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(HANSARD)

Wednesday, November 26, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, November 26, 2014

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

[Translation]

Prayers.

[Translation]

Always affable, courteous, warm, bright and friendly, Senator Kinsella leaves a strong and reassuring impression on all who meet him.

Every time I had guests I wanted to impress, I arranged for them to spend five minutes with Senator Kinsella in his office. Of course, that five minutes often turned into 30 or even 45 minutes because he always had one, two, three or even four political history anecdotes to share. Naturally, a man of his stature, who has seen his share of events and quite a parade of public figures over the years, is an endless and delightful font of stories and leaves us all wanting more.

[English]

I cannot conclude my remarks in tribute to Senator Kinsella without thanking him from the bottom of my heart for his contributions to the Senate and to us all. Senator Kinsella is a brilliant man — fair, disciplined and deeply human. His time as Speaker was marked by all these wonderful qualities, and we are all the better for it.

[Translation]

Thank you, Senator Kinsella, for everything you have contributed to the Senate over the past 24 years. Thank you as well for everything you have contributed to society throughout your prolific career as a servant of the state.

Although your retirement is certainly well deserved, it is a great loss for our institution, which you love so much. I am aware of your fondness for diplomatic relations, and I console myself with the knowledge that the Senate will have a high-calibre ambassador who will continue to use his talents to champion the value of this institution and the men and women who are part of it.

Dear friend, I give you my best wishes for your retirement. I hope that you will enjoy many years of the sweet life together with the people who love you and whom you cherish so deeply.

It was an honour to work with you, Honourable Senator Noël Kinsella.

[English]

Hon. James S. Cowan (Leader of the Opposition): Honourable colleagues, I want to join my friend Senator Carignan in paying tribute to our Speaker, the truly honourable Senator Noël Kinsella, on the occasion of his determinedly voluntary retirement from this chamber.

According to my calculations, Senator Kinsella is the second longest-serving Speaker in this chamber's history. Another four months, and he would have been the longest-serving Speaker in our nation's history.

VISITORS IN THE GALLERY

Hon. Claude Carignan (Leader of the Government): Honourable senators, to begin, I feel somewhat obligated to break the *Rules of the Senate* in order to begin my remarks by mentioning that Senator Noël Kinsella's family is here in the public gallery. His wife, Ann, his brothers, Leonard and Donald, his sister, Theresa Rose Barban, his nieces, Debra and Carla, his nephew, David, and his nephew's wife, Krista, are all with us today. I would like to thank you for coming and, as Senator Kinsella would say, welcome to the Senate of Canada.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE NOËL A. KINSELLA

Hon. Claude Carignan (Leader of the Government): Honourable senators, it is difficult for me to speak today about the fact that our colleague and friend, Senator Noël Kinsella, is retiring. It is difficult for me because, in life, there are some people who make a particularly significant impact on us, and Senator Kinsella is one of those people. It is always harder to say goodbye to someone we truly value.

Noël Kinsella is an exceptional man with an impressive record. Currently the Speaker of the Senate, a position he was appointed to on September 12, 1990 by Prime Minister Brian Mulroney, Mr. Kinsella has been Opposition Whip, Deputy Leader of the Opposition and Leader of the Opposition; he was also appointed Speaker of the Senate in February 2006 by the Governor General, on the recommendation of our current Prime Minister, Stephen Harper.

Our colleague has been in the Senate for more than 24 years. He is truly an institution within our institution.

[English]

Not only is he an undisputed authority in terms of his institutional memory, he is also, first and foremost, a great model as Speaker, as well as a model in his relations with the rest of the senators and the public at large.

Hon. Senators: Hear, hear! Four more months!

Senator Cowan: Knowing Senator Kinsella's quiet competitive streak, perhaps this casts a slightly different light on why he was so adamantly opposed to mandatory retirement.

• (1340)

But a record of longevity is just a statistic. The true measure is not how long a person has served in a position, but how well. And by this measure, Senator Kinsella has few rivals.

His knowledge of the rules and traditions of the Senate is encyclopedic. But, as impressive and essential as that is, what I valued even more is that Senator Kinsella's application of this knowledge was always informed by his profound respect for the institution of the Senate, and his appreciation of its role in our bicameral Westminster-style parliamentary system.

Senator Kinsella has always been impeccably fair in presiding over this house. He understands the critical roles that each of us, on both sides of this chamber, must fulfill for the Senate to do its job within our parliamentary system. Of course, it has never been a matter of simply theory for him. Senator Kinsella has served, as Senator Carignan has pointed out, in a number of roles in this place, as a member of a long list of committees, as chair and deputy chair of some of them, Opposition Whip, Deputy Leader of the Opposition and then, of course, Leader of the Opposition, before becoming Speaker of the Senate. Undoubtedly, it was his time as opposition leader that led him to genuinely appreciate the fundamental importance of our rules in ensuring that both the government and the opposition are able to participate fully in our national proceedings, because only then can the Senate live up to its full potential as one of the Canadian Parliament's two legislative chambers.

It was not only his experience in opposition leadership that Senator Kinsella brought to his role as our Speaker but also his lifelong and well-known commitment to human rights. He served for 22 years as Chair of the New Brunswick Human Rights Commission, and as President of the Canadian Human Rights Foundation. It was not mere coincidence that Senator Kinsella chose to deliver his maiden speech in this place on December 19, 1990, to move second reading of the bill that established the Canadian Race Relations Foundation. He spoke that day about the struggle to eliminate all forms of discrimination. He said this:

Today, and every day, we must never forget that we are all citizens of the first nation in the world to enshrine the multicultural character of its society in law.

Colleagues, it's almost 24 years to the day since those words were spoken, and they're as true and relevant today as they were in 1990.

The Speaker of the Senate ranks fourth in the table of precedence in Canada, after the Governor General, the Prime Minister, and the Chief Justice of the Supreme Court of Canada. Consequently, the Speaker is often called upon to fulfill

a diplomatic role, representing our country, the Parliament of Canada and, of course, the Senate. This is something that Senator Kinsella has taken very seriously. He has always believed in the importance of parliamentary diplomacy, of the value that results from the interaction of parliamentarians from different countries. I have had the honour of seeing our Speaker in action, both at home and abroad. I have always been impressed and proud to see the professionalism and the warmth with which he has acquitted himself in that role. He always represented the Parliament of Canada and our chamber with dignity and to great effect.

I must also add one other point before I conclude. Colleagues, in this chamber we have always enjoyed the company of eminent Canadians, but I can never recall having a colleague with as long a list of degrees and honorifics following his name as Senator Kinsella. I know I would run severely over my allotted time if I were to read them all out to you, but let me share just this: Did you know that our Speaker is a knight, not just once but twice over? He's a Knight of the Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta and a Knight of the Most Venerable Order of the Hospital of St. John of Jerusalem.

Senator Kinsella, your friendship, your voice and your calm presence will be missed in this place. We wish you and Ann much happiness as you enter the next stage of your life.

Hon. Senators: Hear, hear!

THE HONOURABLE NOËL A. KINSELLA

EXPRESSION OF THANKS

The Hon. the Speaker: Honourable senators, permit me to say a couple of words. I will be very mindful of the three-minute rule, notwithstanding my number of years standing behind a lectern at a university, where we were all conditioned to speak for 40 minutes or we lost our job.

I'm delighted that members of my family are here with me this afternoon. They come from Sault Ste. Marie and from Atlantic Canada and up the road from the birthplace of Sir John A. Macdonald, at Kingston. To my family members, thank you very much for being in the Governor General's Gallery.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Let me say that I thank you. I thank our leaders, but I also want to thank each and every member of this honourable house for your generosity, for being great teachers. We have all learned so much from each other and I thank each and every one of you sincerely for being great teachers.

My dear colleague Senator Robichaud, who was far more shrewd than I in determining how you get out of this place without taking up too much of this honourable house's time, was very clever yesterday.

I want to take these moments to thank you for the service that each and every one of you has been rendering to our great country, Canada. Yours, as a legislator, is a very noble vocation. Those who engage in the public affairs of our land, for me, are the great Canadians. Whether it is early in the morning, as you trudge through snow to get on an airplane to come from the West to the East, the North to the South or the East to the West, very few of us have to do this every Monday morning. For those late nights, when you get home late Thursday or even Friday, you didn't have to do that, but you chose to do it. To me, that is a mark of real dedication to the people of Canada.

