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(HANSARD)

Tuesday, May 13, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Tuesday, May 13, 2014

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in our gallery of Peter Lambrinakos, an inspector in the special investigations unit of the Montreal police force. He is the guest of the Honourable Senator Dagenais.

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

Hon. Senators: Hear, hear!

[*English*]

SENATORS' STATEMENTS

THE LATE MARY ELIZABETH "BETH" PHILLIPS

Hon. Mobina S. B. Jaffer: Honourable senators, on January 20, I attended the memorial ceremony of Beth Phillips in Winnipeg, Manitoba. I would like to take a moment and share the story of her life with you.

For many years, Beth worked in the health industry organizing volunteers for the Winnipeg General Hospital. During her life, she served on the boards of the Canadian Red Cross, Manitoba Division; the Canadian Mental Health Association, Manitoba Division; the Social Planning Council of Winnipeg; the Kidney Foundation of Canada, Manitoba Branch; and the South Winnipeg Seniors Resource Council. She was also the founder of the Peter Pan Club of the Children's Hospital in Winnipeg.

Later in her life, Beth was an organizer for the Liberal Party and the head of the Liberal Women's Commission for Manitoba and Saskatchewan.

In 1993, I ran to become a member of Parliament in North Vancouver, and at the last minute, my campaign manager, whom Beth knew well, was given another opportunity. Beth, without

hesitation, offered to be my campaign manager and uprooted herself from Winnipeg and came to stay with me in North Vancouver.

Some North Vancouver constituents at that time had a vision of what type of MP they wanted, and I did not fit that vision, so the constituents would call Beth. They would beat around the bush about my colour, origin, et cetera, and Beth, with a smile on her face, would tell them she was from Winnipeg and did not understand the insinuations. She would ask very innocent questions of them. Some would stop phoning, some she converted, and some were persistent. They would call and be forced to face their own prejudices. Through her patient questioning, I believe Beth made many North Vancouver constituents look within and examine their prejudices.

Those of you who knew Beth would remember her as someone who never gave up on the values of equality, tolerance and inclusion. You would also remember her as someone who put every ounce of effort into making other people's lives better. Most of all, you would remember her as someone with a sense of humour that could brighten even the darkest days.

Honourable senators, Beth Phillips was an exceptional person who achieved great things well into her old age. She would often turn to me with a twinkle in her eye and smile and say, "Save yourself for your old age. It can be fun, you know."

Beth, my friend, rest in peace. I know your spirit will always be with me.

CANADA YOUTH FORUM

Hon. Don Meredith: Honourable senators, sometime near the dawn of this great Confederation, Sir John A. Macdonald famously said:

If I had influence over the minds of the people of Canada, any power over their intellect, I would leave them this legacy: "Whatever you do, adhere to the Union. We are a great country, and shall become one of the greatest in the universe if we preserve it."

It is with a fond appreciation of the spirit of Sir John's call that I am pleased to report to you that last week, right here on Parliament Hill, and with the help of new technology, I convened the first ever live-streamed Canada Youth Forum, bringing together young people and government and non-government youth stakeholders from across the country in a dialogue to address important issues and challenges our young people face today.

Time and time again, my colleagues in this upper chamber have heard me say that I believe our young people are not just a percentage of our population but 100 per cent of our future.

Over the years, I have met and heard from many young people in our nation's capital, in the Greater Toronto Area and around the country. I heard their voices; I heard their cry.

I am pleased to say to you that the Canada Youth Forum, which was years in the making, responds directly to their call. It has also marked an important milestone of the National Youth Strategy Working Group, which I formed shortly after I began serving in the Senate.

We met over several years and partitioned the challenges facing our youth into seven important pillars. They include matters of education, health, employment, justice, housing, entrepreneurship, mental health, arts and culture and sports. Those identified pillars helped us deliver a streamlined, responsive and uniquely broad three-hour cross-country dialogue that involved over 30 youth organizations and a series of expert presenters, including several of our fellow parliamentarians.

Our exchange on these issues is tied directly to the future success of this great country. Our success as a nation falls on the promise of our young people. Yes, there are serious challenges, honourable senators, but where there are challenges, through our dialogue and engagement we now see opportunities. The information and question-and-answer exchange provide us a solid framework to work within, a formidable foundation to build upon.

The entire webcast of the Canada Youth Forum will be available online at www.nationalyouthstrategy.ca.

• (1410)

Through continued sharing, learning and exchange over the next several months, we will continue to identify and refine new opportunities to help make a difference in the lives of our youth. The results will be part of an official, comprehensive report that will inform a national youth strategy for Canada. With a targeted completion date of fall 2014, it will explore strategies for better access to youth services offered by front-line government and non-governmental organizations.

Honourable senators, through our Canada Youth Forum, I am pleased to say that we now have a better understanding of our own capacity to make a difference in the lives of Canada's youth. We will remain pointed in the right direction. We will continue to receive input and ideas. We will continue to work for a broader partnership with academia, universities, law enforcement, retired individuals and housing experts. We will continue to reach out and engage every citizen — parents, guardians, teachers and civic leaders, parliamentarians and civil servants. As such, I welcome your suggestions.

This country has given us so much. It is indeed our obligation to do what we can to give back. It is the right thing to do.

I also want to thank the Clerk of the Senate, Dr. Gary O'Brien, his staff, Senator Lillian Dyck and Senator Mobina Jaffer for their contributions to this youth forum.

In conclusion, I speak directly to the youth when I say that good work is being done. Meanwhile, I encourage you to continue working to embrace what Canada has to offer. Define your passion. Shape your goals along your passion. I believe it is fair to say that in so doing, we will in some way help to strengthen this great Confederation of which Sir John A. Macdonald so passionately envisioned.

Thank you, God bless you and God bless Canada.

CLARENCE EUGENE "HANK" SNOW

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to Clarence Eugene "Hank" Snow, the country music legend who was born in Brooklyn, Queens County, Nova Scotia on May 9, 1914.

The one hundredth anniversary of Hank's birth was marked by events last Friday at the Hank Snow Home Town Museum in Liverpool, Nova Scotia, including the unveiling of a Canada Post stamp in his honour. There was a community breakfast; a concert featuring Reverend Jimmie Rodgers Snow — the son of Hank and Minnie Snow — and Larry Gatlin; the premiere of a biopic of Hank's life; a church service led by Jimmie; and a family picnic at the Hank Snow Playground. The museum used to be the Liverpool Train Station; ironically, a place where young Hank slept in warmth on its benches when he was homeless.

The Hank Snow story is absolutely compelling. It's of a person who overcame abject adversity — poverty, childhood abuse, homelessness and a Grade 5 education — to become a legendary country music singer, songwriter and world-class horse trick-riding showman. His career is testament to the fact that one can achieve his or her dreams with drive, commitment, talent and sheer determination.

As a youth, he worked at whatever he could find. At 12 years of age, he went to sea as a cabin boy in a fishing schooner sailing out of Lunenburg. After his second trip, he bought a guitar and began playing and singing for family and friends. After four years and many scary storms, he came ashore. He went to work for Adams and Knickle, Limited, a venerable fishing company in Lunenburg, where he carried and packed cured and dried fish for shipping.

Hank got his first break in the summer of 1933 when he appeared on CHNS Radio in Halifax, then on the seventh floor of the Lord Nelson Hotel. That led to a contract with RCA Victor in Montreal, and as they say, the rest is history.

Following many years of ups and downs, financial pressures and touring, Hank's perseverance got him to the Grand Ole Opry in Nashville, Tennessee, on January 7, 1950. He was 36 years old. His number one song "I'm Movin' On" secured him a place on the Opry, to which he was invited back for the next 45 years.

In a career of more than 50 years, his achievements are many. Hank's recording contract of 45 years with RCA Victor is the longest of any artist with one company in the history of recorded

music. He recorded 883 single records, 85 of which were on Billboard country charts.

