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(HANSARD)

Wednesday, December 3, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker

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THE SENATE

Wednesday, December 3, 2014

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

[Translation]

Prayers.

Honourable senators, Senator Seth's lengthy experience in the medical field and the philanthropic community has marked her interventions when we've examined bills related to such matters.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in our gallery of Chief Steve Smith and Brian MacDonald.

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

Hon. Senators: Hear, hear!

Let us remember that Senator Seth played a key role in organizing a blood donor clinic for the Indian army during the war in Indochina in 1962. In 1976, shortly after she moved to Canada, where she continued her studies in medicine, she became the founding president of the NIMDAC Foundation, a non-profit charitable organization operated in partnership with the Northern Indian Medical and Dental Association of Canada. Senator Seth is also a national board director of the Canadian National Institute for the Blind, where she works to raise funds to support a number of the organization's initiatives.

Senator Seth is a dynamic, committed woman who serves on several interparliamentary committees. She also works tirelessly with a number of Indo-Canadian institutions in order to support ties between India and Canada.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE ASHA SETH

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Government in the Senate, who requests that pursuant to rule 4-3(1), the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Asha Seth, who will be retiring from the Senate on December 15, 2014.

I remind honourable senators that pursuant to our rules, each senator will be allowed only three minutes and may speak only once. However, it is agreed that we continue our tribute to Senator Seth under Senators' Statements.

We will, therefore, have up to 30 minutes for tributes, not including the time allotted for Senator Seth's response. Any time remaining after the tributes will be used for other statements. It is agreed?

Hon. Senators: Agreed.

Hon. Claude Carignan (Leader of the Government): Honourable senators, it is now time to say farewell to our colleague, the Honourable Senator Asha Seth, who will retire from the Senate on Monday, December 15.

Appointed to the Senate on January 6, 2012, following a recommendation by Prime Minister Stephen Harper, Senator Seth was Canada's first Indo-Canadian female senator. She may have sat with us for a brief time, but she has made lasting contributions.

[English]

Just recently, following her efforts, the Senate passed a motion to recognize the second week of May as International Maternal, Newborn, and Child Health Week.

[Translation]

Her objective, scientific and scrupulous eye has served us well and helped us to effectively carry out our duties as legislators.

[English]

Always smiling and calm, Senator Seth is a discreet, dedicated and very efficient person and senator.

Thanks to her long career as an obstetrician and gynecologist and as a great advocate of patient rights in the medical field, Senator Seth received the prestigious Council Award from the Ontario College of Physicians and Surgeons in 2010.

[Translation]

Honourable senators, Senator Seth provided selfless care and comfort to her community for many years. She is a permanent resident of Canada, and we can only commend her for her work both within and outside the Senate.

[English]

In my own name, on behalf of the government and of all our colleagues in the Senate, I would like to thank you, Senator Seth, for your contributions to our institution. I hope your retirement fully reflects the care, love and compassion you gave to everyone around you for all these years.

[Translation]

Thank you and happy retirement, Senator Seth.

• (1340)

[English]

Hon. David P. Smith: Honourable senators, I'm rising to pay tribute to my friend and colleague, Senator and Dr. Asha Seth, who unfortunately will be retiring from the Senate in a few days, and alas, it is way too soon.

Although I had met her before her appointment, I did not really get to know her until she arrived here. Our connection, well, I've been active in the Indian community for years. I've been to India literally countless times, sat on the board of the ICICI Bank, the biggest non-government bank in India, for years, and Asha and I, we just connected. We connected.

She was born in Sitapur, which is in the north of India, near Lucknow in Uttar Pradesh, and that's about 450 miles west of Mount Everest. Facts like these always intrigue me, and if that makes me eccentric so be it; I know I am.

Her story in two words, I would say, is "very impressive." India's population is well over 1 billion. What that means is that to get into medical school there is like climbing Mount Everest. In the year she applied to St. George's University School of Medicine, there were over 15,000 applicants, but she climbed the mountain and she got in.

After graduating, she headed off to the U.K. and studied at four more top hospitals, which includes their medical schools, and then, thank goodness, in the mid-1970s she came to Canada, and I'm glad she did, and I'm sure we are all glad she did.

Professionally she wound up getting into obstetrics and gynecology and wound up delivering hundreds, probably thousands, of babies both in St. Joseph's Health Centre in Toronto and in her own practice.

Now, causes and fundraising that she has championed and helped is a long list, and I cannot go through them all, but I'll name a few, like the Heart and Stroke Foundation; the Canadian Helen Keller Centre; and one of my causes, the Canadian Foundation for Physically Disabled Persons.

What I want to focus on briefly, and I know our time is short, is the person. Let me say this about Asha. She is honest and insightful, she has good instincts, and she is a person with principles. That means something to me. She has savvy judgment about issues that Canadians care about: health care, we care about it; our incredibly multicultural society, which I'm very proud of; and numerous gender issues, including equality and violence against women. These are important issues, and I do regret that she is retiring because very few people bring all these insights to the table, but she does.

So Asha, I will miss you. I respect you. I hope our paths will continue to cross, and any time Parliament is discussing issues that you have strong feelings about, feel free to pass on your ideas

and I will certainly listen to them and respond in a non-partisan, principled way.

Hon. Tobias C. Enverga, Jr.: Honourable senators, I rise today to join my colleagues and pay tribute to our very good friend Senator Asha Seth on her upcoming retirement from our upper chamber.

Having served Ontario in the Senate for close to three years, she has had a great impact on many of us as a champion of many good causes, as a colleague and as a friend.

Honourable senators, as fellow senators from the Greater Toronto Area, Asha and I share many interests and passions, and I know very well that Senator Seth may retire from this place, but she surely will not rest on her laurels. I suspect we will all see her in these corridors again, if not before then during the second week of May next year. That is when we will celebrate the first International Maternal, Newborn, and Child Health Week, so declared by this chamber on the motion by Senator Seth. It is but one of her accomplishments, and I want to congratulate her for it.

Honourable senators, what few people know is that the first charitable cause that I got involved in was the Canadian National Institute for the Blind. Vision health is another cause that is dear to both Senator Seth and me. It is also another issue that is marked in May as it is Vision Health Month. I think May must be Asha's busiest month.

Honourable senators, Senator Seth has also proven to be a strong force in the parliamentary diplomacy efforts, and naturally, due to her country of birth, she has tirelessly promoted closer ties and increased trade between Canada and India. As a fellow Asian-Canadian, she is an important part of our multicultural landscape; and yes, she will be active I am sure during Asian Heritage Month — you guessed it, honourable colleagues, the month of May.

I will end by thanking Senator Asha Seth for her loyal service to Ontarians in the Senate of Canada, for her many events here in Ottawa and in the GTA that she has hosted over the years, and most of all her friendship, a friendship that means so much to us and will continue to be strong despite her retirement from this house.

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today with great honour to speak about Senator Seth. We all know of her medical qualifications, and we also know of her active work in charitable organizations. Senator Smith mentioned some. He mentioned the Heart and Stroke Foundation, but she also has worked for the Canadian Foundation for Physically Disabled Persons and the Canadian National Institute for the Blind. In fact, she was the Director of the Canadian National Institute for the Blind. She has also been involved in the St. Joseph's Health Centre Foundation in assisting with initiatives to help raise funds for the health centre's new patient-care wing. And something that has really impressed me about Senator Seth is that next week she goes on to do more fundraising for the community. She will not stop in her work.

Senator Seth has been a voice on issues of maternal health here in the Senate, and Senator Seth, every time I hear you speak about maternal health, I think of not one life but two lives, because when we save the life of a mother, when we look after a

mother, we save a child too. You are not working just for the mother but for the child and, more importantly, for the community. For this we all in the Senate thank you very much.

Senator Seth, when you came here, I was very pleased to have somebody from my own origin come to the Senate. I was thrilled, and when you first said you were coming here as my sister, I have always held that close to my heart. Today I am not only saying good-bye to a friend, to a colleague, but also to a sister.

You know what they say, that colleagues may be temporary, friends may be long-term but may go on their way, but sisters are forever. Senator Seth, your friendship I will always treasure and you will always be my sister.

[Translation]

Hon. Jean-Guy Dagenais: Honourable senators, recently we have seen a number of members of this chamber retire.

I would like to take a few minutes today to bid farewell to Senator Asha Seth. I really enjoyed talking with her over the three years she spent with us.

Senator Seth became a doctor in her home country of India and chose to go into family medicine. Her main concern was the health of women and children. Dr. Seth and her husband, who is also a doctor, chose to come to Canada and set up a practice in the Toronto area.

[English]

How lucky we are that Dr. Seth and her husband decided to immigrate to our country. Their contributions are so great to our community.

• (1350)

[Translation]

Dr. Seth coupled her professional responsibilities with impressive philanthropic work. She created her own foundation to raise funds for organizations including those that support people with heart disease and the blind.

She also sits on the board of directors of the Canadian National Institute for the Blind, and last spring, she succeeded in having this chamber recognize May as National Vision Health Month.

We were appointed to the Senate at the same time, and Dr. Seth has contributed significantly to the cordial ties our country has developed with her birth country, India. On the occasions that I accepted her invitations, it was clear how extensive a network of friends she has working around the world.

[English]

Senator Seth, it was for a short period, but it was a pleasure to work with you in this chamber. I wish you two the best.

[Senator Jaffer]

[Translation]

Enjoy your retirement, Senator Seth. I am certain that organizations and individuals will continue to benefit from your professional knowledge and your overwhelming generosity.

Thank you very much.

[English]

Hon. Salma Ataullahjan: Honourable senators, I rise to bid farewell to my good friend and colleague, Senator Asha Seth.

As a fellow senator of South Asian origin, I am proud to have Senator Seth here as an active representative of the Indo-Canadian community. I know that Indo-Canadians have greatly appreciated her work, both on and off the hill.

Senator Seth is well known in Toronto for having supported numerous causes and charities related to her work as an obstetrician and gynecologist. As someone who shares her passion for maternal, newborn and child health, I have greatly appreciated her efforts and commitment to that file.

We know that her motion to make the second week of May International Maternal, Newborn and Child Health Week has recently passed. We will miss Senator Seth's unique flair in the Senate, as well as the many fabulous receptions she has hosted over the years. I know, however, she will be as active as ever, and I'm sure I will see her out and about in the Greater Toronto Area.

As a female senator, a senator from Toronto and a senator of South Asian origin, I am proud of the work Senator Seth has achieved. It's always a pleasure to see Senator Seth's smiling face around the Senate. Senator, I will miss that smile when you are gone, but, my friend, this is not goodbye: we will continue to see you.

[Translation]

Hon. Ghislain Maltais: Honourable senators, I, too, would like to pay special tribute to our colleague, Dr. Seth. It has been a real pleasure being her seatmate for the past three years in the Senate, but it has been even nicer to see how big her heart is.

Senator Seth has dedicated her life to helping others. On behalf of the thousands of children, the thousands of people — men and women — whom you have cared for during your life, I say thank you, Senator Seth. You used your extensive life experience in the service of the Senate. You raised our awareness about things that you alone, with that extensive experience, could teach us.

Today, I pay tribute to a dedicated individual who has worked tirelessly, both in her birth country and here in Canada, to continue to protect God's greatest gift, the gift of life.

Dr. Seth, we are giving you back to your family, and I would like to acknowledge your husband and children. However, I know one thing: They will not hold on to you for long because you will continue helping others and saving lives. Dr. Seth, I wish you the best of luck in your new life. Thank you.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I recognize Senator Seth, I wish to draw your attention to the presence in the gallery of our colleague, the Honourable Senator Asha Seth's family: her husband Dr. Arun Seth, accompanied by their daughters Anila Sharma, with her husband Vikram Sharma, and Angie Stanjevich, with her husband Roy Stanjevich.

