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OFFICIAL REPORT  
(HANSARD)

Tuesday, November 18, 2014

The Honourable NOËL A. KINSELLA  
Speaker

## CONTENTS

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

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## THE SENATE

Tuesday, November 18, 2014

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

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### FIRST WORLD WAR

##### JOINT PARLIAMENTARY SEMINARS IN CANADA AND FRANCE

**Hon. Claudette Tardif:** Honourable senators, on November 11 and 12, the first session of the commemorative seminar "Canada and France in the Great War," organized as part of the centenary of the declaration of the First World War, was held in this chamber. I would like to congratulate our colleague, Senator Serge Joyal, who was the main organizer of this initiative, the only one of its kind among all the parliaments of the allied countries that took part in the First World War.

Canada is the only country to organize, along with the parliamentarians from France, a seminar on this theme. I want to thank our colleague for his willingness to further our knowledge of the history of this era by bringing us together to listen to renowned experts in the field. The purpose of the seminar was to recall a moment in the history between France and Canada that indelibly marked a time and forged unbreakable bonds between our two countries.

This seminar was organized with the support of the Canada-France Parliamentary Association.

The Honourable Noël Kinsella, Speaker of the Senate, and His Excellency Philippe Zeller, Ambassador of France to Canada, were the patrons of honour of this important seminar and delivered the welcoming addresses.

I want to sincerely thank the Speaker of the Senate, the Honourable Noël Kinsella for welcoming us in this chamber. For the enjoyment of all participants, the Honourable the Speaker drew everyone's attention to the magnificent paintings in this chamber, which depict key events of the Great War and remind us of the heroic bravery and enormous sacrifices of our veterans.

I would also like to acknowledge the support of the Minister of Veterans Affairs, who officially recognized this seminar and who generously supported the event. As chair of the Canada-France Interparliamentary Association, I want to recognize the considerable support of the vice-chair of the association, the Honourable Michel Rivard.

The first part was a tremendous success. We heard from eight prominent historians from Canada and France who shared their latest research on the First World War. We also heard from

our colleague, the Honourable Serge Joyal, who gave a lecture on parliamentarianism in Canada during the war of 1914-18. The presentations sparked very interesting reactions among the researchers and considerable interest from invited guests, who had opportunities to speak during time for questions. We were treated to deeply enriching analyses and discussions led by people who are passionate about the history of the Great War.

The second part of the seminar will be organized with our French colleagues and will take place at the National Assembly in Paris in the spring of 2015.

Dear Senator Joyal, you took on a huge challenge in organizing this prestigious seminar, which you invited us to attend. Thanks to you, this successful event helped advance and deepen our understanding and interpretations of the history of the Great War. We truly appreciate your generous contribution to the advancement of the Canada-France aspect, which is part of the impressive history of the Great War. Thank you.

[English]

#### MR. KAILASH SATYARTHI

##### 2014 NOBEL PEACE PRIZE

**Hon. Asha Seth:** Honourable senators, I rise proudly today on behalf of the Indo-Canadian community to congratulate our 2014 Nobel Peace Prize winner, Mr. Kailash Satyarthi, a man who has done much to improve the health and well-being of children around the world and who has been recognized this year for the struggle against the suppression of children and young people and for the right of all children to education.

As Canadians, we understand the devastating effects heavy labour have on the health of our youth. As I have discussed in the past, childhood is a critical time for safe and healthy development because children are still growing. They have special characteristics and needs that must be taken into consideration.

Children often suffer psychological damage from working and living in an environment where they are denigrated, harassed or experience violence and abuse. These injustices are what have fuelled a lifetime of dedication from Mr. Satyarthi, a native of Madhya Pradesh, India.

Kailash Satyarthi has saved tens of thousands of lives and has spent his life working to ensure that children are not victims to abuse and unfit labour.

At the age of 26, Kailash Satyarthi walked away from a promising career as an electrical engineer to dedicate his life to helping the millions of children in India who are forced into slavery by powerful and corrupt businesspeople and landowners. This initiative was met with dangerous opposition and put his life in danger, yet this didn't stop him from mounting raids on factories manned by armed guards where children and often entire families were held captive as bonded workers.

After successfully freeing and rehabilitating thousands of children, he went on to build up a global movement against child labour. Today, Kailash heads up the Global March Against Child Labour, an assembly of 2,000 social purpose organizations and trade unions in 140 countries. His work is inspirational, and I know he will continue to work to make this a better world for children.

I thank and honour Mr. Kailash Satyarthi for his extraordinary dedication to our children. He is the eighth Nobel laureate born in India and a source of pride for Indo-Canadians.

• (1410)

[Translation]

## REMEMBRANCE DAY

### ROLE OF WOMEN IN SECOND WORLD WAR

**Hon. Josée Verner:** Honourable senators, I would like to join Honourable senators Martin, Ruth and Cordy in paying tribute to women who changed our country forever during the Second World War. This quiet revolution by women whose husbands, brothers and sons were fighting in Europe and Asia was key to the success of Canadian war efforts. Not only did Canadian women take their place in the labour force in record numbers, but they also joined the army and the navy thanks to the creation of the Canadian Women's Army Corps in 1941-42.

In addition to nursing and office jobs, women gained access to training that until then had been reserved for men, such as the encryption and decryption of secret messages, maintenance of motor vehicles and navy and air force signaling. According to Veterans Affairs, more than 50,000 women from across Canada, including many from Quebec, proudly defended the values of freedom, diversity and democracy.

Honourable senators, that was particularly true for Germaine Perry, a nurse who left her home in the Gaspé to enlist in the Women's Royal Canadian Naval Service. She was posted to British Columbia, where she took X-rays of soldiers, which was a dangerous job at the time. After the war, Ms. Perry continued to work as a nurse. When she retired, she continued her humanitarian work with the Canadian Red Cross in the Quebec region.

Marie Duchesnay-Marra, from Quebec City, also joined the Royal Canadian Navy in 1942 and became a cryptographer, working on sending secret messages to Canadian soldiers. Throughout the war, she did extraordinary work, especially during the Battle of the Atlantic, which required very high levels of concentration in several naval units based in Halifax. After the war, she continued her career as a cryptographer in Canada and Europe.