His song “I’m Movin’ On” has become a country anthem. It was number one on the charts for 21 weeks, the top 10 for 44 weeks and has been recorded in 36 languages. Hank recorded 120 albums and sold 80 million copies of them.

His community work with abused and neglected children earned him numerous honours. His music earned him entry into seven halls of fame in Canada and the United States of America. In 1994, Hank had bestowed upon him one of his most treasured honours, an honorary Doctor of Letters Degree from Saint Mary’s University in Halifax.

Hank passed away on December 20, 1999, at his home in Madison, Tennessee. He was 85. He closed each performance with the words, “Good luck, good health, and may the good Lord always be proud of you.” We’re sure He’s right some proud of you, Hank.

IRAN ACCOUNTABILITY WEEK

Hon. Linda Frum: Honourable senators, I rise to inform the Senate that we are in the midst of the annual Iran Accountability Week and to speak about an imprisoned Iranian named Jafar Panahi with whom I am paired as a parliamentarian through the Global Iranian Political Prisoner Advocacy Project.

Iran Accountability Week was started by the Honourable Irwin Cotler, a member of the other place, as a way to engage and focus the attention of parliamentarians on the problems Iran’s governing regime presents to the world and its own citizens.

Today, the House of Commons Foreign Affairs Subcommittee on International Human Rights is hearing from the Foundation for Defense of Democracies and from Maryam Rajavi, president-elect of the National Council of Resistance in Iran. There was also an expert panel breakfast for parliamentarians here on the Hill this morning.

Iran Accountability Week this year coincides with the ongoing nuclear negotiations which risk overshadowing, if not sanitizing, the Iranian regime’s widespread and systematic violations of human rights, which continue, despite Iranian President Rouhani’s talk of “moderation.”

It also coincides with the first anniversary of the crackdown that preceded last year’s Iranian presidential election; the sixth anniversary of the imprisonment of Iran’s Baha’i leadership; an execution binge that has seen over 600 executions since Rouhani’s rise to power in August 2013; and the continuing unjust imprisonment of more than 900 prisoners of conscience and political prisoners, including women, human rights defenders, ethnic and religious leaders, journalists, bloggers, students and trade union leaders — in a word, the leaders of Iranian civil society — many under the threat of execution.

Honourable senators, through the Global Iranian Political Prisoner Advocacy Project, I am paired with Jafar Panahi. Mr. Panahi is a leading Iranian film director, screenwriter and editor, identified with the Iranian New Wave film movement.

Mr. Panahi’s films have focused on the human condition in Iran — the hardships faced by women, children and the poor. His films have not sat well the Iran’s intolerant regime. In 2010, he, along with his wife, daughter and many friends, was arrested. Despite worldwide support, he was sentenced to six years in prison for propaganda against the regime. He is also banned from making films for 20 years, speaking to foreign media or leaving the country.

While appealing his sentence, he secretly made a film called *This Is Not a Film* and had it smuggled out of the country. It was shown at the 2011 Cannes International Film Festival.

Honourable senators, I urge you to take an interest in Iran and the threat that her regime presents to the world and to her own citizens.

[Translation]

NATIONAL HOSPICE PALLIATIVE CARE WEEK

Hon. Claudette Tardif: Honourable senators, I would like to recognize National Hospice Palliative Care Week, which took place from May 4 to 10. The theme this year was “Busting the Myths about Hospice Palliative Care.” I learned more about this recently when I accompanied my father in palliative care in his last weeks.

I would first like to thank my colleague, Senator Jane Cordy, for the excellent speech she gave on this subject last week.

Unfortunately, too few people in Canada are able to receive palliative care. In fact, depending on where they live, only 16 per cent to 30 per cent of Canadians who need palliative care are able to receive it. That means that Canada is unable to provide valuable palliative care services to over 70 per cent of people who die in Canada.

One of the most alarming problems is the lack of infrastructure in the long-term care sector. As a result of demographic changes, Canada will be short nearly 30,000 more long-term care beds in the next five years alone.

There are also great disparities in Canada when it comes to the coverage and delivery of these services. We have a complicated mosaic of palliative care services in Canada, and there are major disparities both within and between the provinces. Canadians who live in rural or remote regions have severely limited access to palliative care.

What is more, according to the Canadian Hospice Palliative Care Association, families frequently have to shoulder nearly 25 per cent of the total cost of palliative care because of costs associated with home-based services.

These deficiencies obviously have an adverse effect on the quality of care that patients may receive, but also on the overall effectiveness of the health care system. When a patient cannot get the right care at the right time and in the right place, this tends to reinforce the deficiencies in the system, notably by putting extra pressure on the hospitals.

• (1420)

It's a vicious circle. What is more, the cost of one day in the hospital far exceeds the daily cost of long-term care and home care.

According to the Canadian Medical Association, the lack of access to long-term care and home care costs the health care system roughly an additional \$2.3 billion annually.

Honourable senators, palliative care is one of the most humanist dimensions of our health care system. Every Canadian deserves to have access to such care. However, that is currently not the case, and demographic trends indicate that the problems will only get worse in the next 40 years. It is therefore crucial for governments to invest today in infrastructure and the long-term care sector and better support caregivers who look after a loved one at home. Then we could respond better to changing health care needs and the common aspirations of all Canadians, so that people are able to die as peacefully as possible and with dignity.

[English]

ROUTINE PROCEEDINGS

SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO
THE REPUBLIC OF COLOMBIA, JANUARY 16-20, 2012,
AND VISIT TO THE UNITED NATIONS, NEW YORK,
NOVEMBER 10-11, 2011—REPORTS TABLED

The Hon. the Speaker: Honourable senators, with leave of the Senate, I would like to table the reports of the Speaker's visit to the United Nations and to Colombia.

Is permission granted, honourable senators?

Hon. Senators: Agreed.

FISHERIES AND OCEANS

STUDY ON MANAGEMENT OF GREY SEAL
POPULATION OFF CANADA'S EAST COAST—SEVENTH
REPORT OF THE COMMITTEE TABLED DURING
THE FIRST SESSION OF THE FORTY-FIRST
PARLIAMENT—GOVERNMENT RESPONSE TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government response, dated May 8, 2014, to the seventh report of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Sustainable Management of Grey Seal Populations: A Path Toward the Recovery of Cod and other Groundfish Stocks*, tabled in the Senate on October 23, 2012, during the First Session of the Forty-first Parliament.

STUDY ON LOBSTER FISHERY IN ATLANTIC CANADA
AND QUEBEC—TENTH REPORT OF THE COMMITTEE
TABLED DURING THE FIRST SESSION OF THE
FORTY-FIRST PARLIAMENT—
GOVERNMENT RESPONSE
TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government response to the tenth report of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Lobster Fishery: Staying on Course*, tabled in the Senate on May 28, 2013, during the First Session of the Forty-first Parliament.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

INUVIALUIT FINAL AGREEMENT IMPLEMENTATION
COORDINATING COMMITTEE—2009-10
ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009-10 Annual Report of the Inuvialuit Final Agreement Implementation Coordinating Committee.

SAHTU DENE AND METIS COMPREHENSIVE
LAND CLAIM AGREEMENT IMPLEMENTATION
COMMITTEE—2009-10 ANNUAL
REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009-10 Annual Report of the Implementation Committee on the Sahtu Dene and Metis Comprehensive Land Claim Agreement.

TLICHO IMPLEMENTATION COMMITTEE—
2009-10 ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009-10 Annual Report of the Tlicho Implementation Committee.

ECONOMIC ACTION PLAN 2014 BILL, NO. 1*[English]***SEVENTH REPORT OF NATIONAL SECURITY
AND DEFENCE COMMITTEE ON
SUBJECT MATTER TABLED**

Hon. Daniel Lang: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on National Security and Defence, which deals with the subject matter of those elements contained in Divisions 1 and 7 of Part 6 of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

The Hon. the Speaker: Honourable senators, pursuant to the order of the Senate of April 9, 2014, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-31.