We are so blessed as a country, as a very free country. When children would come in to visit us in Parliament as tourists, et cetera, I would often say to them: "Can you think of another country in the world where you would be freer than in Canada?" In my nine years as Speaker, not one has come up with a country where they thought the people were freer than in Canada. I often use that as a teaser to say, when people ask about our system of governance, maybe we should remind them of what has been the result of this system of governance that we have inherited from our founders, not only the founders who brought together Confederation in 1867 but also those who were here before and those who came prior to Confederation.

In this beautiful chamber, we have the honour to sit and debate. I have often sat in this chair listening to these debates on a grand array of topics. I would say to myself, "Thank God somebody in Canada is debating this issue." For these debates that go on — and sometimes we wonder how long the debates are going to go on — it is important that they do go on because many of these issues are left to the parliamentarians, honourable senators, to mine through issues of important matters of public policy. So the work that each honourable senator has been doing and will continue to do is the good work of Canada.

I thank you all for your friendship. I underscore, once again, the public service rendered to Canada as legislators, particularly in this chamber, but also those who render public service as public servants, including those who serve the Senate of Canada and, indeed, who serve our friends in the other place as parliamentary public servants. We owe them a great deal of gratitude for their dedication, as it is for those at the provincial and municipal levels who come forward and spend much of their quality time, family time and career time, to do the work of public service. Honourable senators, please remember that your vocation is a noble one and that those who have gone before us have made their contributions, as I have witnessed you, my colleagues, make your contributions.

• (1350)

You've heard me say before, in particular in this room which I consider a very special Canadian space, that, under our Constitution, the Parliament of Canada is defined and composed of three essential elements: the House of Commons, the Honourable Senate and the Crown. This room is the place where those three elements come together physically for the installation of a new Governor General, for a Speech from the Throne and for the Royal Assent of bills. In a particular way, we have had the high privilege of holding our debates in a room where the Throne of Canada is permanently on display.

Reflect back on these two pillars on the south side of this chamber. To the left, we see the coat of arms of the kings of France as we recognize immediately the fleur-de-lys. On the right is the coat of arms of the kings of England. Canada has always been under a Crown, and from the time of Jacques Cartier through to the Treaty of Paris, under the English Crown.

As I mentioned yesterday, last Sunday we had the great privilege of visiting Her Majesty at Windsor Castle, where she graciously bestowed the first chain of office on the Usher of the Black Rod. She reflected on how much Canada means to her. We replied, "Your Majesty, how much you mean to Canada in very special ways."

You will recall a couple of weeks ago, the clerks presented us with a special publication on the treasures of our house. Her Majesty opened it and was absolutely delighted to receive it. By chance when she opened it, the page that jumped out showed the stained glass window. She said how much she appreciated that.

When Her Majesty then asked how everybody was doing after the terrible events of October 22, we submitted that Canadians are resilient people and are dealing with it as we deal with these kinds of things. Those who have gone before us have dealt with these kinds of things in the past.

She said two things: "As soon as I saw that fallen soldier, I immediately recognized him as an Argyle because I am the Honorary Colonel of the Argyles." We were quite amazed when she said that to us. She then spoke to us about how many people must be hurt by this. We said yes, but were pleased to report that we have a very good workers' assistance program available to the members of the Senate as well as our support people. She was totally engaged and knew all about the tragic events we had been through.

She affectionately refers to our Crown as the "Maple Crown," and I reminded her of the two pillars. The Canadian Crown has grown from when we were under the French Crown through to the English Crowns, to what she affectionately refers to as the Maple Crown. In many ways, as I reflect upon the Canadian Crown, which is a symbol of the strength of the peoples of Canada, her referring to it as the Maple Crown means something very special — there is nothing foreign about the Canadian Crown. The Canadian Crown is the symbol of the sovereignty of the peoples of Canada and our constitutional monarchical system. As I said at the beginning, by Jove, there must be something right about it because the practice of freedom in our country has not had a bad run.

I should be called to order as I have exceeded my time. Senator Cools, I'll let you call me to order, having called you to order the odd time.

I want to express my affection to all honourable senators. It's important that from time to time we find the opportunity, as I have now, to truly thank you for all that you have taught me. God bless you all.

Hon. Senators: Hear, hear!

[Translation]

CBC/RADIO-CANADA

Hon. Marie-P. Charette-Poulin: Thank you, Mr. Speaker, for always acting as an example, in service to the country, your region and your colleagues.

Honourable senators, I stand in this Chamber today, compelled to add my voice to the growing number of voices calling for a renewed commitment to CBC/Radio-Canada and the restoration of funding to a level that will allow it to continue fulfilling its mandate as Canada's greatest unifying force. Canadians understand and respect the important role CBC/Radio-Canada plays as a living link in a nation that is vast and diverse. It links people within the various regions and between the regions. It links the North with the South and the East with the West, and all points in between.

CBC/Radio-Canada is our public broadcaster, providing immediate, free access to a communication service. CBC/Radio-Canada produces Canadian content at a time when broadcasters all around the world, both traditional and electronic, are looking for high-quality content.

We must never forget that official language minority communities depend on CBC/Radio-Canada to be able to express themselves and be heard. Canada's Commissioner of Official Languages, Graham Fraser, said, and I quote:

... I have always proclaimed the importance of CBC/Radio-Canada as public broadcaster and its essential role for the vitality of official language communities in Canada.

CBC/Radio-Canada not only provides a voice for these communities, but also for Canada's many Aboriginal communities. They too rely on its support to maintain their languages and their cultures.

For over 75 years, all Canadians have been turning to the public broadcaster on a regular basis to be informed, enlightened and entertained. As the Honourable Stéphane Dion said at the annual convention of the Fédération professionnelle des journalistes du Québec on November 15, 2014, "Canada needs an alert, objective, creative and free public broadcaster." However, CBC/Radio-Canada no longer has the means.

[English]

Honourable senators, funding for our national public broadcaster has fallen to a dangerously low level. Long-time CBC personality Linden MacIntyre told a University of Toronto audience last week:

Canada is one of the most expensive countries in the world to service because of its cultural diversity and vast geography. I'm using figures that are a few years old, but they still make the important point. Per capita spending by Canadians to support the CBC is a fraction of what other

countries spend: \$33, compared to \$154 in Switzerland, \$134 in Germany or \$67 in Ireland. Among the 18 western countries that consider a publicly owned broadcaster to be worth a share of public money, we rank sixteenth.

• (1400)

This neglect of Canada's premier cultural institution which links Canadians from coast to coast to coast every day must stop now. We are seeing the government start to loosen its purse strings, and I call upon it to take this opportunity to recommit to the CBC/Radio Canada and to reinvest in our national public broadcaster so it can continue to connect Canadians like no other broadcaster is able or mandated to do.

TRUE SPORT

Hon. Nancy Greene Raine: Honourable senators, I too would like to wish Speaker Kinsella the very best going forward. Yesterday he shared something with me I thought you should know and would enjoy. Speaker Kinsella is actually retiring early. Having campaigned against mandatory retirement all his life, he's refusing to retire as mandated. No, he's leaving one day early.

Honourable senators, as I'm sure you know, this weekend is the one hundred and second edition of the Grey Cup and this year the Calgary Stampeders will take on the Hamilton Tiger-Cats for one of Canada's most coveted national trophies. I'm sorry that the BC Lions won't be playing, but I know football fans will enjoy Vancouver's hospitality.

This weekend there are two other events, the TELUS Vanier Cup and the fifth annual RBC Sports Day in Canada. On Friday, sports fans can have fun and show their loyalty on Jersey Day in Canada.

Sport is something that divides and unites us. It taps into some of the most basic human needs and emotions: the joy of mastery, the thrill of competition and, yes, the agony of defeat. Playing with your teammates on the field, court or rink helps to build character and community. Sport lets children and youth take part in healthy activity, to learn and experience the good things that come when sport is done right: teamwork, setting goals, working hard and making friends for life.

We all know, however, that there can be a negative side to sport, when winning at all costs can lead to corruption of the rules and plain and simple cheating.

Honourable senators, I am proud that Canada has been at the forefront in preventing the use of performance-enhancing drugs and of promoting ethics in sport. Some years ago, through the work of the Canadian Centre for Ethics in Sport, a movement emerged to promote the good values of sports, to ensure that sports experiences are positive and nurturing and to keep the smiles on the faces of kids. Their True Sport slogan says it all: "Winning Hearts and Minds for Good Sport."

Seven principles were articulated forming the core values of True Sport: go for it, play fair, respect others, keep it fun, stay healthy, include everyone and give back. Simple, powerful

messages that I hope will be celebrated across Canada not only on Saturday but wherever and whenever Canadians come together to play games for fun or in serious competition.