Lastly, Vicki La Prairie, originally from Aylmer, in the Outaouais, had a brilliant career as a visual signaller at Halifax Harbour, guiding military ships as they departed from and

returned to Canada, a complex profession that required thorough knowledge of Morse code and semaphore, that is, signaling with hand-held flags. She had such an excellent reputation that she was invited to guide the ships at the Port of Quebec on June 1, 2008, as part of the festivities commemorating the 400th anniversary of the founding of Quebec City. She was then 85 years old.

Honourable senators, the achievements of these women, and the tens of thousands of other women in the Canadian Women's Army Corps, represent a proud and lasting legacy that has inspired younger generations of Canadian women and girls. We must never forget the sacrifices they made and their commitment to their country.

[English]

## ROUTINE PROCEEDINGS

### ENERGY SAFETY AND SECURITY ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-22, An Act respecting Canada's offshore oil and gas operations, enacting the Nuclear Liability and Compensation Act, repealing the Nuclear Liability Act and making consequential amendments to other Acts.

(Bill read first time.)

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

(On motion of Senator Martin, bill placed on the Orders of the Day for second reading two days hence.)

## QUESTION PERIOD

### PRIVY COUNCIL OFFICE

#### OMNIBUS BILLS

**Hon. Jane Cordy:** Honourable senators, my question today comes from Brad Wiebe of Winnipeg, Manitoba. His question is:

In recent years, extremely important changes to Canadian statute law have been made through legislative amendments inserted into massive budget bills. Due to the largesse and

[ Senator Seth ]

the method by which they have been passed through Parliament, Canadians have had little opportunity to publicly debate these bills and the legal changes heaped into them. When will the government stop this practice, group amendments together in a more efficient way, and allow for public debate on its legislative agenda?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I thank the honourable senator for sharing this question from a member of the public.

There are various legislative processes that allow Parliament to examine the different pieces of legislation that are introduced in the House and in committee.

All bills from the House of Commons must pass first reading in the House, second reading in the House, committee stage, report stage and third reading in the House.

The bill is then sent to the Senate, where it is also the subject of first and second reading, followed by a detailed examination in committee and, lastly, third reading.

In the case of financial bills, we have also established a process for conducting a preliminary study, which allows us to examine these bills twice in the Senate, rather than just once. Twice is better than once. This is the current legislative process that enables every parliamentarian to take the time needed to carefully examine the legislative provisions. Since all of these debates are public and all bills are made available through various communication channels, such as the parliamentary and Senate portal websites, special interest groups and ordinary Canadians have every opportunity to read them and share their comments with us, which we always appreciate.

[English]

**Hon. Larry W. Campbell:** I have a supplementary question. I find it interesting, leader, that you would talk about giving us the time to study legislation. How do you bring that into sync with time allocation and the shutting down of debate on the study of these very important bills?

**Senator Cordy:** Good question.

[Translation]

**Senator Carignan:** It is interesting that you interpret this as a desire to shorten the time for studying the bill. I look at it as an invitation to debate a bill within a certain amount of time. In any event, if you look back at a recent situation where time allocation was used, the debates concluded before the time expired in most cases.

We see this as a way to prioritize debate on bills and not as a way to limit opportunities for parliamentarians to debate bills.

• (1420)

As you know, we are great believers in democracy when it comes to that.

[English]

**Senator Cordy:** Excuse us on this side if we find it a bit amusing, but anyway, thank you for your answer.

As a follow-up to Mr. Wiebe's question, I have heard Canadians question the logic behind the inclusion of so many measures in the government's budget bills. Many of these measures don't even fall under the purview of a finance bill, so why does the government continue to introduce these massive, overreaching omnibus bills?

I know you gave us the legislative processes, and certainly I'm fortunate — maybe it's because I'm a former teacher — but I get asked to speak to schools, and I tell them exactly what you've told us about it going through three processes in the House of Commons and in the Senate. But this particular omnibus bill is over 500 pages long. I doubt that many people in this chamber would be able to answer every question about it. I certainly know the parts that the Social Affairs Committee is dealing with, which are significant, by the way.

I would go back to Mr. Wiebe's question: Why does this government continue to introduce these massive, overreaching omnibus bills?

[Translation]

**Senator Carignan:** It is somewhat unfortunate, but tax legislation provisions being what they are, sometimes the bills have to be a bit larger than we would like. However, that in no way diminishes the importance of the provisions in those bills.

Take Bill C-43, for example. It will create jobs and opportunities for Canada through the new small business job credit. In addition, there is the budget implementation bill, which makes life more affordable for Canadian families by doubling the children's fitness tax credit to \$1,000 and making it refundable. It also puts an end to questionable billing practices at communications firms.

Those are some of the various measures, and I know that there are quite a few sometimes. That is why we are advertising them, so that Canadians are informed of the measures that have been passed.

[English]

**Senator Cordy:** Perhaps before we vote on the bill, we should all have a little test in the chamber to see how many people here in the Senate actually understand it. This is in the chamber; we're doing a pre-study and we're studying the omnibus bill at various committees. I doubt there are many Canadians who could tell you what's on every page of a 500-page document. It's unfortunate that you don't want the input of Canadians and that you want a lot of these things passed with little or no dialogue.

Currently, for example, the Social Affairs Committee, of which I'm a member, is studying several provisions of the government's omnibus implementation bill, Bill C-43. We're continuing to work on it, but so far we've studied amendments to the DNA Identification Act, amendments to the Public Health Agency of Canada Act and proposed changes to the residency requirement for refugees, and we have additional meetings this week to study proposed amendments to the Immigration and Refugee Protection Act and changes to the Temporary Foreign Worker Program.

Now, with regard to the Temporary Foreign Worker Program, changes were announced last July, and they will be formalized in the bill. The changes will increase the fee from \$275 to \$1,000 for every temporary foreign worker position requested by an employer.

