They said in the accompanying letter to the committee that if these three amendments passed, their concerns would be satisfied and they would bring their lands into the proposed federal urban park plans. In the spirit of cooperation, I agreed to bring these amendments forward.

Witnesses who saw these proposed amendments said they were a good compromise. For example, witness Alan Wells, who had previously appeared before the committee in support of Bill C-40, wrote to the committee that he had heard of the amendments and he said:

> I was very pleased to read the letter from the Honourable Brad Duguid to the Honourable Leona Auglukkaq received on March 10, 2015 by the Senate of Canada. The proposed amendments to Sections 4, 6 and 8 add strength to Bill C40: the Amendments to Sections 6 and Section 8 are very similar to the proposed Amendments I recommended to the Standing Committee of the House of Commons.

Honourable senators, the two amendments, one to clause 4 and another clause 6, would increase the environmental protection by prioritizing nature, but it would also protect the park's history of farming. It placed agriculture as a significant priority to be maintained. Under no circumstances would agriculture be diminished in the park under these amendments. Under these amendments we would have a thriving natural landscape and a thriving agricultural base.

The last amendment of the three was to clause 8. It said the minister "shall" establish a multi-stakeholder committee and a scientific panel. Rather than "may" — she may or may not, in other words — in the legislation as it now reads, do this. This is one, at least, that should have been a no-brainer.

In essence, it meant changing a simple word, changing "may" to "shall." This would ensure that an advisory committee would be struck. It would include representatives from local governments, agriculture and farming organizations, environmental organizations, Aboriginal or regional organizations and other organizations that the minister considers appropriate. Also, it would ensure that a scientific advisory panel, including scientists with expertise in ecology, hydrology, agriculture, farming and parks, would also be struck.

• (1410)

Now, the CEO of Parks Canada did commit to creating an advisory panel during his testimony to the committee, but as we also heard at the committee, this government has broken that promise before. When the former Minister of the Environment first announced the national park a few years ago, he said that a multi-stakeholder committee would be struck, but it never was.

Unfortunately, honourable senators, the Conservative government and the majority of senators on the committee rejected all the amendments, including an attempt to defer while further discussions and negotiations went on between the two levels of government. They rejected compromise. They also rejected creating a truly great national urban park.

If Bill C-40 passes today as is, then we will have a shadow of a park. We will throw away 30 years of hard work and consultation in this area.

Also, honourable members, I think it's worth noting here, as we talk occasionally about our raison d'être, the Fathers of Confederation gave the Senate the important role of protecting regional and provincial interests. While the provincial government is not on side with Bill C-40, neither are some municipal leaders and many community and environmental groups.

If this bill passes as is, we are not honouring that role. We will have gone from the idea of a park that was truly celebrated to park legislation with significant opposition. The public interest is not being served by quarrels among levels of government. This is not a way to do nation building.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

[*Translation*]

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Jean-Guy Dagenais moved second reading of Bill C-2, An Act to amend the Controlled Drugs and Substances Act.

He said: Honourable senators, I am pleased to speak today to a very important bill, one that will contribute to protecting public health and maintaining public safety for all Canadians.

I am sure you have all heard about the devastating effects of drug abuse in our communities. Drugs destroy lives, tear families apart and make our communities less safe. Bill C-2, also called the Respect for Communities Act, was drafted in recognition of the inherent risks associated with controlled substances that are obtained from illicit sources, both to the people using the substances and to the entire community.

[*English*]

To mitigate those risks, Bill C-2 would amend the Controlled Drugs and Substances Act, known as the CDSA.

The CDSA provides a legislative framework to control substances that can alter mental processes and that may produce harm to health and society when diverted or misused.

[*Translation*]

Bill C-2 is designed to protect public health and public safety by balancing the legitimate need for access to these substances for medical and scientific purposes with the need to minimize the risk of their diversion to the illicit market.

Under this act, all activities involving controlled substances — including possession, import, export, production and distribution — are prohibited except as authorized under its regulations or through an exemption under section 56 of the act.

My speech today will focus on the authority granted under section 56 of the act allowing the Minister of Health to exempt from the application of all or any of the provisions of this act or the regulations any person or class of persons or any controlled substance or precursor or any class of either of them. It is this authority under section 56 that is at the heart of Bill C-2.

The bill would create two separate exemption regimes under section 56: one for licit substances and the other for illicit substances.

Licit substances are substances obtained in a manner authorized by the CDSA or its regulations. Illicit substances are substances obtained illegally. They might be purchased on the street or diverted from a legal supply chain.

