



DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 93

OFFICIAL REPORT
(HANSARD)

Wednesday, November 5, 2014

The Honourable NOËL A. KINSELLA
Speaker

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

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Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, November 5, 2014

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

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the new Consul General of the United States of America in Vancouver, Ms. Lynne Platt. She is the guest of the Honourable Senator Martin.

On behalf of all senators, I welcome you to the Senate of Canada and trust that you will find profitable your time of service in Canada on behalf of your great country.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

FOOD BANKS

Hon. Wilfred P. Moore: Honourable senators, I rise today to note that yesterday marked the annual release of Food Banks Canada's report, HungerCount 2014. This year's report is entitled "Why do we need food banks in a country as rich as Canada?"

Senators, 841,191 Canadians are forced, for any number of circumstances, to turn to food banks every month. This is a 25 per cent increase since 2008. More than one third of those helped by food banks are children. One out of every six households helped by food banks has income from current and recent employment.

Food bank use increased in 6 of our 10 provinces. Forty-three per cent of households accessing support from food banks are single people; that is, persons living alone without children. This sector has seen the greatest rise over the years. In 2001, single Canadians made up 29 per cent of those who accessed food banks. In 2014 this number rose to 43 per cent.

Food bank usage by First Nations, Metis and Inuit is still climbing.

In my own province of Nova Scotia, 20,000 people used a food bank in 2014; 30 per cent were children.

The reality is that since the recession of 2007-08, a large number of Canadians have not recovered from the devastating effects of the economic downturn. With poverty being a main driver of food bank use, Food Banks Canada has several suggestions to relieve some of the problems which perpetuate the cycle of

poverty for a great many Canadians. These suggestions are as follows: build affordable housing, reduce food insecurity in the North, fix the broken welfare system, reduce the incidence of child poverty and provide Canadians with the skills needed for well-paying jobs.

Senators, I thank Food Banks Canada for this report and I applaud the work of those who try to provide nourishment for Canadians who can no longer afford this on their own. I hope we can all work together to break this cycle.

Thank you.

ENERGY EAST PIPELINE

Hon. Percy Mockler: Honourable senators, today I want to share information about Energy East Pipeline.

[Translation]

I would be remiss if I did not acknowledge in this chamber the leadership of TransCanada Corporation and Irving Oil with respect to the Energy East Pipeline Project.

[English]

As a parliamentarian from New Brunswick, this project is about putting Eastern Canada and New Brunswick first and Canadians in a league of their own — a better future for all with this energy file across the world.

There is no doubt in my mind that TransCanada Corporation and Irving Oil are good social corporate citizens. One need only take time to refresh our memory vis-à-vis their caring attitude that we have witnessed and still witness from coast to coast in communities across our regions, provinces and country.

Honourable senators, on Thursday, October 30, 2014, TransCanada Corporation filed a formal project application with the National Energy Board of Canada, being mindful of their environmental responsibility. That 30,000-page regulatory application also highlights economic benefits.

Honourable senators, please bear with me as I share with you some of the benefits of the \$12-billion Energy East Pipeline Project and what it means for New Brunswick and Eastern Canada.

Yes, it will make refineries in Eastern Canada more competitive. Yes, it will support an average of approximately 14,000 direct and indirect full-time jobs during construction. Yes, honourable senators, Energy East is more than a pipeline. It means a stronger economy and a more secure future for our families.

Some Hon. Senators: Hear, hear!

Senator Mockler: Yes, I believe that in New Brunswick and on the East Coast we can lead in this way because we have known since Confederation what a can-do approach can do.

[Translation]

The pipeline will end in Saint John, New Brunswick, at the Irving Oil refinery.

[English]

We in New Brunswick and Eastern Canada are mindful and proud of the Irving refinery complex, which is the largest refinery in Canada and one of the 10 largest in North America. There is no doubt that TransCanada Corporation and Irving Oil, as they venture to build, own and operate a new deepwater marine terminal, will be a success. It will be economically sustainable and environmentally friendly to the people of Eastern Canada, not to say all of Canada. I am confident we can do it. The people of New Brunswick and Eastern Canada need the economic benefits.

• (1340)

I welcome the statement of the Conference Board of Canada in which they said that New Brunswick stands to create approximately 2,400 jobs during the construction phase.

Honourable senators, we have a can-do approach when it comes to economic development of our natural resources. This project did not happen by accident. It is because we have a leader, Prime Minister Harper, who is steadfast —

Some Hon. Senators: Oh, oh.

Senator Mockler: — and dedicated to our families and jobs, dedicated to our economy and the security of our communities. And, yes, he has a can-do philosophy.

Some Hon. Senators: Hear, hear.

[Translation]

Senator Mockler: Honourable senators, no one can deny that this project was conceived by Canadians, for Canadians.

[English]

Hon. Jane Cordy: Thank you very much. Perhaps I could ask Senator Mockler to remind the Prime Minister that we in Atlantic Canada do not have a culture of defeat. Please remind Prime Minister Harper of that.

REMEMBRANCE DAY

ROLE OF WOMEN IN WORLD WARS

Hon. Jane Cordy: Honourable senators, next Tuesday we observe Remembrance Day, the day set aside each year to remember those Canadian men and women who sacrificed so much in service to their country. From the men and women who

fought on the front lines in the army, navy and air force to the men and women of the medical corps, to their families and neighbours back home, wartime efforts involve an entire nation.

Today, honourable senators, I would like to recognize the vital role Canada's young women played in Canada's war efforts in the First and Second World Wars.

Prior to the outbreak of the First World War, the Canadian Army Nursing Service consisted of only 80 reserve nurses. By the end of the war, over 3,000 Canadian women volunteered to serve overseas in the army at any one of 30 military hospitals and casualty clearing stations in England, France, Belgium, Greece, Malta and the Eastern Mediterranean. Many could also be found serving near the front lines where their services were most urgently required. More than 4,000 Canadian nursing sisters served overseas during World War II. By this time each branch of the military had its own corps of nursing sisters.

Nicknamed "Bluebirds" by the soldiers in the First World War because of their blue dresses, white aprons and their sheer white veils, the nursing sisters were first-hand eyewitnesses to the horrors of war on a daily basis. Caring for the injured and sick soldiers, they were seen as true angels of compassion and angels of mercy.

Often stationed near the front line, the nursing sisters worked under dangerous conditions. Many lost their lives to sickness and enemy attacks. On May 19, 1918, the No. 1 Canadian General Hospital and the No. 7 Canadian General Hospital in Étaples, France, were hit during a German air raid. Étaples was the location of the main depot and transit camp for The British Expeditionary Force. In the attack, 66 Canadians were killed and 73 were wounded. Of the 66 killed, 3 were Canadian Army nurses.

Many nurses remained with immobile patients throughout the bombing. Nursing sisters Helene Hanson and Beatrice McNair were subsequently awarded military medals for their outstanding devotion to duty, making them the first Canadian women to be decorated for gallantry.

On June 27, 1918, the Canadian hospital ship Llandovery Castle was torpedoed and sunk off the coast of Southern Ireland by a German U-boat while returning from Halifax to Liverpool. The vessel was used to transport injured soldiers from England to Canada. At the time it was torpedoed, the Llandovery Castle did not carry any patients, but it did carry 258 crew and medical personnel.

Attacking hospital ships was against international law and against standing orders of the German navy. Nonetheless, the vessel was torpedoed, and those who made it to lifeboats were then gunned down by the U-boat. Only 24 survived the attack. All 14 of the Canadian nursing sisters on board the ship were killed, including two Nova Scotians, Margaret Fraser of Pictou County and Minnie Follette of Cumberland County. Also on board and killed was Lieutenant-Colonel Thomas MacDonald of Port Hawkesbury, the doctor who commanded the medical personnel.

These brave young women answered their country's call just as thousands of young men had. Over 500 nurses would be decorated for their wartime service in World War I. It is my

sincere honour to pay homage to these brave young Canadian women and the vital role they played during these two horrific periods of our country's history that also helped shape Canada into the nation it is today.

Hon. Nancy Ruth: Honourable senators, these paintings we look at each day remind us of Canada's role in the First World War. But in the pictures they paint, women are largely missing in action, and no tribute to our history in the conflict can be complete without honouring their courage.

Despite women's status as second-class citizens, thousands of women enlisted in the army medical corps as nurses. Many served close to the front lines. On the home front, women led the way. They salvaged clothing, rubber and metal; they gave blood; they wielded iron and made weapons; they milked cows and tilled fields. And at the end of back-breaking days running factories and farms, schools and stores, they cared for our kids and raised millions in war drives. They did so, for the most part, unpaid and unsung, literally! Because in 1913, a change to the lyrics of "O Canada" erased them. How ironic on the eve of war, with Canada poised to bear more burdens than ever before.

But as their contributions increased dramatically in every arena, so, too, did their determination to be seen and heard and counted.