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

Hon. Senators: Hear, hear!

THE HONOURABLE ASHA SETH

EXPRESSION OF THANKS

Hon. Asha Seth: Honourable senators, I am really touched by all your speeches. I don't have the words to say much, but I know you are all my family. This tribute is really a celebration of the many wonderful things, memories and accomplishments we have shared.

Since being called to the Senate, I have worked with you to bring awareness to many important issues affecting our citizens. I believe we have cemented our efforts towards improving the lives of many of our most vulnerable people. In particular, recently and in the past, what we have accomplished with the establishment of National Vision Health Month will help to prevent blindness and vision loss in millions of Canadians and advocate for more education, prevention and access to treatment.

I would like to thank you all for this, for all of your support. From the bottom of my heart, I am so thrilled.

Thank you also for your support of International Maternal, Newborn and Child Health Week. Canada will continue to build on its achievements toward improving the health of mothers and children around the world. These national and international campaigns will be a legacy for all of us to share and nurture in the future.

I'm also extremely proud of my work towards improving bilateral relations between Canada and India.

• (1400)

With the support of our government, I participated in three historic trade missions to India, which included visits with Indian Prime Minister Narendra Modi. These special delegations were able to bring our stakeholders closer to one of our most important economic and democratic partners, and the benefit will be felt for many years to come.

I note that, through each step, I have been able to work with some of the most brilliant minds in our country. I am deeply grateful to our Speakers, to our government leaders in the Senate, to my caucus members, ministers and Prime Minister for always

supporting me and guiding me in my initiatives. Together, we have made a very positive impact in the lives of millions of Canadians and friends around the world, and it does not end here.

I will continue to work closely with organizations like the CNIB and the Canadian Network for Maternal, Newborn and Child Health to ensure that these issues continue to be at the front of our development priorities.

Especially in the GTA, I will continue to offer my services as a physician to the thousands that still struggle to find access to health care, as I have done throughout my time here.

Dear colleagues, honourable senators, we are all guardians of the needs and dreams of our people. Their concerns and their hopes pass through us. If you continue to champion their concerns, you will find that there is no end to the work you can accomplish.

I would like to thank all of you again for allowing me to serve my country and my people as a part of this great institution. On behalf of my entire family, I thank you, and I wish you much success in future undertakings.

Hon. Senators: Hear, hear!

Hon. Jacques Demers: May God bless you. You are a great doctor but, more importantly, a great person. Best wishes to you and your family.

[Translation]

THE LATE JEAN ARTHUR BÉLIVEAU, C.C., G.O.Q.

Hon. Jacques Demers: Honourable senators, we got some sad news yesterday evening: Jean Béliveau passed away. He was one of the greatest hockey players and team captains in the history of the National Hockey League, but more importantly, he was one of the greatest and kindest gentlemen that French-speaking Quebec and Canada ever knew.

I had the opportunity to meet Mr. Béliveau in 1992 when he was the Canadiens' vice-president and ambassador. A few months later, he was there when I won the Stanley Cup.

This man represented us at the highest level and was always so friendly. He was always ready to shake hands and say hello to people, whether they were hockey fans or not.

On behalf of His Honour Speaker Nolin, I would like to say that his father, Justice Nolin, knew Mr. Béliveau. Senator Eaton's father, Jacques Courtois, a former president of the Montreal Canadiens, won five Stanley Cups alongside Jean Béliveau. This morning, Senator Eaton told me that Mrs. Courtois, who is 92, said her own farewell to Mr. Béliveau. The tributes have been pouring in, not only in Canada, but from around the world. So far, 20 countries have honoured the memory of Jean Béliveau.

I'm thinking of the great Senator Frank Mahovlich, who retired last year and who was a personal friend of Jean Béliveau. He had only good things to say about him. I am so grateful to him as a

former Montreal Canadien for the respect he showed this great man, a captain of the Montreal Canadiens from Canada and Quebec.

In the history of the National Hockey League, where the human side of hockey has always come to the fore for fans and the public, there have been greats such as Wayne Gretzky and Bobby Orr, and Jean Béliveau was definitely one of them too.

Thank you very much, Mr. Speaker, for the opportunity to speak here today.

[English]

SCIENCE AMBASSADOR PROGRAM

Hon. Lillian Eva Dyck: Honourable senators, in August of this year, I attended the 2014 Science Ambassador Program celebration at the Diefenbaker Canada Centre in Saskatoon.

The Science Ambassador Program was created in 2007 by Dr. Julita Vassileva, when she was the NSERC/Cameco Chair of Women in Science and Engineering on the Prairies. Since 2012, the program has been taken over by Dr. Peta Bonham-Smith and Dr. Sandy Bonny from the College of Arts & Science at the University of Saskatchewan, with support from many other colleges on campus. The program is also sponsored by Cameco, the University College of the North, the Nuclear Waste Management Organization, the Government of Manitoba, NSERC and the Saskatchewan Indian Gaming Authority.

The program connects the disciplinary expertise of senior and graduate university students with remote Aboriginal community schools that face financial and logistical challenges accessing quality STEM — science, technology, engineering and mathematics — instruction. Science ambassadors are hands-on academic mentors, who are making science fun and relevant, one community at a time.

Between 2012 and 2014, science ambassadors were placed in 10 northern communities in Saskatchewan and Manitoba. In 2014, science ambassadors worked with 143 teachers and community educators, reaching 1,860 students, 91 per cent of whom are First Nations or Metis.

Participating communities provide room and board and cultural support for their science ambassadors during their four- to six-week spring placements. Working alongside teachers, science ambassadors actively support creative and culturally relevant STEM teaching capacity. They act as science contacts, lead hands-on experiments and science labs, mentor students about continuing education, and connect with communities by joining in with extracurricular and cultural events and facilitating open events like science fairs and teas.

The goal of community-engaged STEM outreach is to actively counteract stereotypes of STEM learning that conflict with Aboriginal self-identity and community connectedness, allowing

students to recognize science as an exciting, multicultural domain with opportunities for individuals to contribute a diversity of strengths.

The learning goes both ways. The science ambassadors gain new skills and cultural capacities that enrich their studies and will inform their future work as STEM professionals.

The program has already achieved measurable success in achieving its long-term goal of increasing the representation of Aboriginal youth in post-secondary STEM disciplines and related careers. All communities currently participating have requested to be involved next year, with an additional two to three new communities already ready to join the 2015 program.

Teachers in all communities report improved attendance in science classrooms during science ambassador placements. Qualitative surveys demonstrate a positive correlation between time spent with science ambassadors and attitudes towards science and engineering, and 40 per cent of students in 2014 indicated an interest in a STEM career.

I would like to congratulate all of those involved with the science ambassadors program for their dedication and hard work in making this program such a success.

[Translation]

ORGAN DONATION

Hon. Pierre-Hugues Boisvenu: Honourable senators, I stand before you today to speak to you about the importance of organ donation. Although National Organ Donor Week is held in April every year, the reality is that there are still over 4,500 people waiting for organ transplants today. What is more, 256 people who were on the waiting list died this year before receiving their transplant. Unfortunately, only a fraction of Canadians are registered donors.

[English]

The Government of Canada has supported organ and tissue donation and transplantation since 2008. Health Canada has given \$21 million to Canadian Blood Services to improve the country's donation and transplant system.

[Translation]

From 2006 to 2012, the Canadian Institutes of Health Research invested over \$76 million in research to increase organ and tissue donation and improve the quality of life of Canadian transplant recipients.

I myself have witnessed first-hand the importance of organ donation and how it can save lives. In 2005, my daughter Isabelle and her boyfriend Jean-Michel died tragically in a car accident on Christmas Eve, as they were travelling to Abitibi. They had both signed their health insurance cards to indicate that they wanted to donate their organs. Jean-Michel's organs were able to save five lives.

[English]

Since 2010, the Quebec branch of the Kidney Foundation of Canada has highlighted the significant benefits of kidney transplants and suggested ways to increase the numbers of transplants from live donors.

[Translation]

The experience of the last 30 years has shown that people who donate a kidney do not have a lower life expectancy compared to the general population, nor is their quality of life reduced in any way.

In Quebec, the rate of kidney transplants from living donors is quite low — less than 20 per cent, compared to Canada's national rate, which is 39 per cent, and British Columbia's, which is 50 per cent.

A donation from a live donor has advantages, especially in terms of the survival of the transplanted kidney. In the case of a kidney harvested from a deceased person, the survival rate can reach nearly 80 per cent after five years. With a living donor, the survival rate can reach almost 90 per cent.

I would like to pay tribute to the courage and generosity of many Canadian and Quebec families, some of them close to us, such as the family of our colleague, Senator Maltais. Last week, his oldest daughter, Isabelle, donated a kidney to Mélanie, her younger sister. Bravo.

Honourable senators, Christmas and the New Year are approaching. As you celebrate with the members of your family, I invite you to discuss organ donation with them and encourage them to sign their health insurance card or register on the Canadian Organ Donors Association website. Organ donation, when possible, is undoubtedly the best gift that a person can give or receive.

• (1410)

[English]

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. Jim Munson: Honourable senators, today is the International Day of Persons with Disabilities. On this day, I dedicate my statement to the Honourable Senator Asha Seth. Honourable senators, the day this year is commemorated under the theme Sustainable Development: The Promise of Technology.

All of us here can appreciate the presence and impact of technology in virtually every aspect of life. It is incredible, for instance, how information and communications technologies have evolved so swiftly and powerfully, affecting our work, our connectivity to people, our access to information and, as a result, our perspectives on the world.

Within Canada, 8 of 10 people with disabilities use some kind of supportive device to carry out their daily activities. Many of these devices are the results of technology, such as specialized

computers, electronic wheelchairs and hearing aids. Unfortunately, the road to equal employment opportunities and an inclusive workforce is blocked by impediments that even the most advanced technology cannot overcome. Among them are negative and fearful attitudes about hiring people with disabilities.

Some 800,000 working-age Canadians with disabilities are not participating in the workforce. Statistics from Statistics Canada show the employment rate of Canadians aged 25 to 64 with disabilities at 49 per cent compared to 79 per cent employment for those without a disability. We have to think about that.

Their unemployment doesn't hold only them back; it also hinders the entire population of this country from realizing its potential. Diversity and inclusion in the workplace matter to us all. They are social values, and it is time we live up to them. At this very moment, employers from all sectors have access to talent that can help them to achieve their business goals. It is absurd that stories of labour shortages are still making headlines when we have this workforce ready and willing to work. The real story is that thousands of people with disabilities are highly skilled, highly motivated and unemployed.

In recognition of International Day of Persons with Disabilities, I'm hosting a special luncheon tomorrow. There will be a lot of folks I would like you to meet in room 256-S, Centre Block, from noon until 1:30 p.m. You are all invited to join other parliamentarians and representatives from disability organizations, thought leaders and members of the business community to celebrate the talent, skills and contributions to society of people with disabilities. There will also be a screening of a documentary titled *Talent Untapped* by Anna-Karina Tabuñar. There are so many reasons to come by, all of them good. I hope to see you there.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Steve Smith, Champagne and Aishihik First Nation Chief. He is the guest of the Honourable Senator Lang.

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

Hon. Senators: Hear, hear!

THE LATE ALEX VAN BIBBER, C.M.