The current exemption process for licit substances would not change. This process includes exemptions for clinical trials and research.

[*English*]

Given the serious risks associated with the possession, use and creation of illicit substances and their involvement in organized crime, exemptions to undertake activities with them should be granted only in rare or unique circumstances.

[*Translation*]

The bill proposes a separate regime for activities involving illicit substances and a special section for the activities of supervised consumption sites. The bill sets out rigorous criteria that applicants must meet before the Minister of Health will consider their application for an exemption in relation to a supervised consumption site.

These criteria are based on the 2011 Supreme Court of Canada decision regarding Insite, a supervised injection site in Vancouver. In its decision, the court upheld the constitutionality of the prohibition against the possession and trafficking of drugs under the CDSA and ruled that an exemption under section 56 was required to operate a supervised injection site.

The court also affirmed the minister's discretionary authority to grant exemptions under section 56. In its decision, the court also set out five factors that the Minister of Health must consider when examining an application for activities at a supervised injection site.

These factors include evidence, if available, of the impact of such a facility on crime rates, the local need for a facility, the regulatory structure in place to support the facility, the resources to support its maintenance, and expressions of community support or opposition.

The Government of Canada included these five factors in its bill in order to improve the transparency and clarity of the exemption application process.

The following are examples of how the bill incorporates the factors defined by the Supreme Court.

The court requires the minister to take into account the evidence, if available, of the impact of such a facility on crime rates. The bill proposes to require applicants to submit any relevant information on trafficking of controlled substances, minor offence rates and loitering in a public place that may be related to certain activities involving illicit substances.

Another factor set out in the Supreme Court decision concerns evidence of local conditions, if any, indicating that a supervised injection site is necessary.

• (1420)

The proposed legislation would require applicants to provide relevant information on the number of persons who consume illicit substances and on the number of persons with infectious diseases that may be in relation to the consumption of illicit substances who are in the vicinity of the proposed site and in the municipality in which the site would be located.

[*English*]

Our government recognizes the importance of hearing from local authorities and the public about proposed supervised consumption sites and has built on the Supreme Court factor which requires evidence, if any, on expressions of community support or opposition.

[*Translation*]

The proposed legislation would require applicants to provide letters of opinion from the provincial or territorial ministers responsible for health and public safety, local government, the head of the local police force and the lead public health professional in the province or territory.

Applicants would also have to provide a report on consultations with relevant community stakeholders — for example, local businesses — including a description of how any relevant concerns would be addressed.

The Minister of Health would also have the authority to post a notice of application inviting comments from the public for a period of 90 days to ensure that families and local residents have a voice in the process.

If an applicant wished to continue operating at an existing site for which an existing exemption is set to expire, the proposed legislation would require the applicant to address all legislated criteria as well as provide information, if any, on the following: at first, any variation in crime rates in the vicinity of the site; and then, any impacts of the activities at the site on individual or public health.

By satisfying the criteria set out in the proposed act, applicants would provide the Minister of Health with the information needed to strike a balance between public safety considerations, in accordance with the Canadian Charter of Rights and Freedoms, when assessing such applications.

As I said earlier, considering the health risks associated with the possession, use, and production of illicit substances, and considering the criminal activities associated with them, it is logical that exemptions to undertake activities involving illicit substances should be granted only in exceptional circumstances and only once rigorous criteria have been satisfied.

[*English*]

Bill C-2 provides the legislative structure needed to properly address public health and public safety concerns, and it allows the public and key community stakeholders to have a voice in the process.

[*Translation*]

With initiatives like the Respect for Communities Act, our government is working hard to crack down on illicit drug use and reduce the risks to health and public safety that are associated with such use across the country.

Honourable senators, I urge you to vote in favour of the legislative amendments outlined today. Thank you.

Some Hon. Senators: Hear, hear!

[*English*]

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of April 1, 2015, moved:

> That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 21, 2015 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUDGET 2014

INQUIRY WITHDRAWN

On Government Business, Inquiries, Order No. 1, by the Honourable Yonah Martin:

> That she will call the attention of the Senate to the budget entitled, *The Road to Balance: Creating Jobs and Opportunities*, tabled in the House of Commons on February 11, 2014, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on February 13, 2014.

(Inquiry withdrawn.)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Rivard, for the third reading of Bill C-479, An Act to amend the Corrections and Conditional Release Act (fairness for victims).

Hon. George Baker: Honourable senators, I have just a few words on third reading of this bill. Before I do, I wish to congratulate a committee and a member of the chamber here.