If you recall, a couple of weeks ago, leader, I asked you a question that I had gotten from Mrs. Davidson in Alberta, who is looking for a caregiver for her disabled son, who is in his fifties. Mr. and Mrs. Davidson are retired and on fixed incomes, and every time they request a temporary foreign worker they have to pay \$1,000. If the deal falls through, which it has in their case, they have to pay another \$1,000. That's part of the omnibus bill.

This is just the Social Affairs Committee dealing with all of that. In fact, there are seven Senate committees dealing with Bill C-43: National Finance, of course, and rightfully so; and Banking, Trade and Commerce — I can see the Banking Committee dealing with it. But Transport and Communications is dealing with it; Energy, the Environment and Natural Resources is dealing with it; Foreign Affairs and International Trade is dealing with it; Legal and Constitutional Affairs is dealing with it; and my committee, Social Affairs and Technology, is dealing with the omnibus bill.

Do you really believe it's possible for parliamentarians to get a good handle on what's in this bill to properly and effectively examine such a massive piece of legislation? As Mr. Wiebe stated in his question today, Canadians have little opportunity to publicly debate these omnibus bills and the legal changes that are heaped in them.

Does the government not want Canadians engaged in the legislative changes in these omnibus bills?

[Translation]

**Senator Carignan:** I'm not sure whether that was a question or a speech, but you did bring up the excellent teamwork done by the Senate to conduct in-depth studies of bills and the high-quality work done by the various committees during preliminary studies, of course. We will also have the opportunity to study the bill a second time.

You were right to point out the work that is done by parliamentarians and the role they play in controlling and understanding the whys and wherefores of the provisions. I have nothing else to add. You have said it all, so thank you.

[ Senator Cordy ]

[English]

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I thank the Leader of the Government for his Political Science 101 explanation of the legislative process, and I was touched by your reference to the collegiality and the serious nature of the work we do here. We're the body that is supposed to give sober second thought — another Political Science 101 concept — to the legislation that appears before us. That includes catching mistakes. I defy anybody to suggest to me that in a bill of 500 pages or more there will be no mistakes, even in smaller bills.

Can the leader tell me the last time the government side in the Senate accepted an amendment to a bill to correct an obvious mistake? I'm not talking now about policy disagreements; I'm talking about mistakes.

[Translation]

**Senator Carignan:** Senator, the last time I saw the statistics on this issue — and perhaps the clerk could get them to you — I think they indicated that 20 per cent of bills were amended by the Senate and 80 per cent of the amendments proposed by the Senate were adopted by the House of Commons. Therefore, I think that was a useful exercise, and it obviously does not take into account the amendments proposed during pre-study, which were also adopted by the House of Commons.

The best example is the electoral reform bill, which is a bill that deals with democracy. A pre-study in the Senate provided ways to improve Canada's electoral system, and the amendments were adopted by the House of Commons. I think that is something worth mentioning.

[English]

**Senator Fraser:** You refer to what is often known as the “unfair elections act.” I grant you that the government side did make some amendments — insufficient, but some amendments — as a result of the pre-study here. For the rest of your response, it strikes me as an excellent history lesson, not very much current updating of the way things are handled in this chamber.

• (1430)

Since the government obtained a majority in this place, how many amendments has it accepted to government legislation?

[Translation]

**Senator Carignan:** My goal is not to give political science or history lessons but to answer questions. You are asking questions on behalf of Canadians and so obviously I am answering them differently than if they were asked by a parliamentarian who is knowledgeable about the political situation in Canada and its ins and outs, for example. I change my answers a bit depending on the type of question that is asked.

I cannot provide a specific answer with regard to the exact date of the most recent amendment. However, I hope that your questions will not cast doubt on the usefulness of the Senate when

it comes to strengthening and improving bills, whether it is through the reports that are prepared, the pre-studies that are conducted or the examinations that are done at second or third reading.

[English]

**Senator Fraser:** Far be it from me to cast doubt on what should be the way the Senate functions. My question had to do with whether, for the past few years, we have been allowed to do what we are supposed to do.

Let me take one last kick at the can at this leader and come at it slightly differently.

Can you give me an example of a case where the government would accept an amendment to a bill, not a pre-study suggestion, but an actual amendment to a bill, brought before this place?

[Translation]

**Senator Carignan:** I thought that question period was supposed to be reserved for questions about government business, not for hypothetical questions about the potential content of a bill.

I invite you, as a parliamentarian, to proceed carefully, which is our regular practice when it comes to various bills. If you have amendments to propose, you can submit them during the committee meetings, as dictated by the existing process. If your amendments are accepted, then obviously they will be included in the report that is sent to the Senate before third reading. However, if they are not, you will have the opportunity to propose amendments when we are voting on whether to pass a bill that has been amended, as was done just before the last break. At that time, we will assess the amendments on their merit.

[English]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table three delayed answers raised by the Senator Dyck on January 30, 2014, concerning on-reserve housing fires and prevention; by Senator Mercer on January 30, 2014, also concerning on-reserve housing fires and prevention; and by the Honourable Senator Jaffer on the same day and on the same topic.

### ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

#### ON-RESERVE HOUSING— FIRES AND FIRE PREVENTION

*(Response to question raised by the Honourable Lillian Eva Dyck on January 30, 2014)*

The Government of Canada does not currently hold information regarding the number of house fires on reserve because First Nations manage fire protection services themselves.

As of April 1 2014, Aboriginal Affairs and Northern Development Canada (AANDC) is supporting Fire Safety Inspections previously conducted by Employment and Social Development Canada (ESDC). Fire safety inspections have been incorporated into AANDC's Asset Condition Reporting System inspection regime. The review of building designs and plans from a fire safety perspective are now fully eligible costs that will be covered as part of the overall project cost.

AANDC will continue to work with third party technical service providers to ensure that life safety and fire protection components in community buildings funded by the Department are being inspected on the same frequency and to the same standards as previously done by ESDC.

The Asset Condition Reporting System building inspectors are required to have sufficient qualifications and knowledge of the appropriate national/provincial/territorial Building Code and Fire Code, and these qualifications must enable him/her to identify deficiencies related to those codes and provide recommendations to address them.