Suffragettes stepped up their campaigns. Nellie McClung had already drawn national attention to the cause. Her mock parliamentary performance had reversed gender roles and challenged the merits of allowing men to vote. But, as she and her activist peers made the case for women's suffrage in words, overseas and across this country women in every community reinforced that case through their actions — in offices, factories and fields, doing men's jobs as well as their own. In the process they helped to transform Canada.

By the end of the war, socially and economically, we were a different country, with new-found stature in the world, stature that, then and now, owes a great debt to the labour and leadership of Canadian women.

[Translation]

COPYRIGHT ACT TRADE-MARKS ACT

BILL TO AMEND—NOTICE OF MOTION TO DECLARE ALL PROCEEDINGS TO DATE NULL AND VOID

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

That all proceedings to date on Bill C-8, An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, be declared null and void.

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Yonah Martin (Deputy Leader of the Government) introduced Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

(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.)

• (1350)

[Translation]

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

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

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 18, 2014, at 2 p.m.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

THIRD PART, 2014 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF COUNCIL OF EUROPE, JUNE 23-27, 2014— REVISED REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the revised report of the Canadian parliamentary delegation respecting its participation at the third part of the 2014 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from June 23 to 27, 2014.

[English]

COMMONWEALTH PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO THE UNITED KINGDOM,
MARCH 8-13, 2014—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association regarding the Bilateral Visit to the United Kingdom, held in London, United Kingdom, from March 8 to 13, 2014.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

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

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit at 3:30 p.m. on Tuesday, November 18, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

FINANCE

TARGET BENEFIT PENSION PLANS

Hon. James S. Cowan (Leader of the Opposition): My question is for the Leader of the Government in the Senate, and it's another one in a series of questions that we have received from Canadians with a request that we ask it on their behalf. This question was received from Mr. Peter Whitaker, who is a Canada Post retiree from Orleans, Ontario. He writes as a follow-up to the exchange that you and I had and the supplementary questions that Senator Cordy asked last week with respect to the government's plan on target benefit plans.

Mr. Whitaker's question is as follows, and I'll read it as he submitted it:

In the year 2000 the government granted the Canada Post Corporation the right to establish their own pension plan, and provided the Corporation pension plan the CPC employees' share from the superannuation plan. This was after the Federal government in 1999 took \$30 billion from the superannuation pension plan surplus. The federal government guaranteed those pensions and benefits accrued by CPC employees up to the year 2000 and stated

they could not be touched or changed. CPC and the Federal government both guaranteed that any deficits in the pension plan would be made up by the Corporation and their sole Shareholder, the Federal government. Virtually all CPC retirees were not informed or invited to participate in the consultation on the Target Benefit Plan even though "we are on the ground with some connection to the field, either as participants or beneficiaries," contrary to the statement made by Senator Carignan.

My question is will the Federal government live up to their commitment and the precedent that was set in 2000 that if CPC employees' defined pensions and benefits are converted to a Target Benefit Plan, will those employees' Defined Pension and Benefits accrued up to the date of the conversion, be guaranteed by the Corporation and their sole Shareholder, the Federal Government?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, the new target benefit plans are an innovative option that provides federally regulated, private-sector organizations and Crown corporations with a third pension plan option.

Target benefit plans are a new kind of sustainable and flexible pension in which benefits and contributions can be adjusted to respond to the financial position of the plan. This kind of plan provides a high probability of benefit security for plan members and retirees through both favourable and adverse market conditions.

The proposed framework allows for conversion into target benefit plans, should all parties consent. I want to emphasize that this requires the consent of all parties. This formula would be available to any new pension plan as well. Contrary to what may have been alleged or suggested during the consultations, this plan will not impact federal public sector pension plans, which are governed by their own respective legislation, such as the Public Service Superannuation Act, the Canadian Forces Superannuation Act and the Royal Canadian Mounted Police Superannuation Act.

The government has already taken measures to ensure that federally regulated pension plans in the public sector are more consistent with those offered in the private sector.

[English]

Senator Cowan: Thank you, senator. I understand this is a third option, as you say, and you have on the one hand the defined benefit and on the other hand the defined contribution, and in between you have this target benefit pension plan, which is sort of a hybrid. I understand that.

My question, and the question that the people who are writing in and expressing these concerns have — and I was listening to the translation so I would ask you to confirm what I understood you to say — is that no plan will be converted from a defined benefit plan to a target benefit pension plan without the consent of those participants in the plan. Is that what you said?

[Translation]

Senator Carignan: Yes, that is what I said. The proposed framework allows for conversion into target benefit plans, should all parties consent.

[English]

Senator Cowan: So in the case of Canada Post, or any other employer, there would be labour negotiations? There would be a collective agreement in place. If the government or the employer wished to change from one type of plan to the other, that would be done in the ordinary course of negotiations in a collective agreement. Is that correct?

[Translation]

Senator Carignan: As I explained earlier, this is a third pension plan option, and the proposed framework allows for conversion into target benefit plans, should all parties consent.

[English]

Senator Cowan: Last week, in the course of our discussion on this, Senator Cordy followed up with some questions about the consultation process, and she was asking you who had been consulted and why certain groups have not been consulted, and understandably you didn't then have information on hand as to what the consultation process was, although you assured us that it was a full and complete process.

Mr. Whitaker says that in July he wrote to the Minister of State for Finance, Mr. Sorenson, detailing his grievances with what he called — and these are Mr. Whitaker's words — a “flawed and discriminatory consultative process.” The correspondence from Mr. Whitaker to Mr. Sorenson said that while a few retiree groups and unions were informed and invited to the consultation process — and it's not clear how much was informing and how much was inviting to consult — the vast majority of Crown corporation employees and retirees were not even informed. That's Mr. Whitaker's position. He says he has had difficulty reaching the department. He has left voice mails and emails with no responses at all until two days before the consultation submission deadline. Then in September he wrote to Minister Sorenson again and he stated, “It is unjust for the government to proceed with drafting legislation based on a process that excluded us Crown corporation retirees by not informing us or inviting us to participate in the consultation process.”

• (1400)

If they didn't consult retirees like Mr. Whitaker, retired employees of Canada Post, can the Leader of the Government in the Senate tell us today, as he could not last week, who was consulted in the course of this consultation process?

[Translation]

Senator Carignan: The important thing to remember is that, as I said, the proposed framework allows for conversion into target benefit plans, should all parties consent. This formula can be used when a new pension plan is being created by members and retirees. The proposed joint governance structure would reflect

the sharing of risks inherent to the target benefit plan and ensure that employers, members and retirees are effectively represented. All of that is included in the governance structure.

[English]

Senator Cowan: I understood the explanation before about what the plan was and that it provided, as you say, a third option, but the concern that these folks have is obviously with respect to the imposition on them, apparently without consultation or an acceptable level of consultation, of this third option.

You have assured us that no plans will be converted from one to the other, nor will this be imposed on any group of employees, other than through the normal course of collective bargaining or outside of the collective bargaining process with the consent of the employee. I will pass that answer and those assurances on to Mr. Whitaker and his colleagues.

TRANSPORT

UNMANNED AERIAL VEHICLES— PRIVACY AND SAFETY

Hon. Jim Munson: Honourable senators, don't you like those questions from ordinary Canadians? Thank you to the Leader of the Government in the Senate. These questions from ordinary Canadians are opening things up. Did you see the article last week in the *Ottawa Citizen*, the op-ed piece about opening up the Senate? That was pretty interesting and positive of having Canadians asking these questions, I thought. It's good reading for all of us, particularly our members opposite. It shows that we're doing things differently in the Senate, not to mention in our open caucus. Just thought that I would throw that in. It's nice.

Mr. Leader, I have a question from Mr. Matthew Dillon-Leitch of Markham, Ontario, concerning drones and the impact on privacy.

Just for background, honourable senators, drones, also known as unmanned aerial vehicles or UAVs, are increasingly being used for military, commercial and recreational purposes. With a growing number of reports of drones buzzing around outside apartment windows and over backyards, Canadians like Mr. Dillon-Leitch are increasingly concerned about their impact on privacy, and he has submitted the following questions:

Currently, Transport Canada is responsible for managing and regulating drones for civil and commercial purposes. Existing legislation, however, focuses on air safety without addressing privacy concerns. Considering the growing popularity of unmanned aerial vehicles across Canada, what is the government doing to ensure that a reasonable expectation of privacy is protected?

Why are drones permitted to fly and assist in surveillance without the necessary laws and regulations in place to respect the privacy of Canadians?

How would a Canadian even report such a crime if the operator of the device was out of sight and lacked any visual signifiers?

Oh, one other question from Mr. Dillon-Leitch:

What is the government doing to ensure that Canadians have recourse if their privacy is invaded by drones and their operators?

[Translation]

Hon. Claude Carignan (Leader of the Government): I find that Canadians ask very interesting and varied questions. Some of my colleagues opposite should sometimes use the questions asked by ordinary Canadians rather than coming up with their own. Obviously, I really appreciate these questions.