I refer to recent case law reports, one in which a judgment was made back in 2010 by the Federal Court in a case called *Zale Canada Diamond Sourcing Inc. v. Her Majesty the Queen (Minister of National Revenue)*. That precedent-setting case makes, and a most recent similar judgment makes, repeated references to the Senate Banking Committee, the committee headed by Senator Gerstein, which has performed remarkable work on behalf of the people of Canada in recent years. That particular judgment was concerning the Excise Tax Act, 5.1 of the Income Tax Act of Canada.

The second judgment is a judgment of the Ontario Superior Court of Justice, by Trafford, J., and again that goes back to a precedent-setting judgment in 2010, which references the intent of section 25.1 of the Criminal Code, in which there is extensive reference given to the Honourable Wilfred Moore during debates in the Senate. I also bring to the attention of the Senate the continued references of our courts to proceedings in the Senate. In neither of these two cases was the House of Commons even mentioned as far as the intent of the legislation was concerned.

Senators, the bill that we have before us for third reading is Bill C-479, and it's to amend the Corrections and Conditional Release Act. There is a problem with the bill. It is a fairly serious problem.

As senators know, I'm not one to suggest that we defeat bills passed by the duly elected House of Commons, but there is a serious problem with the bill, and I wish to bring it to the attention of senators. In similar cases in the past, the Senate has sent observations to the House of Commons saying that there is something wrong with a bill; we recommend that changes be made to a bill. We did that recently. Then another bill was presented, and Senator Tannas suggested we provide an observation to say that serious consideration must be given to correcting this measure before it's put into law. We now have a similar situation with this Bill C-479, and I would ask Senator Joyal, if he could, to give us an explanation of the point that he made to the sponsor of the bill.

• (1430)

Just let me be very brief in outlining to the Senate what happened. The bill was amended in the House of Commons standing committee at the last minute. The sponsor of the bill had nothing to do with this amendment. He made that very clear. But an amendment was made to the bill.

The bill, don't forget, honourable senators, is regarding the Corrections and Conditional Release Act. It involves parole and when you can get parole — when you can be released. This bill will change the law regarding when you can be considered for release. It lengthens the period from two years to five years, to be very simplistic about it. It is a change. The intention of the bill is to create that longer period of time for persons who are in jail for certain serious offences. Their automatic parole review hearing is set back from two years to five years.

Honourable senators, that's the intent of the legislation, but what was the intent of the amendment that was suggested? Let me read the sentence from the mover of the amendment. Before I do, let me read a few sentences from the Supreme Court of Canada on March 20, 2014, one year ago. The Supreme Court of Canada stated:

> Retrospective modification of the parole system after an offender was sentenced may have the effect of increasing the offender's punishment, thereby engaging s. 11(h) [of the Charter].

At paragraph 51 of this judgment of the Supreme Court of Canada, called *Canada (Attorney General) v. Whaling*, 2014 S.C.C. 20, the Supreme Court of Canada said:

> . . . a retrospective change to parole eligibility may have the effect of extending an offender's term of incarceration.

And at paragraph 70:

> The effect of the retrospective application . . . was to deprive the three respondents of the possibility of being considered for early day parole, which was an expectation they had had at the time they were sentenced.

The Supreme Court of Canada said you can't do that. You cannot pass a law that affects people who have already been sentenced that may increase their period of incarceration.

We know what the intent of the bill is, but this is what the mover said. The mover, in moving the amendment, said this:

> This clause —

— the amendment No. 7 —

> — clarifies that Bill C-479 will affect the following classes of federal offenders: offenders currently serving . . . a sentence after the first scheduled parole or detention review following the coming into force of this particular bill.
>
> The reason for this amendment is that currently, as the bill was drafted, it would only apply to offenders who had not yet been sentenced at the time the law was changed, and in fact we wouldn't see the fruits of this particular bill until many years into the future.

That's the intent of the amendment — the very thing that the Supreme Court of Canada said you can't do.

The intent of this section of the bill is what's in dispute. Why is it in dispute? It's in dispute because Senator Joyal brought the question up to the MP, Mr. Sweet, during our committee hearings.

Many of you have seen Senator Joyal on television addressing the Supreme Court of Canada, and you noticed one thing about Senator Joyal last year in giving that magnificent speech to the

Supreme Court of Canada. He is sometimes off-script, and he is better when he's off-script, but he's always very careful in what he says. There is no doubt about that. I have heard him, since I have been here in the Senate, three times say a bill is unconstitutional — only three times. I've heard him say 50 times that something may be unconstitutional, and I've heard him say 50 times you should consider the constitutionality of this particular section of the bill, but I have only heard him say three times that something is unconstitutional. Sure enough, our courts have proven him absolutely correct in those three instances. Now we have another one here.