Starting in 2014-15, deficiencies related to Fire Codes will now be tracked with all other Asset Condition Reporting System deficiencies. First Nations will be required to indicate in their First Nation Infrastructure Investment Plans (which are updated annually) how they plan on addressing the deficiencies.

*(Response to question raised by the Honourable Terry M. Mercer on January 30, 2014)*

Aboriginal Affairs and Northern Development Canada uses the Asset Condition Reporting System inspection process to inspect Aboriginal Affairs and Northern Development Canada-funded assets on reserve every 3 years to verify the physical condition of these assets. This condition is reported back as a General Condition Rating, which indicates if the asset is in good, fair, or poor condition.

According to the Asset Condition Reporting System, as of May 2014, there are a total of 765 firefighting assets on reserve (fire halls, fire trucks and pumps). Of those 765 assets, 63 are in poor condition, 212 in fair condition, 411 in good condition, 47 in new condition and 32 were not inspected yet.

It is important to remember that First Nations manage fire protection services on reserve. They are responsible for making specific decisions regarding fire protection services under the annual core capital funding they receive from Aboriginal Affairs and Northern Development Canada. They are also responsible for addressing identified deficiencies as part of the Asset Condition Reporting System process.

*(Response to question raised by the Honourable Mobina S. B. Jaffer on January 30, 2014)*

The Government of Canada provides an average of approximately \$26 million annually to support fire protection services across regions, including capital investments (fire trucks, fire halls, etc.), operations and maintenance of assets, and firefighter training and prevention.

First Nations manage fire protection services on reserve. They are responsible for making specific decisions regarding fire protection services under the annual core capital funding they receive from Aboriginal Affairs and Northern Development Canada. First Nations may establish their own fire departments, or contract fire protection services from nearby communities.

Aboriginal Affairs and Northern Development Canada also provides approximately \$215,000 annually to support the Aboriginal Firefighters' Association of Canada in coordinating a number of fire prevention awareness and training activities such as the National Aboriginal Firefighters Competition and the National Fire Safety Poster Contest for school-aged children. The funding also allows the Aboriginal Firefighters' Association of Canada to participate in the First Nations Fire Protection Strategy working group that meets twice annually to plan collaborative activities to improve fire prevention and protection in First Nation communities.

The Government supports the Aboriginal Firefighters' Association of Canada in the development and delivery of the *BeFireSafe* education and awareness campaign. The campaign includes a series of seasonal fire prevention and safety tips shared through radio features and social media messaging. The focus is to highlight the importance of fire prevention throughout the year both inside and outside the home with the aim of reducing fire-related deaths, injuries, and damages.

In addition, Aboriginal Affairs and Northern Development Canada is working with the Aboriginal Firefighters' Association of Canada to review levels of service for fire protection services in comparable communities off reserve (for each region across Canada), and a review of applicable standards. This review will inform the modernization of Departmental service standards for fire protection services. This update will provide a basis to renew departmental support for fire safety education and prevention activities, infrastructure, equipment, maintenance, and training.

As of April 1 2014, Aboriginal Affairs and Northern Development Canada is supporting Fire Safety Inspections previously conducted by Employment and Social Development Canada (ESDC). Fire safety inspections have been incorporated into the Department's Asset Condition Reporting System inspection regime. The review of building designs and plans from a fire safety perspective are now fully eligible costs that will be covered as part of an overall project cost.

## ORDERS OF THE DAY

### IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

#### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Salma Ataullahjan** moved second reading of Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

She said: I am grateful for the opportunity to speak in favour of Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code to provide more protection and support for vulnerable individuals, primarily women and girls.

Bill S-7 reinforces that Canada's openness and generosity do not extend to underage and forced or polygamous marriage, or other barbaric cultural practices that deny gender equality.

Canada will not tolerate spousal abuse, so-called "honour killings" or other gender-based violence. Although the equality of men and women under the law is a fundamental Canadian value, unfortunately violence against women and girls continues to affect tens of thousands of Canadians each year and such practices still exist as a reality for many women in Canada.

The effects on victims are devastating and far-reaching, and also impact our children, homes and communities. They severely affect all those involved from influencing immigration outcomes to breaking down opportunities for integration and success.

The Government of Canada is committed to taking concrete steps to prevent and eliminate all forms of violence against women and girls in Canada. Bill S-7 is a concrete step and it is worthy of the support of all parliamentarians.

Honourable senators, this bill meets the government's commitment in the most recent Speech from the Throne to help ensure that practices such as underage and forced marriage do not occur on Canadian soil. Indeed, Bill S-7 sends a clear message to anyone coming to Canada, and those already part of Canadian society, that such practices are unacceptable here. They are incompatible with Canadian values and will not be tolerated.

Some of these harmful practices are already prohibited by the Criminal Code, such as female genital mutilation and most of the criminal behaviour involved with a forced marriage, such as assault, forcible confinement and uttering threats.

If implemented, the measures in this bill would amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code to add further protections. These amendments would improve protection and support for vulnerable individuals in a number of different ways.



They would render permanent and temporary residents inadmissible if they practice polygamy in Canada on that basis alone. They would strengthen Canadian marriage laws by establishing a new national minimum age for marriage of 16 years old and by codifying the existing legal requirements for free and enlightened consent for marriage, and for ending an existing marriage prior to entering another.

They would criminalize certain conduct related to underage and forced marriage ceremonies, including the act of removing a child from Canada for the purpose of facilitating such marriages. They would help protect potential victims of underage or forced marriages by creating a new specific court-ordered peace bond where there are grounds to fear someone would commit an offence in this area. They would ensure that the defence of “provocation” wouldn’t apply in so-called “honour” killings and many spousal homicides.

Honourable senators, I’d like to give you a few details about the important measures that Bill S-7 proposes. Let me first address polygamy, which is illegal in Canada and is an affront to Canadian values. In upholding Canada’s polygamy law, the Honourable Chief Justice Bauman of the B.C. Supreme Court found that there were physical, psychological and social harms associated with the practice of polygamous marriages.

He found that women in polygamous relationships “face higher rates of domestic violence and abuse, including sexual abuse,” that children in polygamous families “face higher infant mortality . . . tend to suffer more emotional, behavioural and physical problems, as well as lower educational achievement,” that polygamous families face “higher levels of conflict, emotional stress and tension,” and that polygamy “institutionalizes gender inequality.”