As you know, when it comes to the use of drones and the violation of privacy, the issue is the limits of rights. The rights of an individual end where the rights of others begin. Privacy is an area of provincial jurisdiction that is generally governed under the civil law in Quebec and the common law in the other provinces. Obviously, these devices must not be used to violate privacy.

I remember some municipal cases where people raised the problem of surveillance cameras that were installed on one property but were sometimes capturing images of the property next door. That can create problems between neighbours.

These are more often than not civil law cases, which fall under provincial jurisdiction.

[English]

Senator Munson: Without appearing to be droning on here, you just droned on about provincial matters. The question from me — sorry, I'm going to have to ask this question — may not be as succinct as the citizen's question.

You said provincial matters, but while Transport Canada has formed a UAV working group to propose amendments to existing regulations and currently requires commercial operators of UAVs weighing over 35 kilograms to obtain a special permit, their focus remains primarily on air safety.

In this debate, provincial matter or not, the Office of the Privacy Commissioner has issued a research paper on the use of drones in Canada and their impact on privacy. It asserts a need

... to circumscribe their use within an accountability structure that ensures they are justified, necessary and proportional ...

The report notes that:

Even in a hypothetical case where someone has an indication that their privacy may be violated by the operation of a UAV, it may prove challenging for individuals to produce sufficient evidence in support of their complaint under the Privacy Act or PIPEDA, particularly when dealing with unmarked or covert surveillance.

This is the issue for Mr. Dillon-Leitch, and he's asked that question. I will ask it again. Provincial matters or not, Ottawa is involved in this debate.

[Senator Munson]

What is the government doing to ensure that Canadians have recourse if their privacy is invaded by drones and their operators?

[Translation]

Senator Carignan: The government's actions regarding drones centre mainly on the safe use of these devices. Furthermore, on October 21, 2014, Minister Raitt launched a national campaign on drone safety, the goal of which is to help Canadians understand their responsibilities and comply with Canada's safety laws.

Your question is about the invasion of privacy when a drone is flying over someone's property and could take photos of that property, of someone's private life or their home. The part you referred to is taken from the national campaign launched by Minister Raitt on drone safety. I could read you part of the news release, which basically states that the Government of Canada's awareness campaign on the safe use of unmanned air vehicles, also known as drones or UAVs, will help ensure that UAV users — both recreational and commercial — understand the rules of the skies and always think safety first.

The first phase of the campaign provides Canadians with new safety guidelines and an easy-to-follow infographic that clarifies when to apply for Transport Canada permission to fly their UAV.

• (1410)

This winter, there will also be a second phase to the campaign that will include ads on search engines and in social media, awareness videos and a simplified process for applying for authorization to operate a drone. In addition, on October 21, security guidelines were introduced to complement the current requirements designed to inform the public about the risks and responsibilities of using drones. We are offering Canadians the information and advice they need to use drones safely and legally.

[English]

BANKING, TRADE AND COMMERCE COMMITTEE

WORK OF COMMITTEE

Hon. George Baker: Honourable senators, my question is for the chair of the frequently referenced Senate Banking Committee.

I noticed just in the past couple of months that the minutes of evidence of the Banking Committee were referenced by the British Columbia Court of Appeal; other minutes of evidence were referenced by the Provincial Court of Alberta; and, in the past couple of months, the Ontario Superior Court of Justice, in 2014, *ONSC*, 1828, referenced a 2005 report from the Senate Banking Committee. Finally, in the last couple of months, the Supreme Court of British Columbia, in *Watson v. Bank of America Corporation*, quoted extensively from a 2010 report from the Senate Banking Committee.

I ask the chairman of this important and frequently referenced Senate Banking Committee to bring us up to date on the committee's activities.

Hon. Irving Gerstein: Thank you, colleagues. I would like to thank Senator Baker for his question, unanticipated as it was, and I applaud him for asking questions of committee chairs.

I'm very pleased to have this opportunity to update this chamber about the committee, and I'm equally flattered the honourable senator has asked me to do so, for I am a great admirer of Senator Baker. How could one not be? Senator Baker is, first and foremost, a gentleman's gentleman, and he has been a Canadian parliamentarian for over 40 years.

Senator MacDonald: Hear, hear.

Senator Gerstein: Colleagues, let me refresh your memory. Senator Baker won eight consecutive elections before being appointed to this place.

Some Hon. Senators: Hear, hear!

Senator Gerstein: To put this into historical context, Sir John A. Macdonald, the father of our great country and our great party, won seven consecutive elections.

Some Hon. Senators: Oh, oh.

Senator Gerstein: This is an incredible accomplishment and testimony to Senator Baker's great ability to have never forgotten rule number one of being an elected member: Always look after your constituents.

Senator Munson: Hear, hear.

Senator Gerstein: To get to the senator's question, let me start by saying, colleagues, I just have a couple of remarks; I won't be very long.

Before I update this chamber on the current activities of the committee, I would like to give you a little background that I trust you might find of interest.

The Senate Committee on Banking, Trade and Commerce has existed since Parliament first met in November 1867, just several months after Confederation, and was originally called the "Banking, Commerce and Railways Committee."

For its first 100 years, the Banking Committee considered the majority of legislation that was not examined by the entire Senate, as the Senate would sit on a regular basis as the Committee of the Whole.

In fact, it was not until 1968 that the *Rules of the Senate* were changed to give committees specific mandates. Coincidentally, this was the same year that the concept of Question Period was established in the Senate.

In 1968, the Senate Committee on Banking, Trade and Commerce was mandated to examine legislation and study issues related to banking, insurance, trust and loan companies,

credit societies, caisses populaires, small loans companies, customs and excise issues, taxation legislation, patents, royalties, corporate affairs and bankruptcy-related matters. In addition, as required by statute, the Banking Committee performs comprehensive reviews of various parliamentary acts.

Since I was appointed to the Banking Committee almost six years ago, we have reviewed the Bank Act; the Bankruptcy and Insolvency Act; Companies' Creditors Arrangement Act; the Proceeds of Crime (Money Laundering) and Terrorist Financing Act; and the Business Development Bank of Canada Act — quite a full agenda, indeed.

Honourable senators, as you know, committee business consists of government legislation, private members' legislation, general mandate and what I might call "special interest studies." In that order, I will outline our current activities.

There are two government bills coming to us. First, the committee will shortly be conducting a pre-study on six divisions in Part 4 of Bill C-43, the budget implementation act. Hearings on the divisions will commence with the Minister of Finance on Wednesday, November 19.

Second, we will consider Bill C-8, known as the combatting counterfeit products act, which is a government bill amending the Copyright Act and the Trade-marks Act. Hearings on Bill C-8 will commence with the appearance of the Minister of Industry in the next few weeks.

Moving to private members' bills, first there is Bill S-202, An Act to amend the Payment Cards Network Act, which proposes the lowering of credit card acceptance fees. To date, the committee has held five meetings and heard testimony from a variety of witnesses.

Another Senate private members' bill before our committee tomorrow is Bill S-1001, An Act to amend the Eastern Synod of the Evangelical Lutheran Church in Canada Act, and I'm personally delighted that our committee was chosen to study this bill.

Subsequently, we will consider Bill S-210, An Act to amend the Criminal Code (criminal interest rate); and Bill S-217, known as the boards of directors modernization act.

Moving to the committee's general mandate, we have several witnesses who appear before us on a regular basis. These witnesses include Stephen Poloz, Governor of the Bank of Canada, who appeared before our committee last week along with his newly appointed Deputy Governor, Carolyn Wilkins. This was one of the biannual meetings with the Bank of Canada where they update the committee on the bank's monetary policy, as well as its projections for the Canadian economy.

As an aside, I was pleased to see the national media coverage generated by the governor's appearance before our committee, perhaps not quite as controversial as that which was generated when he was before the house yesterday, as we read this morning.

This evening, again as part of our general mandate, we will hear from the new Superintendent of Financial Institutions, Mr. Jeremy Rudin, whose office, known as OSFI, is responsible for regulation and supervision of all federal financial institutions and private pension plans.

Surrounding all of these meetings, the committee is also conducting a major study on digital currency. Senator Baker, digital currency, most notably bitcoin, is a topic that is as fascinating as it is complex. I must admit that I'm finding this to be the most intriguing study I have been a part of during my role as a senator.

Digital currency is attracting a lot of attention, from regulators who wonder what aspects may need regulating, law enforcement officials who see it as a useful way to launder money or finance terrorism, and investors and entrepreneurs interested in why a number of exchanges have declared bankruptcy.

Colleagues, American Senator Thomas R. Carper, Chairman of the United States Senate Committee on Homeland Security and Governmental Affairs, may have said it best:

Virtual currencies, perhaps most notably bitcoin, have captured the imagination of some, struck fear among others and confused the heck out of many of us.