*[Translation]***POPE JOHN PAUL II DAY BILL****SIXTH REPORT OF HUMAN RIGHTS
COMMITTEE PRESENTED**

Hon. Mobina S. B. Jaffer, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, May 13, 2014

The Standing Senate Committee on Human Rights has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill C-266, An Act to establish Pope John Paul II Day, has, in obedience to the order of reference of April 30, 2014, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MOBINA S. B. JAFFER
Chair

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

(On motion of Senator Fortin-Duplessis, bill placed on the Orders of the Day for third reading two days hence.)

ECONOMIC ACTION PLAN 2014 BILL, NO. 1**EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL
AFFAIRS COMMITTEE ON SUBJECT
MATTER TABLED**

Hon. Bob Runciman: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the subject matter of those elements contained in Division 5 of Part 6 of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

The Hon. the Speaker: Honourable senators, pursuant to the order of the Senate of April 9, 2014, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-31.

**CANADA-NEWFOUNDLAND ATLANTIC ACCORD
IMPLEMENTATION ACT
CANADA-NOVA SCOTIA OFFSHORE PETROLEUM
RESOURCES ACCORD IMPLEMENTATION ACT****BILL TO AMEND—FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-5, An Act to amend the Canada-Newfoundland Atlantic Accord Implementation Act, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and other Acts and to provide for certain other measures.

(Bill read first time.)

The Hon. the Speaker: 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.)

*[Translation]***CANADA-EUROPE PARLIAMENTARY ASSOCIATION****FALL MEETING OF THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE
PARLIAMENTARY ASSEMBLY,
OCTOBER 13-15, 2013—
REPORT TABLED**

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary

Association respecting its participation at the fall meeting of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Budva, Montenegro, from October 13 to 15, 2013.

[English]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights have the power to sit on Wednesday, May 28, 2014 at 2:15 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

CANADIAN MILITARY AND CIVILIAN SERVICE IN AFGHANISTAN

NOTICE OF INQUIRY

Hon. Hugh Segal: Honourable senators, pursuant to rule 5-6, I give notice that, two days hence:

I will call the attention of the Senate to the contributions of our men and women in uniform and of Canadian civilians in their efforts in the 12 year-long mission in Afghanistan in the war on terrorism and to their support for the Afghan people.

QUESTION PERIOD

FOREIGN AFFAIRS

BURMA—ROHINGYA MUSLIMS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate.

• (1430)

This is a question that was sent to the Senate Liberal caucus. This question was submitted by Marcella Forden from Edmonton, Alberta. She would like to ask the Leader of the Government:

What role is Canada willing to assist with to ensure that the Rohingya people in the IDP camps in Arakan State are able to have access to medical aid, water and food? Things

have reached a critical state, and yet no country is willing to take the lead to ensure their survival.

[Translation]

Hon. Claude Carignan (Leader of the Government): I thank the honourable senator for her question. As you know Canada plays an important role in international development and humanitarian assistance. Together with its partners and thanks to the United Nations Fund, Canada will continue to support countries in need and threatened populations.

[English]

INFRASTRUCTURE

IMPROVED ELECTRICAL TRANSMISSION BETWEEN PRINCE EDWARD ISLAND AND NEW BRUNSWICK

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. A third cable line between Prince Edward Island and New Brunswick has been on your government's radar for years now, and we have not seen movement on the file to date.

Last week, Maritime Electric began an environmental process on the Northumberland Strait to explore routing options for a third electrical cable which would supply much-needed dependable power to Prince Edward Island. This situation is urgent.

We are experiencing more extreme weather conditions. The scenario of the Island being electrically shut down with cable failures is not out of the question. The province needs this cable line now. The two current underlying cables were installed in 1977 and are nearing the end of their life.

Will your government support this essential project and put the necessary funding in place for this much-needed cable?

[Translation]

Hon. Claude Carignan (Leader of the Government): I thank the honourable senator for her question. This is a technical area involving the supply of electricity and therefore I will take the question as notice. I will forward it to the minister responsible and provide you with as comprehensive an answer as possible.

[English]

Senator Hubley: I would like to bring to your attention that in 2010, Minister Shea was on the record backing an application by the P.E.I. government for funds to build the cable and described the project as a matter of importance. It is now four years later, and there has been no funding guarantee.

Will you assure Islanders that your government will put the essential support that will be needed for this project?

[Translation]

Senator Carignan: As I said, I have taken the question as notice. The Honourable Senator Callbeck asked the identical question. We will provide the most comprehensive answer possible to these two questions in the next few weeks.

[English]

HEALTH

ELECTRONIC CIGARETTES

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate. The question was submitted by Dr. Peter Glen, a surgeon at the Ottawa Hospital. It reads as follows:

In medicine there are few certainties; smoking is one: cigarettes are bad for your health. Given time, they wreak havoc on every body system, contributing to, if not directly causing, deadly diseases. Thus consider my surprise that two months ago I saw the unmistakable curls of smoke being emitted from the mouth of a patron at our hospital's indoor coffee shop. I was gobsmacked by this brash act of defiance.

Then the double take. There was no odour, there was no trailing smoke from the end of the cigarette. This was an electronic cigarette. My unease was partly mollified, but not cleared. This after all was a hospital; surely this cannot be condoned?

Since that first experience the consumption of electronic cigarettes, affectionately titled "Vaping" by those who use them, has gained widespread media attention. The stories are written about these would-be-rebels testing the boundaries of their new pastime. Vaping on a plane (mid-flight no less), on public transit, in hockey arenas, in business meetings. I would not be surprised if soon we see a Senator Vaping during mid-session.

Health Canada has remained quiet on the status of the electronic cigarette. No government scientist, nor their political mouthpiece the Honourable Rona Ambrose, has given direction as to their status. Drug? Device? Fragrance? More importantly, are they safe? Do they habitualize smoking, or do they cure cravings and help tobacco smokers kick the habit? The vaporous cloud of uncertainty lingers.

Dr. Peter Glen asked the following questions:

What will be the fate of the electronic cigarette? Is now the time to establish potential health and societal consequences? Should children be permitted to use these devices? Should they be available only by prescription? And more, will the sale of nicotine-laced electronic cigarettes be licensed in Canada?

[Translation]

Hon. Claude Carignan (Leader of the Government): Health Canada has not approved any nicotine-laced electronic cigarettes. The sale of these products is not authorized in Canada. As there is no scientific evidence to prove that they are effective and safe, Health Canada will continue to discourage Canadians from using them.

The Minister of Health, Rona Ambrose, encourages and will continue to strongly encourage all Canadians who are trying to quit smoking to consult their doctor in order to discuss products on the market that can help them, besides nicotine-laced electronic cigarettes, which have not been approved by Health Canada.

[English]

Senator Callbeck: I had several questions from the doctor, and you've partially answered some. I think the doctor — and in fact the public — have a right to know or have a full explanation.

Would you agree to take the questions as notice, consult with Health Canada and provide the written answers for Dr. Peter Glen?

[Translation]

Senator Carignan: If the honourable senator would agree to give us this doctor's address, we can send him a transcript of my answer, which is very clear. Health Canada has not approved any nicotine-laced electronic cigarettes. The sale of these products is not authorized in Canada. As there is no scientific evidence to prove that they are effective, Health Canada discourages Canadians from using them.

[English]

Senator Callbeck: As I said, I had several questions there from the doctor, and you partially answered some of them, but I think the doctor and the public have a right to a full explanation on all those questions. Would you agree to take the questions as notice, consult with Health Canada and provide the written answers for Dr. Peter Glen?

[Translation]

Senator Carignan: I thought my answer to the honourable senator was complete. My answer remains the same.

• (1440)

[English]

Hon. Jane Cordy: I know that you said that Health Canada has not approved any of these devices for sale, but the Electronic Cigarette Trade Association of Canada argues that the e-cigarette industry has operated in what they're calling a Wild West environment. In other words, you haven't approved any of these devices for sale, but there's no regulatory system set up, so that

sales are going on even though they're not approved for sale. Unfortunately — or fortunately, however you may look at it — these sales are going on still.