The True Sport Foundation is made up of members including sports organizations, municipalities and individuals, all of whom commit to their core values. True Sport emphasizes the power of principle-driven sport to contribute to physical well-being, but also to produce benefits for young people and their communities through the training of ethical values among young people.

Honourable senators, if we respect True Sport values, we will all be better off. Thank you.

NATIONAL DOWN SYNDROME AWARENESS WEEK

Hon. Jim Munson: Honourable senators, since Canadians can't see us, I just tweeted: "Beautiful tributes to our Senate Speaker, Noël Kinsella. The Speaker retires today. He was always fair. A believer in human rights." At least we can tweet our message to Canadians.

Speaking of human rights, one week this month was National Down Syndrome Awareness Week, and I would like to speak about those with Down syndrome and their families. Timing is not nearly as important as celebrating special people within our lives and our country, so I'm pleased to deliver my statement today.

About 1 in 100 babies in Canada is born with Down syndrome. This makes for a lot of people, each with their own unique experiences and stories of growth, determination and individual expression.

I wonder if any of you have noticed the striking billboards for the Canadian Down Syndrome Society. It's the See the Ability campaign. One of my many favourites has a beautiful picture of a real family with a young mother, her little boy, and little girl with Down syndrome, and all three are laughing and painting together. The slogan is: "She teaches us to paint outside the lines."

Down syndrome is not a disease, disorder, defect or medical condition. People with Down syndrome work, volunteer, are athletes and artists.

There was one Special Olympics with a young man you will see on television where he is pumping weights, and he's yelling out: "Show me the money! Show me the money! Show me the money!" And at the end he says: "It's not about the money."

I was dancing the other night with Down syndrome athletes until two o'clock in the morning at the Royal York Hotel at our special awards ceremony last week, and that was really rewarding.

I'm fortunate to have facets in life that bring me in regular contact with people with Down syndrome. Special Olympics Canada, for example, transforms lives and changes social attitudes simply by uniting people through sport. Training,

competing and achieving goals are experiences that capture our attention and that we connect with. They ignite a distinct passion within all of us, a passion for those moments when discipline, hard work and focus come together.

Speaking of the Senate, most of you know there is a young man on my team. He's been with me now four years, and he's worked every Wednesday. He has Down syndrome. Michael Trinqué. He works in my office one day a week. Wednesday is his day, and it has come to be my day, too, to regain perspective on what matters most in life thanks to Michael's enthusiasm about work, sense of humour and observations about this place. He is a special young man.

You will remember, Mr. Speaker, he sang *O Canada* at your summer lunch in the East Block courtyard. His birthday is next week, and his favourite song is *Hark! The Herald Angels Sing*, and he is one of the Senate's angels.

In closing, Mr. Speaker, as you and most senators know, my wife and I had a son named Timmy who had Down syndrome. He would be 46 now, but he passed away of pneumonia at the age of one. Timmy has been the inspiration of everything I do and will do in the Senate.

I am fortunate to have people in my life who teach me new things and remind me of what matters most. This is a rare and marvellous ability. I know this, see this and am grateful for this, and that is why I pay tribute today to people in our country with Down syndrome.

LIQUEFIED NATURAL GAS

Hon. Douglas Black: Honourable Speaker, I also would like to identify with the comments of my colleagues who have spoken today. You have performed your role with distinction, discipline and balance, and we have all learned from you.

Honourable senators, today I rise to highlight the importance and the need to support the development of the liquefied natural gas, or LNG, industry in Canada.

The developing world is hungry for natural gas. With increased global growth and an expanding global middle class coupled with heightened environmental awareness, natural gas is seen as an important and growing component of the global energy mix.

In Canada, we can be brilliantly positioned to meet this demand for natural gas, particularly the demand in China and other growing Asian economies.

From our West Coast, we can export natural gas in a liquefied form to these growing markets if we move with a sense of urgency to allow the development of the industry, but the world is not waiting for Canada. Australia, Qatar and the United States are among other global energy powers competing with us for market share of liquefied natural gas. Canada is lagging our competitors.

What is the picture today? Currently, British Columbia has 18 proposed LNG projects which vary from being in advanced planning stages to being faraway dreams. There are also a number of proposals on Canada's East Coast, including Bear Head and Goldboro.

It is widely agreed that only a small number of the existing proposals have any real prospect of seeing completion.

• (1410)

Therefore, to ensure success, we need to ensure that government creates an economic, social and regulatory environment necessary to support the potential industry and in a timely fashion. Simply put, if Canada does not develop a robust LNG exporting capacity, Canadian gas will be stranded; its value will plummet, along with potential tax revenues and jobs. The U.S. does not need our gas — Asia does — so we must act to allow its export.

It is also a social imperative, as tax revenues from the development of gas help pay for the infrastructure and social services that all Canadians enjoy. The Conference Board of Canada has estimated that B.C.'s natural gas sector could attract more than \$180 billion in investment between 2012 and 2035. That is an average of \$7.5 billion in investment each year. The Conference Board has also estimated that this investment will support an average of 54,000 jobs annually. As has been the case for Canada's oil sands, the benefits of LNG development will roll across Canada, creating economic growth, jobs and tax revenue.

But we have much work to do. Recently, the British Columbia government moved to secure LNG investment by introducing a new proposal for provincial LNG taxation. The proposal has been met favourably by industry and should be applauded.

At the federal level, we should carefully consider what we can do to assist LNG development. For example, could we consider changing the capital cost allowance deduction rate for LNG facilities so as to stimulate the development of export projects and domestic projects?

Time is not the friend of the Canadian LNG industry. Our potential gas customers must act to ensure their best interests and we must act to secure Canada's best interests, allowing for the orderly and timely development of Canada's LNG industry.

[Translation]

L'OBSERVATOIRE DE LA LANGUE FRANÇAISE

Hon. Maria Chaput: Honourable senators, I would like to tell the Speaker that he is a great Canadian and has been a wonderful Speaker.

Honourable senators, the Observatoire de la langue française or OLF, the research affiliate of the Organisation internationale de la Francophonie, published its 2014 report on the French language around the world. In this new report, the OLF indicates that there are 274 million francophones throughout

the world and predicts that that number will rise to 767 million by 2060. The most interesting and perhaps the most inspiring thing to come out of this research is that the Francophonie is seen as being inclusive. It is not an ethnic group that would exclude anyone. It is a world view that encompasses everyone who speaks French, whether it is their mother tongue, the language they use on a daily basis or even a foreign language they chose to learn.

According to the OLF, Canada is 29 per cent francophone. Shouldn't all those who chose to learn French and live even part of their lives in French be welcome in the big family of the Francophonie?

Honourable senators, as a Canadian and as a member of the Francophonie, I am proud to be part of this worldwide family and of the vision it has for our beautiful French language, which is dynamic, modern and, especially, inclusive.

[English]

QUALITIES OF THE CANADIAN MAPLE

Hon. Pierrette Ringuette: Honourable senators, I had not planned to make a statement, but when His Honour made us aware of the Queen's reference to the Maple Crown, I could not help but say that our Speaker also is a maple symbol.

It is very much applicable to you sir, in that maple has strong roots and conviction; it is in constant growth and faces challenges; it is colourful from time to time; and it never fails to renew. But most importantly, on top of it all, it sweetens Canadians daily.

[Translation]

LINGUISTIC DUALITY

Hon. Jean-Claude Rivest: Honourable senators, I would like to join with all of my colleagues who spoke in recognizing our Speaker's remarkable contribution to the evolution of the Canadian Senate. In particular, I would like to let him know just how much he is appreciated by the francophones of this country. With every passing day, month and year, he proved to be a faithful servant to the cause of the French language both here in Ottawa and abroad.

Honourable senators, we were quite critical of the government when it appointed a unilingual person who, unfortunately, could not speak French to the position of Auditor General of Canada. On the weekend, I had the opportunity to hear Auditor General Michael Ferguson speak and I found that, as he said, he has learned the basics of the French language. I want to acknowledge the contribution of Auditor General Ferguson, who, in my opinion, is sending the entire Canadian public service a message that needs to be heard. I simply want to tell him that Canada's Francophonie greatly appreciates the respect he has for the cause of the French language. Thank you.

[English]

ROUTINE PROCEEDINGS

STUDY ON USER FEE PROPOSAL

FISHERIES AND OCEANS—SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

Hon. Fabian Manning: Your Honour, I add to the chorus of those sending you congratulations and wishing you all the best in your future endeavours. To you and your family, thank you for your service to Canada.