Since we were granted the mandate for the study in March of this year, the committee has held 11 meetings on digital currency. Witnesses have included the Department of Finance, Bank of Canada, CRA, the Canadian Payments Association, academics in the fields of economic and monetary history and cryptography, various bitcoin-related institutions, companies involved in payment systems, and the bitcoin guru, Andreas Antonopoulos.

• (1420)

Virtual currencies are indeed very confusing at first but, because of these excellent witnesses, the committee is beginning to understand its potential uses in both the Canadian and global financial system. Our report is due in June of next year.

As I suspect you can deduce from my comments, the Standing Senate Committee on Banking, Trade and Commerce is currently engaged in stimulating and significant areas of interest.

Honourable senators, I would like to once again thank my colleague for his question. I appreciate the opportunity to update the chamber on the work of our committee. Thank you.

Senator Baker: That was the most comprehensive answer I have heard in Parliament in the past 41 years.

I should also note that members of the committee include Senator Tkachuk, Senator Tannas, Senator Ringuette, Senator Massicotte, Senator Maltais, Senator Greene, Senator Campbell, Senator Black, Senator Bellemare and Senator Hervieux-Payette.

My supplementary question is a very simple one. I should perhaps point out that the chairman of the committee, Senator Gerstein, is a graduate of the famous Wharton School that's a part of the University of Pennsylvania, and his fellow

graduates include Warren Buffet and Donald Trump. It is only fitting that I ask him why he and the committee find it so interesting. He said it is the most interesting study he has ever undertaken. I don't know a thing about the subject. Could he elaborate on why he thinks the committee's study of digital currency is so interesting?

Senator Gerstein: Thank you for that most thoughtful question, again totally unanticipated. There are a number of reasons that make digital currencies like bitcoin so intriguing. I think it has to do with the potential impact it might have for financial systems and the possibility to affect individuals' lives around the world. The nature of the digital currency universe has the ability to allow anyone anywhere in the world to access a financial structure and become an active participant. This clearly includes the unbanked, people without a bank account or, quite frankly, people without any access to a bank.

Our witness, the bitcoin guru, Andreas Antonopoulos, summed it up well by saying:

... the most interesting thing is not what bitcoin can do for Western developed countries, because we have fairly sophisticated banking systems. I am fascinated by the idea of being able to deploy bitcoin on a Nokia feature phone in Kenya and Lagos, Nigeria, and bringing online to the global economy people who have never had access to financial services with international credit, and who could now be connected to everyone else in the world on an equal footing.

Mr. Antonopoulos also made an analogy to the Internet, which I found quite intriguing. He mentioned that in the early 1990s, the Internet existed, but no one would have believed it would be in every home and be a part of our everyday lives 20 years later. Again, quoting Mr. Antonopoulos:

The ability to innovate without permission at the edge of the bitcoin network is the same fundamental force that has driven Internet innovation for 20 years at a frenetic pace, creating enormous value for consumers, economic growth opportunities and jobs.

That, colleagues, is why the Senate Banking Committee is conducting this study. Similar to when the Internet was in its early stages and we did not understand it, according to a number of our witnesses, there is great potential for many uses of bitcoin and its block chain structure, but it is balancing this potential along with the need to protect consumers from illegal activity without stifling innovation that we are trying to come to grips with in our hearings. Fascinating, indeed.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, prior to calling for Delayed Answers, I do not wish to make a judgment on two of our finest orators' contributions during Question Period; however, the rules are specific as to the nature and the scope of questions and answers that may be made during Question Period of a chair of a committee. The critical point is that one can ask a question, but there is no debate.

[Translation]

ORDERS OF THE DAY

CRIMINAL CODE CANADA EVIDENCE ACT COMPETITION ACT MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator McInnis, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-13, An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak at second reading stage of Bill C-13, the “protecting Canadians from online crime act.”

In order to provide some context, I want to read you some of the testimony of the children who shared their concerns about and experiences with cyberbullying at the Standing Senate Committee on Human Rights.

Shelby Anderson, a student at Springbank Middle School, said, and I quote:

Cyberbullying is everywhere, and it really hurts. It makes you want to crawl in a hole and just stay there. It makes you feel like you are the only one and no one is out there to help you; no one can help you.

At an in camera meeting, another young witness told the committee, and I quote:

Every day of my life, ever since I joined this school, they have come on MSN and they have started making fun of me. This all started when I was in Grade 9. These girls would come online and start making fun of me. They would call me names and say things like “you are a fag, gay, stupid, loser, nigger, ugly.”

Marisol Calvo, another student at Springbank Middle School, told members, and I quote:

The biggest difference between being bullied while in the classroom or playground and being cyberbullied is that we can be targets of cyberbullying 24/7, and that makes you feel as if there is no safe place . . . That puts a huge dent in your life, because you are always pretty shaken up by this and kind of scared.

These are not my words or those of experts and observers. They are the words of children who live with this problem every day.

I thought it was important to begin with these comments. They vividly describe what is going on away from school and the playground.

[English]

Honourable senators, I wish to begin my speech at second reading on Bill C-13 by thanking Senator McInnis for his comprehensive presentation. He gave us a clear presentation on a complex bill, and he has presented to us the main details of Bill C-13, for which I thank him. I look forward to working with him on this bill.

Honourable senators, Bill C-13, An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act, and the Mutual Legal Assistance in Criminal Matters Act, is composed of two related but distinct parts.

As presented by the house sponsor of the bill, the Honourable Minister Peter MacKay, the first part addresses a particularly violent, invasive form of cyberbullying involving the non-consensual distribution of intimate images. The second part aims to ensure that the Criminal Code and other federal legislation are keeping pace with technological changes. To provide some clarification, I wish to go into more detail about the content of Bill C-13.

[Translation]

The following are the various amendments made by this bill as presented in the summary.

• (1430)

First, the bill amends the Criminal Code to provide, most notably, for a new offence of non-consensual distribution of intimate images as well as complementary amendments to authorize the removal of such images from the Internet and the recovery of expenses incurred to obtain the removal of such images, the forfeiture of property used in the commission of the offence, a recognizance order to be issued to prevent the distribution of such images and the restriction of the use of a computer or the Internet by a convicted offender.

[English]

This legislation will also provide the power to make preservation demands and orders to compel the preservation of electronic evidence.

This bill will also amend the Criminal Code to provide new production orders to compel the production of data relating to the transmission of communications and the location of

transactions, individuals or things. It also provides a warrant that will extend the current investigative power for data associated with telephones to transmission data relating to all means of telecommunications.

This enactment amends the Criminal Code to provide warrants that would enable the tracking of transactions, individuals and things that are subject to legal thresholds appropriate to the interests at stake.

[Translation]

The bill includes an amendment to streamline the process of obtaining warrants and orders related to an authorization to intercept private communications by ensuring that those warrants and orders can be issued by a judge who issues the authorization and by specifying that all documents relating to a request for a related warrant or order are automatically subject to the same rules respecting confidentiality as the request for authorization.

[English]

The enactment also amends the Canada Evidence Act to ensure that the spouse is a competent and compellable witness for the prosecution with respect to the new offence of non-consensual distribution of intimate images.

[Translation]

It amends the Competition Act to make applicable, for the purpose of enforcing certain provisions of that act, the new provisions being added to the Criminal Code respecting demands and orders for the preservation of computer data and orders for the production of documents relating to the transmission of communications or financial data.

Lastly, it amends the Mutual Legal Assistance in Criminal Matters Act to make some of the new investigative powers being added to the Criminal Code available to Canadian authorities executing incoming requests for assistance and to allow the Commissioner of Competition to execute search warrants under the Mutual Legal Assistance in Criminal Matters Act.

It was agreed that cyberbullying needs to be addressed because it is important to create new provisions prohibiting the unauthorized distribution of intimate images. Young people across the country are confronted with a new challenge that many parents and educators have great difficulty understanding.

Bullying, which was once something youth encountered at school and on the playground, has now made its way into our homes by way of the Internet and electronic devices. Therefore, it is important to provide law enforcement agencies with additional tools to combat cyberbullying.

[English]

To better understand this bill, I wish to share with you some relevant clauses of Bill C-13 that relate directly to cyberbullying.

The first clause of the bill presents the short title, the “Protecting Canadians from Online Crime Act.” The second article states that any reference to communications in the

commission of a Criminal Code offence may be understood as referring to any means of telecommunication.

Clause 3 adds a new provision prohibiting the distribution of intimate images without the person’s consent.

Clause 4 enables judges to order the seizure of copies of a recording or publication or a representation of written materials containing an intimate image.

Clause 5 enables judges to order the deletion of intimate images on a computer and to force the custodian of the computer to identify the person who posted the material. The same provision also changes the meaning of the word “data,” providing access to prohibited content.

Clause 6 allows for seizing property used in the commission of an offence involving the publication of intimate images.