To increase our ability to prevent polygamy from occurring on Canadian soil, Bill S-7 would create a new inadmissibility for polygamy in the Immigration and Refugee Protection Act. It would enhance existing immigration tools to render both temporary and permanent residents inadmissible for practicing polygamy in Canada on that basis alone. The new inadmissibility would enable visa applications to be refused and would allow removal orders to be made where there is evidence that the person is or will be practicing polygamy in Canada.

• (1440)

Polygamy is not the only practice that contradicts Canadian values and causes great harm to its victims. Additional measures in Bill S-7 would amend the Civil Marriage Act in order to address the problem of early and forced marriages. Honourable senators would be surprised to know that early and forced marriages happen to both young women and young men in Canada. In Canada, there is no national minimum age for marriage. Federal law, which applies only in Quebec, sets the minimum age at 16 years. In other parts of Canada, the common law applies. There is some uncertainty about the common law minimum age, which is likely 12 years for girls and 14 years for boys, although it may be as low as 7 years. Setting a national minimum age of 16 years for marriage would make it clear that underage marriage is unacceptable in Canada and will not be tolerated.

Honourable senators, other amendments to the Civil Marriage Act proposed in Bill S-7 would codify the requirement that those getting married must give their free and enlightened consent to marry each other and would codify the requirement for the dissolution of any previous marriage. Building on the proposed amendments to the Civil Marriage Act, Bill S-7 also contains measures that would amend the Criminal Code to help prevent forced or underage marriage. These measures would criminalize knowingly officiating at an underage or forced marriage; knowingly and actively participating in a wedding ceremony in which one party is marrying another against his or her will or is under 16 years of age; and removing a minor from Canada for a forced or underage marriage.

Other proposed amendments would create a new peace bond that would give courts the power to impose conditions on an individual when there are reasonable grounds to fear that a forced marriage or a marriage under the age of 16 will otherwise occur. Such a peace bond could be used to prevent an underage or forced marriage, for example, by requiring the surrender of a passport, as well as preventing a child from being taken out of Canada.

Measures in the bill would also amend the Criminal Code to address so-called honour killings, where so-called honour-based violence is perpetrated against family members — usually women and girls — who are perceived to have brought shame or dishonour to the family. Honour killings are usually premeditated and committed with some degree of approval from family and/or community members.

However, in some cases alleged spontaneous killings may be in response to behaviour by the victim, who is perceived to be disrespectful, insulting or harmful to a family’s reputation. Under the Criminal Code, anyone charged with murder can raise the defence of provocation in seeking a reduction to the lesser charge of manslaughter. In other words, the accused can argue that the victim’s conduct in some way provoked them into the “heat of passion” and that they killed while in that state. This defence has been raised, so far unsuccessfully, in several so-called honour killing cases in Canada.

Accused murderers have claimed that real or perceived marital infidelity, disrespect, defiance or insulting behaviour on the part of the victim toward their spouse, sibling or parent provoked the killing. That means a father, for example, could claim to be so provoked by his daughter’s dishonourable act that he was compelled to kill her. Measures in Bill S-7 would amend the Criminal Code so that legal conduct by the victim could not be legally considered a provocation. It is simply contrary to Canadian values for lawful behaviour by a person, no matter how it may be perceived as insulting, to excuse their murder. Honourable senators, Bill S-7 would strengthen our laws to protect Canadians and newcomers to Canada from barbaric cultural practices.

By helping to ensure the passage into law of Bill S-7, honourable colleagues would be sending a strong message to those in Canada and those who wish to come to Canada that we will not tolerate practices that deprive individuals of their human rights. I’m sure that we would all agree that we must stand up for all victims of violence and abuse and take necessary action to prevent these practices from happening on Canadian soil. That’s

exactly what we would be doing by ensuring this bill's passage into law. That is exactly why I urge all honourable colleagues in the Senate to join me in supporting the passage of this monumental bill.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Would Senator Ataullahjan take a question?

**Senator Ataullahjan:** Yes.

**Senator Fraser:** I'm pretty sure I heard you say that in the matter of honour killings, there have been attempts in Canada to use the defence of provocation. I'm sure I also heard you say that those attempts have not been successful. Certainly, the case of honour killing in my city that had the greatest impact was that of the Shafia family. Those who committed that crime have been convicted of murder and are unlikely to see the light of day for many years, if ever.

I don't understand the argument that the law is insufficient and needs to be changed. It seems to me that the law has been working fine.

**Senator Ataullahjan:** Senator Fraser, thank you for raising an important issue, which we need to study in committee. Sometimes the defence of provocation has been used unsuccessfully — that the accused lost control due to a sudden wrongful act or insult by the victim. This is why we need to study this issue further to determine the process that should be followed. I understand that the Shafia family was convicted of murder; but that crime was perceived to be an honour killing. We need to study this more.

**Hon. George Baker:** Honourable senators, I have a supplementary question. I would like to congratulate the senator for the excellent speech she has given on this proposed legislation because it clearly outlines exactly what's in the bill.

I seek verification and to point out that perhaps the most talked about clause of this bill in committee will be the change in the definition of "provocation" as it exists in the Criminal Code. I'd like the honourable senator to verify that this is a government bill we're being asked to give sober first thought to. It proposes an amendment to the Criminal Code. Sometimes it's good that a bill that amends the Criminal Code in such an extensive manner can be dealt with in the Senate committee and thoroughly examined, with suggestions made for possible amendments. It will be sent back to the House of Commons after it passes in the Senate, with suggestions for change. If the elected members of Canada wish to change the bill, then they have the support of that thorough examination done in the Senate committee. I would like to ask the honourable senator to verify that the introduction of this government bill in the Senate changes the normal procedure of having the Senate apply sober second thought on material changes to the Criminal Code as it will be sober, first thought that will give the House of Commons an opportunity to look at possible suggested amendments.

**Senator Ataullahjan:** Thank you, Senator Baker; I couldn't have put it better.

(On motion of Senator Jaffer, debate adjourned.)