Honourable senators, I have the honour to table, in both official languages, the sixth report of the Standing Senate Committee on Fisheries and Oceans, which deals with the Fisheries and Oceans Canada's proposal to Parliament for user fees and service standards for aquaculture licences under the Pacific Aquaculture Regulations.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Manning, 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): Your Honour, I wish to add my voice to the chorus of those who have spoken to say thank you for all that you have done for this chamber and for Canadians.

[Translation]

Honourable senators, I give notice that, at the next sitting, I will move:

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

[English]

THE SENATE

MOTION TO PHOTOGRAPH THE INTRODUCTION OF THE NEW SPEAKER OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 5-5(j), I move:

That photographers be authorized in the Senate Chamber tomorrow to photograph the introduction of the new Speaker of the Senate, with the least possible disruption of the proceedings.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

PUBLIC SERVICE EMPLOYMENT 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-27, An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces).

(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.)

• (1420)

HUMAN RIGHTS

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

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

That the Standing Senate Committee on Human Rights have the power to sit at 1:00 p.m. on Wednesday, December 10, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

VETERANS AFFAIRS

SUPPORT FOR VETERANS

Hon. Joseph A. Day: Honourable senators, my question is for the Leader of the Government in the Senate, and it relates to veterans and serving members of the Canadian Armed Forces. I tell the honourable senator that so he can get to that section in his briefing book.

There have been two things that happened very recently, honourable senators. One is a revelation by the Department of Veterans Affairs, pursuant to a request made in the House of Commons, that over the past several years the department has not spent \$1.1 billion that you and I had voted for it to spend to look after veterans. That's one of the issues that arose.

The second is an Auditor General's report that came out, and my questions tie together those two issues, honourable senators.

The Minister of Veterans Affairs, Minister Julian Fantino, told the other place not to worry because the \$1.1 billion in unused funding was not lost money. What he meant by that is it could be used to help reduce the size of the deficit, but it's not being used for the purpose for which we voted it, which is to help veterans.

The Auditor General's report underlined troubling issues when it comes to mental health services for veterans. Our Subcommittee on Veterans Affairs is looking into operational stress injury and post-traumatic stress disorder, and mental health is obviously a very important part of that. Yet the government is giving back this amount of \$1.1 billion to general revenue, when the Auditor General is saying that there is clearly a problem with respect to mental health services being offered to veterans.

Could the Leader of the Government explain what is going on here?

[Translation]

Hon. Claude Carignan (Leader of the Government): I see that you did not have to look for your card as you already had it nearby.

Since 2006, our government has spent almost \$30 billion to provide benefits, programs and support for veterans. That is \$5 billion more than what the previous Liberal government spent. Senator Day, as you are the chair of the Standing Senate Committee on National Finance, you are most definitely aware of these facts and figures.

In order for all veterans to receive the benefits to which they are entitled, governments must provide adequate funding so as to ensure there are no shortfalls. In the last years that the Liberals were in power, that is 2004-05, Veterans Affairs Canada did not spend more than \$100 million.

The annual expenditures of Veterans Affairs Canada went from \$2.7 billion under the Liberals to \$3.5 billion last year.

In your role as chair of the Standing Senate Committee on National Finance, you know that our government has regularly increased assistance for Canadian veterans. We have continued these efforts by expanding mental health care services for members of the Canadian Armed Forces, veterans and their families. The new initiatives include a major clinic to treat operational stress injuries that will be staffed by front-line mental health specialists and professionals. This clinic will be located in Halifax, and there will be additional satellite clinics

opening in St. John's, Chicoutimi, Pembroke, Brockville, Kelowna, Victoria and Montreal to improve access to mental health services for people suffering from mental illness.

I would also remind you that there's an awareness campaign for the Road to Mental Readiness program, which will be expanded to reach more members of the Canadian Forces and their families.

In addition, the medical records of members of the Armed Forces will be digitized to speed up the transfer of medical documentation to Veterans Affairs Canada.

A new four-year pilot project will expand access to resource centres for military families at seven locations in Canada. These services will be provided to medically-releasing Canadian Armed Forces personnel and their families for two years after release. Up to 1,200 medically-releasing veterans and their families will take part in this pilot project.

Furthermore, additional research will be conducted to find better treatments, so that veterans and service members who are struggling with mental health issues and their families can see faster recovery times and better results.

Senator Day, I think this shows that our government provides more support for veterans than any other previous government. You should be rising as the chair of the Standing Senate Committee on National Finance and as a member of the Subcommittee on Veterans Affairs to thank us and congratulate us.

[English]

Senator Day: I have a supplementary question. The Auditor General has reported that Veterans Affairs has developed a mental health strategy, but hasn't evaluated or reported on how well the strategy is working.

Why isn't the government reporting on the strategy's effectiveness? What is the government doing to develop performance measures for this strategy and outreach activities for veterans?

[Translation]

Senator Carignan: Perhaps your question was written before you listened to my answer. I don't want to repeat everything I told you, but I will repeat a quote from the Auditor General's report, which states, and I quote:

Veterans Affairs Canada has put in place important health supports for veterans, and the Department is providing timely access to the Rehabilitation Program.

That quote is from page 5 in chapter 3.

The report also indicates that 94 per cent of veterans are eligible for the disability benefits program. However, the Auditor General pointed out that the application process is long and complex. As I said, Veterans Affairs Canada has accepted these recommendations and is working to improve the situation.

[Senator Day]

The honourable senator knows that our government launched the mental health action plan, which aims to do the following: improve response times; eliminate barriers that veterans have been grappling with for a long time; and improve programs and services that help veterans recover from mental health problems.

Our government is taking action. We will continue to take action and to support our veterans. Now that the Finance Committee is studying the supplementary estimates and another economic action plan will be tabled in the coming months, I urge you to support veterans by voting with us to pass these measures.

• (1430)

[English]

Senator Day: Thank you for your answer, Mr. Leader of the Government in the Senate. We are concerned about what the Auditor General has found, and it doesn't bode well that you say we can't look into this any longer because we're going to look after it.

We would like to know a little bit more specifically what is happening with respect to the Auditor General's finding that Veterans Affairs is not adequately facilitating timely access to mental health services. The Auditor General reported that the disability benefits program, the program through which most veterans access mental services, is slow and the application process complex, as you have indicated.

Following this, it takes more time to match the veterans who have been assessed with adequate service providers. For veterans suffering with mental illness, this is unacceptable. The government hasn't analyzed how long it takes to receive benefits, and it hasn't been looking at these services from the perspective of veterans. Why has the government not been doing that?

[Translation]

Senator Carignan: As I said, the Auditor General made the following statement, and I quote:

Veterans Affairs Canada has put in place important health supports for veterans, and the Department is providing timely access to the Rehabilitation Program.

I am reminding you again of the action that this government has taken to increase assistance for Canadian veterans. We have continued to build on those efforts by increasing mental health support for members of the Canadian Forces, veterans and their families. I am repeating the new measures that we have taken because you seem to keep coming back to the question.

I also want to point out the major new clinic that will treat operational stress injuries. We will be working with front-line mental health specialists and professionals. This clinic will be established in Halifax, with additional satellite units operating in St. John's, Chicoutimi, Pembroke, Brockville, Kelowna, Victoria and Montreal in order to accelerate access to mental health services for those dealing with mental health injuries.

Senator, I expected to be questioned about this today but, more than anything, I expected messages of congratulations from you for all we have done.

[English]

Senator Day: I'll give you an opportunity to seek our felicitations if you could explain to us the poor, poor service that veterans are receiving generally and in particular with respect to access to mental health, and you're quite right that the access to mental health support under the rehabilitation program is timely, as the Auditor General found. But the Auditor General found that eligibility decisions under the disability benefits package, which is where by far the majority of Armed Forces personnel and veterans go to seek access, is not timely.

Given the serious concerns raised by the Auditor General, will the government reverse the decision to close nine Veterans Affairs offices across Canada?

[Translation]

Senator Carignan: Senator, I have already answered that question many times. You know full well that services for veterans are still offered through communication offices, and some of the offices you are talking about are in the same building as Service Canada offices.

[English]

Hon. Wilfred P. Moore: My questions are also for the Leader of the Government in the Senate, in the same area.

Mr. Leader, the Public Service Alliance of Canada wants the Treasury Board to impose a moratorium on program and budget cuts at Veterans Affairs Canada, and they tabled this demand after being told by Veterans Affairs that their offices are short-staffed to the extent that there's a backlog of six to eight months in providing requested services to veterans. Indeed, the President of PSAC, Madam Robyn Benson, has reported that, and she has said:

What we hear consistently, in talking to our members at Veterans Affairs, is that there is a huge disconnect between the public image portrayed by the Harper government — that it will take care of veterans and is providing for their needs — and what employees who work at the department are actually able to deliver.