Lastly, clause 7 adds to the list of offences under which judges can authorize the monitoring of communications if there are reasonable grounds to believe that the offence was committed or will be. For your information, clauses 8 to 47 do not directly relate to cyberbullying.

Honourable senators, I now wish to provide a context for introducing this bill. In recent years, bullying, and in particular cyberbullying, has received significant national attention. These issues are regularly featured in news headlines, perhaps contributing to growing public opinion that bullying has reached an alarming level among today’s youth.

In recent years several provinces have introduced new laws that create mandatory anti-bullying school programs. We know about the suicides of Rehtaeh Parsons and Amanda Todd, which made headlines and drew the attention of Canadians to the issue of cyberbullying. Law enforcement officials, legislators, educators and parents are wrestling with the proliferation of Internet use and abuse and the online harassment it has allowed.

[Translation]

Given its immediate, anonymous and accessible nature, and because of social networks and other methods of interaction, the Internet is an ideal forum for harassment and other social problems that children and adolescents face.

[English]

Simply put, the veil of separation, distance and anonymity that the Internet provides amplifies the problem of bullying simply by expanding the arena of threat far wider than the public sphere to which it was once confined. Indeed, children who are victims of cyberbullying can no longer seek refuge in the comfort of their own homes.

[Translation]

A lack of awareness and research on this matter means that there is no consensus on a concrete definition for cyberbullying. However, when people talk about cyberbullying we understand

that it means using electronic devices, such as computers and cellphones, to intimidate, embarrass, threaten or harass a person or group.

Inappropriate and hurtful comments are sometimes posted on websites. Embarrassing photos or videos or harassing texts are sent by email or cellphone.

[English]

Honourable senators, I am of the opinion that we in the Senate have done a lot of work on the issue of cyberbullying. I want to recognize Senator Ataullahjan who, in November 2011, recommended that the Senate undertake this study. This was a little before we became so aware of the issue, so I commend her for her vision.

On November 30, 2011, the Standing Senate Committee on Human Rights was mandated by the Senate to study the issue of cyberbullying in Canada. We conducted hearings with over 60 witnesses, including academic researchers, volunteers, website operators, government departments, non-government organizations, teachers and students. I take this opportunity once again to thank the committee members for the outstanding work they do on the Human Rights Committee.

• (1440)

During the hearings, the committee learned that cyberbullying is a serious issue that demands an effective national response. We also heard that cyberbullying is not clearly understood and requires more evidence-based research and innovative solutions. Although adults can also be perpetrators or victims, cyberbullying is a unique aspect of growing up for today's children that can have a significant impact on their development and futures.

[Translation]

Given our experience in reporting on issues pertaining to children's rights, the committee chose to focus its cyberbullying study on Canada's international human rights obligations under the United Nations Convention on the Rights of the Child and what needs to be done to ensure we are meeting them.

In particular, we examined Article 19, which recognizes a child's right to be free from all forms of physical and mental violence. At the end of our study, we produced three reports. Normally, the committee would have produced only one report, but we produced a report, a guide for parents and a guide for young people. The latter contributed so much that we wanted to thank them by giving them a voice.

The various witnesses shed light on the phenomenon of cyberbullying and helped us learn more about it. More specifically, the testimonies from children truly changed how we see things. They encouraged us to look at solutions that call on the entire community.

These courageous young people who came to tell us their stories and the many subject matter experts told us that our efforts should focus on awareness and prevention through the community.

In its report entitled *Cyberbullying Hurts: Respect for Rights in the Digital Age*, the Standing Senate Committee on Human Rights examines the phenomenon of cyberbullying and its impact on young Canadians.

[English]

Your Honour, I have recently fallen. May I have permission to finish my remarks sitting down?

The Hon. the Speaker pro tempore: I don't have a problem with that.

Senator Jaffer: Thank you.

[Translation]

Following the study, our committee came up with six recommendations to guide our government in addressing this issue. I would like to take advantage of this opportunity, honourable senators, to remind you about those recommendations.

[English]

First, our six recommendations take into account the fact that all members of the community have a role to play. Having said that, the first recommendation is that the committee recommends that the federal government work with provincial and territorial governments to help establish a coordinated strategy to address cyberbullying. As mentioned previously, this national strategy should involve a whole-community approach. Children, parents, schools, volunteers, social service providers, corporations and businesses, legislators and government officials, policy advisers and other participants in society — everyone has a role to play.

The committee is concerned that there is a lack of consistency in how cyberbullying is being addressed across the country with governments taking various approaches to discipline, education, awareness, prevention and other aspects of programs and services delivery.

Many witnesses were worried that children and adults are getting contradictory messages and information about what cyberbullying is or what steps can be taken to address it. According to the witnesses, a problem we face is that the provinces are reinventing the wheel when developing their own anti-bullying programs and laws, rather than sharing their best practices and research.

The development of evidence-based policies and programs is being hindered by the lack of definitions. Meanwhile, children who spoke to the committee expressed their frustrations and anxieties about not knowing who to turn to for help in dealing with cyberbullying.

These problems call for some form of nationally coordinated action to address the phenomenon of cyberbullying. Coordination can better ensure that consistent messages are being delivered across the country, that resources are used more efficiently and that best practices and programs are shared more effectively. Federal government expertise in such areas as restorative justice,

law enforcement, crime prevention and the regulation of the telecommunications industry could also be better brought to assist the provinces in the delivery of their own programs.

By coordinating awareness and raising initiatives among all levels of government, there is also a better chance that more children will come to learn why cyberbullying is not acceptable behaviour and how they can help to reduce instances of it in their schools.

Children also need to be made aware of programs that exist to help them when they're dealing with cyberbullying and bullying. The committee believes that when a child is in distress they need to know that someone is there to listen to them and to guide them in an appropriate response. Children's participation must be a key element of such a strategy. They have the right to have their voices heard in respect of any decisions that will affect them. Therefore, these problems call for some form of nationally coordinated action to address the phenomenon of cyberbullying. For example, seek to ensure that anti-cyberbullying programs and resources are available in every region.

The second recommendation of the committee is that the promotion of human rights education and digital citizenship be a key component of any coordinated strategy to address cyberbullying developed in partnership by the federal, provincial and territorial governments.

The committee heard many concerns expressed over not enough time being spent in schools on developing healthy social skills and ethical behaviour. The breakdown in interpersonal relationships that several witnesses believe is manifesting itself through cyberbullying and other forms of inappropriate online behaviour is a specific challenge for the present generation of children.

A practical step suggested by witnesses and supported by the committee is for schools, school boards and education ministries to make sure that digital citizenship and human rights form an essential part of school curricula throughout a child's education. Efforts in promoting a rights-respecting culture are required at all levels, from the national to the local, from legislatures to the classroom.

The third recommendation of the committee is the promotion of restorative justice initiatives to be a key component of any coordinated strategy to address cyberbullying, developed in partnership by the federal, provincial and territorial governments.

Cyberbullying incidents can range in severity from inappropriate comments on social media sites to criminal harassment as defined in the Criminal Code. Inappropriate behaviour in any form requires an appropriate response.

Witnesses said the most appropriate response would be restorative justice practices. This response is more likely to be successful not only in dealing with individual bullying cases but also in helping to transform school and community cultures that support bullying behaviours. In particular, we should be promoting training in this area for all stakeholders, and in particular teachers.

The fourth recommendation of the committee is that the Government of Canada prioritize working with relevant industry stakeholders to make the Internet safer for children and support these stakeholders in finding ways to remove and monitor offensive, defamatory or otherwise illegal online content in a manner that respects privacy, freedom of expression and other relevant rights. Another common concern expressed during our hearings was how difficult it can be to have cyberbullying messages, photos and videos removed from the Internet. One teacher told our committee that he tried over a hundred times without success to get Facebook to remove an image of a girl.

The committee believes there is a role for the federal government to play in working with stakeholders to find better ways of making the Internet a safer place. For example, better ways could be developed for reporting inappropriate or offensive material on social media sites and obtaining its removal.

The fifth recommendation of the committee is that the federal government explore the possibility of working with provinces and territories to establish a task force whose terms of reference could be to define cyberbullying and to establish a uniform manner of monitoring it nationally.

The absence of an accepted definition of cyberbullying is a genuine obstacle that prevents us from fully understanding the scope, severity, causes and consequences of the phenomenon. In light of the evidence heard, the committee's view is that we need to develop a unified definition of the problem and a unified way of monitoring the problem. This will help us to explain to young people and adults what cyberbullying is and how it manifests itself.

The sixth and final recommendation of the committee is that the federal government work with the provinces and territories to support long-term research initiatives to enhance our understanding of the phenomenon of cyberbullying and to provide us with information about gender differences, risk factors and protective factors linked to cyberbullying and about the influence of information and communication technologies on the social and emotional development of young people.