Hon. Daniel Lang: Thank you for the special welcome to Chief Steven Smith from Champagne and Aishihik, north of Whitehorse. He represents one of the most beautiful parts of our region in Canada.

Colleagues, I rise to pay tribute to a great Canadian, and great Yukoner, Mr. Alex Van Bibber, who passed away on November 26 at the age of 98. Mr. Van Bibber embodied the spirit of Yukon and can be said to be a father of our territory and of all Yukoners.

In 1992, Mr. Van Bibber was invested into the Order of Canada. His citation reads:

One of Yukon's many colorful native sons, he is a true frontiersman, who has taught several generations to love and respect the land. A trapper, outfitter, teacher and guide, he is equally at home in the wilderness as in the city, whether assisting with government projects, instructing at an outdoors camp for teenagers or teaching more humane trapping methods.

Born on the banks of the Pelly River in Yukon on April 4, 1916, Alex, as he was known, lived life to the fullest every day of his 98 years. Just weeks before his passing, he was still visiting Yukon schools and teaching students about the ways of the bush. As one of 14 children born to Eliza and Ira Van Bibber, Alex was most notorious for his skills on the land and prowess as a trapper and hunter. These skills were forged in the rugged wilderness of Yukon and in his upbringing as a member of the Champagne and Aishihik First Nations family.

From a young age, Mr. Van Bibber and his siblings would travel by homemade raft along the Pelly River to Dawson City for seasonal schooling. His dad would say, "Alex, if the raft starts to sink, pull onto the shore and put another dry log under it." This was recalled by Commissioner Doug Phillips, who has known Alex Van Bibber as long as he can remember.

Mr. Van Bibber and his wife of 67 years, Sue, ran outfitting operations for many decades. For 37 years, he served as trapping instructor for the territorial government, leading his final outdoors camp just two years ago. He was a founder of the Yukon Outfitters Association and Yukon Fish and Game Association, and was featured in several movies, including *Yukon Safari*, 1954; *Arrow for a Grizzly Bear*, 1956; *Challenge to be Free*, 1975; and *The Last Trapper*, 2004.

Mr. Van Bibber was one of Yukon's last surviving Aboriginal veterans, having served in the Canadian military during World War II. He was an active member of the Canadian Rangers from 1947 until his passing and was a founding member of the Assembly of First Nations Veterans Roundtable.

The greatest legacy Mr. Van Bibber leaves is his large family with his late wife, Sue Van Bibber, who passed away at the age of 99 in 2011. Mr. Van Bibber is survived by his brother, Pat; sisters Lynch Curry, Kathleen Thorpe and Lucy Fulton; daughter Kathy Van Bibber; and more than 150 grandchildren, great grandchildren and great-great grandchildren.

Honourable senators of the chamber, please join me in paying a tribute to this truly great Canadian, First Nations elder and mentor, the always-smiling father of Yukon Territory, Alex Van Bibber.

HAZEL MCCALLION, C.M.

Hon. Victor Oh: Honourable senators, I rise today to pay tribute to my very good friend, Hazel McCallion, the former Mayor of the City of Mississauga. We have all heard

about Hazel, one of the best-known and longest-serving mayors in Canada and in the world. She retired last Sunday at the age of 93, leaving the mayor's seat after 36 years. She earned the nickname "Hurricane Hazel" for her tireless energy and determination. She was the first female elected Mayor of Streetsville back in 1970 and later elected as the first female Mayor of Mississauga. A Member of the Order of Canada, she was among the top finalists for the World Mayor Award.

Mayor Hazel McCallion oversaw the development of Mississauga from a town of fewer than 300,000 people to the sixth-largest city in Canada. She is an inspiring figure for many in politics and community service. She is leaving a legacy that will be hard to surpass.

Hazel and I have shared many memorable moments together. A year and a half ago, I took her on a trip to China. We hiked Mount Wutai in the north, which is over 3,000 metres above sea level. At one point, we climbed 200 steps on the steep slopes, and nobody could keep up with Hazel's pace. Indeed, the local government was concerned about a senior from Canada hiking in the mountains. They secretly sent a doctor and a nurse with oxygen tanks to join us. In the end, no help was needed, and everyone was surprised at the great physical shape Hazel was in.

• (1420)

As a proud resident of Mississauga and a senator representing Peel Region, I ask all honourable senators to join me in congratulating Mayor Hazel McCallion on her retirement and thanking her for her dedication to public service.

In closing, I would also like to extend my warmest wishes and good health to my colleague, Senator Seth, on her retirement. Thank you, merci.

ROUTINE PROCEEDINGS

STUDY ON CURRENT STATE OF "ONE CALL" PROGRAMS THAT IDENTIFY CRITICAL UNDERGROUND INFRASTRUCTURE

NINTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED

Hon. Richard Neufeld: Honourable senators, I have the honour to table, in both official languages, the ninth report of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Digging Safely: One-Call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*.

(On motion of Senator Neufeld, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

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 Monday, December 8, 2014 at 6 p.m. and that rule 3-3(1) be suspended in relation thereto.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF THE STANDING COMMITTEE,
APRIL 4-6, 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 Canadian NATO Parliamentary Association respecting its participation at the Meeting of the Standing Committee, held in Riga, Latvia, from April 4 to 6, 2014.

JOINT VISIT OF THE SUB-COMMITTEE ON
TRANSATLANTIC RELATIONS AND THE SUB-
COMMITTEE ON TRANSATLANTIC ECONOMIC
RELATIONS, APRIL 30-MAY 3, 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 Canadian NATO Parliamentary Association respecting its participation at the Joint Visit of the Sub-Committee on Transatlantic Relations and the Sub-Committee on Transatlantic Economic Relations, held in Vancouver and Victoria, British Columbia, Canada, from April 30 to May 3, 2014.

2014 SPRING SESSION, MAY 30 TO JUNE 1, 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 Canadian NATO Parliamentary Association respecting its participation at the 2014 Spring Session, held in Vilnius, Lithuania, from May 30 to June 1, 2014.

HUMAN RIGHTS

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

Hon. Mobina S.B. Jaffer: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Human Rights have the power to sit at 6:00 p.m. on Monday, December 8, 2014, even though the Senate may then be

sitting, and that Rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I'm a little confused about the precise point for which leave is being sought. I'm not prepared to give leave to move the motion now, but I am prepared to give leave for the committee to sit on Monday afternoon.

The Hon. the Speaker: Senator Fraser, it is an introduction of a motion. If you don't agree to give leave today, we can study it tomorrow. If you give leave, we will deal with it right away. It is up to you.

Senator Fraser: No, I would prefer to take it in the normal order of things tomorrow.

[Translation]

QUESTION PERIOD

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE
ECONOMIC AND TRADE AGREEMENT

Hon. Céline Hervieux-Payette: My question is for the Leader of the Government in the Senate, who I hope will understand why this question was drafted in English. It is very technical and almost all the documentation I have is in English and contains many acronyms.

This is a very important question, which your Anglophone colleagues will find it easier to understand.

[English]

The investor-state dispute settlement mechanism, ISDS, for the CETA — the treaty with Europe — has increasingly become a point of major public concern on both sides of the Atlantic. An online consultation conducted by the European Commission on the investor-state dispute settlement mechanism received 150,000 replies. An online petition for testing the investor-state dispute settlement mechanism in CETA — the Canadian-European treaty — has received 900,000 signatures and the investor-state dispute settlement mechanism — I am also trying to learn it by heart — negotiation between Europe and the United States has been placed on hold in response to 400 protests conducted this year alone.

Recently a study was released on CETA's investor-state dispute settlement mechanism clause, which was funded by a collection of Canadian and European NGOs, as well as by the Dutch Ministry

of Foreign Affairs. This report was entitled *Trading Away Democracy* and it talks about the agreement that Canada just signed.

It strongly advocated for the rejection of any “CETA text which includes investor-state arbitration.” I’m asking this question due to the fact that there is an undeniably strong public outcry against the investor-state dispute settlement mechanism.

[Translation]

This is a type of arbitration that will be handled outside the courts and outside the national laws of the countries involved. My question is the following. Can you explain why your government signed such a provision? Does the government plan to comply with this dispute settlement mechanism?

Hon. Claude Carignan (Leader of the Government): Investment protection promotes investment that creates jobs and stimulates economic growth. The mechanism in place is an effective dispute settlement mechanism that will treat investors on both sides of the Atlantic fairly. We have always been clear. We will only negotiate an agreement that is in the best interests of Canadians and the complete text reflects that commitment.

Senator Hervieux-Payette: Nonetheless, there are more than a million people in Europe who do not believe that this mechanism is appropriate for protecting, first and foremost, the role of a parliament to make laws and the role of the courts.

Through this agreement we are allowing investors to circumvent our regular courts and authorities and to directly sue the government before private tribunals on matters of finance, health, the environment, and other issues at their discretion. We saw a similar situation with regard to the environment, in a case that cost \$300 million following the conclusion of the free trade agreement with the United States, with a similar mechanism.

One of my former colleagues at Fasken Martineau, Peter Kirby, a lawyer specializing in international affairs, has his own simple interpretation of this that everyone can understand, even if they aren’t foreign affairs experts. He said, and I quote:

• (1430)

[English]

It’s a lobbying tool in the sense that you can go in and say, “OK, if you do this, we will be suing you for compensation.”

[Translation]

Before this investment is even made, we could be sued for the loss of the investment and benefits. How does our government think it can authorize investments based on this kind of

[Senator Hervieux-Payette]

agreement? How can it accept an agreement that flies in the face of both provincial and federal laws in Canada? Why did the government agree to include this kind of provision in the agreement, when more than one million people spoke out against it?

Senator Carignan: Senator, you are a distinguished lawyer, you worked for a well-known firm and you are familiar with the mechanisms for dispute resolution and arbitration that can be found in all kinds of agreements, whether we are talking about collective agreements or trade agreements. These mechanisms can also be found in some insurance policies and agreements between countries.

As I said, an effective dispute settlement mechanism is one that will treat investors on both sides of the Atlantic fairly. We believe that this is the best option. We have always been clear. We wanted to negotiate an agreement that would be in the best interests of Canadians. We believe that the complete text reflects that commitment.

Senator Hervieux-Payette: Let’s look at an example that is top of mind right now. Under the terms of the agreement, if it had been in force when belugas were declared an endangered species, even though millions of dollars had already been invested in the Gros-Cacouna project, a European company could have sued us, not in Canadian courts, but before a tribunal made up of people who have no judicial qualifications. The company could have asked for compensation for a project that will not happen, even if the governments at the time had determined that it was too risky for the fragile environment. We’re talking about hundreds of millions of dollars. We’re opening Canadians up to massive lawsuits. Why sign such an agreement?

Senator Carignan: I think you should choose your examples carefully. With respect to belugas, it has always been against the law to kill, capture, harass or harm them or destroy their habitat, under the Species at Risk Act, the Fisheries Act and the Marine Mammal Regulations.

As for dispute settlement, I believe that this is an effective mechanism that treats investors on both sides of the Atlantic fairly. We believe that it protects Canadians’ interests.

[English]

ENVIRONMENT

GREENHOUSE GAS EMISSIONS

Hon. Grant Mitchell: Honourable senators, what I am about to say is so interesting that I can hardly contain myself, but as is my normal practice, I will be constrained and balanced in what I am about to say.

Some Hon. Senators: Oh, oh!