Those of you who have heard me speak at any time about cigarette smoking or smoking in general know my feelings on that very clearly. I spoke in favour of the bill that you brought in on flavoured tobacco, because I think that flavoured tobacco encourages young people to smoke. I fear that e-cigarettes will do the same thing; they will encourage young people to smoke.

What is your government doing in terms of the whole idea of e-cigarettes? I know that e-cigarettes have been around since 2004. I know that in the U.K. there has been a three-year process of internal assessments, public consultations and meetings with stakeholders to determine what they are going to be doing in terms of e-cigarettes.

What has this government been doing in the last 10 years to determine whether or not they should be banned, or whether or not regulations should be put in place for the sale of e-cigarettes?

[Translation]

Senator Carignan: Senator, I think it's important to take another look at the meaningful action that our government has taken to reduce the smoking rate in Canada. As you know, smoking is at an all-time low in Canada. It has dropped from 22 per cent to 16 per cent in the past decade.

In order to reduce smoking, we required new health warning labels and larger warnings on tobacco products across the country. We tightened restrictions on advertising and maintained investments in smoking cessation campaigns, such as the "Break It Off" campaign.

Our government passed the Cracking Down on Tobacco Marketing Aimed at Youth Act, which made Canada the first country in the world to ban the use of flavourings in tobacco products, which make them more appealing to children.

Once again, I believe Canada is a pioneer. I know you don't like it when I say that Canada is number one in something, but here again, we showed initiative, and we are one of the first countries to pass legislation banning the use of flavourings that encourage youth to smoke.

Building on that success, Economic Action Plan 2014 also restored the effectiveness of taxes on cigarettes to reduce smoking, and as I said in my previous response, Health Canada does not authorize the sale of electronic cigarettes containing nicotine. Not only have they not been approved, their sale is not authorized.

[English]

Senator Cordy: Your answer was really great if I had asked you about cigarette smoking. My question was about e-cigarettes.

As I said earlier, Canada has not approved e-cigarettes, but sales are happening. All you have to do is look at the Electronic Cigarette Trade Association and they will tell you that there is nothing in place to regulate sales. The sales are going on and on.

While the U.K. has spent three years consulting with their citizens, what has this government done in terms of determining the safety or the dangers of e-cigarettes? We don't know whether or not it should be a medical device. We don't know whether or not it should be a consumer product. In Canada, the field seems to be wide open. Whether or not your government has agreed that e-cigarettes are not approved for sale, the sales are happening. That's what's going on in Canada.

[Translation]

Senator Carignan: Senator, I would invite you to reread my previous answers. My response was clear. As there is no scientific evidence to prove that these products are safe and effective, Health Canada will continue to discourage Canadians from using them. The scientific evidence clearly does not prove that these products are an effective way to quit smoking, so scientists do not recommend their use.

The minister recommends consulting a doctor about the other products available on the market to help people quit smoking.

I think the answer is clear.

[English]

PUBLIC SAFETY

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

Hon. Lillian Eva Dyck: My question is for the Leader of the Government in the Senate. It has to do with the missing and murdered Aboriginal women.

It was reported a few weeks ago that the RCMP has documented that there are now close to 1,200 missing and murdered indigenous women, a much higher number than they were even previously willing to acknowledge. When the Native Women's Association released their report saying there were 620, the RCMP doubted it, but now they, themselves, are saying it's 1,200.

Despite these new numbers of 1,026 murdered women, this government is saying it will not launch a national commission of inquiry into missing and murdered indigenous women. Why not?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator Dyck, as I have repeatedly explained in my answers to your questions, one of our priorities is to crack down on crime, including violence against women and girls.

Our party is still the only party that has taken real action to end violence and keep our streets and communities safe. Over the years, some 40 studies have been carried out on missing and murdered Aboriginal women. It is now time to take action and stop studying the issue.

In Economic Action Plan 2014, we committed to investing an additional \$25 million over five years to continue our efforts to address this issue directly, for a total of \$50 million.

We also promised to invest \$8 million in creating a national DNA-based Missing Persons Index. In addition, we have passed over 30 bills aimed at keeping our streets and communities safe.

I think the government's actions speak for themselves.

[English]

Senator Dyck: Thank you for that answer, but yesterday the UN Special Rapporteur on the rights of indigenous peoples released his report. In his report, he recommends that the Government of Canada set up a national commission of inquiry to investigate the issue of missing and murdered Aboriginal people.

In his report, Mr. Anaya says that even though steps such as those that you listed have already been taken, an investigation into the disturbing phenomenon of missing and murdered Aboriginal women and girls is still necessary.

He states:

... the federal Government should undertake a comprehensive, nation-wide inquiry into the issue of missing and murdered Aboriginal women and girls, organized in consultation with indigenous peoples.

Even now, once again, the UN is saying to launch this inquiry. How can the government still not do this?

[Translation]

Senator Carignan: I have answered your question. Over the years, 40 studies have been conducted on the issue of missing and murdered Aboriginal women, and it is now time for action.

I would like to point out that the report you referred to also recognizes that even though many challenges remain, the government has taken many measures that have improved the prosperity and well-being of all Aboriginal people in Canada.

On page 17 of the report, the rapporteur says:

... Canada has taken determined action to address ongoing aspects of the history of misdealing and harm inflicted on aboriginal peoples in the country, a necessary step towards helping to remedy their current disadvantage.

[Senator Carignan]

• (1450)

Page 6 of the report states:

Canada undoubtedly has in place, at both the federal and provincial levels, numerous laws, policies and programmes aimed at addressing indigenous peoples' concerns. Many of these can be pointed to as good practices, at least in their conception, such as Canada's policy of negotiating modern treaties with aboriginal peoples and addressing their historical claims.

As well, page 5 of the report states:

Canada's relationship with the indigenous peoples within its borders is governed by a well-developed legal framework that in many respects is protective of indigenous peoples' rights.

I think it's important to mention the facts and the specific actions the government has taken on this issue. We will continue to study the report, but I think it's important to consider the specific actions our government has taken in this regard.

[English]

Hon. Wilfred P. Moore: Leader, I've been listening to your answers, and what specifically has the government done to answer the questions of Senator Dyck? You said we've done what? What has the government done?

[Translation]

Senator Carignan: I think I just answered, senator. I imagine you don't want me to repeat that 40 studies have been done over the years on murdered and missing Aboriginal women and that the government has invested \$50 million over five years to continue its efforts to address the issue. Among the government's actions is the national DNA-based Missing Persons Index, which will help find and identify missing persons.

I think those are specific actions that should be mentioned.

[English]

Senator Moore: I have a further supplementary question. If you say that these studies have been done and there's money being allocated to address the problems, and if we know what the problems are, why can't you give us a more specific answer to Senator Dyck's question? If we know what the problems are, then why would we be spending \$50 million? Why wouldn't we have this inquiry that Senator Dyck is asking for and as many others are joining her in that ask?

[Translation]

Senator Carignan: Senator, it is because we must act and move on to another stage. I mentioned amounts of \$50 million; in the last budget, we renewed funding for the Aboriginal Justice Strategy, which is specifically designed to reduce the overall rates

of victimization and crime in Aboriginal communities. We have passed more than 30 measures on justice and public safety, including harsher penalties for those who commit murder, sexual assault and kidnapping. We have created a national missing persons website. We have developed community safety plans in collaboration with Aboriginal communities. We have supported the development of public awareness documents. We also passed the matrimonial real property act, which gives women living on First Nations reserves the same matrimonial rights as all Canadians, including access to emergency protection orders in cases of violence.

It therefore seems clear to me that we are in action mode and not in studying and reporting mode. We are trying to address this issue with specific actions, while reducing the impacts and the risks as much as we can.

