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CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

**Bill to Amend—Third Reading
of Bill C-55**

Speech by:

The Honourable Joseph A. Day

Thursday, March 24, 2011

THE SENATE

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BILL TO AMEND—THIRD READING

Hon. Joseph A. Day: Honourable senators, I would like to add a few words to those already spoken with respect to Bill C-55.

To begin, let me confess that I did not attend the clause-by-clause or hearings yesterday with respect to this bill. The reason for that was we were meeting out of our normal time and I had other responsibilities, trying to ensure that the supply bills and the reports leading up to them for government fiscal operations for the coming year were properly in order, along with Deputy Chair Senator Gerstein.

• (1500)

First, honourable senators, this situation points out one of the difficulties in dealing with committee work when we change the allotted times for committees. Honourable senators plan their time and their work around the allotted times, and when those time slots are changed, it is not always possible to meet at those other times. That was my situation yesterday, and I regret not being able to participate in Bill C-55 deliberations.

Since my arrival here several years ago, I have followed, supported and tried to stay on top of veterans issues, and I think we have had some success on a number of matters I have been involved with. To see this piece of legislation being dealt with in this matter, without having the opportunity to participate, is a matter of considerable disappointment to me.

The other matter with respect to the meeting yesterday that I will point out, from a process point of view, is that if the meeting had gone on for more than one day, obviously I would have been able to participate; however, it did not.

Second, we have a tradition in this place and in our committees that when we have witnesses on a matter, we give honourable senators an opportunity to consider the evidence that was given by those witnesses, and we do not proceed in an unseemly fashion to clause-by-clause consideration immediately after hearing from the witnesses. That act tells the witnesses that we do not give a damn about what they had to say. That is, in effect, what was going on, honourable senators. I find it disappointing that clause-by-clause consideration proceeded so quickly, without even a break after hearing from the witnesses.

I will talk about the witnesses in a minute. First, let me talk about some of the issues I am able to talk about, even though I did not participate.

One issue is with respect to the title. Honourable senators, as pointed out by Senator Dallaire during second reading, the short title, in clause 1, reads: "This Act may be cited as the Enhanced New Veterans Charter Act." The phrase "Enhanced New Veterans Charter Act" is, at the least, misleading, because the act makes only a few adjustments to the New Veterans Charter. I suggest, honourable senators, that the word "Enhanced" should

not be there. These amendments are to the New Veterans Charter; there are not nearly enough amendments, but they are amendments to the New Veterans Charter. However, the New Veterans Charter is hardly enhanced in the way this bill suggests.

That is my suggestion with respect to the short title. I have made comments with respect to other short titles in the last while. I find it disappointing to see the way short titles are being used in a manner other than for descriptive purposes.

Honourable senators, the next point I wish to make is with respect to another issue that was raised by the Honourable Senator Dallaire. This issue is an oversight by all of us, and I was involved with the New Veterans Charter when it came through. We should have had more emphasis on families in the New Veterans Charter.

I bring to the attention of honourable senators that only today, a report was released by University of New Brunswick researchers, which finds that teens from military families face unique stressors during deployments. This study was done at CFB Gagetown in Oromocto. Virtually all the parents of the high school students in Oromocto are involved in the Armed Forces, and many have deployed. This study suggests that we need to do a lot more work with respect to families and to the bigger family, the children of deployed personnel and military personnel who come back with operational stress injuries.

The study found that students from Oromocto High School who recently had a parent deployed to Afghanistan worried that the parent would either not return home or would return home "different." This is the stress they are going through. They expressed isolation in trying to cope with their problem if the parent remaining at home was stressed or preoccupied with deployment of a spouse.

The researchers found that the psychological stresses continued even after the parent returned, if that parent who had been deployed suffered from any post-traumatic stress.

Deborah Harrison, one of the researchers, stated: "We found that family life was almost always negatively affected by an injured parent's symptoms of anger and depression."

Honourable senators, this whole area is not touched upon by any amendments in Bill C-55. This area needs to be addressed through amendments to the New Veterans Charter to ensure that the charter includes family, spouses, and children. I am disappointed that Bill C-55 does not help us at all in this regard. However, I am pleased with Dr. Harrison's new study, which was released today and will provide more information for all of us in dealing with this matter in the future.