Senator Joyal said this:

> The problem I have is simple. When that amendment was introduced, it had the impact of bringing a retrospective effect into the bill, and that was the purpose of the amendment, as you stated yourself. . . . So for this bill to have an impact immediately, it has to be retrospective. In other words, it has to apply to those who have been sentenced before that bill comes into force. I see you nodding. Unfortunately, the minutes of this committee do not register that, but I think that you can answer if my interpretation is right according to what you said.

Then Mr. Sweet makes a statement. Senator Joyal had quoted the Supreme Court of Canada case, and Mr. Sweet said:

> . . . I'm not familiar with the case in its entirety . . . it would be unwise for me to comment in that regard. But certainly it would be the job of the committee to decide whether the substance of the case and the substance of the judgment directly refer to what we're dealing with here and then, of course, you'll make your decisions in regard to the bill that's before you.

So the sponsor of the bill disowned the amendment to the legislation. Senators, this is the problem with the bill. There is only one section to the bill that's a problem. The rest of it is not a problem, but this one section to the bill.

Senator Joyal should now stand on his feet and explain this further.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a question for Senator Baker.

Senator Baker, you used a phrase that is strictly accurate earlier on in our remarks. I would like to get something on the record here. You talked about this bill being concerned with when a prisoner is eligible for parole. I would like you to tell me if I am right when I say it's actually not about when you're eligible for parole; it's when you're eligible to apply for parole. Not everyone gets parole when they apply, but this bill is about how long you have to wait before you can even apply. Am I correct in that?

Senator Baker: You're absolutely correct, because the present law says within a two-year period, and this changes it to a five-year period in which you can apply for parole, and it would be automatic.

Hon. Serge Joyal: I don't know if I should thank my colleague Senator Baker for challenging me to stand up with an unwritten script today, but I would want to bring some even broader context to the point that Senator Baker raised, because it's a very important context.

When a senator on any side raises a question of the constitutionality of a bill, it is a very serious issue, because when it is mentioned, it lights a red light in the legal system. We are piling all these amendments on the Criminal Code, or on the Correctional Services Act, or on other related acts like the Controlled Drugs and Substances Act that was discussed earlier this afternoon by Senator Dagenais. When you raise the issue of constitutionality, someone somewhere in the system will cop the ball. In relation to the point raised here, how much can we in Parliament change parole ineligibility to the point where we breach the Charter? That's, essentially, the question.

• (1440)

Honourable senators will remember when we adopted Bill C-56 in 2011. Bill C-56 was an act, again, that changed the Corrections and Conditional Release Act under the title "Accelerated Parole Review." That was in 2011. That was the first time we tried to change the period of ineligibility.

At that time, the Minister of Justice, Minister Toews, appeared before the Standing Senate Committee on Legal and Constitutional Affairs. Bill C-56 contained a similar clause of retroactivity. In other words, the bill aimed at not only rules for future inmates who would have access to parole, but the bill wanted, again, to change the conditions under which those who are already inmates would have had access to parole.

When the minister testified, I raised a concern. I want to quote it from the minutes of the committee. It's found at page 2011. I said the following when I was addressing the minister:

> I want to clearly understand your interpretation of the penal consequences. The fact is that people who have been found guilty or who have pleaded guilty are currently eligible to request parole after serving one sixth of their sentence. It is not automatic, as you said in your response to Senator Baker, but they are eligible.

This is the important point:

> This bill changes the date of eligibility, and some might have considered that when pleading guilty. That is the change in penal consequence in this bill. That is what raises the possibility of a constitutional challenge to the bill.

I was addressing myself to the Minister of Justice, Minister Toews.

Honourable senators, fortunately or unfortunately, depending on which end of the lens you're looking through, the Supreme Court confirmed my remark in the *Whaling* decision three years later on March 20, 2014. I want to quote the Supreme Court decision at page 430. It says the following:

> From time to time, for example, new approaches in correctional law are introduced by legislation or regulation. These initiatives change the manner in which some of the prisoners in the system serve their sentences.

The court concluded that once you are an inmate and you have been sentenced, you have been sentenced with a certain number of capacities to address the parole system under a specific period of time. If Parliament *ex post facto*, somewhere down in the future, changed those conditions, that period of time of ineligibility, they are changing something for which you are protected by the Charter in section 11(*h*), which states:

> 11. Any person charged with an offence has the right
>
> (*h*) if finally acquitted of the offence, not to be tried for it again —

This is the important point:

> — and, if finally found guilty and punished for the offence, not to be tried or punished for it again;

This is a cardinal principle of penal law now. The Supreme Court has clearly stated that a change to the ineligibility period is a change to the sentence.