[English]

FOREIGN AFFAIRS

NIGERIA—CANADIAN AID TO FIND ABDUCTED GIRLS

Hon. Don Meredith: Honourable senators, the Leader of the Government in the Senate is quite aware of this situation taking place in northern Nigeria with Boko Haram and the abduction of over 278 young ladies.

Other governments have offered their support. Can the Leader of the Government tell this chamber what the Canadian government's assistance is in ensuring that these young ladies are returned to their families safely?

[Translation]

Hon. Claude Carignan (Leader of the Government): As the minister has said, the Canadian personnel on the ground are currently playing a liaison and consultation role. Canada has offered the Nigerian authorities its assistance in the efforts to find the missing schoolgirls, and Canadian representatives continue to work with like-minded allies, including the United States, the United Kingdom and the Government of Nigeria.

[English]

PUBLIC SAFETY

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

Hon. Wilfred P. Moore: Honourable senators, I have a supplementary to that. Leader, I think that's commendable action with regard to seeking the whereabouts of those young

women in Nigeria, but I don't feel the same sense of concern or action with regard to the 1,200 missing or murdered Aboriginal women in Canada.

Senator Nancy Ruth: Good point.

An Hon. Senator: Oh, please.

Senator Moore: Please what?

Leader, you mentioned a number of pieces of legislation activities, but most of those were on-reserve things, and even implied that the actions were happening on reserves. I don't think that's the case. I don't think you meant that. But I would like to see you maybe try to convince your cabinet colleagues to follow the course suggested by Senator Dyck and lead to a national inquiry. I think it's needed.

Let me say this: If they were 1,200 White women, I think there would be people rioting in the streets. I don't know why we're not pursuing this.

Some Hon. Senators: Hear, hear.

[Translation]

Hon. Claude Carignan (Leader of the Government): I think it's unfortunate that you are using Canada's actions in Nigeria to try to belittle the specific actions Canada has taken with respect to the missing Aboriginal women. I repeat: Our government has taken and will continue to take specific actions. I didn't mention the RCMP's investigations when there is a murder or disappearance. These investigations are obviously specific actions by law enforcement. We must continue to work to ensure that our communities are as safe as possible, and that is what we are committed to doing.

[English]

Hon. Lillian Eva Dyck: Honourable senators, one of the problems that we tend to forget about when it comes to missing and murdered indigenous women and girls is racism, systemic discrimination within a police force, systemic discrimination within the way we deal with things. We have a thousand murdered Aboriginal women and aboriginals represent only 4 per cent of the population. If we were the entire population, that would be 25,000. If 25,000 White women were missing or murdered, we would be paying attention. But if it's 1,000 Aboriginal women, we don't pay the same attention. That's what this is all about.

How can we continue to deny the importance? You list all these programs and things that you're doing, but none of them are specifically addressing Aboriginal people. I'm sorry; I'm getting frustrated. How can you get up and say you're doing this, because we're not? How can you not call a national commission of inquiry and get at the root causes?

Some Hon. Senators: Hear, hear.

[Translation]

Senator Carignan: Senator, a national missing persons website was created, and what you're calling for has to do with missing persons. I don't understand how you can say that this doesn't apply to the situation.

• (1500)

We're creating community safety plans in cooperation with Aboriginal communities, so I don't understand how you can tell me today that Aboriginal communities aren't being addressed. I get the impression that we don't read the same newspapers or watch the same news broadcasts.

[English]

ORDERS OF THE DAY

CANADA GRAIN ACT CANADA TRANSPORTATION ACT

DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker: Honourable senators, I wish to draw to your attention that the Honourable Senator Merchant has made a written declaration of private interest regarding Bill C-30, and in accordance with rule 15-7(1), the declaration shall be recorded in the *Journals of the Senate*.

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Frum, for the second reading of Bill C-30, An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures.

Hon. Terry M. Mercer: Honourable senators, I am pleased to speak today on Bill C-30, An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures, and better known as the "fair rail for grain farmers act."

This follows up on the record crop year that grain farmers experienced last year. In fact, yields were 50 per cent higher than average; however, the transportation system could not handle

such a deluge of crop. Grain sits in silos, awaiting transport. That is why we are here today.

Before I get into the details of the bill, I would like to review its timeline, since there seems to be a great urgency by some senators and veiled accusations that I, or rather we, the Liberal Senate caucus, are holding up this bill. This is simply not true and I take great offence at being accused of doing such a thing. If some senators believe that doing their jobs and properly examining legislation should be called "holding it up," then I suggest they read the Constitution and take a look at exactly what the role of the Senate is.

In March, Ministers Ritz and Raitt announced an order-in-council obliging CN and CP, Canada's national railways, to increase the capacity of grain transportation to a minimum of 500,000 metric tonnes per week. That order-in-council expires on June 5. For some strange reason, it actually expires on June 1 because that is when the crop week begins, on a Sunday.

Strangely, I've been on the Agriculture Committee for over 10 years now, and this is the first time I have ever heard the term "crop week" in any legislation with respect to any bill before us. Sometimes in this place, we learn something new every day, so there's one for all of us.

It is this reason, though, that it is putting pressure on all of us to make sure that Bill C-30 is passed as quickly as possible. That is one of the reasons. It does extend the measures of the order-in-council until August 3, which is a Sunday and which means it's the beginning of a crop week.

Now, I want you to listen closely to the following timelines, colleagues. The government introduced Bill C-30 on March 26. Second reading occurred on March 28. Then it was sent to the Standing Committee on Agriculture and Agri-Food. The House committee sat for five sessions in extended hours, and the bill was amended by the Conservatives and sent back to the House on April 8. I remember the date because it's my wedding anniversary. So it went back to the House on April 8.

This is where it gets a little strange. Why, you ask? The bill was sent back to the House committee again on May 1. Ah-ha! So what happened? Well, the bill was originally reported back from the committee on April 8. The member for Edmonton-St. Albert raised a point of order regarding the admissibility of an amendment adopted by the committee. The Speaker of the House Mr. Scheer ruled on May 1 that the amendment in question reached back into the parent act to modify a section of the act originally untouched by the bill as passed at second reading. Therefore, the amendment and those consequential to it were ruled inadmissible by the Speaker. Again, this occurred on May 1, almost a month after the committee reported it back.

The House then debated a motion to allow the bill to be sent back to committee in order to amend it in a proper way, which was done. The bill was then sent back to the House, and it passed third reading on May 5. It was then sent here to the Senate and introduced on May 6. By my count, that's 42 days.

Honourable senators, you may ask yourselves why I'm reviewing this. On May 8, just last week, the sponsor of this bill, Senator Plett, spoke on Bill C-30. It was a good speech, except for its ending:

Colleagues, let us get this to committee immediately so we can ensure the bill gets the study it requires in the necessary time span. We need to be cognizant of the time constraints we are facing

He went on to say:

There is no reason that this could not be sent to committee today, so I am disappointed that it appears that this will not happen.

Rest assured, honourable senators, we on this side are very cognizant of the need to get this important piece of legislation approved. The grain farmers need it, the railways need it and Canada needs it.

What we do not need is for us to forget our Rules and procedures in this place. While Senator Plett was speaking here last week, I was in my office, receiving a briefing from departmental officials, and I thank them for that. I agreed at that point, a week ago, that I would speak today.

For an honourable member to rise in this place and blame us for holding up the bill is unnecessary. Frankly, I am tired of the political wrangling that has been occurring here with respect to legislation. If something does not go their way, the Conservative government blames us. They should look in the mirror. It was the Conservative government who incorrectly introduced amendments in the other place, delaying the bill. It was the Conservative government who did not include those policy initiatives in the bill in the first place.

Honourable senators, it will be the Senate Liberal opposition who will do their due diligence to make sure this bill is the best it can be and serves those it is intended to serve.

You can introduce all the time allocations you want, Senator Martin, but I'm here to tell you all that it will not deter us from doing our jobs. These schoolyard bullying tactics are disgraceful. When we reach an agreement, we honour it, and we agreed I would speak today.