Senator Mitchell: Preston Manning, the very heartbeat of the Conservative movement in this country, at the very core of the Conservative movement, starting with his inception of the Reform

Party, has been extremely vocal in the last two weeks — once in an op-ed piece and now in an interview this morning on none other than the CBC — about the fact that Canada needs to price carbon. This isn't David Suzuki saying this; this is Preston Manning. I will quote him:

Conservatives profess to believe in markets. Why don't Conservatives focus on harnessing markets to improve environmental regulation, make that our contribution?

Why don't they?

An Hon. Senator: Hear, hear!

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, as I like to remind you when you ask questions on this subject, I believe it is important to remember that greenhouse gas emissions in 2012 were 5.1 per cent lower than in 2005, even though the economy grew by 10.6 per cent in the same period.

Furthermore, per-capita carbon emissions in Canada have fallen to their lowest level since tracking began. In 2012, Canada was the first major user of coal to ban the construction of traditional coal-fired power plants. We expect that in the first 21 years of implementation, the new coal regulations will result in greenhouse gas emission reductions of approximately 214 megatonnes, which is equivalent to taking about 2.6 million cars a year off the road, Senator Mitchell.

Canada produces less than 2 per cent of global greenhouse gas emissions, and Canada's electricity system is one of the cleanest in the world, with almost 80 per cent of our energy produced by non-emitting sources. I believe that we have a noteworthy record, and we must stay the course.

[English]

Senator Mitchell: It is like a smorgasbord of delight for possible questions here and I hardly know where to go next. But I will go to this one, another quote by Mr. Manning:

The core concept is that for every economic activity, we should identify the negative environmental consequences. What measures can we undertake to avoid — to mitigate those consequences? And we should include the cost of those measures in the cost of our production.

That's Mr. Manning.

To paraphrase his question: Why are you not including, in the cost of economic activity, the costs of environmental impact?

[Translation]

Senator Carignan: Senator, we are committed to protecting the environment while also ensuring that the Canadian economy remains strong. I simply want to remind you that Canada is a founding member of and contributes a significant amount of funding to an international coalition to reduce pollutants, such as black carbon.

We have contributed \$1.2 billion to developing countries so that they can reduce their emissions. That envelope is supporting approximately 100 projects in more than 60 developing countries in Africa, Asia, Latin America and the Caribbean.

Following Minister Aglukkaq's announcement concerning new regulations designed to reduce emissions of air pollutants and greenhouse gases produced by cars, trucks and heavy duty vehicles, the Chief Executive Officer of an organization called Pollution Probe wrote the following, and I quote:

Pollution Probe applauds the Government of Canada for announcing today new clean fuel and clean vehicle regulations. Building on existing rules that limit and reduce vehicle emissions that contribute to climate change and air pollution, the new regulations set an aggressive pace for significantly deeper emissions reductions into the future.

• (1440)

[English]

Senator Mitchell: I'm pretty sure that the leader didn't mean to imply that Mr. Manning was somehow advancing environmental policies that might actually damage the economy. In fact, I'm sure, because if you had implied that, Stephen Greene, his former assistant, would have jumped over and pulled you down, I'm sure.

Nevertheless, Mr. Manning goes on to say in his op-ed that there are startling effects of climate change with economic impacts already being noticed. He gets down to the grassroots. He says: Let's start with British Columbia loggers' awareness that winters are no longer cold enough to kill the pine beetle, or Alberta drill crews' awareness that it's taking longer for muskeg to freeze and allow drilling each fall.

Given that Mr. Manning can see that there are huge economic consequences to not dealing with climate change, to the extent that he is actually recommending a pricing on carbon, why would this government disagree with him?

[Translation]

Senator Carignan: Senator, we have always been clear about the fact that we have been working to fight pollution while ensuring economic growth and job creation. That is what we are doing through the measures taken in connection with that sector, and that is what we will continue to do.

[English]

Senator Mitchell: You're doing it with one hand tied behind your back, maybe two. There is clear evidence now that there are actually more jobs in green energy in this country today than there are jobs in the oil sands. Great managers back breakthroughs. Why is it that this government isn't implementing a range of policies to back breakthroughs in the development of green tech, green energy, renewable energy, so we can begin to define a renewable energy future that will be accepted in the world and that will drive the 21st-century economy?

[Translation]

Senator Carignan: Thank you for acknowledging that our government is continuing to create jobs, including in the environment sector.

[English]

Senator Mitchell: We had some bad news today, and that is that the European Union, which was, we were told, about to pull back on the fuel quality that discriminates against Alberta resources — and the European Union has done that — has changed that, it's not going to pull back on the fuel-quality directive, and the reason that it appears that it's not going to do so now, quite a reversal, is because Canada has literally no environmental credibility in the world. They will discriminate against us as a result of that and they will damage our ability to develop resources from which we can take the wealth so we can develop a renewable energy future.

Why would the government of Canada negotiate CETA, the European agreement, without taking care of the discriminatory FQD — the fuel quality objectives — before they agreed to it?

[Translation]

Senator Carignan: With respect to the international elements you mentioned, we are participating by cutting emissions in Canada and working with our partners around the world to reach an international agreement that will include all of the major emitters in the effort to reduce greenhouse gases.

[English]

Senator Mitchell: I think there is an interesting problem in the debate about the environment and environmental policy for Canadians in Canada. That is that there is really no place where a member of the public who is concerned about the environment can go and engage in debate, and that's probably why thousands of people line up at energy project reviews, so that they can have a public forum in which they can have their say about environmental energy policy.

The problem is, of course, that those project reviews aren't designed in any way, shape or form for that kind of debate. It is a debate that we need to have in this country. I know the government doesn't want to have this debate, but Canadians are demanding it and it's reflected in their demand for inclusion and participation in project review.

Would this government give any consideration to structuring a very focused royal commission or round table discussion process like the one utilized by Ralph Klein to initiate ideas and to embrace the public and the grassroots in the process of initiating change? Has the government given any thought at all to how we can structure amongst the public of Canada a reasoned, broad-based, balanced debate about what to do with respect to climate change, renewable energy and our traditional energy resources?

[Translation]

Senator Carignan: As I said, we will continue to work within various sectors to achieve the greenhouse gas emissions reduction targets. I can assure you that Canada will ensure that energy

sources are safe and responsible so that we can contribute to global energy security. We expect to reach our greenhouse gas reduction targets, and we encourage all other countries to do the same. We will work with our partners around the world to develop an international agreement that includes all major emitters.

OFFICIAL LANGUAGES

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

Leave having been given to revert to Notices of Motions:

Hon. Claudette Tardif: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages have power to sit on Monday, December 8, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

ORDERS OF THE DAY

AVIATION INDUSTRY INDEMNITY ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Fortin-Duplessis, for the third reading of Bill C-3, An Act to enact the Aviation Industry Indemnity Act, to amend the Aeronautics Act, the Canada Marine Act, the Marine Liability Act and the Canada Shipping Act, 2001 and to make consequential amendments to other Acts.

Hon. Grant Mitchell: I am pleased to rise today to speak to this bill. Senator Housakos's presentation yesterday clearly explained the details of the bill, and I could not have done any better, but —

[English]

I still have a few things to say, not very many, but I will say that to the extent that this bill does what it does, it does it well, and my major criticism of the bill would simply be that it doesn't do enough.

Having said that, some of what it doesn't do, it is apparent, is being done in Bill C-22, and I will talk about that tomorrow. Still, together, they don't do quite enough. This bill does do a series of things, which Senator Housakos has outlined, and I won't elaborate upon those. They are in my speech at second reading.

There are some specific issues that aren't addressed that I'm going to mention again. While it does talk about cleanup processes and inspection, it still begs the question as to whether or not there will be adequate resources to do that. There are certainly private-sector groups, but there is also private-sector responsibility to some extent in this respect. But there are also groups that require inspection and two arm's-length, non-profit organizations that require funding to do their job. There is a question about whether or not there is adequate funding.

• (1450)

We have on numerous occasions in various studies in the Standing Senate Committee on Energy, the Environment and Natural Resources discussed and pursued the idea of safety culture and safety-culture audits. Nowhere is it more important than in the jurisdictions dealt with and addressed by this bill. I encourage once again that the government, as the National Energy Board is mentioning, push the idea of auditing for safety cultures in various industries, not only inspecting them but doing specific audits as they do audit many processes in many industrial jurisdictions.

I would reemphasize the fact that it was in an energy and environment committee report on transportation safety that reference was made to increasing indemnification by carriers, and that's included in here, so that's good. It also reflects the great work of one of our committees, which does great work as all our committees do.

I would put in context that this kind of initiative that enhances our ability to respond to environmental issues is very good at building social licence, so that we can begin to get the kind of permission we need to build the kinds of traditional-energy projects that will give us revenues and wealth in this country, some of which we can use to begin to develop a renewable energy future. In that context, this bill has something to recommend it, and I support this bill.

The Hon. the Speaker: 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 third time and passed.)

[Translation]

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

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McInnis, seconded by the Honourable Senator Enverga, for the third 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 at third reading of Bill C-13, the Protecting Canadians from Online Crime Act.

[English]

Before I proceed on this bill, honourable senators, I want to thank Senator McInnis, the sponsor of this bill, for the work he has done on the bill. And I have to say, Senator McInnis, I have really enjoyed working with you on this bill.

[Translation]

I would first like to read the bill summary.

This enactment 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 ...

The bill also provides for 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.

The bill then provides for the power to make demands to compel the preservation of electronic evidence.

It also provides for new production orders to compel the production of data relating to the transmission of communications and the location of transactions, individuals or things.

Furthermore, the bill also provides for a warrant that will extend the current investigative power for data associated with telephones to transmission data relating to all means of telecommunications.

Bill C-13 also provides for warrants that will enable the tracking of transactions, individuals and things and that are subject to legal thresholds appropriate to the interests at stake.

The bill provides for a streamlined 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 as the request for authorization.

The bill 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.

It also 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, Bill C-13 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.

As I mentioned in my speech at second reading, when the bill was studied in committee, I focused mainly on the part dealing with cyberbullying.

However, in committee, I had the opportunity to hear some very relevant testimony about other issues around Bill C-13.

[English]

When this bill was first introduced, before I studied the bill, I thought it was about cyberbullying. The reason I have read to you in detail what this bill is about is I want to remind you that this bill is not about stopping cyberbullying. This bill is a punitive bill. This bill is about sending our young people to jail. That is not what the Human Rights Committee heard from young people. Even young people who were bullied said, "We don't want our friend to go to jail. We just want it to stop."

Senators, I gave a lot of thought when preparing for this bill as to what you should hear again today, so I went back to the report we had done, and I want to read some of the things young people said to us. I remind you that this is the first time ever in the history of the Senate that young people testified at a Senate committee.

These are the words of young people:

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

That is what Shelby Anderson from Springbank Middle School said.

Mariel Calvo, also a student at Springbank Middle School, told the committee:

To those people who say that it is nothing, that it is not a big deal and that it is teenagers being dramatic, that is completely wrong. It affects our lives enormously. The outcome of this harassment can lead to poor performance at

school, low self-esteem and serious emotional consequences, including depression and suicide, so it is much more than just teenagers being dramatic.

• (1500)

We also had witnesses come and speak to us in camera, those witnesses we felt were fragile and we did not want to hurt. One of those witnesses told us in camera:

I think cyberbullying is a problem that we need to change. It is so deeply ingrained in society now, especially my generation. We grew up with the Internet. It is our domain. We have helped to build it, and now it is time, I guess, to take action and make sure we are not looking at it as a tool to spread hate. It means to connect people.

Another person in camera said to us:

Every day of my life, ever since I joined this school, they have come on MSN and 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. They would say things like: You're a fag, gay, stupid, loser, nigger, an asshole, ugly. The abuse went on and on. It just would not stop.