• (1450)

Throughout the study, many witnesses lamented the fact that there was very little longitudinal research concerning cyberbullying and highlighted that several aspects remain unexplored. For example, some witnesses told us all the causes and effects of bullying and that its repercussions are not yet clearly understood. The committee agrees with the witnesses that it's through research that we will acquire a better understanding of the factors that influence this phenomenon. This will allow the government to better target our interventions to effectively and coherently combat it. The committee also acknowledges that the rapid development of information and communication technologies greatly complicates the task of researchers.

We are fortunate to have prolific researchers in the field of cyberbullying in Canada. We need to provide them with the tools they need to move research into cyberbullying forward to identify the most effective ways to prevent bullying and to promote healthy relationships.

Like many of the witnesses, the members of the committee believe that the federal government can make a difference by working with provinces in supporting and providing evidence-based research in order to provide us with more information about how to react appropriately to cyberbullying.

Honourable senators, I have read these recommendations to you, and you will wonder what I am doing. Why am I repeating a report of a committee? I gave this a lot of thought over the summer, when I was studying this bill. I have to say that, when I first read the bill, I was happy because the minister had highly commended us for the report that we produced. On many occasions, he has spoken highly of the Senate's report. However, on reading the report, I was disappointed because I truly believe that, even though the minister commended us and was very respectful of and complimentary of our findings, Amanda Todd's and Rehtaeh Parsons' lives would have been no different if this bill had been enacted earlier.

We heard from children. It's the first time that the Senate has had child witnesses before it. Senate Human Rights Committee members will tell you that these children were very articulate. They said, "One day we are a bully. The next day we are the observer. And on the third day we are being bullied. We are the same person. Sending us to jail is not the answer. The answer lies in educating us on digital citizenship, to find a way to stop this behaviour." Honourable senators, this bill will not do that. Are we going to send a 13-year-old child to jail when he posts some images on the Internet? Is that where we are heading?

Honourable senators, I have considered carefully whether I should read all of the recommendations to you because you might wonder why I am doing this. I am doing this because I am ever the optimist, because I'm hoping that, when we study this bill, Senator Runciman and Senator Baker will consider what kind of other recommendations we should make to the minister. If this bill is to honour, as some have said, Amanda Todd and Rehtaeh Parsons, that is important. This bill does not do that, so I ask the committee to study this bill carefully and look beyond it to answer the cry of the children who came before of our committee.

In closing, the whole-community approach to cyberbullying that was recommended by the committee is about embracing our diversity, engaging our various communities and learning to appreciate individual differences and not to create divisions. Putting in place a national strategy will eventually help to reduce the harms and promote positive social values that are incompatible with cyberbullying. The federal government can take a leadership role in this fight that concerns all Canadians.

Reactionary policies such as zero tolerance and other mandatory punitive measures have not worked. Our committee spent a lot of time looking at the issue of restorative justice. That is why we believe in the importance of our recommendations.

I assure colleagues that cyberbullying will be my focus when this committee examines Bill C-13. This study will be an opportune time to learn more about the impact of the bill in order to address the issues of cyberbullying.

Our young people deserve appropriate protection against something that affects them in particular.

Honourable senators, having worked in youth court for many years, I don't believe that any child should be sent to prison. Prison is a university to learn how to commit further crimes. Every child needs our protection, and every child needs to learn about how to use the Internet. The study in committee will provide a better understanding of this issue and help us to learn more about how to fight it.

I conclude with a quote from a young person who testified in camera before the committee. When he was asked how best to address cyberbullying, this is what this young person said:

I think we need to make younger children more aware and really explain to them that the Internet is not just a place where you can do what you want, say what you want and post what you want. This belief is so entrenched that we need to teach kids how to use the Internet responsibly and tell them what is okay and not okay to do there and why.

Honourable senators, this is not my voice. This is the voice of a young Canadian who says that convicting a person is not the answer. Teaching a young person how to use the Internet is the answer.

The Hon. the Speaker *pro tempore*: 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 McInnis, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

CANADA—KOREA ECONOMIC GROWTH AND PROSPERITY BILL

SECOND READING

Hon. Yonah Martin (Deputy Leader of the Government) moved second reading of Bill C-41, An Act to implement the Free Trade Agreement between Canada and the Republic of Korea.

She said: Honourable senators, it is with great pleasure that I rise today to talk about Bill C-41, An Act to implement the Free Trade Agreement between Canada and the Republic of Korea and about the benefits of this free trade agreement.

Before I go into the specific aspects of this comprehensive and important free trade agreement, I would be remiss not to remind honourable senators of the history of this agreement, into which, over almost a decade, many individuals invested much

time and effort. There were 13 rounds of negotiations after July 15, 2005, when it first began. Liberal and Conservative governments were engaged in these efforts.

In the late 19th century, long before free trade negotiations began, Canadians were in Korea as missionaries and academics to support and serve the people in need. Of course, Canadians are really admired and well-regarded by Koreans. One Canadian of note, Dr. Frank Schofield, a Torontonian, is the only foreigner or non-Korean to be buried in the national cemetery, which is a great honour. That honour belongs to a Canadian.

• (1500)

It is fitting that during Veterans Week, as we wear poppies as a symbol of remembrance, we can also remember Canadians who served in Korea, the third largest contribution to the UN effort. At a time when Korea was literally one of the poorest countries in the world, Canadians made a difference. Others served alongside them, of course, but Canadians were resilient, Canadians were selfless and Canada defended the freedoms and the rights of the people of the Republic of Korea against communist aggression. I have risen in this chamber many times to talk about this. This agreement is founded on the sweat, tears, blood and effort of many, and we cannot forget them.

As a person of Korean descent, born in the country, the recipient of such support, my parents were immigrants to this country, as you all know. I don't think the veterans would ever have imagined a time when we would be debating at second reading a free trade agreement between two equal economic partners. Sixty years after the war, Korea really is a truly great model of entrepreneurialism and resilience. Canadians had a distinct role in that. The pioneers who came from Korea to start anew in Canada also contributed to Canada's economy and to the awareness of this very important relationship. And I know that many are waiting for a speedy ratification of the Canada-Korea Free Trade Agreement. Today is an important moment historically for these two countries, in a bilateral relationship, taking it to the next level in this 21st century. I am pleased to be able to highlight the wide-ranging benefits of this agreement across all sectors and regions and underline the importance of having it enter into force as quickly as possible.

The Canada-Korea Free Trade Agreement is without a doubt a landmark achievement and a watershed moment for the Canada-South Korea bilateral relationship. With a population of 50 million and a \$1.3-trillion GDP that ranks fourth largest in Asia, the Republic of Korea is one of the great economic success stories of our time. It has become a technological powerhouse, and its global conglomerates are major players in regional and global value chains. I would bet that in this chamber some of you personally own many of Korea's inventions, be it Samsung smartphones or television sets or whatever else, or perhaps you even drive Korean vehicles.

However, Canadian companies have been rapidly losing ground to their competitors in this key market, notably from the U.S. and the EU, which are already benefiting from their own FTAs with South Korea which were ratified in 2012 and 2011 respectively. As demonstrated by the efforts of our government to conclude negotiations and accelerate our agreement's ratification, Canada will not sit on the sidelines as our key competitors of the U.S. and the EU reap the benefits from the lucrative and growing

South Korean market. Critically, the Canada-Korea FTA will restore a level playing field for Canadian companies in South Korea. They will be able to compete on equal or preferential terms in this increasingly important economy.

With the opening of new opportunities that will give a much needed boost to our economy, the Canada-Korea FTA is projected to create thousands of good jobs for Canadians. The projections of the Department of Foreign Affairs, Trade and Development's chief economist are that, as a result of the agreement, Canada's GDP will increase by \$1.7 billion annually and that our exports will increase by about the same amount, an increase of 32 per cent. These are significant numbers, honourable senators.

Turning to the agreement itself, I would like to elaborate on the benefits of this agreement in specific sectors, covering virtually every facet of modern commerce.

With regard to the agricultural and agri-food industry, Canada is the world's fifth largest exporter of agriculture and agri-food, with exports exceeding \$46 billion in 2013. Our products reflect Canada's dedication to excellence, safety and innovation. Canada's agriculture and agri-food farmers and processors produce some of the best-quality food in the world. Therefore, it is no surprise that the government continues to work tirelessly to increase access to some of the fastest-growing global markets, including the Republic of Korea.

Through the Canada-Korea FTA, South Korea will eliminate tariffs on roughly 70 per cent of Canadian agricultural exports within five years. Within 15 years, 97 per cent of exports will be duty-free. This will lead to substantial gains for agriculture, given that this sector is heavily protected in South Korea. For example, South Korea's current average applied agricultural tariff is 52.7 per cent, compared to 6.8 per cent for non-agricultural products. This is significant for key agricultural products, including meats, grains, pulses, oil seeds, fur skins, animal feeds, processed foods, alcoholic beverages, and fruits and vegetables.