Today, we are speaking of Bill C-30. On the outside, the bill appears to provide some decent measures in order to fix the grain transportation system and ease the backlog. This year, as I said earlier, Western Canada produced a record 76 million metric tonnes of grain. That is 50 per cent higher than the average crop. Our farmers have done well by embracing new technologies and improving their methods. We also had good weather.

Very soon the Standing Senate Committee on Agriculture and Forestry will be releasing our report on innovation, which I encourage you to have a look at. It contains many recommendations, some of which may no doubt increase the production of grain even further.

In the fall, Canada's main railways, CN and CP, were transporting average volumes to port but fell behind due to circumstances hitting everyone at once. A large supply of grain and bad weather slowed things down considerably. I believe you will all agree it has been an incredibly long and cold winter. These conditions greatly affected performance by the railways to ship at full capacity, and not just with grain. The weather impedes the speed and length of the train. To that end, only 77,000 carloads had been delivered as of March 9, which represented 6,000 carloads fewer than ordered — a significant amount. The value of the grain sitting in bins is an estimated \$14.5 to \$20 billion — that's billions, honourable senators. As such, grain elevators are near capacity, about 93 per cent, and port terminal capacity remains underutilized, at 39 per cent.

• (1510)

The government issued the order-in-council, as previously mentioned, to encourage the two rail companies to help ease the backlog. That order-in-council, which took effect on March 7, did the following: set out minimum volumes of grain that each railway company is required to move; increased the volume requirements carried each week; required railways to report to the Minister of Transport on weekly shipments; and created legal obligations on railways that could result in penalties for non-compliance of up to \$100,000 day.

Now we have Bill C-30, which sets out to continue that order but also attempts some other "fixes" to the management and operation of the supply chain.

Since the bill maintains much of the order-in-council, I will continue my comments on two things in the bill that I find of great interest. They are, one, authorizing the extension of current interswitching distance from 30 kilometres to 160 kilometres in Alberta, Saskatchewan and Manitoba, for all commodities; and, two, proposing amendments that would give the Canadian Transportation Agency the authority to regulate elements in arbitrated service level agreements, or SLAs.

By way of explanation, interswitching occurs when one rail carrier picks up the cars from a supplier and then transfers them to another carrier. Increasing the interswitching distance increases the amount of elevators that farmers have access to from 14 to 150 and also increases the accessibility of the number of short-haul railways. I believe this is a good way to increase competition and increase the flow of grain from point A to point B. As they say, the devil is in the details, however, and I look forward to hearing some comments on this in committee.

Honourable senators, you may recognize the term "service level agreements." That is because we have studied this issue before, in Bill C-52 in the Senate, assented to on June 26, 2013. The Fair Rail Freight Service Act was designed to, among other things, "give freight shippers the right to enter into service agreements with railway companies and establish an arbitration process in the event of a dispute between a shipper and a railway company regarding such an agreement."

You may recall the testimony before the Transport Committee. Many of the witnesses were concerned that there was not an adequate definition of service obligations in the act in

order to provide guidance on how the service level agreement would be formed between the railway and a shipper. We attempted to provide guidance by means of amendments to help do that, but they were voted down in committee and also here in the chamber at third reading.

Senator Robichaud: Really?

Senator Mercer: That's true. It is hard to believe, Senator Robichaud.

Now we have Bill C-30. Is there any further guidance on how the service level agreement is to be formed? No. What the bill does say is that it would give the "Canadian Transportation Agency the authority to regulate prescribed elements in arbitrated Service Level Agreements which would allow for greater specificity on the elements of Service Level Agreements." So it authorizes the regulation of service levels but does not define in legislation what the service levels should be.

I don't understand that. I don't understand why, since the government heard, under Bill C-52, that the shippers were concerned about this. Now we have another bill where it is missing, again.

Is the government listening, honourable senators? The Canadian Transportation Agency will decide on the regulations to define the operational terms, but the legislation will not. Why? Two opportunities; two bills.

Witnesses at the Agriculture and Agri-Food Committee in the other place noted this as well. Mr. Cam Dahl, President of Cereals Canada, said:

Cereals Canada believes that at a minimum the Bill C-30 legislative and regulatory package must provide for a better and more significant definition of "adequate and suitable" whereby railway service obligations must meet the transportation needs of the shippers within the context of the Canada Transportation Act.

He goes on to say:

The purpose of this adjustment to the regulations is to ensure that adequate capacity is available to shippers, and that is all shippers, not just those in the grain industry. The current definition of "adequate and suitable" is too vague and open to subjective interpretation when determining the common carrier obligations of the railways.

Another witness, Mr. Matt Sawyer, Chair of the Alberta Barley Commission, said:

The definition of adequate and suitable accommodations and service obligations within the legislation needs to be made clear.

To be frank with you, we need a bill that has teeth. While we appreciate the drive for more accountability, we also need real and tangible measures.

Yet another witness, Mr. Rick White, Chief Executive Officer of the Canadian Canola Growers Association, said:

... a proper definition of adequate and sustainable service in the common carrier obligations contained in the Canada Transportation Act is required. Railway service obligations must meet the transportation needs of the shipper.

He continues:

Defining adequate and suitable service as that which meets the shipper's needs inherently addresses the capacity issue in the way that is not specified by government edict, and would clarify that the rail service provider is statutorily compelled to do what they need to do in order to carry the traffic presented to them.

Further, he says:

This needs to be added to Bill C-30. The current definition is too vague and it requires tightening to leave little room for misinterpretation or legal wrangling.

We see a lot of that.

Honourable senators, I think it is clear that many witnesses — not all of them, mind you — saw the current definition of "adequate and sustainable" under the Canada Transportation Act too vague. The legislation should be clearly defining the obligations and we should not be merely waiting for the agency to provide them through regulations.

The bill merely provides for some regulations in the future. Canadian grain farmers cannot wait any longer for regulations. They want action now and I believe the bill may have fallen short on this. I look forward to asking the minister and witnesses in committee about it.

Lastly, honourable senators, I am concerned about the entire supply system. One thing the bill does is accelerate the review of the Canada Transportation Act scheduled to begin no later than June 2015.

With what I see as the failure of Bill C-52 and the apparent inadequacy of Bill C-30, a review of the entire system is needed — and it's needed sooner rather than later.

Honourable senators, I also caution the government to think before it leaps again. Does this legislation go far enough to fix real problems or will we wait another year before some real change

occurs? Why are we not taking this opportunity to learn from the mistakes in Bill C-52?

Has the dismantling of the single desk at the Wheat Board contributed to the problems we are seeing about the amount of grain being transported today? Many have said that the Wheat Board played a vital role in coordinating the transport of grain. Has the end of the single desk made the problems of grain backlog even worse? Hopefully we will find out, honourable senators. I look forward to getting some of these answers and more when we refer the bill to committee.

Canada has some of the best agricultural products in the world, from Nova Scotia apples and blueberries to Western grain and pulse products, but we cannot keep up that reputation if our products cannot be shipped out of Canada in a timely manner to the world for the world to enjoy.

That's why this is an important piece of legislation and I look forward to studying it further.

[Translation]

Hon. Claudette Tardif: Honourable senators, I rise to speak to Bill C-30, which deals with an issue that is particularly important to my province of Alberta. I am well aware of the difficulties that farmers in my province, as well as those in Manitoba and Saskatchewan, are facing in getting their grain to market.

• (1520)

For a number of months, farmers have been increasingly frustrated with the lack of rail capacity to move the grain they harvested last summer. This backlog has had serious repercussions on their income. Farmers have seen the quality and value of their crops decline. Many farmers with willing buyers have no way to deliver their product. Many sales have been postponed while others have fallen through. The congestion on the railways has resulted in millions of dollars in demurrage penalties for grain companies, because they are unable to load ships in a timely fashion.

Canada is known around the world for its high-quality grain products. But our international reputation as a reliable grain supplier has been tarnished because of these transportation problems. I recently read that at a world grain summit held in Singapore in March, speakers from at least 10 countries raised doubts as to Canada's ability to ship grain. We are even hearing that customers are losing confidence or simply turning to other suppliers.