Another young witness in front of our committee, Mariel Calvo, from the Springbank Middle School, said:

The biggest difference between being bullied while in a 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. Whenever you are at school or home, everywhere you go, you can be a target of this. That puts a huge dent in your life because you are always pretty shaken up by this, kind of scared.

Shelley Hymel said:

Electronic bullying is pervasive and persistent. Everyone can see it and it is difficult, if not impossible, to take it back.

Katie Allan, another student at the school, said:

It is much easier to insult someone over text or Facebook because you do not see that look of hurt and betrayal on their face.

Tina Daniels said:

If you are bullying someone in class, you see how upset or distressed they are, whereas you lose that piece of information when you are engaging in social media types of bullying.

Honourable senators, all of us in this chamber have had the experience of hearing or viewing the sadness or the stories of a parent who has lost a child because of cyberbullying. Nobody

wants this bill to work more than I do, because of the stories that I heard, as the other committee members did, and looked them in the face and sometimes felt: But I will not be able to stop it.

So when this bill was introduced, I was very hopeful that this bill would help, but I have concerns about this bill and I want to share them with you.

[Translation]

Before focusing on the problem of cyberbullying, I would like to address the safety and privacy aspect of this issue.

During our review in committee, we had the opportunity to hear from Daniel Therrien, the Privacy Commissioner of Canada, who was appointed by the Harper government.

Honourable senators, I would like to quote a passage from his presentation:

As the Supreme Court said in *Spencer*, privacy interests do not depend on whether privacy shelters legal or illegal activity, or on the legal or illegal nature of the information being sought. The issue is therefore not one of concealing illegal use of the Internet for cyberbullying or child pornography but of protecting the privacy interests that people generally have with respect to home computers they use for private purposes. While some may argue that this reasoning could create a virtual space where crime can flourish, the court rejected that argument in *Spencer*, noting that investigators had ample evidence to obtain a production order for the information they were seeking.

Along those same lines, Mr. Paisana, Executive Member of the Canadian Bar Association, added the following in his comments during the committee hearings, and I quote:

We offer suggestions to improve the lawful access provisions to ensure privacy is protected, to the maximum extent, while still allowing for the effective and responsive investigation of crime.

Honourable senators, I suggest to you that we need to find a balance between privacy and safety. Mr. Geist, law professor at the University of Ottawa, noted before our committee:

The ultimate law of the land, [the Charter of Rights and Freedoms] at this stage, doesn't say that we dispense with privacy. Privacy remains something that's absolutely crucial.

But within this context, it seems to me that we are talking about how to deal with that balance.

Honourable senators, protecting our young people versus protecting privacy is a delicate matter. In fact, it should not be a matter of one versus the other. These two things should be complementary.

Still with regard to this aspect of the bill, we are also dealing with the other side of the coin: those who are in favour of this part of the bill, which would give police officers more power and diminish reasonable suspicion.

I would therefore like to quote from some of the arguments made in favour of this part.

[English]

Superintendent Joe Olivier, Assistant Commissioner, Technical Operations, Royal Canadian Mounted Police, said:

These very precise investigative tools would provide law enforcement with the proportionate legal means to seek these specific types of data based on reasonable grounds to suspect judicial thresholds. These specific data types may contain key early indicators of criminal activity. Accessing this data is often necessary to commence a criminal investigation, especially where technology played a fundamental role.

Honourable senators, I find this quote very concerning. The superintendent is actually basing his statement on "maybes" and "ifs." Privacy and security of Canadians shouldn't be based on "maybes" and "ifs" but on research and facts.

Following those comments made by Superintendent Joe Oliver, Scott Naylor, Detective Inspector of the OPP, added:

Under the proposed legislation, Internet service providers would be compelled to provide this information in a timely fashion and on a consistent basis. Access to this information would be strictly controlled and limited to law enforcement officials, who would be fully trained in these procedures and subject to auditing and report oversight. I will repeat — auditing and report oversight. The outcome would make a positive difference when we investigate and prevent criminal activity.

[Translation]

Honourable senators, I would like to emphasize the end of the quote, where the inspector says that this bill will help prevent crime.

At the same time, I would like to remind this chamber that Bill C-13 is not a bill that is preventive in nature. This is a bill that is punitive and coercive, in keeping with the current trend.

More specifically, Bill C-13 acts after the fact and reacts to things that have already happened.

[English]

This bill pretends to be a prevention bill, but, honourable senators, this is a myth. Prevention shouldn't be focused on repressive and coercive measures, reacting after the fact, but by investing in programs, research and alternative solutions, as, for example, restorative justice.

What we need to do and what all of us want to do is to stop the pain of young people before it starts, not when they're almost at the stage of committing suicide.

[Translation]

Prevention and investment are the best means of preventing another tragedy.

Now that we have gained an appreciation of both sides of the coin with respect to the problem of safety and privacy, we are in a position to establish the legal facts.

Faced with two competing and important issues that figure prominently in our daily lives, we can look at the Supreme Court of Canada ruling in order to deal with our dilemma over the protection of privacy versus the safety of our young people.

In *Spencer*, the Supreme Court of Canada stated the following, and I quote:

[English]

Under s. 8 of the *Charter*, “[e]veryone has the right to be secure against unreasonable search or seizure.” This Court has long emphasized the need for a purposive approach to s. 8 that emphasizes the protection of privacy as a prerequisite to individual security, self-fulfilment and autonomy as well as to the maintenance of a thriving democratic society.

• (1510)

The Supreme Court of Canada added:

Some degree of anonymity is a feature of much Internet activity and depending on the totality of the circumstances, anonymity may be the foundation of a privacy interest that engages constitutional protection against unreasonable search and seizure.

[Translation]

It is important to remind honourable senators that everyone has certain rights that are protected by the Canadian Charter of Rights and Freedoms. However, respecting and upholding those rights doesn't mean that we are on the side of criminals.

[English]

I found it very offensive when it was said that if you don't support this bill, then you are on the side of pedophiles. That is just wrong. All of us here want to protect our young children from cyberbullying. What we don't want is to create expectations for our young children and their parents that there is a bill that will protect them, when it really is not even going to start to do that. That is what is wrong.

[Translation]

This simply means that, in our examination of Bill C-13, it is our duty to take them into consideration. That is why I asked one of the witnesses in committee why the Minister of Justice did not

consider all aspects of the decision handed down by the Supreme Court of Canada in *Spencer*.

I would like to quote part of Mr. Russomanno's answer. Mr. Russomanno is a member of the Criminal Lawyers' Association, and he said this:

[English]

The first thing relates to the degree of expectation of privacy that attaches to this kind of information. Mr. Spratt touched upon how you have a standard with respect to a warrant, reasonable suspicion being virtually the lowest standard we have compared to “reasonable grounds to believe.” The higher the expectation of privacy is, the higher theoretically the standard ought to be.

The court said numerous times, paragraphs 27 and 51, in the *Spencer* decision that there is high expectation of privacy with respect to this information, specifically compared to the dog sniffer cases, as Mr. Spratt referred to, and what kind of expectation of privacy one has for the smell of the contents of their suitcase at an airport.

[Translation]

The Supreme Court of Canada's response was clear. In Canada, we have a Charter that guarantees us certain rights, and we must respect those rights.

[English]

The Charter of Rights gives us all the same privacy protection. It does not matter who we are.

[Translation]

I would now like to move on to a subject that I really care about. Honourable senators, as you know, my area of expertise centres more on the parts of the bill that have to do with cyberbullying. I would remind you that only seven clauses out of a total of 47 deal directly with the problem of cyberbullying, more specifically, non-consensual distribution of intimate images.

It is important to remember that the problem of cyberbullying is not yet fully understood. There is some disagreement among researchers when it comes to defining the problem. Indeed, a great deal of research remains to be done in this area.

That being said, I find it unfortunate that the government is boasting about dealing with a problem when we do not yet know what the scope of that problem is. In his speech at second reading in the House of Commons, the Honourable Minister of Justice, Peter MacKay, said the following about Bill C-13, and I quote:

[Bill C-13 focuses] on all programs and all instances of having young people come to understand the terrible phenomenon of online bullying and its far-reaching effects.

[Senator Jaffer]

Yet, in committee, when I asked the minister how this bill would address cyberbullying and help young people like Amanda Todd and Rehtaeh Parsons, he said the opposite of what he said at second reading of the bill. I quote:

[English]

That's an excellent question because I would be less than honest if I said that this bill is going to answer every issue when it comes to this issue of cyberbullying in particular.

The minister then added:

To answer this question, senator, you would have to look to our education system.

[Translation]

Not only did the minister fail to answer my question, but he also contradicted what he said at second reading in the House of Commons.

This bill does not focus on cyberbullying; rather, it focuses on cybercrime and increased police authority. Once again, the government is using a serious problem that affects our young people to further its political agenda.

Honourable senators, cyberbullying should not be taken lightly. It is unfair and dishonest to our young people to give the impression that the bill addresses cyberbullying when it addresses only one small aspect of that problem.

[English]

The focus of this bill is not on cyberbullying; it is on cyber criminality.

[Translation]

That is why the Department of Justice wrote the following, and I quote:

Bill C-13 proposes updates to investigative tools that would enable police to respond more effectively to crimes using modern technology.

The main problem with this bill is that it touches on only a minuscule part of cyberbullying. Honourable senators, I would like to remind you of the work that our Standing Committee on Human Rights did on the problem of cyberbullying.

Having had the opportunity to understand the problem of cyberbullying from the perspective of young Canadians, I would like to share some of their comments with you. During in-camera testimony, one young person told us this, and I quote:

I think [cyberbullying is] a problem that we need to change. It is so deeply ingrained in my society now, especially my generation. We grew up with the Internet. It is our domain. We have helped build it and now it is time I guess to take action and make sure we are not looking at it as a tool to spread hate.

• (1520)

Lastly, at an in-camera meeting, one youth told us, and I quote:

Cyberbullying is everywhere. I do not think the kids really know what they are doing most of the time. . . . Kids need to be more aware.

This study helped us better understand the issues and the effects on our young people, and we were also able to make some recommendations on how to combat this problem.

[English]

Honourable senators, I was going to read all of the recommendations that the Human Rights Committee made — the six recommendations — but I will suggest that you read those on your own. I will briefly summarize what they are.

The first recommendation that the committee made was that the minister have coordination between the provinces and the territories to look at what is happening in cyberbullying across the country.

[Translation]

I want to congratulate the Quebec wing of the Young Liberals of Canada on adopting a resolution last Saturday in response to this recommendation to implement a national strategy to address bullying and cyberbullying.

[English]

Even when we are not acting, people around us are saying that there needs to be collaboration between the provinces and territories, and the federal government has to play a leading role.

The second recommendation we made — and we heard this from numerous witnesses in our study — is that there needs to be education on digital citizenship. Children need to be told how to use the Internet.

The third recommendation that was made was that there needs to be a partnership between the federal government, the territories and the provinces to look at restorative justice.

Honourable senators, I cannot tell you how many times in our committee the subject of restorative justice was brought up. It was brought up by children; it was brought up by adults; it was brought up by experts. When there is a bully in the school that is sending unacceptable messages, one day that person is the bully; the next day that person is a victim; and the third day that person is an observer. We don't need to send them to jail because of one action, that one day that they were the bully. We need to get the parties together and look at restorative justice.

The fourth recommendation was that the federal government needs to do better work with the industries and the providers of Internet services. I cannot tell you how many expert witnesses and principals spoke to us and said that when an image is put on the Internet, they try to get the image removed and are not successful.