The next point, honourable senators, is somewhat of a procedural matter, and it is with respect to coming into force and the mandatory review in Bill C-55. At first blush, one thinks, that is great; there is a mandatory review by committees after two years.

However, honourable senators, the mandatory review is with respect to this legislation. It is with respect to Bill C-55. It is not with respect to the broader New Veterans Charter. One amendment I would have proposed is to have a broader mandatory review within two years of the New Veterans Charter, not only review of the amendments in Bill C-55. That mandatory review is far too narrow for what needs to be done.

Honourable senators, the next point I want to make reiterates a point made by the Honourable Senator Mitchell. I have a letter of March 23, and goodness knows how broadly it was circulated. It was circulated to every sir and madam in Canada, and there are several. This letter is under the Ministry of Veterans Affairs letterhead, with the Great Seal of Canada on the letterhead, and it is signed by Jean-Pierre Blackburn, P.C., M.P.

The second paragraph reads:

The bill could have been adopted in a day —

This is Bill C-55 he is talking about.

— but following the refusal by Liberal senators to give their unanimous consent to an acceleration of procedure, the committee stage will happen this afternoon. Of course, this delay creates stress for our veterans and their families who are waiting for these measures.

One day. Stress, stress, stress.

Honourable senators, I quickly looked at the history of this particular bill. This bill sat in the House of Commons for 115 days. When the minister wrote this letter and circulated it around Canada, the bill had been in the Senate for two days. Now, honourable senators, that would be almost enough for me to refuse to proceed with this bill immediately. However, I do not want to stress anyone.

• (1510)

The next point that I would make, honourable senators, is on the selection of witnesses. The selection of witnesses is always important to create a balance. However, in this particular instance, the Royal Canadian Legion wrote a letter two weeks before the hearing to say they were supportive of the bill. Mr. Parent, the Veterans Ombudsman, wrote to all of us saying, "Pass this bill." The minister, and his staff who were there, obviously wanted the bill passed.

The only other person who was in any way independent was Brigadier-General Sharpe. We were pleased that he was there, but he was the only other person who attended as a witness who had any sort of objectivity that would help us in assessing this legislation.

Mr. Sean Bruyca, who has been following the issues and has been before our committees on many occasions, has put this in a nutshell. He has followed the procedure so well that it is worth going on the record. Senator Mitchell has, in part, given him credit for his points, but I wanted to do the same. It is important.

I do not want to suggest that the Royal Canadian Legion does not have a role to play here, but the Royal Canadian Legion is only one of a number of advocacy groups. There are many others, such as the Canadian Association of Veterans in United Nations Peacekeeping, the Great War Veterans' Association, and the Canadian Peacekeeping Veterans Association. None of those groups, who are well known to all of us, were invited to come and give their opinion on this particular legislation.

What did Mr. Bruyca say? He said that veterans are saddened that, like Bill C-45 back in 2005, the New Veterans Charter, Bill C-55, will not receive full due parliamentary process. He made some recommendations, however I will not get into the details on them because Senator Mitchell has already made that point.

It is, however, an extremely sad legacy that the Canadian Forces members and veterans are constantly and repeatedly denied full parliamentary due process. I think that, in a nutshell, is what concerns me about the haste with which we dealt with this legislation.

Honourable senators, veterans deserve more. Our veterans deserve to have due process in this place. Our veterans deserve to have the Senate do the job that we are appointed here to do.

Some Hon. Senators: Hear, hear!

Senator Day: Had I been at the meeting, I would have raised the point with the minister that in Supplementary Estimates (C) there is a major request for additional money, which is an acknowledgement that they are not handling the requests for disability pension of veterans now. Even without this legislation, there is an acknowledgement in Supplementary Estimates (C) that they are way behind, and that veterans are frustrated because they are not getting their cases heard. There was a major request for more money, a greater appropriation, to handle the backlog in existence now, before Bill C-55 is passed.

What do we know about additional funding for this particular matter? How many veterans will be further frustrated as a result of new legislation that just aggravates the problem already in existence?

Those, honourable senators, are my comments. I will support this legislation because a good number of veterans have indicated that this is a first step. It is a poor step, but it is a step. Therefore, I will support the legislation. However, I am not doing so happily.