Why is there such a huge disconnect between the government's talking points and what is actually happening at Veterans Affairs?

[Translation]

Senator Carignan: Senator, I think you need to recognize the concrete action that our government has taken. You need to recognize that meaningful action has been taken and significant investments have been made to support veterans. Annual spending on veterans went from \$2.7 billion under the Liberals to \$3.5 billion last year. That is a lot of money.

The Auditor General recognizes that Veterans Affairs Canada has put in place important health supports for veterans, and the department is providing timely access to the rehabilitation program.

We announced other measures. I know that you do not like to hear about the positive measures that our government has put in place, but since you asked the question again in another way, I will once again mention that our government is opening a large clinic to treat operational stress injuries that will be staffed by front-line health care providers and specialists. What is more, the Road to Mental Readiness awareness campaign will be expanded in order to reach more members of the Canadian Armed Forces and their families.

The medical records of members of the Canadian Armed Forces will be digitized so that they can be transferred more quickly to Veterans Affairs Canada. We will also implement a new pilot project over four years to improve access to Military Family Resource Centres in seven locations across Canada so as to provide services to medically-releasing members of the Canadian Armed Forces and their families for up to two years after their release. These services will be available to 1,200 veterans. Additional research will also be done to improve treatment, promote quicker recovery and obtain better outcomes for veterans and members of the Canadian Armed Forces with mental health problems.

Senator Moore, I could go on, but I think I have given you enough examples to show that our government is doing much more to support veterans than former Liberal friends and colleagues did before us.

Some Hon. Senators: Hear, hear!

[English]

Senator Moore: Thank you for that treatise on not walking the talk. You know, leader, “We’re going to do this, we’re going to do that” — promises, announcements were made just on the eve of the Auditor General’s report. The minister’s not here to defend.

You have to take heed of what President Carl Gannon of the Union of Veterans’ Affairs Employees has said.

The consequences are very sad. Our members are telling us that veterans are dying before they receive services or the equipment that they need.

I think it’s interesting that, according to PSAC, their employees, the client service agents who are normally the first people who engage with the veterans when they come in asking for services, listen to this, have a typical caseload of 750 to 1,200 veterans each. Senator Day referred to the nine offices that were closed down. Those caseworkers are gone. You promised to put in people who were going to be educated over a period of months and trained and they were going to be able to handle this caseload. So do you think that a caseload of 750 to 1,200 veterans each is due and proper servicing of our veterans?

[Senator Carignan]

• (1440)

[Translation]

Senator Carignan: As I said, the investments we’ve made and the various plans we’ve announced recently demonstrate our commitment to supporting veterans and, more specifically, those who suffer from post-traumatic stress.

Senator, I would like to hear you acknowledge that our government has spent \$30 billion to provide benefits, programs and support to veterans and that is \$5 billion more than the previous Liberal government spent. Will you admit that?

[English]

Senator Moore: Leader, it’s one thing to sit here and read off a balance sheet and talk about numbers, but the fact is a lot of that money wasn’t spent on veterans and the services, health care and equipment that they need, both mental and physical health services. I don’t think it’s a comparison game.

We’re reading in the press and seeing on television the constant pleas of these people. There was an article in the newspaper recently about the huge numbers of veterans who have been denied services and are waiting in line. They wait for six or eight months after they have nobly represented Canada in fields of battle and in peacekeeping efforts abroad. It’s an insult to say to them today, “We’ve done this and that.” If that’s the case, why are these people complaining? Why are there caseloads of 750 to 1,200 veterans per caseworker? That is unconscionable.

I want to read something to you and then I’m going to ask you a question. On the eve of the Battle of Vimy Ridge, the battle which many historians say marks the true beginning of Canadian independence, Prime Minister Robert Borden said this to the troops:

You can go into this action feeling assured of this, and as the head of the government I give you this assurance: That you need not fear that the government and the country will fail to show just appreciation of your service to the country. . . . The government and the country will consider it their first duty to see that a proper appreciation of your effort and of your courage is brought to the notice of people at home that no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died.

Why has your government broken faith with Canadian veterans?

[Translation]

Senator Carignan: Senator, you should acknowledge that our government has increased efforts to provide veterans and their families the support they need.

Through its budgets, our government has earmarked \$5 billion in new funding to improve the benefits and services delivered to veterans and their families. We have also simplified the

paperwork and improved service delivery for veterans. Unfortunately, as far as I know, you have always voted against our economic action plans and our budgets.

We introduced the Enhanced New Veterans Charter Act, which offers new payment options and disability compensation and improves veterans' benefits. Thanks to these improvements, seriously injured and ill veterans are receiving the financial assistance and support they need and so greatly deserve.

We also expanded the Veterans Independence Program and appointed an ombudsman for veterans.

Veterans Affairs Canada and National Defence Canada combined now have 17 clinics to treat operational stress injuries.

Veterans Affairs is also funding a two-and-a-half-year pilot project that will assess the impact of the use of dogs as part of the psychiatric support offered to veterans suffering from post-traumatic stress.

We introduced the Veterans Hiring Act, in the House of Commons, so that more men and women in uniform have access to interesting careers once their military service ends. We will continue our partnership with private sector companies and business leaders as part of the Hire a Veteran Program and the Helmets to Hardhats Program.

As I said, significant investments and projects, particularly for treating post-traumatic stress, have been announced in recent days and we will continue to build on those measures.

It would be very helpful if you would support our policies, measures and investments rather than criticizing them. We invite you to vote in favour of our programs, policies and budgets to help veterans.

Hon. Senators: Hear, hear!

Hon. Céline Hervieux-Payette: I cannot resist asking a supplementary question. It was with shock and horror that I recently learned, following these major investments by your government, that the number of soldiers who committed suicide as a result of serving in the Afghanistan war is higher than the number of soldiers killed in battle. Can you confirm that?

Senator Carignan: I do not have the statistics on that with me.

Senator Hervieux-Payette: I am simply asking you to answer the question.

I sit on the National Finance Committee, and I would be prepared to study these serious issues concerning the effectiveness of the measures and programs you have put in place. It's fine to vote on budgets and programs, but, as the Auditor General said, what about the expected results?

I know that science is not necessarily a priority in this government's agenda, but it seems to me that assessing the treatment protocols and processes for such a serious illness would

be highly appropriate. We will not have to look very far; you know as well as I do that people very close to us have suffered and continue to suffer from this kind of illness.

I would ask you to report back to us with the exact number of soldiers who have committed suicide since the war in Afghanistan, compared to the number who died on the battlefields.

Senator Carignan: I think I have already answered that question.

[English]

HEALTH

WOMEN'S HEALTH RESEARCH

Hon. Maria Chaput: My question is for the Leader of the Government in the Senate. A Winnipeg-based clearing home for women's health research closed its doors on November 14, after devastating federal budget cuts. The Canadian Women's Health Network was one of several women's health groups to lose nearly all of its Health Canada funding in early 2013.

After spending the last year searching for alternative cash, the network's board made the decision to lay off its two remaining part-time staff and close its Graham Avenue doors in Winnipeg.

The federal government says it's still spending millions on women's health research through the Canadian Institutes of Health Research.

How many initiatives are being funded by the Canadian Institutes of Health Research? Are some of those research initiatives at a community level, for example, women in Winnipeg? Women in Manitoba? Could you please obtain the list of research initiatives for 2013-14 funded by the Canadian Institutes of Health Research, including the amount of funding spent for each of these initiatives?

[Translation]

Hon. Claude Carignan (Leader of the Government): Our government is the top contributor when it comes to health research in Canada. We contribute nearly \$1 billion a year in this area. This funding supports nearly 13,000 researchers across the country who are working on over 10,000 research projects, including research on cancer, HIV and dementia.

• (1450)

We continue to support science-based research. Since we came to power in 2006, we have invested more than \$1 billion in cancer research. So far we have given more than \$1 billion to Genome Canada to support leading-edge research in a number of areas, including autism. We have invested more than \$860 million in neuroscience research. As for women's health, we have invested over \$327 million in research on sex and health, in particular for projects that aim to improve women's health.

Senator Chaput: Is this research being done only at the national level, or are there still places in Canada where research is being conducted by groups in communities, in particular with respect to women's health?