One principal said to us, “I wrote a hundred times to Facebook to remove an image, and they did not remove it.” I believe that we legislators and our federal government have a very important role in working with the industry.

The fifth recommendation that the committee made is that there needs to be a working committee to look at the definition of “cyberbullying.” I was very surprised, as were the committee members, honourable senators, that, to this day, there isn’t a definition that is accepted by everyone as to what cyberbullying is.

The last thing was that there is so much work that needs to be done, so much research that needs to be done, to look at the issues of cyberbullying, so the federal government should be financing research on this matter.

Honourable senators, I have spoken for a long time on this issue and I’m sure you understand that I am, as are members of the Human Rights Committee, very much engaged on this issue.

In the committee, the picture that I am going away with — when we heard from a parent who had lost their child — the picture in my mind, is that they just wanted the pain to stop and the image to go. Now, with this bill, if it is passed in this chamber, the minister and the police will have no excuses. They will have more tools than they need to stop the pain of the parents.

This bill only covers intimate images. This bill does not cover many of the things that we were told. There was one young man who was so fragile that even the whole committee did not meet with him. Senator Ataullahjan and I met him in my office, and I will never forget what happened to that young man. That young man came with his mother, father and sister to my office, and he said to us:

I had a girlfriend and when I left her, she alleged on the Internet that I had raped her. The whole world thought I was a rapist. I changed schools and my family changed communities, so I could start again.

As soon as she found out that I had settled, she again put that allegation on the Internet. My world broke down again. I tried to commit suicide.

When he said that, the mother left sobbing. She left our room and said that she couldn’t handle this anymore. He said:

My family moved. My school moved. We went to another place. The young lady found out where we were; she put it again on the Internet.

When we met him again, he said:

On the Internet, it now says that I’m a rapist.

Honourable senators, this is a very serious issue. It is not only about images. This is also about words. I believe, as I’m sure you do, that each one of us here has to protect our children.

What I’m really sad about is that the minister has not even started to look at our report. He has not even acknowledged that he has implemented any of the things we said in our report. It’s

not about a Senate report. We know that the government does not implement many Senate reports. This is about our children. This is about what is happening to our children.

What worries me so much is that, while this bill has been going through both of the chambers, the Supreme Court of Canada has spoken in *Spencer* about privacy rights, and I can tell you that I was not satisfied with what the officials said on *Spencer*. My worry is that, again, this will go to the courts and, again, the pain of our children will continue. We will have done nothing.

Honourable senators, before you support this bill, I ask you to think about the children in your community who will not be helped by this bill.

(On the motion of Senator Fraser, debate adjourned.)

NOTICE OF MOTION FOR TIME ALLOCATION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Bill C-13.

Therefore, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage 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.

• (1530)

AGRICULTURAL GROWTH BILL

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald Neil Plett moved second reading of Bill C-18, An Act to amend certain Acts relating to agriculture and agri-food.

He said: Honourable senators, the last time I rose to speak to a bill numbered C-18, it was to grant freedom to Western Canadian farmers through the Marketing Freedom for Grain Farmers Act.

Today, I am proud to introduce the proposed agricultural growth act, appropriately named Bill C-18, which further demonstrates our government’s commitment to supporting our farmers. Bill C-18 will increase farmers’ access to new crop varieties, enhance trade opportunities and the safety of agricultural products, reduce red tape and contribute to Canada’s overall economic growth.

Our government is committed to supporting Canada’s farmers and our world-class agriculture industry so that we can remain competitive in the world market. The bill proposes changes to several statutes that the Canadian Food Inspection Agency uses

to regulate our agricultural sector: the Plant Breeders' Rights Act, the Feeds Act, the Fertilizers Act, the Seeds Act, the Health of Animals Act, the Plant Protection Act and the Agriculture and Agri-food Administrative Monetary Penalties Act. The bill also proposes to amend the Agricultural Marketing Programs Act and the Farm Debt Mediation Act, which all fall under the purview of Agriculture and Agri-Food Canada.

When it comes to updating and improving our agriculture legislation, the timing of this bill could not be better or more crucial. Our nation is currently pursuing the most ambitious and comprehensive trade agenda in history. At the same time, Canada's agriculture sector is exceptionally strong, recording record yields and sales in recent years, and is indeed poised for future growth. The year 2012 saw Canada's agricultural sector achieve record results, with 2013 proving to be another successful year with production up 27 per cent. World demand is increasing for the world-class food that our farmers grow. Further to that, with our growing global population, the Food and Agriculture Organization of the United Nations and others have forecast that global food production must increase by 60 per cent to meet that future demand. Canadian farmers are up to the challenge.

Some of the acts that Bill C-18 seeks to update have not been touched since the 1950s. It is imperative that statutes be compatible with modern farming practices. We need laws that are designed to deal with complex advances in scientific research and development, quickening agricultural innovation and expanding international trade. By modernizing and expanding our export capacity and maximizing growth, we can continue to strengthen the nation's economy and create jobs.

The historic trade agreement with the European Union is expected to give our agricultural producers access to the largest and most lucrative food market on the planet. It would eliminate tariffs on products ranging from beef and seafood to fruit and processed foods. In March, Canada signed an important free trade agreement with South Korea. Also, Canada is negotiating sweeping trade agreements with 20 Pacific Rim countries. The Trans-Pacific Partnership would give Canada access to an enormous market of almost 800 million consumers. As well, free trade negotiations are in the works with several other countries.

However, several of our key agriculture statutes are not consistent with international standards and fail to match those of our major trading partners and competitors like the European Union, the United States, Japan, South Korea and Australia. This puts us at a distinct disadvantage when it comes to selling certain agricultural products in the international marketplace.

Canada lags behind other key countries when it comes to international standards for protecting the rights of plant breeders. Plant breeders' rights are a form of intellectual property protection for plant breeders who develop new varieties and want to sell and collect royalties from the sale of reproductive materials from those varieties, such as seeds and cuttings. These standards are set in Geneva by a body called the International Union for the Protection of New Varieties of Plants, UPOV. The most recent standards were established in 1991. Today, more than 70 countries are members of UPOV and fulfill their obligations to protect plant breeders' rights under the treaty. Of those members, 76 per cent are party to the newer 1991 UPOV Convention, which

includes almost all developed nations and Canada's international trading partners. Canada is not one of those countries. We are one of only two developed countries, UPOV members, not meeting the internationally accepted standards. Bill C-18 proposes that Canada comply with the UPOV 91 standards.

Bringing our protection of plant breeders' rights more in line with our international partners and competitors would create a more stable and modern intellectual property environment and would strengthen Canada's entire agricultural industry. It would help breeders to get a fair return on their investments and would spur innovation and encourage private investment. It would also give Canadian producers access to innovative new plant varieties. The laws that govern plant breeders' rights in Canada currently do not offer the same amount of intellectual property protection as the laws of other key trading partners in UPOV.

Mr. Keith Kuhl, President of the Canadian Horticultural Council, said the following about the proposed changes to the Plant Breeders' Rights Act:

As farms work to match production with the growing global population it becomes increasingly important that they have the tools needed to continue to increase production. New varieties are an important segment of this growth. Ensuring that our plant breeders' rights regulations are aligned with our global trading partners is imperative.

At committee in the other place, Mr. Dave Solverson, President of the Canadian Cattlemen's Association, said:

The changes to the Plant Breeders' Rights Act are positive. Canadian cattle producers depend on innovation and improvements in feed grain and forages. We believe that the update to UPOV 91 will encourage investment in seed development in Canada. The protections this act confers are not just for companies, but also for institutions like universities and governments that develop new varieties of seeds. Two of our major competitors, the United States and Australia, have adopted UPOV 91, and we hope to keep pace with them.

Honourable senators, updating our plant breeders' rights to UPOV 91 will help farmers to keep pace with international competition and meet current market demands. This means creating varieties resistant to disease or with improved nutritional content, with higher yields or a lesser need for fertilizers and pesticides. At the same time, the bill explicitly recognizes the traditional practice of saving, conditioning and replanting seed that is personally saved from crops grown on a producer's own land. This is known as "farmer's privilege." It would be entrenched in this law.

The bill as it is before us strikes a good balance between making sure variety developers have the ability to see a return on investment for their plant breeding research efforts and encouraging a greater level of investment while also preserving the right for farmers to save, store and condition seed for their own use. What is not permitted, however, is the selling of seed without authorization. This is an infringement under the current

act based on UPOV 78 and remains an infringement under UPOV 91. Mr. Levi Wood, President of the Western Canadian Wheat Growers Association, made an interesting analogy:

I pay a royalty any time I purchase a seed variety that is protected by plant breeders' rights. However, as a rule I can reuse those seeds as many times as I like. It's no different from downloading a song on iTunes. Once I pay my 99¢ I can listen to it as much as I like. I can't copy and give or sell that song to anyone else, but I'm allowed to play it as much as I like. New seed varieties that are protected by plant breeders' rights are protected in the same way. I pay a royalty the first time I purchase it, but I can replant it on my farm as many times as I like without paying that royalty again.

• (1540)

I also want to stress that the government remains committed to consultation to determine the best way to move forward before any regulatory changes are implemented. As I mentioned before, Bill C-18 proposes to modernize and streamline nine key statutes that support our agriculture sector.

If Canada's agriculture sector is to compete and succeed in the modern world and maintain its competitive edge on the global stage, it needs 21st-century tools to do so. The government consulted with farmers from across Canada on how we can improve the Advance Payments Program, which is enabled under the Agricultural Marketing Programs Act. As a result of these consultations, we are seeking to improve the Advance Payments Program by making it more flexible and user-friendly for Canadian producers. Making it more flexible and predictable will assist farmers in managing their cash flows, building their businesses and driving our economy.

Producers are constantly fine-tuning their operations and businesses and rightfully expect the government to do the same with the tools and services offered to them. Responding to producers' recommendation, the legislative changes will help us streamline delivery of cash advances under the Advance Payments Program. The goal is to enhance program flexibility to ensure that programs remain relevant and responsive to the changing nature and needs of our agricultural industry.

Bill C-18 also allows farmers to obtain a five-year agreement with Advance Payments Program administrators. This would reduce the burden of filling out paperwork each year.

Another key change proposed in Bill C-18 deals with fertilizer and animal feed. The act would introduce the authority of the Canadian Food Inspection Agency to require licensing and registration for operators of fertilizer and animal feed facilities involved in the trade of products across provincial and international borders.

The licensing and registration would ensure an even more effective approach to meeting safety standards, while providing greater flexibility and efficiency for the industries involved. This will be in addition to the current system, where feed and fertilizer products are registered on a product-by-product basis.

This approach would allow for better tracking and oversight of production processes and the product itself, a more efficient system to identify issues early, and a faster response if and when a product recall is required.

The new regulatory regime as proposed in the legislation would apply to businesses that sell their animal feed and fertilizer products across provincial and international borders, and not to farmers who make these products for use on their own farms. Bill C-18 would see Canada's approach to registering animal feed updated to reflect the increasing globalization of agricultural trade. Currently, animal feed is registered according to national standards regarding the composition, safety and quality of end products. However, focusing only on finished products is insufficient to ensure the safety of animal feeds.

The proposed legislation would also support the work under way to modernize the agency's inspection and regulatory frameworks. It would allow the CFIA to order non-compliant imported agricultural products out of the country to ensure that all agricultural products meet the appropriate Canadian requirements, regardless of where they come from.