[ Senator Ataullahjan ]

## COPYRIGHT ACT TRADE-MARKS ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. David Tkachuk** moved second reading of Bill C-8, An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts.

He said: Honourable senators, thank you for giving me the opportunity to repeat the speech that I gave a number of weeks ago. This bill is so interesting I know that you're going to give me —

• (1450)

**Senator Cowan:** Dispense.

**Senator Tkachuk:** I almost want to do that, Senator Cowan.

First, I want to thank the members of the other place, as I said before, for their work in reviewing this bill, but I also want to thank the house leaders of this place for their creativity in allowing this bill, after all the difficulties it has had, to be brought forward and dealt with today.

It is important to remember that our government has taken measures to protect Canadian consumers by modernizing Canadian intellectual property laws. In 2007, the government passed the anti-camcording bill, which amended the Criminal Code to prohibit the recording of a movie in a movie theatre without the owner's consent. With this bill, the movie industry saw a dramatic reduction of movies being recorded in Canadian movie theatres.

In 2012, the government's long-standing copyright laws were updated and, through the Copyright Modernization Act, the amended Copyright Act now allows for legitimate and commonplace actions by government and consumers to be protected under copyright law. Canadians no longer have to be concerned about the legalities of time-shifting television which is pre-recording programs on their personal video recorders, transferring music from their CD collection to their MP3 players, or remixing music or videos for non-commercial purposes and sharing it on social media.

By enacting the Copyright Modernization Act, this government listened to the concerns of Canadian consumers and provided them with legitimate protection for their actions, while also extending protections for artisan creators working in the digital age. Canada now has a modern copyright regime, which will play a critical role in protecting and creating jobs in Canada's digital economy.

Honourable senators, Bill C-8, the combatting counterfeit products act, is the next step in our government's plan to modernize Canada's intellectual property laws, and it will also help to achieve the long overdue goal of bringing Canada's trademark system into the 21<sup>st</sup> century.

The importance of cracking down on counterfeit activities should not be underestimated. The RCMP has conducted its own study of intellectual property crimes and released their report last year. Over 200 cases of harmful counterfeit products were investigated in 2012, including toys, pharmaceuticals, perfumes, integrated circuits, makeup, headphones, wheel-bearings, cellular phones and batteries, to name just a few.

Of all counterfeit products encountered, those involving harmful products increased substantially from 11.5 per cent in 2005 to 30.4 per cent in 2012. Also noteworthy is the rise in the total retail value of seizures of counterfeit and pirated goods from over \$24 million in 2010 to \$38 million in 2012. This represents a significant amount of money and jobs that are essentially being taken away from Canadians. These illicit goods also damage the reputation of businesses that pride themselves on manufacturing products of a much higher quality than those inferior copies.

A lot of hard work, sweat and risk go into building a successful business. There are no guarantees, but when a business does succeed, to the extent that it is a brand known nationwide or even the world over, it deserves to have that brand protected. Unscrupulous criminals seeking to make a profit off the hard work of others by building and shipping inferior brands to consumers threaten to undo all that hard work. They threaten not only the livelihood of those who have worked hard to create a successful enterprise but their reputations by providing unwitting consumers with an inferior product.

The problem of counterfeit and pirated goods is a global one. Canada's trading partners have testified to that. The U.S. Customs and Border Protection department notes, for instance, that the number of seizures of counterfeit and pirated goods conducted by U.S. customs officials in 2012 reached almost 23,000. That amounts to a retail value of \$1.2 billion. This represents an average seizure value of \$10,450 and led to 691 arrests, 423 indictments and 334 prosecutions.

The European Union states that in 2013 border officials detained over 86,000 shipments containing almost 36 million articles. This represents a retail value of 770 million euros. Then there are the findings of the Intellectual Property Crime Group in the United Kingdom that in its annual review it included a study by the Institute of Economic Affairs that found that counterfeit alcohol alone cost the U.K. treasury about £1.2 billion per year.

The Ministry of Economy, Trade and Industry in Japan found that 23.4 per cent of companies sustained losses from counterfeiting in 2012. This is an increase of 1.5 per cent from the previous year.

The numbers speak for themselves. Something needs to be done to curb the global trade in counterfeit and pirated goods and Bill C-8 is our government's response to this global threat.

The bill contains enforcement measures in three main areas: border, civil, and criminal measures. The central focus of the bill is the establishment of a new border regime which will allow Canada to better fulfill its role in the global fight against counterfeiting and piracy. We know that counterfeit goods are

present in international trade channels. Stopping them at the border as they are imported to or exported from Canada is therefore essential if we are to protect families and consumers from these potentially harmful goods.

With this bill, border officers will now have the authority to detain commercial shipments that are suspected of containing counterfeit goods. Furthermore, rights holders will be able to file a request for assistance with the Canada Border Services Agency, whereby commercial shipments containing counterfeit goods can be detained and trademark owners can pursue civil remedies.

The request for assistance applies to both goods entering Canada and goods about to leave Canada for a foreign market. This is an acknowledgement not only that we must not stop goods from entering our market, but also that Canada should not be considered a source country for manufacturing counterfeit goods.

This bill contains many other measures to help combat counterfeit products. In fact, stakeholders have been pushing for these new measures for some time now.

Canada Goose, a well-known Canadian winter clothing manufacturer, has stated:

Canadians have long been victims to the illicit counterfeit trade and the new measures . . . should be welcome news for consumers, businesses and retailers alike. . . . The strengthened border measures will play a vital role in protecting jobs for Canadian manufacturers, as well as unsuspecting consumers . . . from those that would do them harm.

The Canadian Anti-Counterfeiting Network stated that they were:

. . . pleased that this legislation is moving forward . . . . Counterfeiting has grown into a criminal activity that supports everything from organized crime to terrorism . . . . With this new legislation, [this] will begin to change.

The Entertainment Software Association of Canada said:

Equipping border service agents with the necessary tools to seize counterfeit products and other illegal goods like circumvention devices will help take a bite out of this ongoing problem. Protecting Intellectual Property . . . is critical to the Canadian economy . . .