Beef and pork were Canadian priorities during the negotiations. Under the Canada-Korea FTA, tariffs as high as 40 per cent on fresh, chilled and frozen beef and pork will be eliminated over periods ranging from 5 to 15 years. This is great news for farmers, ranchers and agricultural workers in every region of the country, as their products will become more competitive in the rapidly growing South Korean market.

I would like to cite one example of a Canadian of Korean descent living in Seoul, Korea. He's a very successful restaurateur. He and his partners have a restaurant chain that serves barbecued meat, which Koreans love, and his restaurant is full almost every day, every night. It is a place that I do love to visit when I have the opportunity to be in Seoul. As Canadians operating such a restaurant chain in Korea, of course they love Canadian meat, which they would love to serve, but the high tariffs have definitely impacted their profit margin. Over time, as we were losing ground after the ratification of the Korea-U.S. FTA and the Korea-EU FTA, they were forced to serve less Canadian meat because it just wasn't profitable. I know there are individual Canadians in Korea who are eagerly waiting for such tariff reductions.

National organizations such as the Canadian Meat Council, Canadian Cattlemen's Association and the Canadian Pork Council, their member associations and individual beef and pork producers and processors such as Olymel, HyLife and Maple Leaf Foods have unanimously and publicly supported the Canada-Korea FTA.

The Canada-Korea FTA will also provide significant benefits to Canada's forestry and value-added wood products sector. Canada's forestry industry contributes substantially to the Canadian economy. By value, Canada is the world's leading exporter of newsprint and wood pulp and the fifth largest exporter of wood panels. In 2012, the sector contributed over \$20 billion to Canada's GDP and employed some 235,000 Canadians.

South Korea is currently the fourth largest market for Canadian forest products. The Canada-Korea FTA will provide a significant advantage for Canadian forestry and wood producers and exporters looking to expand market opportunities in the South Korean market through the elimination of tariffs. Wood and forestry products of key export interest to Canada, including spruce, pine and fir lumber, oriented strand board, western hemlock lumber, wood pellets, wood beams and arches, and red cedar lumber, currently face tariffs of up to 8 per cent.

• (1510)

Under the Canada-Korea FTA, all South Korean tariffs on forestry and value-added wood products will be eliminated, with nearly 58 per cent of forestry and value-added wood products becoming duty-free immediately upon the agreement's entry into force. This is of particular interest to British Columbia, the Prairies and Quebec, where the Canada-Korea FTA will open new opportunities for these provinces through improved access to the dynamic South Korean market.

Industry support for forestry and value-added wood product outcomes has been strong, as demonstrated by a statement from the Forest Products Association of Canada:

South Korea is now the fourth-largest market for the Canadian forest products industry and an important target country as we push to export more into the Asia-Pacific region. This free deal targets existing tariff and non-tariff barriers on our forest product sales to South Korea, and as such will help us reach our sector's ambitious Vision 2020 goal of an additional \$20 billion in economic activity from new products and markets by the end of the decade.

The benefits continue. The CKFTA will create significant market access opportunities for Canada's fish and seafood sector. Surrounded by the Arctic, Atlantic and Pacific Oceans and home to the Great Lakes, Canada has one of the most valuable fish and seafood industries in the world. It is the world's seventh largest exporter of fish and seafood products, exporting an estimated 7 per cent, by value, of its fish and seafood production.

South Korea's tariffs in this sector, which includes fresh, frozen and processed fish and seafood, run as high as 47 per cent. Once fully implemented, the CKFTA will eliminate tariffs on all fish and seafood products in this sector. The outcome for Canada's top fish and seafood interests is commensurate with or better than that obtained by the U.S. and the EU.

Some of the products that will benefit from immediate tariff elimination include frozen lobster and Pacific and Atlantic salmon, whether fresh, chilled or smoked. These products are currently subject to duties of up to 20 per cent.

Lobster, an iconic Canadian product, is Canada's top and most valuable export in the fish and seafood sector. Under the CKFTA, all tariffs on Canadian lobster and lobster products, currently up to 20 per cent, will be eliminated.

This summer, we already got a taste of what increased lobster market access to South Korea will look like. Only a few months after the announcement of the conclusion of negotiations for the CKFTA, Korean Air Cargo launched weekly service to South Korea from Halifax to transport an expected minimum of 40,000 kilograms of live lobster.

Companies like Nova Scotia-based Clearwater Seafoods, North America's largest vertically integrated harvester, processor and distributor of premium shellfish, stands to benefit significantly from the CKFTA as it facilitates the expansion of exports to South Korea.

This past September, Korean Thanksgiving, called *Chuseok*, is a time when family, friends and co-workers give gifts to one another to celebrate the harvest and show their affection and love. I can tell you one of the hottest-selling gifts were these individually-packaged Nova Scotian lobsters. I was getting emails and calls about that from people that live in Korea.

The fish and seafood sector provides jobs to thousands of Newfoundland and Labradorians, Nova Scotians, New Brunswickers and Prince Edward Islanders. Through new business opportunities, the CKFTA will create additional jobs for Atlantic Canada.

Given the robust outcomes, the CKFTA has received strong support from a wide range of Canadian stakeholders, including the Lobster Council of Canada, which has expressed their support as follows:

The Lobster Council of Canada supports a Canada-South Korea free trade agreement, as it will greatly enhance our industry's competitiveness in South Korea. Tariff elimination and improved market access for lobster exports help to ensure the long-term prosperity of our industry and the thousands of people it employs in Atlantic Canada.

I am truly excited for the many benefits that the CKFTA will mean for our fish and seafood industry.

The industrial goods sector, which includes products of great importance to Canada's economy, will also benefit from the CKFTA. Nearly 96 per cent of current Canadian exports in the industrial goods sector will be duty-free immediately. Over 99 per cent will be duty-free within five years and the rest within ten.

For example, information and communications technology products, aerospace and rail goods, sectors in which South Korean tariffs are up to 13 per cent, will all be eliminated immediately. In the case of aerospace, over 80 per cent of the sector's output is exported and provides direct and indirect employment to 170,000 Canadians.

As well, there are very strong outcomes in the industrial machinery, chemicals, plastics, metals and minerals, pharmaceuticals, and textile and apparel sectors, where most South Korean tariffs, which are up to 13 per cent, will be eliminated immediately and the rest in five years. This means reduced barriers for these products in South Korea and improved competitiveness for Canadian exporters, which is critical to industries such as chemicals and plastics businesses that export over half of their production abroad.

Canadian manufacturers, including those in Ontario, Quebec, British Columbia and the Prairies, are expected to enjoy notable benefits as the CKFTA will create new opportunities for companies in these sectors to expand their international business while creating jobs at home.

To complement tariff elimination, the agreement contains an ambitious array of disciplines on non-tariff barriers that are a priority for our companies, such as provisions relating to standards and technical barriers, transparency and non-discrimination, and fast and effective dispute settlement procedures.

Beyond trade in goods, Canada also achieved robust outcomes in investment, services, business mobility, government procurement and intellectual property.

The investment chapter, which includes extensive protection for investors, will provide a more transparent and predictable framework for investment-related rules. It will facilitate continued South Korean foreign direct investment into Canada's provinces and territories, including in the energy sectors, contributing to their continued growth.

The agreement will also provide enhanced market access for Canadian service providers in areas such as professional, environment and business services.

With regard to business mobility, Canada obtained the most ambitious provisions from South Korea that it has negotiated in any of its FTAs, which will allow for freer movement of highly

skilled professionals between the two countries by providing Canadian professionals with preferential access to the South Korean market.

The government procurement market is a major source of economic activity in South Korea. The provisions on government procurement will provide Canadian suppliers with expanded preferential access to South Korean central government procurement opportunities, an important component of the South Korean procurement market, which in total is valued at more than \$100 billion annually. This will put Canadian suppliers on equal footing with U.S. competitors and in a more advantageous position relative to key competitors like Japan and the EU.

The agreement includes commitments related to the protection of intellectual property rights, which will complement access to the South Korean market for Canadians who develop and market innovative and creative products.

Along with providing new protection for the geographical indications "Canadian Whisky" and "Canadian Rye Whisky," the agreement will give Canadian copyright, patent and trademark owners an additional layer of protection in the South Korean market. This includes the CKFTA's strong provisions on the enforcement of IP rights, which will ensure that Canadian IP rights holders can do business with even greater confidence in the South Korean market.

• (1520)

To conclude, the CKFTA is a state-of-the-art agreement that was able to build on, and in some cases improve upon, the outcomes achieved by the U.S. and the EU in their free trade agreements with South Korea. As already noted, the CKFTA provisions are generally on par with, and in some instances even better than, those achieved by the U.S. and the EU.

There is a great sense of urgency on the part of Canadian producers and exporters who are pressing for the agreement's implementation as soon as possible. This urgency continues to increase because on January 1, 2015, the next tariff cuts in South Korea's agreement with the U.S. will occur, putting further competitive pressure on Canadian businesses. There is also a possibility that the Korea-Australia FTA will come into force on January 1, 2015. This would only add to the negative impact on Canadian exporters resulting from the implementation of Korea's FTAs with the U.S., the EU and others, as more and more competitors will have preferential access to the South Korean market while Canadian businesses do not.