The concern that I raised with the Minister of Justice in 2011 was vindicated last spring, March 2014. Unfortunately, when reading this bill and listening to the sponsor of the bill, I found exactly the same retroactivity entrenched in the bill. So I asked why they did not learn from the Supreme Court decision, because the same situation brings the same results. This bill will be challenged. In fact, those who are targeted specifically by the amendment as read by Senator Baker will be the first ones in the court tomorrow when this bill is adopted.

We know that this bill is open to challenge. I think that we are not rendering service to Parliament, and especially to this chamber, when we know the truth as plain as daylight this afternoon and we do not act according to our specific conclusion. Honourable senators, when we adopt legislation that is plainly a breach of the Charter, I think we do a disservice to the parliamentary debate and the trust that Canadians have in our role in this chamber.

Honourable senators, I'm not inventing that. I would like to quote Justice Wagner, the leading judge in that unanimous decision of March last year. Justice Wagner made the following statement in his decision, at paragraph 80:

> Regarding the Crown's argument that retrospective application is necessary to maintain confidence in the justice system, I would point out that the enactment of Charter-infringing legislation does great damage to that confidence.

Let me repeat it:

> . . . I would point out that the enactment of Charter-infringing legislation does great damage to that confidence. The Crown has produced no evidence to show why the alternative of a prospective repeal, which would have been compatible with the respondents' constitutional rights, would have significantly undermined its objectives.

What does he say to us? He says that when we are aware that there is a clear breach of the Charter in a piece of legislation, honourable senators, our role is to remove those sections from those bills because, as he said, it's the trust of the system that we are undermining for Canadians. This is a very serious issue. That's why, honourable senators, I propose to you this afternoon that we amend the proposed section 7, specifically on that very issue of retrospectivity.

MOTION IN AMENDMENT

Hon. Serge Joyal: Therefore, honourable senators, I move:

> That Bill C-479 be not now read a third time, but that it be amended in clause 7,
>
> (*a*) on page 6, by deleting lines 38 to 43; and
>
> (*b*) on page 7, by deleting lines 1 to 5.

• (1450)

Hon. George Baker: Your Honour, let me ask the mover this: All you are doing by this amendment is just removing the retrospectivity of the bill. You are not affecting the intent of the bill or anything; all you're doing is removing the retrospective section of the bill. Is that correct?

Senator Joyal: It is absolutely correct. It doesn't at all change the intent of the bill as it is spelled out in the summary of the bill that is printed on the first page. It's quite clear, as you said very eloquently: The retrospectivity of the bill, which aims at those who are already inmates subjected to the Correctional Service as it stands now, is the only part of the bill that is removed. In other words, the bill as it was conceived originally remains intact. That's the important thing.

Hon. Denise Batters: Will Senator Joyal take a question?

Senator Joyal: Yes.

Senator Batters: Senator Joyal said that arguments about constitutionality light the red light, but I can tell you, honourable senators, that with that in mind we have had a lot of red lights at the Legal and Constitutional Affairs Committee in the last two years that I've been on that committee, and some might say it's like a red light district at times. But argument that a bill is constitutional doesn't mean that a bill is constitutional, and so my question to Senator Joyal is as follows:

Senator Baker and I, during clause by clause on this particular bill, had that exact back and forth about this very aspect, and this was on February 18, 2015. In fact, Senator Baker quoted some of the exact material he read here today, and I responded to that, and I quoted from paragraph 63 of that *Whaling* decision by the Supreme Court of Canada, which contained this quote:

> Generally speaking, a retrospective change to the conditions of a sentence will not be considered punitive if it does not substantially increase the risk of additional incarceration. Indicators of a lower risk of additional incarceration include

> a process in which individualized decision making focused on the offender's circumstances continues to prevail and procedural rights continue to be guaranteed in the determination of parole eligibility.

My question to Senator Joyal is this: How does he respond to that? I would contend this particular bill creates simply a discretion and not an obligation for the board to extend the next parole hearing from within the current two-year system to within five years.

Senator Joyal: A very easy way to understand the situation is that when a person is sentenced, the person is sentenced within a system of parole eligibility that exists at the time that the person is sentenced.

If you change some of the conditions of the system once the person is in it, you affect the way that person would have determined his or her plea of guilty and his or her defence, because a person will take into consideration at what time down the road that person might expect to be freed after one sixth of the penalty or two thirds of the penalty and so forth. If you change the eligibility, the date that person can request the board to consider his request, you change one of the fundamental rights of the person that when he was sentenced, he was sentenced within a certain context under which a person could apply for the eligibility.