Under the current system, Canada has at times had to pay to dispose of illegal feeds, fertilizers and seed products that were seized. Under the proposed agricultural growth act, CFIA inspectors would be able to order imported shipments of feeds, fertilizers and seeds out of Canada if they do not meet legal requirements. We already do this with imported plants and animals.

The act would also give CFIA inspectors the abilities to allow the importer to fix the problem in Canada, if it is not a safety concern and if they can be sure that the issue would be addressed in a timely manner.

The proposed amendments in the bill would provide the CFIA with stronger tools to more efficiently fulfill its mandate to protect Canada's plant and animal resource base. Monetary penalties for infractions would also be increased to make them a more effective compliance tool for inspectors, as was done in the Safe Food for Canadians Act.

The changes proposed in the agricultural growth act reflect the ongoing needs of Canada's agricultural sector. They would align with CFIA's modernized regulatory and inspection initiatives, and they would help ensure consistency across all agricultural commodities.

Honourable senators, Bill C-18 is consistent with our government's priorities — growing the economy and creating jobs for Canadians. Since Canada's agriculture and agri-food industry accounts for one in eight jobs in our country, we owe it to farmers and agricultural workers alike to modernize our regulations in order to keep their jobs safe and secure while they engage more competitively in international markets. As Minister Gerry Ritz said in the other place:

Wielding the latest science, tools and practices, Canada's agricultural sector has the potential to grow and prosper in a manner that secures the future of our agricultural industry and benefits all Canadians. There is no better way to

support our farm families than to give them the new tools and better services they require to help them grow their businesses.

Honourable senators, I ask you all to support our farmers, agricultural entrepreneurs and innovators and vote in favour of Bill C-18. Thank you.

Hon. Joseph A. Day: Would Senator Plett entertain a question?

Senator Plett: Yes.

Senator Day: Thank you. It's a matter of interest. I have not had a chance to review the legislation, but in the past I have done some work with respect to plant breeders' rights. You used the term "farmers' privilege." The farmer buys some seed, grows the crop, takes some seed produced by the seed he paid a royalty for, and he can use that seed that's produced again and again, without having to pay another royalty, as I understand it. I'm wondering if the legislation attempts to define the size of the family. Is it just one field, or maybe several members of the family own different acreage? What limits are placed on this?

Senator Plett: Yes, I'll just read the definition of "farmers' privilege" and then answer the question:

Farmer's Privilege is an exemption to the breeder's right that allows a farmer to save, condition (clean and treat), and reuse seed of a PBR-protected variety for replanting on their own farm. Canada adopted the Farmer's Privilege as part of the suite of UPOV 91 amendments in order to allow farmers to continue this practice of saving and reusing seed.

I will use an analogy, if I could, and I'll use it on a smaller scale. If I have 100 acres of lands and I harvest that 100 acres — we'll use wheat as an example — I'll sell the wheat that I've grown on 90 acres and keep the rest of the 10 acres of crop. I will clean it and store it for use again next year. It takes about 10 per cent of a crop to have enough seed to plant the same size of a farm again — to again seed that 100 acres. So I would clean and store that 10 per cent of the seed for next year. I could do that if I had 5,000 acres, and 500 acres would be the equivalent. I hope that answers your question.

• (1550)

Senator Day: I think it does.

(On motion of Senator Tardif, debate adjourned.)

THE ESTIMATES, 2014-15

SUPPLEMENTARY ESTIMATES (B)—THIRTEENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on National Finance (Supplementary Estimates (B) 2014-2015), tabled in the Senate on November 27, 2014.

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

He said: Honourable senators, this is the report of the Finance Committee in relation to the supplementary estimates. It is the thirteenth report of the Finance Committee and it is the product of the work that was done by the Finance Committee in reviewing the Supplementary Estimates (B).

What are the Supplementary Estimates (B) that we are studying? Supplementary estimates, honourable senators should be aware, are part of the financial cycle for the year of the government. The government needs money to function and it gets that money through estimates and the supply process, or through a statute that has been passed which makes provision for funds to perform a certain activity right in the statute. That's called statutory. We have statutory funding and we have estimates or supply. It's usually split about 60/40, with 60 per cent statutory and 40 per cent estimates each year. That varies a bit. That's what the supply cycle is all about.

In the first part of April or late March, we get main supply for the coming year. The first of April, the beginning of a new fiscal year, we are asked to provide interim supply, and then we do final or main supply at the end of June before our summer break. We then take a look at those items that the government and the various departments weren't able to put together and get approved before those main supply items came forward.

That is what we are dealing with here, and they are called supplementary estimates. There are three of them, typically. We looked after Supplementary Estimates (A) in June, Supplementary Estimates (B) is now, and Supplementary Estimates (C) will clean up all of those new initiatives that the government wished to implement but didn't get into main supply and were not supported by statute. That will be Supplementary Estimates (C).

We are at Supplementary Estimates (B). They came out a few weeks ago and we deal with these a bit differently from the normal bills because we have not seen the supply bill that goes with this yet. I anticipate that we may receive it in the next day or two, but we haven't as of yet.

We do study the estimates before receiving the bill, which is very similar to what we do with the budget implementation bill. We do a pre-study of that, but it takes a specific agreement here in the chamber to do the budget implementation pre-study. That is not so with respect to supply and the supplementary estimates.

We did the study and we've reported on it. This forms the basis of our understanding — and your understanding — of what will be in the supply bill for Supplementary Estimates (B) when it arrives. I'm sure my honourable colleague and deputy chair, Senator Smith, will be speaking on the supply bill when it arrives as well.

Initially, on behalf of Senator Smith and myself, I would like to thank all the members of our committee for the hard work they have been doing dealing not only with Supplementary Estimates (B), but also the budget implementation bill. All of those come to us at the same time. It was the same in June and it

will be the same again in March. We will be seeing quite a few different supply items and finance items come forward. We'd like to thank all members of the committee for the extra work they have done, and all the members of other committees for what they have done to help out.

In particular, we would all like to make mention of the Library of Parliament personnel who work very hard on short notice to go from the hearings that we have on these supplementary estimates and other documents. They go from the hearings we have to then helping us to produce a report. The Library of Parliament personnel have been with us for a number of years and they are very knowledgeable and helpful. The two that help us in our committee are Sylvain Fleury and Raphaëlle Deraspe. The two of them are excellent in helping us reflect the work that we did.

Now, in the time I have, let me tell you a little bit about what you could find when you read the report. There is a lot of very interesting information in the supplementary estimates. We can't deal with all of it in the short time before this report, but we can continue to deal with the estimates throughout the year. That's the main work of the Finance Committee.

There are many aspects of the 140 government departments and agencies that exist in Canada. We have access to all of their activities and can bring them in before our committee to talk about their plans and aspirations and, at the end of the year, follow up on how well they have performed based on those plans and priorities.

For this particular Supplementary Estimates (B), we brought in a number of departments. Treasury Board almost always comes in because they form the overview for us. There was also Public Works and Government Services, Department of National Defence, Transport Canada, Aboriginal Affairs and Northern Development Canada, and Fisheries and Oceans Canada. I will give you some highlights of what we learned, and some of my colleagues might give you some of the other highlights.

What we're dealing with here is almost \$2.9 billion dollars that you will be asked to approve when we receive the supply bill. Added to what we've already approved thus far, that amounts to \$92 billion in supply estimates. Then, there will be, as I mentioned earlier, Supplementary Estimates (C). Last year, the total was \$93.9 billion, and we are at \$92 billion now without having seen Supplementary Estimates (C).

• (1600)

There is also information with respect to statutory spending, but we don't vote on that. It's here for information purposes. It is included in our report for your information purposes as well. It is quite interesting that the total of voted and statutory thus far this year is up to \$242 billion.

What did we learn from some of these departments that we brought in? There were some undertakings given that we haven't seen answers to, and we will keep after those. I might be able to provide that information to honourable senators when the supply bill arrives and we go through second and third reading on that.

There is a new administrative tribunal being created. It's called the administrative tribunals support services of Canada. We will be seeing that particular tribunal given funds from here on out at each of the fiscal cycles. Its purpose is to look after and provide administrative support for 11 different tribunals.

I don't disagree with the initiative. There has been an attempt by the government to consolidate and save funds by having duplication of administrative services reduced. In the past, a lot of these administrative tribunals, such as the Public Service Disclosure Protection Tribunal and a number of others, were almost in a conflict of interest situation because they got funding from the department that might be under review by them. To create a separate funding for administration is a logical step, in my view.

There are 11 now going into this umbrella, and my guess is that if this works out, others will follow. One of those is the Social Security Tribunal. Honourable senators will recall two years ago the Social Security Tribunal was created out of about five or six other tribunals and appeal tribunals. That is now being supported administratively by this new body.

There are various items that we could bring to your attention, and I'll run out of time before I touch on all of them, but it's important that we look at the horizontal items because they deal with a lot of different departments. They give us a global number for the horizontal activity of that group of departments. That's something that we had asked for because we kept seeing government advertising in this department and that department and this agency, and we would like to see horizontally all of the money that's spent on that subject or other subjects. Quite a few are listed here, and that's very helpful to us in terms of understanding just what activities are going on. The government advertising program for this supplementary estimate horizontally is \$21.4 million that is being asked for.

Nine organizations are involved with respect to environmental cleanup and environmental liabilities of contaminated sites. It is estimated that there is a contingent liability of the people of Canada with respect to environmentally contaminated sites across Canada in the amount of approximately \$11 billion. The government is asking in this supplementary estimate for \$80 million to continue working on that not insurmountable but huge contingent liability.

An amount of \$115 million is being requested to establish a Canadian securities regulation regime. We have seen other funds put into this Canadian securities regulation regime in the past and only certain provinces are involved in that thus far, as honourable senators will know. That's some of the information that we learned from Treasury Board.

Public Works and Government Services Canada is a huge department that does a lot of work, and we learned that its total budget is \$6 billion, but there is a fee for service. If Government Services does a service for another department, it gets fees in. It gets \$3.14 billion returned, so 52 per cent of its total budget is generated from revenue that it receives from other departments. When other departments are less active, it may have collected more based on historical numbers and has to pay back an amount, and we have found that in this particular year.

The Receiver General of Canada is within Government Services and the Receiver General of Canada deals with a cash flow each year of \$2.3 trillion. That's huge money coming and going, and the Receiver General of Canada is under that particular department.

There are 140 different federal departments that are looked after by Public Works and Government Services.

The Department of National Defence is proceeding on a number of different fronts. We can't go into all of them, but there is \$40 million for a memorandum of understanding —

Hon. Leo Housakos (Acting Speaker): Senator Day, your time is up. Would you like to ask for five more minutes?

Senator Day: Would honourable senators agree to five more minutes to finish this?

The Hon. the Acting Speaker: Are honourable senators willing to give an extra five minutes to Senator Day?

Hon. Senators: Agreed.

Senator Day: Thank you.

This \$40 million is a periodic payment to keep Canada in the consortium with respect to the F-35 fighter jet. For \$40 million, we are still in there. All this does is leave us at the table. This is not to buy, and it's not a commitment to buy, but it does put us in a position to make the decision to buy if we wish to and to get some of the technology that is developed.

I talked about federal contaminated sites as a horizontal item of about \$90 million for this supplementary estimate, and 55 of that is the Department of National Defence.

For Transport Canada, honourable senators, I wanted to highlight that there is a government-owned, private-sector-operated initiative with respect to the Wood Islands Ferry from Prince Edward Island to Caribou, Nova Scotia. All the facilities are owned by the government, but the ferry operation is private. There is a contract in that regard. This is the direction that the government is going in a number of areas. We saw with AECL, Atomic Energy of Canada Limited, that movement toward the federal government owning the asset but the private sector running the business, whatever it might be.