Under the circumstances, the government must intervene to deal with this grain backlog, something it should have done a long time ago. Last February, Verlyn Olson, Alberta's Minister of Agriculture, said the following:

[English]

Unlike producers and grain companies, railways are not assessed immediate penalties when they fail to meet their grain-delivery obligations. That needs to change. The

consequences of poor service need to be shared by all to ensure our products move to port as quickly and efficiently as possible.

[Translation]

I support the intent of this bill, and I hope that it will be sent to committee for study so that we can hear the views of farmers and other stakeholders. But before that, I would like to briefly raise a few points. My colleague, the Honourable Senator Mercer, raised several others.

Bill C-30 amends the Canada Transportation Act to set out a minimum volume of grain that the two major railways, CN and CP, are required to transport. This provision puts into legislation an order-in-council issued on March 7 that ordered the railways to transport one million metric tonnes of grains on a weekly basis, with the threat of \$100,000 daily fines for non-compliance.

Not surprisingly, the railway companies have expressed disappointment with this provision. They state that the backlog is largely the result of last year's large harvest and the harsh winter conditions that have bogged down shipments. They also ask us to be mindful that the supply chain is complex. It requires the cooperation and coordination of multiple moving parts to move the grain from the bin to the elevator to the railcar to the port and finally to markets.

The railways have stated that grain terminals, elevators and ports may not be able to cope with the number of railcars needed to meet this target. I do believe that we should be mindful of the pressure this could put on the railways and also of the needs of other commodities, because we are not actually expanding rail capacity with this bill. There are only so many rails and so many cars. I note that Minister of Agriculture Gerry Ritz has stated that this requirement will not hamper the movement of other commodities that the railways are responsible for moving.

From what I have read in news reports, railways have already ramped up the volume of grain traffic to meet the minimum target ordered by the order-in-council. So far, as I understand, the railways and the overall supply chain have been able to cope with this surge in grain transportation. I also note that many stakeholders, including the Minister of Agriculture of Saskatchewan, the Honourable Lyle Stewart, have stated that we could and in fact should demand more from the railways. They would like to see stiffer fines and higher minimum targets for grain cars.

Determining a balanced volume requirement is a technical question, and I look forward to hearing what witnesses have to say about this once the bill goes to the Agriculture Committee. Still, I believe that the general policy choice to require railways to transport more grain at this time is justified and overdue because the massive grain backlog is the most pressing problem facing the rail network.

Beyond the question of determining the appropriate volume requirement, we should also be mindful that the target is an aggregate number. It remains unclear how the railways will

distribute grain traffic in specific corridors. The supply chain will not work more effectively if the railways simply concentrate on low-hanging fruit to meet the target.

[English]

Honourable senators, getting the railways to move more grain will help resolve the problem in the short term, but we should also be mindful that Bill C-30 is not a permanent solution that will keep this problem from happening again. All of the provisions contained in this bill will sunset in 2016. More fundamentally, the inability to move the amount of grain that farmers produce in a timely fashion is not an entirely new situation, and the system will likely face similar pressure in the years to come as a result of the expected yield growth. We need to determine how to ensure that the supply chain has sufficient capacity and is well coordinated in the long term.

Commodity shippers have long complained about inconsistent and inadequate rail service and the unfair market advantage the railways have over them. In many cases, grain elevators have access to only one of the two major railways, resulting in a de facto monopoly. They have no choice but to deal with the service provider, so it obviously becomes very difficult to demand better services.

Provisions in Bill C-30 are intended to strengthen service-level agreements that the railways are required to offer to companies shipping goods by rail. As Senator Mercer has mentioned, this very issue was debated in this chamber last year in consideration of Bill C-52. The purpose of that bill was to encourage railways and shippers to work together. However, many witnesses testifying before the Transport and Communications Committee, including the Coalition of Rail Shippers, one of the main stakeholder groups for which this legislation was enacted, stated that Bill C-52 would not be effective because it did not have enough teeth to create a more balanced situation in this market.

The penalties were not considered severe enough and did not adequately define what service the railways must provide, as my honourable colleague Senator Mercer has already pointed out. In any case, the result is that this legislation has not been of any help.

I urge senators to keep in mind the lessons we can learn from our consideration of Bill C-52 to determine how this tool can be useful in the context of the rail transport market.

Another issue is the lack of coordination in the transportation of grain to port. I think it is important to highlight that there is an ongoing debate regarding the loss of the Canadian Wheat Board's single-desk status and this backlog that we are facing today. Particularly, farmers and supporters of the Canadian Wheat Board assert that the board played important coordinating and oversight functions in the transport of grain. They say the absence of a single agency coordinating grain transportation has amplified the backlog. The railways also point to the same problem.

In a March 31 news release, CN Rail's CEO, Claude Mongeau, stated:

One of the biggest root causes of the challenge we face is a lack of coordination across the supply chain and growing

pains from new grain marketing strategies following the change in role of the Canadian Wheat Board.

The Canadian Wheat Board was an institution controlled by farmers that held the railways accountable for service levels and helped provide coordination in the interest of primary producers. The issue is not that of single-desk selling but of the collateral damage of eliminating the Wheat Board's single-desk status and the question of whether these coordinating functions should be performed by a new body.

• (1530)

According to the supporters of the Wheat Board, the current chaos in the transportation of grain is related to the price farmers receive for their grain and ultimately is depriving farmers of revenues to the benefit of grain companies. The long distances to ports have always stopped farmers from receiving the full world market price for their grain. However, this year producers are seeing a larger gap between the farm gate price and the international price paid at the port, which means a larger share of the money being transferred to grain companies. Some farmers are saying that this is the result of a market overhang because nobody is directing traffic anymore.

Honourable senators, the grain backlog requires immediate action. As the three Prairie provinces have requested, I believe it is justified that we request that railways increase the volume of grain they transport. But we also need a long-term solution and a comprehensive vision for agriculture in this country to ensure that similar problems do not resurface.

We need to think about what rules and institutions are needed to ensure that our producers can compete successfully in the world market and that logistical problems are solved in the interests of our producers and the Canadian economy. I look forward to examining these issues in further detail in committee and with the benefit of stakeholders' perspectives.

Hon. Donald Neil Plett: Would the honourable senator take a question?

Senator Tardif: Yes, certainly.

Senator Plett: First, let me thank both Senator Mercer and Senator Tardif for their speeches. Senator Mercer said a few parts of my speech weren't great, and I would offer the same comments towards parts of his speech, but for the most part it was a great speech, as was yours, senator.

You rightfully said August 1, 2016, is the sunset clause. My question is simply this: If we all, we here in the Senate and those in the other place, work collaboratively between now and 2016, we should be able to come up with a whole lot of good suggestions to improve this at that time, should we not?

Senator Tardif: I look forward to hearing stakeholders in committee, Senator Plett. Yes, if we collaborate, good things can always occur.

[Senator Tardif]

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

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by Honourable Senator Plett, seconded by the Honourable Senator Frum, that this bill be read the second time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Plett, bill referred to the Standing Senate Committee on Agriculture and Forestry.)

TLA'AMIN FINAL AGREEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Nancy Greene Raine moved second reading of Bill C-34, An Act to give effect to the Tla'amin Final Agreement and to make consequential amendments to other Acts.

She said: Honourable senators, it is a pleasure and an honour to speak to Bill C-34, the Tla'amin Final Agreement Bill, before this chamber.

I would note at the outset of my remarks that this bill comes to us with the unanimous approval of our colleagues in the lower chamber, having passed at all stages in the House of Commons on April 28, 2014.

Honourable senators, I would say that is as it should be. I'm confident that all senators share in the understanding that the successful negotiation of land claim and self-government agreements is key to stronger, more self-sufficient First Nation communities in Canada.