Even though the discretion is left to the board, nevertheless the right would be affected once the decision has been taken. In my opinion, the principle of the retrospectivity in that context is unconstitutional.

Senator Baker: The intent of this amendment that was made to the private member's bill in the House of Commons is spelled out in the following words: The reason for the amendment is that currently, as the bill was drafted, it would apply only to offenders who had not yet been sentenced at the time the bill was changed, and in fact we wouldn't see the fruits of this particular bill until many years into the future. That intent to immediately see the period of imprisonment stretched out in prison is the intent as spelled out.

Wouldn't Senator Joyal agree with me that a court would look at the intent of that particular amendment and say, "This is unconstitutional"? Well, you said it was unconstitutional, Senator Joyal. I have not heard you say that many times in the past — only three times, and you were correct. But isn't that the intent, to stretch out, as the mover of the amendment said, to see results now and not have to wait down the road?

Senator Joyal: I can't say it better than the sponsor of the amendment. There was no doubt that the amendment was to catch those already in the system. It was made with that very specific purpose. It was not conceived on the substance of the original intent of the bill.

The Hon. the Speaker *pro tempore***:** I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Joyal: May I have a couple more minutes to answer the question?

The Hon. the Speaker *pro tempore***:** Senator Joyal is asking for five more minutes, if the chamber would grant it.

Hon. Senators: Agreed.

Senator Joyal: There was no doubt that the way the drafter of the bill conceived the bill, it was to rule future situations down the road, for new prisoners, if you want, who would be sent to prison and would be subjected to parole ineligibility that the bill strengthened. There is no doubt about that.

During the debates on the bill, there was mention that some of the prisoners should be submitted to this new regime while they are already in prison, and it was agreed they would change that so that those already in prison would be caught by this. And that is what the Supreme Court has said you cannot do, because you are changing the ineligibility at the time the sentence was given, and in doing that you infringe the Charter, section 11(*g*). It's as simple and as clear as that. That's why I conclude that this bill, in my humble opinion, is unconstitutional.

The honourable senator is right. There were times I stood up here in the chamber and said that there are constitutional issues in relation to a bill. I explained in those circumstances the origin of my doubts and what kind of interpretation could be given to a section, but in this case it's plain to me. Why? The Supreme Court ruled less than a year ago on that very specific issue, and, as I said, the court has pronounced in clearer terms than it has ever done on this issue of parole ineligibility changes in times of application.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore***:** All those in favour of the motion in amendment will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore***:** All those opposed to the motion in amendment will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore***:** In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore***:** Do we have an agreement on the bell?

Hon. Elizabeth (Beth) Marshall: Thirty minutes.

The Hon. the Speaker *pro tempore*: We have a 30-minute bell, thus we will be voting at 3:29 p.m.

Call in the senators.

• (1530)

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Baker	Jaffer
Campbell	Joyal
Charette-Poulin	Kenny
Cools	Merchant
Cowan	Mitchell
Day	Moore
Downe	Munson
Eggleton	Ringuette
Fraser	Smith (*Cobourg*)
Hubley	Tardif—20

NAYS
THE HONOURABLE SENATORS

Andreychuk	Meredith
Batters	Mockler
Black	Nancy Ruth
Carignan	Neufeld
Dagenais	Ngo
Doyle	Oh
Enverga	Patterson
Fortin-Duplessis	Poirier
Frum	Raine
Gerstein	Rivard
Greene	Runciman
Lang	Seidman
LeBreton	Smith (*Saurel*)
MacDonald	Tannas
Maltais	Tkachuk
Manning	Verner
Marshall	Wallace
Martin	Wells
McInnis	White—39
McIntyre	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker *pro tempore*: We are now dealing with the main motion, third reading of Bill C-479. Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: 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.)

NATIONAL SEAL AND SEAFOOD PRODUCTS DAY BILL

SECOND READING—DEBATE

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. David M. Wells: Honourable senators, I know Senator Maltais has adjourned debate in his name, and although I am the critic for this bill, I believe he will speak after I speak today.

Honourable senators, I appreciate the opportunity to rise today to speak to Bill S-224. As with many members of this Senate, I always enjoy an opportunity to speak in support of the seal industry — a traditional industry that goes back hundreds of years around our shores and is intertwined tightly in our culture.

Some Hon. Senators: Hear, hear.