Senator Carignan: Senator, I think I told you that there were 13,000 researchers across the country working on more than 10,000 research projects. This research is being done across Canada. Last week, a group from the University of Montreal attended an event being held here, hosted by the Chair of the Standing Senate Committee on Social Affairs, Science and Technology, Senator Ogilvie. They provided some good examples of pharmaceutical research being done at the University of Montreal.

These are research projects being conducted across Canada.

The Hon. the Speaker *pro tempore*: The time for Question Period has unfortunately expired, Senator Chaput.

[English]

ORDERS OF THE DAY

IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Beyak, for the 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.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Bill S-7. The title of this bill is “zero tolerance for barbaric cultural practices act.”

First of all, I want to thank the sponsor of this bill, Senator Ataullahjan. She has presented to us in this chamber a comprehensive outline of the bill. I want to thank her for her work as the sponsor of this bill, and I will try not to repeat the ground that Senator Ataullahjan has covered.

As you are aware, Bill S-7 is 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. Basically, this bill covers four issues: polygamy, national age of marriage, forced marriages and changes to the definition of “provocation” in the Criminal Code.

As for polygamy, Part 1 amends the Immigration and Refugee Protection Act to specify that a permanent resident or a foreign national is inadmissible on grounds of practising polygamy in Canada.

Part 2 of the bill amends the Civil Marriage Act to provide for legal requirements for a free and enlightened consent to marriage and for any previous marriage to be dissolved or declared null before a new marriage is contracted. It also amends the Civil Marriage Act to provide for the requirement of a minimum age of 16 years for marriage.

Part 3 amends the Criminal Code as to forced marriages and clarifies that it is an offence for an officiant to knowingly solemnize a marriage in contravention of federal law. It provides that it is an offence to celebrate, aid or participate in a marriage rite or ceremony knowing that one of the persons being married is doing so against their will or is under the age of 16 years.

The bill also provides a definition of “provocation” in restricted circumstances in which a victim engaged in conduct that would constitute an indictable offence under the Criminal Code that is punishable by five years or more in prison.

Honourable senators, I have looked up the definition of a number of words that have been used in this bill in our dictionary. For “barbaric,” it says “cruel and brutal.” For “barbarians,” it says “a member of a wild or uncivilized people.” It’s a Greek word which means “foreigner.” The definition of “culture” is: “the culture of a particular society, its ideas and its customs.”

I want to look at the different things that this bill covers.

As I have already set out, on polygamy it amends the Immigration and Refugee Protection Act. Proposed section 41.1(1) of the act reads:

A permanent resident or a foreign national is inadmissible on grounds of practising polygamy if they are or will be practising polygamy with a person who is or will be physically present in Canada at the same time as the permanent resident or foreign national.

I have asked a number of people who have written this bill: What does that mean, “practising polygamy” and “practising polygamy with a person who will be in Canada”? I have been told that the interpretation is as follows: A man who has more than one wife arrives in Canada as a visitor or a permanent resident. As long as he arrives in Canada alone, he is not taken to be practising polygamy and so he will be admitted into Canada. If his wife later joins him, or arrives with him, then she is taken to be practising polygamy and they will be held inadmissible.

Honourable senators, what is really troubling for me is that if the man arrives alone, he is not practising polygamy and we will admit him; but if he arrives with one of his wives, then we will not admit him.

The whole guise of this bill is the protection of women. There are so many wives involved. There is the wife who is left behind, who will not be protected; and there is the wife who comes with

him, who is not protected. I have great difficulty with this definition and I am sure that the committee will have many questions of the drafters of this bill when we study it.

But what is the most troubling thing for me — and I have to tell you that I am so angry — is the example that is given on page 3 of the briefing notes that we are given: More than a thousand people living in the polygamous community of Bountiful, B.C. Some may have been brought into the country to marry a Canadian resident.

Honourable senators, every senator who comes from British Columbia will tell you that we are not proud of this history in B.C. These people are Canadians, and the example that is being given is of Canadians, and yet we are dealing with issues of permanent residents or visitors. I think it's just confusing matters when you talk about a Canadian, but you are dealing with a foreign resident, and we are calling it a "barbaric practice." So is it the barbaric practice of the people in Bountiful, or is it the barbaric practice of the people who are coming?

The second thing being talked about is national age of marriage, which will now be 16 years. Personally, I travel all over the world working with women, and we're working really hard on this issue all over the world, especially in Pakistan at the moment. Pakistan has passed a bill to make the national marriage age 18, so why are we lowering the standard? Why are we lowering it and making it 16? In my province the age is 19, so why are we making the national age 16? This is a subject that we really need to study hard in committee.

• (1500)

The third issue that is being dealt with is forced marriage. When the Throne Speech was read and when there was talk that there would be an issue of forced marriage discussed in our Parliament, I have to tell you that I was absolutely thrilled because I truly believe that you have to name an issue to deal with it. I have worked on the issue of forced marriages for over 35 years. I have travelled around the world talking to young girls on issues of forced marriages. I would be remiss today if I didn't thank all the Canadian High Commissioners and ambassadors who have helped me and have helped other caregivers in rescuing these girls who have been taken to their parents' homes of origin. Our ambassadors and high commissioners have done a yeoman's job in protecting our girls and I thank them publicly today.

You can never forget the face of a young girl who stops you on the street and asks you for help because she knows she will be taken to the home of her parents' home of origin. She is 14, 15 or 16. She's being taken to get married. There is so little that we have been able to do, so far, so I'm glad that the minister has raised this issue.

I worked with U.K. parliamentarians for many years. They have two systems. They have the civil system and the criminal system. The child can choose which system they want to go in. They have gone further. They provide brochures that are on boards in every school that tells a young girl, that if you suspect that the holiday that your parents are taking you on is a holiday from which you will never return, call the foreign office and tell them when you are going, where you are going and when you are

expected again. I have talked many times to the officials of the British Foreign Office and they tell me that if the girl does not return, then they go to the village of the girl and bring her back.

We also have to do things like that. For that, I commend our government. But that is not what our government does in this bill. In this bill, our government wants the little girl to go to court and get an order that her parents are going to take her away. Honourable senators, are we serious? How can a young girl, 14, 15 or 16 go to court to get an order?

I have worked on issues of child apprehension all my life, especially in the South Asian community. As a young eager lawyer, as soon as I heard "abuse of a child," I would rush in there with social welfare people to take the child away. But I realized that that was not the answer. Because when you take that child away from the family, not only do you take that child's support away, you take the child away from the community forever. You destroy that child's identity.

Honourable senators, let's think about this. Is a 14, 15 or 16-year-old girl going to go to court to say her parents are taking her away? For years and years, I have admired the work of the South Asian Legal Clinic of Ontario. They are in the forefront of forced marriages. They work with our foreign office and our immigration department and they have done amazing work to prevent forced marriages. Let me read to you, senators, what they have to say about this bill:

On November 5, 2014, the federal government tabled Zero Tolerance for Barbaric Cultural Practices Act (Bill S-7) introducing sweeping changes to Canada's Immigration and Refugee Protection Act (IRPA), Civil Marriage Act and Criminal Code. The government's statements in support of these changes are not based on any statistical data or research, nor have they consulted experts in this field. The announcements and the tabled act perpetuate myths about practices of polygamy and forced marriages while misguiding Canadians to believe that violence against women is a "cultural" issue which happens only in certain communities. We believe that this racist Act and its implementation will further marginalize the victims and survivors of forced marriage. We believe that the strong language used in this proposed Act is an attempt at fear-mongering and will further marginalize and harm member of communities that this Act purports to serve. We strongly believe that the criminalization of forced marriage and the sweeping changes in Bill S-7 are NOT the right answers for Canada. In addition, we know and have experience that criminalization has potential to become a tool to further target and over police racialized communities. While we agree that prevention is important in the discussion around forced marriage in Canada, we believe that education is the most effective preventative tool in this debate. We suggest that educating and raising awareness within the Immigration, Law Enforcement, Health and Education sectors is the best practice.

Violence against women happens in all cultures. It is based on abuse of power, results in inequality and affects all relations through the generations. Women in every culture in the world have ways of working together to stop violence. Violence is not a

manifestation of culture, but a rupture to it. Culture is not a barrier to women's rights but a context in which relationships and possibilities of actions may be shaped.

We remain concerned that the proposed legislative changes create barriers for accessing protection and resources by victims and survivors from specifically targeted communities. It will negatively impact survivor's access to justice and safety through provisions that make non-citizens inadmissible to Canada based solely on their real or perceived choice of marriage form, not to mention the preventive detention and monitoring measures, and the criminalization of survivor's families and communities. At worst, it exposes the underlying racist agenda this Government harbors towards specifically targeted communities. The lip service paid by this government to the issue of violence against women through Bill S-7 demonstrates at best, the Government's complete lack of understanding of the issue of gender based violence.