Numerous organizations across sectors, including the Canadian Council of Chief Executives, the Canadian Agri-food Trade Alliance and the Canadian Vintners Association, among a whole list of many, have called for the rapid ratification of the free trade agreement with South Korea so that Canadian firms do not fall further behind their U.S. competitors as South Korea phases in further tariff cuts under the KORUS FTA and the Korea-EU FTA.

Stakeholders have signaled clearly that every entry into force of the CKFTA is absolutely vital to restoring and ensuring Canada's competitive position in South Korea. We all agree that the CKFTA will bring numerous benefits to Canadians. Importantly, the agreement and its implementation received the support from all major parties in the House of Commons.

On this note, I urge all honourable senators to support the prompt implementation of the CKFTA — which will significantly boost both Canadian exports and our domestic economy — and to vote to adopt Bill C-41 at second reading today.

Hon. Percy E. Downe: Honourable senators, I want to join the debate on Bill C-41, the free trade agreement between Canada and the Republic of South Korea. As well, I want to associate with the comments of Senator Martin, who indicated Canada's long history of involvement in South Korea that goes much beyond the sacrifice made by so many in the Korean War. When I visited Korea, I was not expecting to meet as many Presbyterians as I encountered, but I found out that the missionaries were very important to education and the health care system as well. We have a long history of association with Korea.

First, I want to congratulate the government on concluding this deal. After many years and many such agreements with what might be described kindly as small trading partners, it is encouraging to see them finally secure a deal with an important market. Canadian exports to South Korea last year amounted to some \$3.5 billion, making the republic our eighth most important market. Similarly, our imports last year totalled over \$7 billion, making it our seventh biggest source of goods. Again, I congratulate the government on finally cracking the top 10 with this agreement.

However, as we have seen time and time again, free trade agreements cannot be treated as ends in themselves. Senator Martin referred to some of the wonderful benefits we will get from this agreement but, based upon past experience, time will tell. Past "growth-and-prosperity" agreements bear this out, for more often than not what followed for Canada was a worsened balance of trade situation.

For example, in 1996, the year before our free trade agreement with Israel, we had a trade deficit of just under \$27 million. In 2013, our trade deficit with Israel had grown to over \$678 million. Our trade with Chile went from a surplus of \$73 million in 1996, the year before we signed that deal, to a deficit of \$950 million in 2013. It goes on and on.

The year free trade with Costa Rica began, in 2003, our trade deficit was almost \$226 million. In 2013, it was over \$476 million. In the two years — and colleagues will remember this — since we debated and passed the free trade agreement with Peru, our trade deficit went from \$2.1 billion to \$2.5 billion.

Furthermore, according to statistics from the World Bank, since 2006 the Harper government has presided on ever a 5 per cent decline in the value of goods and services exported to other countries as a percentage of GDP. Our annual balance of

trade went from a surplus of over \$35.3 billion in 2006 to a deficit of \$28 billion last year. Let me repeat that: Our balance of trade went from a surplus of over \$35.3 billion in 2006 to a deficit of \$28 billion last year.

What's more, an increasing proportion of those exports are commodities, reflecting their increased importance in the economy in general. The downside of this, of course, as discussed in a June 2012 report by the Organisation for Economic Co-operation and Development, is a decline in the manufacturing sector, which for years has provided stable employment for Canadians, free from the boom-and-bust cycles brought about by swings in commodity prices, such as the one we are currently seeing in oil prices.

Now, there are those who might question the value of balance of trade numbers as a measure of the effectiveness of trade agreements; but if trade balances were not important, we would not have to negotiate trade deals. We could simply open up our markets to imports of all kinds and from all places, without demanding anything in return. Of course, we do not do that. What makes these agreements free trade deals is reciprocity. Our objective is to gain market access through these agreements; otherwise, what was their purpose? After all, we don't have an import development corporation, do we?

Let's be clear: Free trade agreements have values — the better ones, anyway — but, at best, they are just one part of a trade agenda. This was one of the findings of a report produced earlier this year by the Canadian Chamber of Commerce, *Turning it Around: How to Restore Canada's Trade Success*, and published in May. I recommend it to anyone wishing to learn more about what Canada must do to continue to thrive as a trading nation. The report takes notes of the government's numerous free trade deals, making mention of the almost-there, just-about-to-be-finalized, any-day deal with the European Union, as well as the agreement we have before us today. The report states:

... trade agreements do not cover all policy and regulatory barriers. And even when barriers are addressed in an agreement, enforcement through dispute settlement is a long and arduous process and may not be a valid option for companies operating on short timelines. Moreover, the additional operational challenges of doing business in foreign jurisdictions are daunting. Companies must build relationships with new customers and suppliers, access capital, navigate red tape and manage their risks — all in a new political, cultural and legal landscape. Business success also depends on the broader diplomatic relationship between countries, especially in markets where the state continues to play an important role in the economy.

— markets, I might add, like South Korea.

Rather than sign the deal and hope for the best approach of the current government, the report calls for a more detailed effort on the part of the Canadian government. Strengthening trade promotion and economic diplomacy is how they described it.

• (1530)

REFERRED TO COMMITTEE

While I will not quote the whole report here, I would like to read a couple more lines from the conclusion into the record.

... free trade agreements ... alone cannot address all of the market failures inherent to international trade or substitute for the need to build government-to-government relationships that can open opportunities for Canadian companies. ...

The federal government should take concrete steps to integrate the current service offering and connect it with the relevant companies, unify and improve Canada's business brand abroad, ensure the Trade Commissioner Service has the capacity and capabilities to meet its clients' needs and better engage the private sector in Canada's international development strategies.

This is a tall order, requiring a willingness to acknowledge that past efforts have not been as successful as we would like to tell ourselves and a genuine commitment to make the necessary changes.

However, what we have gotten from this government is perhaps best shown by an ad that's now running on TV from Export Development Canada. A man is getting ready for his workday, and as he dresses and prepares breakfast, little graphics appear identifying the country of origin of each object he uses: a shirt from Turkey, English shoes, Colombian coffee, Mexican oranges, even a Scottish West Highland Terrier under the table. It concludes with the narrator asking the question: Other countries don't seem to have any problems selling to you. Why can't you sell to them?

Perhaps, honourable senators, it is because "other countries" do more for their exporters than sign trade agreements for their own sake and produce TV ads. They recognize that a successful export policy requires a plan that draws in the talents of multiple arms of government, and beyond, to build and reinforce the exporters that are a key element of our economy.

Honourable senators, I join other members of the Standing Senate Committee on Foreign Affairs and International Trade in looking forward to a study of the bill before us and will report back our findings.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

[Senator Downe]

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

(On motion of Senator Martin, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade).

NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY BILL

THIRD READING

Hon. Lynn Beyak moved third reading of Bill C-501, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

She said: Honourable senators, I rise today to address Bill C-501, an act that calls for the formal designation of the third Saturday of September of every year as "National Hunting, Trapping and Fishing Heritage Day."

I supported this bill in the Senate in memory of my late husband Tony and of our many happy years together on Lake of the Woods in our tourist resort, Windy Bay Lodge. We were privileged to host and greet guests from all over the world.

After second reading, I told Senator Fraser how touched I was by her understanding of the bill. Her words were very much like what my husband would have said: It's not setting up a hunting, trapping and fishing day, but a hunting, trapping and fishing heritage day. It is a very important difference, and I thank her for that. I believe it's the reason the bill had all-party support in the other place and why it is touching our hearts here in the Senate.

I had a very long speech prepared for today, likening it to Senator Hubley's feel-good bill that we all seem to support because they touch our hearts and they lighten the load of a sometimes very heavy and divisive workload here in the Senate. However, I understand that Senator Baker has a few words that he would like to say in third reading, so I will cut my speech short and with your indulgence, Your Honour, allow Senator Baker to have the floor. Is that allowed?

Hon. George Baker: Honourable senators, Senator Beyak has put a lot of work in on this bill. She watched as it went through the complete study in the House of Commons and went through the complete study in the Senate and a committee of the Senate, now at third reading. I would suggest, fellow senators, that we read this bill now the third time.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

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. Yonah Martin (Deputy Leader of the Government): Honourable senators, I move the adjournment of the debate in the name of Senator Eaton.

(On motion of Senator Martin, for Senator Eaton, debate adjourned.)

THE SENATE

ORIGINS, HISTORY AND EVOLUTION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its roots, the history of its origins and its evolution.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I intend to speak on this issue but I haven't completed my notes and would ask leave to adjourn the debate in my name for the balance of my time.

(On motion of Senator Cowan, debate adjourned.)

(The Senate adjourned until Thursday, November 6, 2014, at 1:30 p.m.)

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