Senator Wells: As a country, it's important that we continue to demonstrate our unwavering support for the seal hunt. The designation of a day to celebrate and support seal products would send an important message about Canada's continuing commitment to this traditional harvest. Sealing businesses continue to underpin the economic sustainability of many coastal and Aboriginal communities.

Further, in today's global markets it's increasingly important that we demonstrate our support for this industry. The promotion and sustainable management of our resources impacts our economy, our environment and our culture. Let me reflect on how this proposed day supports each of these areas, starting with the economy.

Generally, Canada's fish and seafood sector punches above its weight. The seafood industry generates $7.4 billion annually. This economic activity provides over 80,000 jobs in more than 1,500 communities along our coasts. Our country ranks as the world's seventh-largest fish and seafood exporter.

Part of this success is due to the fact that our fish and seafood has earned an almost unmatched reputation in international markets. Canada is widely known as a dependable source of sustainably harvested, high-quality products, and our exports enjoy a competitive advantage thanks to this reputation.

However, there is one portion of the seafood sector that is the repeated target of campaigns designed to destroy it. I'm speaking, of course, about the seal hunt. Our government has reiterated its support for this important sector. As many of us know all too well, these campaigns by radical groups continue to preach misinformation.

In 2010, you will recall, the European Union banned the import and sale of seal products. This ban has had a significant impact on the people and the communities that depend on our sealing industry.

In principle, the ban exempts Aboriginal-derived seal products. This was designed to recognize the value of the seal hunt in Inuit and Northern communities. However, it fails to recognize the importance of robust markets, and the effect of this ban has collapsed an important market — the EU. With no market, an Aboriginal-derived exemption is an empty gesture.

Further, the Inuit rely on suppliers in Southern Canada to support them. Some believe the involvement of non-indigenous people would disqualify these products from the exemption. So, in practice, the ban affected all sealers, whether Aboriginal or non-Aboriginal harvesters.

Our government relentlessly challenged the ban at the World Trade Organization. Unfortunately, the overall ban was upheld under a WTO rule that allows for discriminatory trade measures designed to "protect public morals." In short, most of our sealers, whether Aboriginal or not, remain unable to sell their products in Europe, so we must look to new markets.

For this reason, Canada must seek additional public opportunities to make the case for seal products. It is important to highlight the seal industry in order to draw global attention to the economic importance of the seal harvest and highlight how these bans and campaigns of misinformation against seal products are hurting the economies of rural, coastal communities. A focus on seal products would remind the public that the seal harvest represents a way to earn an income in communities where other opportunities to make a living are seasonal and limited. It would also serve to emphasize the important cultural place the sealing industry has in Canada's history.

• (1540)

Economic arguments alone are not enough. Potential customers need to be reminded of the environmental sustainability of the hunt. As we have seen, and as I have said, those who wish to end the seal hunt have launched campaigns of misinformation, portraying it as unsustainable. This, of course, is completely untrue.

The seal harvest, whether conducted by the Inuit or other coastal communities, is entirely sustainable. Indeed, due to careful management by government and industry, the population of harp seals is estimated at 7.4 million. In other words, the population has more than tripled since the early 1970s and has had a negative effect on wild fish stocks.

This day would be an opportunity to continue to set the record straight and highlight the seal hunt as humane, well regulated and sustainable. As the bill notes, Canada's seal harvest is designed and managed to ensure conservation and sustainable use, consistent with the objectives of the Convention on Biological Diversity and the International Union for Conservation of Nature.

In addition to the economic argument, and the objective facts regarding its environmental sustainability, it is important to reflect that the practice of the seal hunt is a long-standing cultural tradition for rural coastal and Aboriginal communities. Consider that the Inuit have depended on marine mammals, including seals, for food and clothing for thousands of years. The seal harvest is a part of life in the North.

The tradition continues to be passed down from generation to generation. In Nunavut today children still learn from an early age how to hunt seals, process the meat and treat the skins. No part of the animal goes to waste. The meat is prized for its high protein, while the skin is used to make warm and waterproof boots, mitts and parkas. Artisans also use seal skin to make arts and crafts for the tourism industry. The oil is produced into important nutritional and health products.

In other words, seal harvesting is not a hobby or a pastime. It has deep roots in the North, in Quebec and in Newfoundland and Labrador cultures and it continues to contribute to their communities, both culturally and economically.

A day to celebrate this industry will demonstrate Canada's continuing commitment to a responsible and sustainable seal harvest, a harvest that balances the needs of the economy, the environment and our important cultural traditions. This designation is much more than symbolism. It is a rallying point to defend our traditions and our industries.