Honourable senators, these are not my words. These are words of women who work with girls that are forcibly taken away. These are women, front-line workers who are working with these girls, who say to me that this bill will do more harm to those girls than it will help.

The fourth issue that this bill speaks about is provocation. Honourable senators, I have to say to you that I am absolutely puzzled as to why the government has introduced provocation in a "barbaric cultural practices act." Why would it want to change the definition of provocation, which is a very important part of our criminal law into a barbaric cultural practices act? I am really lost on this.

I don't practice law as much anymore, so I went to the experts. Michael Spratt, who worked in iPolitics, wrote:

... this time by hiding changes to the historic criminal law principle of provocation in an immigration bill — behind a veneer of the non-existent problem of barbaric immigrants.

The term barbaric does a disservice to the multicultural nature of our society. The sad reality is that this is all unnecessary. There could be a productive debate on what we as a society could be doing to assist immigrants, to help victims and to strengthen relationships. But this positive debate is lost when we are forced to take time to debate unnecessary changes to historic principles of our law.

Minister Alexander, Minister of Immigration, has said that the changes to rules governing the criminal code provision of provocation are necessary to stop justifications for honour killings.

• (1510)

As noted by the Ottawa criminal lawyer and iPolitics columnist Michael Spratt, provocation does not apply to honour killings. It never has and it never will.

Currently, section 232 of the Criminal Code provides for the defence of provocation, which reduces the charge of murder to manslaughter where the accused acted "in the heat of passion" caused by sudden provocation.

Provocation requires that there be a wrongful act or insult that would be sufficient to deprive an ordinary person of the power of self-control and causes the person to act "on the sudden" before there was time for a cooling of passions.

Honourable senators, he goes on to say that honour killings don't meet any of these criteria.

Provocation deals with the ordinary person test. This is the ordinary Canadian person. I think we can all agree that the ordinary Canadian person is repulsed by religious-based killing.

The Supreme Court of Canada, in the case of *Tran*, made this clear. In the context of provocation, the reasonable person test or ordinary person test is informed by contemporary norms of behaviour, including fundamental values, such as the commitment to equality. It would be appropriate to ascribe to the reasonable person relevant racial characteristics of the accused or the recipient of a racial slur but not to ascribe to the ordinary person the characteristic of being homophobic if the accused were the recipient of a homosexual advance. The same is true for honour-based violence. In *Tran*, the Supreme Court of Canada upheld a conviction entered on appeal for murder, where the accused claimed that he had been provoked by the sight of his estranged wife having sexual intercourse with another man. The accused entered the wife's residence without her knowledge or invitation and came across her and the other man. The accused became enraged, retrieved two knives from the kitchen and attacked both of them. Over an extended period of time, the accused cut his wife and stabbed the man 17 times, killing him. He then cut himself and placed one of the knives in the dead man's hand. The trial judge acquitted the accused of murder and convicted him of manslaughter, on the basis that the accused's conduct was provoked by the insult of seeing his wife having sexual relations with another man.

Whether the defence goes to the jury depends on whether the evidence provides an air of reality to it. However, the fact that an accused sought out an aggressive confrontation and received a predictable response is a factor that may deprive the defence of an air of reality.

There is no air of reality to provocation in the context of religious-based killings. There are further limits on the defence of provocation:

One cannot be legally provoked by someone who is doing anything that he had a legal right to do, or by doing anything that the accused incited him to do.

Importantly, there is one further limit on the defence of provocation.

It is not a complete defence — to claim provocation is to admit guilt to manslaughter and accept the corresponding punishment (up to a life sentence).

In the *Toronto Star*, Minister Alexander cited the case of Mohammad Shafia as a justification for the changes. I know that all of you know the *Shafia* case. It was a case of an immigrant from Afghanistan who killed three of his daughters and his first wife for religious reasons, a so-called honour killing. What

really makes me very angry is that a minister of our government would mislead us. In the *Shafia* case, they said they were not even near the place where the murder happened. They didn't even raise the defence of provocation. How can the minister go out now and speak about provocation on that case when it was not even raised by the accused? The accused said they were not even near the place. They didn't even commit the murder. They never even admitted to the murder, let alone provocation. How could a minister of the government cite that case? Honestly, honourable senators, I really am troubled by this.

In 2006, the Ontario Court of Appeal, in *R. v. Humaid*, upheld a conviction of first-degree murder and denounced honour killings, and they stated:

Assuming that an accused's religious and cultural beliefs that are antithetical to fundamental Canadian values such as the equality of men and women can ever have a role to play at the "ordinary person" phase of the provocation inquiry . . .

. . . If an accused relies on religious and cultural beliefs like those described by Dr. Ayoub to support a provocation defence, the trial judge must carefully instruct the jury as to the distinction between a homicide committed by one who has lost control and a homicide committed by one whose cultural and religious beliefs lead him to believe that homicide is an appropriate response to the perceived misconduct of the victim. Only the former engages the defence of provocation. The latter provides a motive for murder.

This is our Ontario Court of Appeal saying this. They continue:

. . . as I see it . . . the alleged beliefs which give the insult added gravity are premised on the notion that women are inferior to men and that violence against women is in some circumstances accepted, if not encouraged. These beliefs are antithetical to fundamental Canadian values, including gender equality. It is arguable that as a matter of criminal law policy, the "ordinary person" cannot be fixed with beliefs that are irreconcilable with fundamental Canadian values. Criminal law may simply not accept that a belief system which is contrary to those fundamental values should somehow provide the basis for a partial defence to murder.

Honourable senators, our courts have already stated they are not going to accept honour killings as a defence. The fact is that provocation does not apply to honour killings. It never has. Cultural factors are typically seen as a motive, not as a defence. Courts have even allowed the Crown to introduce expert evidence about honour killings to prove motive, and this is what happened in the *Shafia* case, the case I spoke to you about earlier.

The court says:

In a trial such as this, where members of a family are accused of killing their own, including three children, the existence or non-existence of a motive is a very important consideration. The Crown has offered an evidentiary basis for the proposition that the deceased somehow violated this family's particular code of honour. When all things are

considered, the testimony of Dr. Mojab on the issue of honour killing is far more probative than prejudicial in this case. The proposed evidence is ruled admissible.

Honourable senators, we also all remember the case of *Sadiqi*. That's an Ottawa case that was also endorsed by the Ontario Court of Appeal. In *Sadiqi*, a 2009 case from Ottawa, the accused attempted to claim provocation in relation to an honour killing. *Sadiqi* was convicted of first-degree murder, as has been the case in all honour-based killings.

Why now limit the concept of provocation? There is no evidence at all that the defence is being misapplied.

Why is provocation an important historic principle of our justice system? Because the provocation defence reflects a recognition of mitigating circumstances. In other words:

. . . provocation is an allowance made for human frailty which recognizes that a killing, even an intentional one, may be extenuated by a complete loss of self-control and is thus less heinous than an intentional killing by a person acting with more rational intent.

One can think of many examples of a wrongful act that may cause an otherwise law-abiding citizen to lose control. Take as an example a father whose daughter was a victim of crime. Imagine that the distraught father is taunted, mocked, spat at and maybe even assaulted by the man who perpetuated the offence against his daughter. Imagine that the father loses control and kills his daughter's assailant. Provocation would recognize the extenuating circumstances of the situation.

• (1520)

Bill S-7 seeks to change this historical principle and severely limit the application of provocation by replacing the requirement of a wrongful act or insult with conduct of a victim that would constitute an indictable offence under the act that is punishable by five or more years' imprisonment. Thus, criminal assaults are no longer provocative, not even when combined with vulgar or racist insults. Under Bill S-7, an abused woman who lashes out at her abusive husband could be barred from claiming provocation. The changes to provocation proposed in Bill S-7 ignore such a situation.

My very big concern is that, by slipping major and unnecessary changes to the Criminal Code into an immigration bill and then hiding behind the rhetoric of barbaric cultural practices, Bill S-7 does the greatest disservice to our culture, our democratic process and our great country. Major changes to our criminal law must be transparent and done in an honest manner. There must be an open debate based on evidence. That is what separates us from barbaric cultures.

Honourable senators, I am truly troubled that such a major interpretation of our Criminal Code is slipped in with the barbaric practices bill. Let us analyze this bill, where four major issues are discussed.