We know that negotiations lead to joint solutions, solutions that work for all Canadians, solutions that promote respect and understanding while freeing Aboriginal communities from the archaic provisions of the Indian Act that are holding them back from building stronger, healthier, more prosperous communities on their own terms.

That is most certainly the case with the Tla'amin Final Agreement. The agreement provides the Tla'amin Nation with land, resources and the right to control its own affairs, including land and community administration, and key Aboriginal cultural interests.

This agreement will put in the hands of the Tla'amin Nation the tools that are fundamental to building a sustainable economy, creating jobs, enhancing the quality of life of its citizens and contributing to the regional economy.

The Tla'amin Nation will have the modern governance structures that enable strong and workable relationships with other governments — not just the federal government but provincial, regional and local governments in British Columbia as well.

The Tla'amin Nation is a Coast Salish people who have, for thousands of years, inhabited and used a large territory in the Strait of Georgia between Vancouver Island and the B.C. mainland.

Tla'amin has six reserves totalling just over 1,900 hectares, though only one of these is populated — Sliammon Indian Reserve No. 1. This reserve, near the city of Powell River, has long been the location of a main village for the Tla'amin people. Today, nearly two thirds of its total population of 1,000 live on this reserve.

The Tla'amin Nation has a very positive relationship with the neighbouring city. Since 2002, the Tla'amin Nation and Powell River have entered into a number of protocols and agreements that have led, for example, to cooperative planning and the incorporation of Tla'amin culture and history into the city's sea walk, parks and signage.

Powell River city council as well as the Powell River Regional District board of directors are strong supporters of the Tla'amin Final Agreement. They recognize the potential economic opportunities that will be created once the agreement is in place, and the Tla'amin government can be a full partner. In fact, the City of Powell River and the Tla'amin Nation are already discussing the development of potential economic partnerships.

Tla'amin has identified economic development as a community priority and is actively participating in the local and regional economies by way of its shellfish aquaculture business, hotel, forestry tenures and residential developments.

Through its relationship with Powell River and its pursuit of partnership agreements with local industries, the Tla'amin Nation has established a strong foundation for economic progress. Honourable senators, with the final agreement in place, it will have the authority to build on this foundation and to make full use of the resources on the treaty settlement lands that the Tla'amin Nation will own in fee simple.

For example, a sizeable portion of the approximately 8,300 hectares of lands that Tla'amin will own as a result of this agreement is ocean waterfront — waterfront that is contiguous, accessible and near their reserve outside Powell River. The economic development opportunities in such property are self-evident. The community already operates a hotel and marina, while the reserve near Powell River includes residential developments that contain over 140 leasehold properties held by non-members.

Other aspects of the agreement assure that the Tla'amin Nation will continue to benefit from its more traditional economic pursuits that are so much a part of preserving its cultural heritage.

The Tla'amin Nation's five other reserves include sites where they have been harvesting salmon, clams and oysters for centuries.

Honourable senators, unlike other treaties in B.C., the Tla'amin Final Agreement does not contain a harvest agreement for commercial fishing purposes. The Tla'amin Nation will access the commercial fishery by acquiring commercial fishing licenses the same way as any other licensed holders do.

This agreement assures the Tla'amin Nation's right to harvest fish and aquatic plants for food, social and ceremonial purposes, but Canada and British Columbia will retain authority to manage and conserve fish, aquatic plants and fish habitat, according to their respective jurisdictions, while the Tla'amin Nation will have authority over internal regulation of its fisheries.

It is perhaps a mark of the spirit of cooperation generated through this particular negotiation process that the final agreement includes a provision to establish a joint fisheries committee. Canada, British Columbia and the Tla'amin Nation will work together over the long term to undertake cooperative planning for Tla'amin fishing, fisheries management activities and other fisheries-related matters.

• (1540)

I would note, honourable senators, that these and all other provisions of the Tla'amin Final Agreement are the products of negotiation — indeed, a significant process of negotiation, consultation and ratification.

The Tla'amin Nation was among the very first groups to submit a Statement of Intent to Negotiate a Treaty under the British Columbia treaty process and was accepted into the process in May 1994. Negotiations progressed and, in December 2003, Canada, British Columbia and the Tla'amin Nation signed an agreement in principle.

In October 2009, a new constitution based on the traditional teachings of the Tla'amin Elders was ratified by the members of the Tla'amin Nation. The constitution is a key element of the treaty process and of the final agreement. It defines the relationship between members of the Tla'amin Nation and their government, and provides the basis for a democratically elected and accountable government.

In October 2011, chief negotiators for Canada, British Columbia and Tla'amin Nation initialled the final agreement. In July 2012, in a transparent, democratic community vote, the membership of the Tla'amin Nation approved the Tla'amin Final Agreement.

In March 2013, an act to ratify the Tla'amin Final Agreement received Royal Assent in British Columbia and last month, April 2014, nearly 20 years since the process began, the governments of Canada, B.C. and the Tla'amin Nation signed the Final Agreement. All that remains for this agreement to be crystallized into law is for Canada to ratify the final agreement. Upon coming into force, the Tla'amin Final Agreement would become the fourth modern treaty to be concluded in British Columbia under the British Columbia treaty process since 2006.

After a period of transition, the Indian Act will no longer apply to the Tla'amin Nation. In its place, constitutionally protected, self-government provisions will enable the Tla'amin Nation to make its own decisions about matters related to the preservation of its culture, the exercise of its treaty rights and the operation of its government.

Tla'amin Chief Clint Williams said when the Tla'amin Final Agreement act was before the British Columbia legislature last year:

The Sliammon people will be allowed to prosper now, will not be held down by the shackles of the dreaded Indian Act. The only way is up from here for the Tla'amin people.

There is ample reason to project a more prosperous future for the Tla'amin Nation. The benefits of self-government agreements are being demonstrated in First Nation communities across Canada. The potential benefits extend well beyond First Nation communities. According to a study by PricewaterhouseCoopers, they would free First Nation communities to participate in the larger economy. Ultimately, modern treaties could generate as much as \$10 billion in economic activity in British Columbia alone.

Passing Bill C-34 will ensure that the Tla'amin Nation has the freedom and the tools to capitalize on the great social and economic potential of their region. The ownership and use of lands and resources will now be clear. The agreement will establish the predictability needed to enable continued development and growth, and there will be no more costly and divisive disputes and court cases. The signing of the final agreement shows that Canada is serious about moving forward with willing partners to achieve results at negotiating tables for the benefit of First Nations and all Canadians. It shows that Canada recognizes the legitimate aspirations of the members of the Tla'amin Nation to be free of the Indian Act; to set their own course; and to have the freedom to pursue prosperity and growth on their own terms.

I trust you will join me, honourable senators, in supporting this bill and welcoming a new, prosperous future for the Tla'amin Nation.

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

**CANADA GRAIN ACT
CANADA TRANSPORTATION ACT**

ALLOTMENT OF TIME—MOTION WITHDRAWN

On Government Business, Motions, Item No. 38, by the Honourable Senator Martin:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-30, An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 5-10(2), I ask that government notice of motion number 38 be withdrawn.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(Motion withdrawn.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, for the second reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

Hon. Bob Runciman: Honourable senators, I'm not prepared to proceed today. I would ask that the clock be reset.

(On motion of Senator Runciman, debate adjourned.)

BREAST DENSITY AWARENESS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Marshall, for the second reading of Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

Hon. Rose-May Poirier: Honourable senators, debate of the bill is adjourned in Senator Martin's name. She has indicated to me that she no longer wishes to speak to it. Therefore, I would move to adjourn the debate in my name.

(On motion of Senator Poirier, debate adjourned.)

[Translation]

INCOME TAX ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maltais, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

Hon. Jean-Guy Dagenais: Honourable senators, I have not yet finished preparing my speaking notes on this bill. I move that debate on the motion be adjourned to the next sitting of the Senate for the remainder of my time.

(On motion of Senator Dagenais, debate adjourned.)

(The Senate adjourned until Wednesday, May 14, 2014, at 1:30 p.m.)

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