Designating May 20 as a national day to support the industry is another way to defend the traditions of Canada's Aboriginal people and coastal communities. By raising awareness of the cultural, health, economic and environmental importance of the seal harvest, we can help continue the fight against misconceptions and prejudice.

Having hunted seals and been involved in all aspects of the sector, I know first-hand the importance of the necessity of maintaining continuous support for the industry. The Canadian sealing industry continues to be the target of negative campaigns by vocal and well-funded radical activists. By supporting this industry through this bill we are standing up for the seal harvest and we will have an additional opportunity to push back and highlight the economic importance of seal products to the rural coastal communities that rely on this industry.

Even though I am critic of this bill, there are many elements that I support, and I look forward to reviewing this bill further at committee stage. Thank you, honourable colleagues.

[*Translation*]

THE DEATH OF FIVE HUNTERS

SILENT TRIBUTE

Hon. Ghislain Maltais: Honourable senators, before I speak to Bill S-224 and with leave of the Senate, I would like to ask senators to observe a minute of silence in memory of the five young members of the Mistissini Cree community who died tragically last night in a fire at their hunting and fishing cabin.

Their names are David Jimiken, Emmett Coonishish, Chiiwetin Coonishish, Kevin Loon and Charlie Gunner.

Honourable senators then stood in silent tribute.

NATIONAL SEAL AND SEAFOOD PRODUCTS DAY BILL

SECOND READING

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. Ghislain Maltais: Honourable senators, I am pleased to speak to Bill S-224. Many of you will remember that, when I was appointed to the Senate, I debated a bill from the other place that sought to ban the seal hunt in Canada. This hunt has been going on for a long time in Canada.

The Europeans who are criticizing this hunt today are those who ate seal, used seal oil in their lamps and wrapped themselves in seal skins.

It is much easier to see a mote in someone else's eye than a beam in your own. These pseudo-ecologists, who gave Canadians a reputation of being knife- and club-wielding animal killers, are nature's worst enemies.

Just look at what is going on with the extinction of bluefin tuna in the Mediterranean, where the Basques, the French and the Spanish are shamelessly canning still-living tuna. Don't tell me that people in the European Parliament don't see those things. People criticize Canadians, especially Aboriginal peoples, for hunting seal even though they were here a thousand years before us and the seal hunt was their livelihood and their source of food, clothing, lighting and kayak-making materials.

It is unacceptable for the European Community to continue banning the sale of seal products in Europe. From 1914 to 1918, the French and English armies were stuffing themselves with seal, and those people will be back knocking on our door again.

Seals need to be controlled. Like Senator Wells, I have participated in seal hunts in the Gulf of St. Lawrence. I have eaten seal and slaughtered it respectfully. Aboriginal peoples and the hunters and fishers of the Gulf of St. Lawrence and the Newfoundland coast have always carried out the hunt efficiently. We should pay tribute to them because they help maintain a balance now that seals have invaded much of the St. Lawrence River.

I have a question for Senator Baker and Senator Joyal, two eminent constitutional experts. Why is it that floating factories can fish for salmon in our territorial waters and then go back to Europe with salmon that we introduced into our rivers at Canadian taxpayers' expense? Why are they allowed to trespass on our territorial waters and leave with what we put there? Canada must not tolerate this any longer. Canada must restore ecological balance with this bill.

I invite senators to think of future generations. Seals are destroying Canada's stocks of Northern seafood, which are of excellent quality, and Atlantic salmon, for which we are renowned around the world. The European Community's irresponsible position, which has given Canada a bad reputation, is perverse and destructive for Canadians.

I am pleased because, when we return from the Easter break, my colleague Senator Downe will no doubt be speaking to Bill C-555, which will keep bogus ecologists away from Canadian hunters and fishers. They will be able to practise their ancestral trade, which has sustained them and been the lifeblood of large communities along the Gulf of St. Lawrence and the coast of Labrador and Newfoundland.

• (1550)

I'm sure that honourable senators understand that Canada's credibility is at stake. We are up against a group that does not speak for Canadians: bogus ecologists.

Honourable senators, I invite you to vote in favour of this bill.

Some Hon. Senators: Hear, hear!

(Motion agreed to and bill read second time.)

[*English*]

REFERRED TO COMMITTEE

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

(On motion of Senator Fraser, bill referred to the Standing Senate Committee on Fisheries and Oceans.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to proceed to Motions, Order No. 122:

Hon. A. Raynell Andreychuk, pursuant to notice of March 31, 2015, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit at 3 p.m. on Tuesday, April 21, 2015, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, April 21, 2015, at 2 p.m.)

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