Honourable senators, to achieve a balance between the rights of trademark and copyright owners and the need to maintain efficient trade across the border, this bill contains important exceptions.

First, I'd like to address the issue of in-transit goods, or goods that are travelling through Canada on their way to another country. These are goods that never enter the Canadian marketplace but come through our ports and border crossings. These goods are exempt from the rules found in Bill C-8. This does not mean, honourable senators, that goods that pose a

health or safety risk would continue through our border unchecked. There are, in fact, already legislative authorities in place, such as the Customs Act, the Food and Drugs Act, the Canadian Consumer Product Safety Act and the Transportation of Dangerous Goods Act, through which our border guards, the RCMP, Health Canada and Transport Canada can intervene. Canada will continue to check goods at the border that pose health or safety risks, regardless of their ultimate destination.

What the in-transit exception means is that Canadians will not search in-transit goods destined for other countries that are purely an intellectual property infringement, like counterfeit Nike shoes, for example, or counterfeit Callaway golf clubs. We will, however, continue to work with other countries, including the United States, to share information on suspect shipments and dangerous counterfeit goods.

Second, the bill contains an important exception for individual Canadians who have counterfeit products in their possession while crossing the border. Because the government is seeking truly commercial shipments, any counterfeit goods for personal use found in a traveller's baggage will be exempt from the rules found in Bill C-8.

• (1500)

The border system proposed in this bill is supplemented by new civil provisions that target current and emerging counterfeit practices. For example, civil cases that deal with activities such as shipping labels separately from the goods on which they are to be affixed in order to avoid detection will be added to the Trade-marks Act. It will also now be a civil infringement to manufacture, possess, import, export or attempt to export counterfeit goods for commercial purposes, regardless of whether the goods are identical to those registered under the trademark.

The importance of this bill also extends beyond economic measures. Far too often, there are serious organized crime groups behind commercial production and sale of counterfeit products, and such groups bring these goods to market without any care for health and safety standards. This is a particular concern for Canadian families and consumers who may be unaware that the products they are using pose significant risks to their well-being.

The most effective way of reducing these activities, and thus protecting Canadians from harm, is by targeting those who profit from counterfeiting and piracy, exploiting the brands and reputations that legitimate Canadian businesses have worked hard to build. Bill C-8 will allow counterfeit goods to be stopped at the source. It is worth mentioning that it will not target individuals who may carry counterfeit goods across the border.

The effectiveness of these new enforcement mechanisms and tools can be maintained only if there is a strong and comprehensive legal framework behind them that helps to ensure the validity of a legitimate owner's registered trademark.

Bill C-8 gives rights holders the tools they need to bring to justice those who try to profit illegally from their reputation and creativity. In this way, Canada will be able to create an environment that promises innovation and economic growth, while also keeping families and consumers safe.

I believe this bill achieves the balance that the government has made a priority in reforming Canada's intellectual property laws. Businesses and creators will have new tools to enforce their rights, but the exceptions regarding individual personal use mean that these measures will remain pro-consumer. Furthermore, the bill recognizes that both trademark owners and the government have key roles to play in keeping unsafe products from the Canadian markets.

Once the bill is in force, Canada will have a modern and world-class enforcement regime for intellectual property rights, one that will allow Canadians to effectively combat counterfeit products, providing greater safety for Canadian consumers and families and encouraging economic growth through business and innovation.

I urge honourable senators to pass the Combatting Counterfeit Products Bill and ask for your support.

**Hon. Jane Cordy:** Would you take a question, Senator Tkachuk?

**Senator Tkachuk:** I might.

**Senator Cordy:** By the way, good job on the rerun of your speech.

**Senator Tkachuk:** Thank you.

**Senator Cordy:** You spoke about toys, batteries, golf clubs and running shoes as counterfeit goods. We've all seen those. Our Committee on Social Affairs looked at counterfeit pharmaceuticals. Not only are these products inferior, but, in fact, they could be extremely harmful to individuals. I think the idea of looking at counterfeit products is an excellent one. You also mentioned, in your speech, that there are fewer pirated movies, so that's good for the industry.

I'm wondering if this counterfeit bill actually will include copyright for television programs — for example, news stories, interviews and so on that could be pirated and used by third parties.

**Senator Tkachuk:** I'm not sure exactly what you mean. What this bill does is stop products at the border.

**Senator Cordy:** I mean that you would take a TV clip that was produced by CTV or Global or CBC and use it as your own product.

**Senator Tkachuk:** It has nothing to do with this bill, no.

**Senator Cordy:** Would you consider it? Because that, indeed, would be copyright and pirating.

**Senator Tkachuk:** I don't think so. This is to prevent counterfeit products from coming across our border from other countries.

[ Senator Tkachuk ]

**An Hon. Senator:** You could move an amendment.

• (1510)

**Senator Tkachuk:** Yes, you could do that.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** With, undoubtedly, great hopes of success.

If it's worth listening to once, I guess it's worth listening to twice. I move the adjournment in the name of Senator Day.

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

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Carignan, P.C.:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

#### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Leo Housakos (Acting Speaker):** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and Address in reply to the Speech from the Throne adopted.)

(On motion of the Honourable Senator Martin, ordered that the Address be engrossed and presented to His Excellency the Governor General by the Honourable the Speaker.)

### CRIMINAL CODE

#### DECLARATION OF PRIVATE INTEREST

**The Hon. the Acting Speaker:** Honourable senators, Senator Massicotte has made a written declaration of a private interest regarding Bill C-290, and in accordance with rule 15-7, the declaration shall be recorded in the *Journals of the Senate*.

### THE SENATE

#### MOTION TO STRIKE SPECIAL COMMITTEE ON EQUALIZATION AND FISCAL FEDERALISM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Munson:

That a Special Committee on Equalization and Fiscal Federalism be appointed to consider whether the current formulae for equalization and other related federal transfers affect the ability of Canadians living in all regions of the country to access a basic standard of public services without facing significantly different levels of taxation.

That the committee be composed of nine members, to be nominated by the Committee of Selection and that four members constitute a quorum;

That, the committee have power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 12-18(2)(b)(i), the committee have power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than March 31, 2015.