There is the Cap-aux-Meules, Îles-de-la-Madeleine/Souris, Prince Edward Island ferry in that same category, and likewise Saint John, New Brunswick to Digby, Nova Scotia. All the docking facilities and the boat, et cetera, are all owned by the federal government. With respect to that last ferry service, there is a new ferry being purchased, which will then be operated by a private sector operator, Bay Ferries.

• (1610)

Honourable senators, those are a number of the items that we learned from Transport Canada.

Indian residential schools: This is under Indian Affairs and Northern Development Canada, which has promised to change its name but hasn't gotten there yet. There are a number of payments going to Aboriginal participation in West Coast energy development, Indian residential schools and implementation of comprehensive land claim agreements.

We've seen a lot of these in the past, and they just keep coming forward with other requests for funds.

Fisheries and Oceans Canada is another important area. I was pleased to see a renewal of the Pacific and Atlantic Integrated Commercial Fisheries Initiatives, which involve our Native people. Small craft harbours will continue. Renewal of the Canadian Coast Guard fleet involves giving some money to the dry dock in Vancouver because all of the noncombat ships, under the ship renewal program, will be built in Vancouver, and the combat ships will be built in Halifax. The Government of Canada is giving a significant amount of money to each of those shipyards to upgrade their equipment so that they will be more efficient in performing the contracts that they have already signed and already been granted the right to proceed on as soon as the government gives funds to them to proceed. They will be the yards that will be doing the work, but none of them are proceeding, at this stage, beyond the design phase.

Those things, honourable senators, and much more are in our report, and the supplementary estimates are there for your review. Again, on behalf of the Standing Senate Committee on National Finance, we thank you for your continued confidence in us in performing this work.

Hon. Nicole Eaton: I would like to elaborate on some of the things my esteemed colleague Senator Day has spoken about in his report on the 2014-15 report on Supplementary Estimates (B) and, specifically, on the nature and extent of supplemental funding for the Indian Affairs and Northern Development Canada.

Honourable senators, we learned, through the study of these supplementary estimates by the Standing Senate Committee on National Finance, that total funding for Aboriginal programs and services across the federal government, including both main and supplementary estimates, will be \$11.3 billion for the fiscal year 2014-15.

This amount constitutes an increase of approximately \$500 million over this year's Main Estimates and is earmarked primarily for Indian Affairs and Northern Development Canada. More than \$400 million in that department's budget, again from Main Estimates, will fund activities like the First Nations Water and Wastewater Action Plan, negotiations involving land claims and self-government across Canada and Aboriginal participation in West Coast energy development, amongst other things.

Departmental officials from Indian Affairs and Northern Development Canada reported that their department's Supplementary Estimates (B) included initiatives of \$153.9 million, composed of \$30.9 million in net transfers received from other departments and \$123 million to support certain initiatives that I will outline in some detail.

[Translation]

In total, they bring requested authorities to \$8.6 billion for the fiscal year 2014-15.

[English]

Let us now examine some of the larger initiatives included in the department's supplementary estimates:

Number 1, the impact of flooding in Manitoba's Interlake region, due to which over \$40 million was requested to help residents of 18 First Nations communities, who were evacuated because of flooding in 2011, to return home or to go to alternative long-term accommodation.

Number 2, the construction of the new Canadian High Arctic Research Station and the implementation of the associated science and technology program: The station, to be constructed in Cambridge Bay, Nunavut, will be a world-class facility for science and technology and will link the network of regional facilities across the North.

Number 3, the continuing impacts and costs of the Indian Residential Schools Settlement Agreement, resulting in the transfer of almost \$12 million, from last fiscal year to this one, to continue the implementation of the Indian Residential Schools Settlement Agreement, as well as nearly \$10 million to digitize the equivalent of more than 60,000 boxes of documents currently stored at Library and Archives Canada before being forwarded to the Indian residential schools Truth and Reconciliation Commission.

Number 4, the participation of the Aboriginal community in West Coast energy development, through which the investment of \$10.5 million will see roughly half of British Columbia's Aboriginal groups, as well as number of Aboriginal communities in Alberta, participate in energy development projects in four key activity areas: Early and ongoing engagement, creating jobs and growth, environmental action and fish habitat restoration.

The purpose of this funding is to promote greater participation of First Nations in various projects to diversify Canada's energy export markets by penetrating emerging Asia-Pacific markets. With respect to the ongoing implementation of comprehensive land claim agreements, nearly \$5 million this year will fund implementation of the Yukon Umbrella Final Agreement Implementation Plan, the Yukon Environmental and Socio-economic Assessment plan, the Yukon regional land planning and support for the operations of the Cree-Naskapi Commission in Quebec.

[Translation]

Honourable senators, as I mentioned at the beginning, we were also informed of various transfers between the Department of Indian Affairs and Northern Development and other federal departments.

[Senator Eaton]

[English]

For example, a transfer of \$28 million was made from the Department of National Defence to support remediation activities under the Federal Contaminated Sites Action Plan.

There are a number of other transfers from various departments, such as Canadian Heritage, Fisheries and Oceans, Health, and Public Works and Government Services, all of which are outlined in detail in the supplementary estimates.

Several other organizations, such as Canada Mortgage and Housing Corporation, Employment and Social Development Canada, and the Royal Canadian Mounted Police, will also receive funding, in 2014-15, as part of their Canadian-wide programs for First Nations and Inuit communities.

Honourable senators, as I believe these figures attest, our government's undertakings with respect to Aboriginal affairs are not inconsequential. As I have indicated, for this fiscal year, they amount to \$11.3 billion. No one can deny the need for or the wisdom in making such investments in support of our First Peoples. These investments are worthy of our support and deserving of our continued oversight for the longer term, something to which we, here in this chamber, pay particular attention, not just with respect to applying sober second thought but also in considering their impact and implication over time.

[Translation]

As we move forward and support the Main Estimates, we must also commit to looking at these investments carefully.

[English]

We must make certain that these investments yield their intended results; reach their intended audiences; and measurably achieve their intended purpose.

Thank you. Merci.

Hon. Grant Mitchell: I have a few points that I'd like to make about this bill, the spending of this money and, generally, about the economy. I think some things have been forgotten, and I think we need to begin to consider them much more seriously. You can probably guess what I'm going to talk about. It's going to be climate change.

• (1620)

There are a couple of things I have not seen yet, one being any recognition by the government of the tremendous collapse in oil prices. It may be that the government hasn't had a chance to really assess that, and hasn't had a chance in some formal way or at some formal point to present its recalibration of economic projections and evaluations. Nonetheless, I certainly have not seen any particular analysis of what \$65-per-barrel oil will mean

to the government's projection of balancing budgets, except that it may prove that I was right when I said last year that they will never, ever, ever balance a budget; "like ever," to quote Taylor Swift.

I want to focus on another area that is really critical to our economy and that we have to start thinking about very seriously. An argument pervades, and this assumption continues to pervade, the government's economic strategy, such as it is, that somehow dealing with climate change in an effective way, meeting our 2020 guidelines because they are not doing it, will hurt the economy. I've made this point repeatedly and I will make it yet again: It is way past the time to believe that any longer. We have to start to believe fundamentally that not dealing with climate change is going to hurt our economy. The risks in climate change are absolutely infinite. This is not academic. It is already costing us money in this country, economic growth, because we are not dealing with climate change.

For nine years, the government has not been able to build a pipeline to diversify our markets. We have a single international market for our oil and gas. That's the U.S.

An Hon. Senator: Oh, oh!

Senator Mitchell: Let me get to this. If you want to give the speech, Senator Mockler, you are welcome to give the speech, because you are progressive enough to think this way; you are. You're actually a progressive conservative. I know that you must feel very uncomfortable over there because you are nice enough to be a Liberal; there is no doubt about that.

My point is that we are not getting to build these pipelines. Nine years and this government that wants them has not been able to build a single one. The only foreign market we have for our oil and gas is the U.S. The U.S. is going to be self-sufficient in gas likely in the next 5 to 10 years and likely self-sufficient in oil. Then we won't have a foreign market for our oil and gas. The reason that we haven't been able to build these pipelines is that we haven't earned the social licence, the permission, the confidence of the people of B.C., the people of the U.S. and now the people of Eastern Canada to allow us to build those projects.

The people of Canada and the U.S. want to see a third party independent group, i.e. the government, protect their environmental interests. Because we have not built that relationship and trust, we are not getting these projects. What is that actually costing this economy? This is not academic; this is real. For every day that we don't have the gateway pipeline pumping 500,000 barrels, even at \$75 a barrel, that's \$37.5 million a day in commerce that is not happening. For every day that we don't have the Keystone pumping 800,000 barrels, even at \$75 a barrel, that's \$60 million a day. For every day that we don't have the west-to-east pipeline pumping 1.1 million barrels of oil, even at \$75 a barrel, we are talking about almost \$80 million a day. Add \$80 million plus \$60 million plus \$37 million and you have \$177 million a day that we're not getting because this government has not earned the social licence to build a pipeline to get to other markets. And \$177 million a day is \$65 billion a year. Now, that is

not academic; that's real money. Those pipelines, at least the first two, could have been built four years ago. They could have been built five years ago. It has cost us billions and billions of dollars.

The second place we are losing money is in the fact that we are not in the race for producing renewable energy technologies and renewable energy that would reduce our energy costs and increase our productivity immediately. Who is doing that? China is doing that. And the government says we are not going to do anything until China does something. But the fact is that China wants us. They have reverse psyched us because they want Canada, North America and the rest of the world to think they are not doing anything, especially when we tell them we will not do anything about climate change until they do. China is the one country in the world that has a huge problem with pollution, which they have to do something about, and they're the one country in the world that will benefit from a climate change renewable energy initiative because they will be able to produce the technologies. Thomas Friedman, who writes for *The New York Times*, said in a column several years ago to Americans:

... if you like importing oil from Saudi Arabia, you're going to love importing solar panels from China.

China is happy to have Mr. Harper say that we are not doing anything until China does because they're working away and developing technologies. And we are being left behind. Yes, they have signed an agreement now.

Among many other things, \$1 invested in renewable energy has six times the job impact that \$1 invested in traditional oil and gas has. The future is renewable energy. We need to take the wealth we generate from our traditional oil and gas — I'm not saying it won't exist 25 or 50 or 100 years from now as there will be some of it — and invest it in renewable energies for the future.

The third place the cost is being felt already is in Calgary and Toronto with floods, ice storms and droughts. These are all having a huge impact on our economy. I saw a statistic that showed the GDP dropped in the quarter that the Calgary flood occurred last year. That kind of dislocation of jobs, productivity of economy and business is already costing huge amounts of money.

There is a remarkable future for this economy if we grab the fact that climate change is occurring, if we understand that it has huge economic risk — infinite — if we do not deal with it, and if we understand that there are huge economic opportunities if we deal with it. I don't see anywhere in these supplementary estimates anything near the kind of investment or leadership needed, the political inspiration, to take this remarkable country from an economy that is fast facing huge risks and creating an economy of the future. Catalyze an economy of the future with the "energy and the inspiration" that would come from a political leadership that would say, "We are going to take some of this wealth and work with our energy industry to use that wealth and develop a new energy future and an economy of the future that we can hardly imagine today — the heights that it will take this country."

Some Hon. Senators: Hear, hear.

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

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

(The Senate adjourned until Thursday, December 4, 2014, at 1:30 p.m.)

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