**Hon. Wilfred P. Moore:** Your Honour, on this matter, since Budget 2007, the matter of equalization payments and transfers from the federal government to the provinces has been paramount, particularly in the interests of the provinces and how it has impacted their budgets. So I would like to have the opportunity to do more research on this matter, and I'd like to take the adjournment in my name for the balance of my time.

(On motion of Senator Moore, debate adjourned.)

### LIVING WITH DEMENTIA

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to the challenges confronting a large and growing number of Canadians who provide care to relatives and friends living with dementia.

**Hon. Jane Cordy:** I see this debate is adjourned in the name of Senator Hubley. I would like to speak on this topic of dementia, but I don't have my notes together yet, so I would like to adjourn the debate in my name and then perhaps after I speak it can be re-adjourned in the name of Senator Hubley.

(On motion of Senator Cordy, debate adjourned.)

### THE SENATE

#### ROLE IN REPRESENTING THE REGIONS OF THE CANADIAN FEDERATION— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its role in representing the regions of the Canadian federation.

**Hon. James S. Cowan (Leader of the Opposition):** I do intend to speak on this. I haven't had an opportunity to complete my notes, so I would ask that the debate be adjourned in my name for the balance of my time.

(On motion of Senator Cowan, debate adjourned.)

### RECREATIONAL ATLANTIC SALMON FISHING

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Maltais, calling the attention of the Senate to the protection of the Atlantic salmon sports fishery in the marine areas of eastern Canada, and the importance of protecting Atlantic salmon for future generations.

**Hon. Yonah Martin (Deputy Leader of the Government):** I'm aware that Senator Eaton does wish to speak to this inquiry. I'm wondering if I may take the adjournment in my name at this time and save the one day for Senator Eaton.

(On motion of Senator Martin, debate adjourned.)

### BANKING, TRADE AND COMMERCE

#### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE—DEBATE ADJOURNED

**Hon. David Tkachuk,** pursuant to notice of November 6, 2014, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have the power to sit on Thursday, November 20, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, thank you. I'd like to explain that the Banking Committee is extending its meeting on Wednesday. The committee is conducting a pre-study of six divisions of Bill C-43, the budget implementation act. The regular meeting of the Banking Committee is on Thursday morning for two hours, so the committee is simply asking for an extension of this time in order to complete its work promptly and, in particular, to hear from some outside witnesses, including those who have requested to appear.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Would Senator Tkachuk take a question?

**Senator Tkachuk:** I'll do my best.

**Senator Fraser:** Can you tell me if this was discussed with the steering committee?

**Senator Tkachuk:** My understanding is that it was agreed on by the committee itself.

**Senator Fraser:** That wasn't my question. My question was: Was it discussed with the subcommittee on agenda and procedure?

**Senator Tkachuk:** My understanding is that the committee agreed to do this, so it didn't need for the steering committee to meet. It was a decision of the committee.

**Senator Fraser:** I move the adjournment of the debate.

(On motion of Senator Fraser, debate adjourned.)

(The Senate adjourned until Wednesday, November 19, 2014, at 1:30 p.m.)

## CONTENTS

Tuesday, November 18, 2014

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>ORDERS OF THE DAY</b>	
<b>First World War</b>		<b>Immigration and Refugee Protection Act</b>	
Joint Parliamentary Seminars in Canada and France.		<b>Civil Marriage Act</b>	
Hon. Claudette Tardif . . . . .	2449	<b>Criminal Code (Bill S-7)</b>	
		Bill to Amend—Second Reading—Debate Adjourned.	
<b>Mr. Kailash Satyarthi</b>		Hon. Salma Ataullahjan . . . . .	2454
2014 Nobel Peace Prize.		Hon. Joan Fraser . . . . .	2456
Hon. Asha Seth . . . . .	2449	Hon. George Baker . . . . .	2456
		<b>Copyright Act</b>	
<b>Remembrance Day</b>		<b>Trade-marks Act (Bill C-8)</b>	
Role of Women in Second World War.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Josée Verner . . . . .	2450	Hon. David Tkachuk . . . . .	2456
		Hon. Jane Cordy . . . . .	2458
		Hon. Joan Fraser . . . . .	2459
<hr/>		<b>Speech from the Throne</b>	
<b>ROUTINE PROCEEDINGS</b>		Motion for Address in Reply Adopted . . . . .	2459
		<b>Criminal Code (Bill C-290)</b>	
<b>Energy Safety and Security Act (Bill C-22)</b>		Declaration of Private Interest . . . . .	2459
Bill to Amend—First Reading . . . . .	2450		
		<b>The Senate</b>	
<hr/>		Motion to Strike Special Committee on Equalization	
<b>QUESTION PERIOD</b>		and Fiscal Federalism—Debate Continued.	
		Hon. Wilfred P. Moore . . . . .	2459
<b>Privy Council Office</b>		<b>Living with Dementia</b>	
Omnibus Bills.		Inquiry—Debate Continued.	
Hon. Jane Cordy . . . . .	2450	Hon. Jane Cordy . . . . .	2460
Hon. Claude Carignan . . . . .	2451		
Hon. Larry W. Campbell . . . . .	2451	<b>The Senate</b>	
Hon. Joan Fraser . . . . .	2452	Role in Representing the Regions of the Canadian	
		Federation—Inquiry—Debate Continued.	
<b>Delayed Answers to Oral Questions</b>		Hon. James S. Cowan . . . . .	2460
Hon. Yonah Martin . . . . .	2453	<b>Recreational Atlantic Salmon Fishing</b>	
		Inquiry—Debate Continued.	
<b>Aboriginal Affairs and Northern Development</b>		Hon. Yonah Martin . . . . .	2460
On-reserve Housing—Fires and Fire Prevention			
Questions by Senator Dyck, Senator Mercer and Senator Jaffer.		<b>Banking, Trade and Commerce</b>	
Hon. Yonah Martin (Delayed Answers) . . . . .	2453	Motion to Authorize Committee to Meet During Sitting	
		of the Senate—Debate Adjourned.	
<hr/>		Hon. David Tkachuk . . . . .	2460
		Hon. Joan Fraser . . . . .	2460

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