The first is polygamy, which is practised in many parts of the world. I am a very glad and proud Canadian that I can say, "Thank God, it is not our value system." I agree we can say, "Stop; we don't want that to be carried out here." But we haven't been able to stop it in my province for years and years. Canadians are practising polygamy; so are we barbaric, too? Canadians in my province are practising polygamy, yet we call outsiders barbaric.

Honourable senators, I am very worried about where we are going with these words. We are not an island in this world. We are part of this world. Calling people "barbaric" is a very dangerous road to take.

Second, this bill discusses the national age of marriage. What does a national age of marriage have to do with a barbaric bill? That's our national age. Why put that in the bill? What does that have to do with the bill?

The third issue is forced marriages. We may say it is barbaric, but it is exercised on our girls, and we are barbaric by not protecting those girls. Are we barbaric by not finding ways to protect those girls? Our Canadian girls are being taken away. How can we call it "barbaric?" When you want to deal with the issue, you have to create a climate to deal with the issue.

If I were the daughter of one of those people who planned to take me to a country to force me to marry, would I report my father, my mother and my brothers to the police under a barbaric practices act? Would I think that my parents are barbaric? I would want them to stop because I wouldn't want them to force me to marry, but I wouldn't go to the police to say my father is a barbaric man. That wouldn't happen.

Honourable senators, I mentioned the South Asian Legal Clinic of Ontario. They have the most experience with the issue of forced marriages. They did a report with the help of our government on incidence of forced marriages in Ontario. A group that knows the most about forced marriages strongly recommends against including forced marriage as a separate criminal offence under the Criminal Code. They said of forced marriage:

Criminalization of FM creates barriers for victims who need to access justice.

They go on to say that these victims need help, that victims and their families need to get education, and that criminalizing their families is not the answer. These girls need help. They do not need to be separated from their parents.

I mentioned earlier the last issue that this bill deals with: provocation. What has that got to do with the barbaric bill? That's for the Criminal Code. I am completely at a loss. Michael Spratt, a prominent criminal lawyer in Ottawa who often testifies before the Senate Legal Committee, is a credible witness. He stated that it is just wrong to put that in this bill.

As for honour killings, honourable senators, I have spent hours and hours searching in the short time I've had to prepare this speech. I challenge anybody in the Justice Department to produce

a case where the courts have upheld honour killing as a defence. I have found three cases and in all three cases the courts did not hold honour killing as a defence to provocation.

Honourable senators, sometimes when I speak here I wonder, "What's the point? Why bother? Am I being heard?" Today, I have to say that the word "barbaric" has put me over the edge. When I talked to people in the community over the weekend, they were truly offended that our government would use the word "barbaric."

Honourable senators, I grew up in a colony. When we went to school, we were called "barbarians" by the colonial masters. We were called "barbarians." When we gained our independence, we suddenly realized that we were people, not barbarians. When I came to this country, I learned that First Nations are also often called "barbarians."

Honourable senators, is now the time to re-introduce the word "barbarian" to our literature? I humbly ask you —

An Hon. Senator: Oh, oh.

Senator Jaffer: Senator, you will have a chance to speak. Let me finish.

Hon. Leo Housakos (The Hon. the Acting Speaker): Order. Please have the courtesy of listening to our colleagues when they're speaking.

Senator Jaffer: I was raised at the knees of a very astute politician, my father. He told me there were two types of politicians: one who cuts up communities and one who sews up communities. Politicians who sew up communities and make a tapestry of multiculturalism, diversity and harmony in the community are always the kind of politician he asked me to strive to be.

Honourable senators, we are senators. We do not have to go for elections. I believe we came here to protect our national interests and minorities in our communities.

I am truly troubled that this barbaric bill has started in our chamber. I believe that our chamber is the one that creates harmony in society. We have to sew up where there are cracks. That is our role. We were created not to take cheap shots and cut up communities, but to build a beautiful tapestry.

We are the most beautiful country in the world, and all of us here have to continue working to be the beautiful country we are. I ask in the next few weeks that we look at changing the title of this bill. We do not have to look at people living among us as barbarians. They and you are proud Canadians, and I am a proud Canadian.

• (1530)

It just so happens that today, as I was preparing for this Bill S-7 speech, a man came and gave me this book. It's called *Canadian Immigration and South Asian Immigrants*, by Abdur Rahim. He

has written a long poem on Canada, which I will read on another day, but I would like to finish with what one immigrant thinks of Canada. This is the last paragraph of his poem:

Thirty year I have traveled places on earth
And singled out the one "Canada"
I behold her and imprinted her beauties into
my inward eyes.
Enticed me the attributes, the power of giving
The power of tolerance, the power of
understanding
The power of harmonious relationship
Every day of my life here I gathered
Golden seeds from her treasures bit by bit
The pearls from her sea, the diamonds from
her mines
And from people, the friends, safe heaven,
life's precious gift
And that the deepest love grows in my heart
And that I loudly pronounce, Canada, you
are beautiful.
I am a piece of the Canadian mosaic —
the diversity
Where we all don't look alike but live, think
and work together
Being a South Asian, Bangladeshi-born I am
a proud Canadian.

Honourable senators, wherever I travel, one of the greatest pleasures that I have, that you have, is that we live in a diverse community. We live in a multicultural community where we respect each other, where we hear each other's pain. When the word "barbarian" is used, we feel insulted. Why use a word like "barbarian" that will cut up our society?

I stand here in front of you and say to you, let us sow our societies. Let's cause harmony. That is our role as Canadian senators.

Hon. Lillian Eva Dyck: Would the honourable senator take a couple of questions? Thank you.

I very much enjoyed your speech. I listened to it very carefully.

When I first heard about this bill, one of the things that really struck me was, of course, the case of Bountiful and the polygamy that exists there. My first thought was, well, what's going to happen there? Are we going to allow that situation to occur in Canada with Canadians? Are we applying a different standard there as we are applying to people who want to come in? That is the question.

Is the situation in Bountiful still going to be allowed to continue, or are any changes in this bill going to make it illegal or unlawful for polygamy to occur in Bountiful?

Senator Jaffer: Thank you very much for your question, senator.

To be fair to the B.C. government and the many people in the judiciary, for years they have been trying to deal with the issue of Bountiful and have not succeeded. Polygamy is being exercised in Bountiful. This bill will not affect them. This bill is only about foreigners.

Senator Dyck: That's what I was thinking. So in effect, we are applying different standards to people coming in versus people who are living here.

When you were talking about the aspects of the bill that deal with provocation, I believe you said that where there are vulgar or racist acts committed that could provoke another person to commit a crime, those would no longer be considered a defence.

Again, to me that speaks to a different standard as well, because if you come from a different country, if you look different, you sound different and you're picked on for those reasons, then you're no longer to use that.

How are we protecting Canadians or minorities who maybe don't look like some of the fairer-skinned individuals? To me that is taking away a defence.

Here I am thinking about Aboriginal people in particular, where much of what happens in terms of criminal assaults occurs when someone is facing an Aboriginal woman or man and then starts to use racist slurs, and then it escalates, and the person is provoked and then they do something they wish they had never done. So that defence will no longer be available.

Senator Jaffer: Thank you for your question.

From my understanding of this bill and having done a lot of research in the limited time I've had, that defence will no longer exist. You cannot use a racial slur. The bill says:

Conduct of the victim that would constitute an indictable offence under this Act that is punishable by five or more years of imprisonment and that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is provocation for the purposes of this section . . .

I've looked at what it could be. It could be somebody committing a fraud on you, somebody doing something like a white-collar crime. Those are the things that would be covered here.

It won't be the definition we knew. Racial slurs would not be covered. If a woman has been beaten for a long time and was provoked, that would not be covered. The whole case law we have developed around this issue will disappear.

Senator Dyck: I was also paying close attention to your comments with regard to the use of the word "barbarian," and I too find that offensive.

I do know that many years ago, First Nations people were considered barbarians and savages, and the cultural practices of First Nations people were outlawed. It is worrisome when that happens — you'll get your turn, senator. You're being a bad teacher over there.

This aspect troubles me. I think that as senators we are meant to represent minorities, and we are meant to try and create Canada into the place that we envision, that is a country that welcomes everyone. When we use a word like "barbarian" — I think you made it clear, and I would like you to say it again, that

it does not create a country where we feel that those people who come from different areas, whose cultural values are different, they are not barbarians.

Could you just reinforce what you said about that aspect?

Senator Jaffer: The best way I can reinforce that is I have been in this country for over 40 years, and one of the greatest reasons that I am so proud to be a Canadian is I feel included. I feel I belong to this place.

When we begin to say “us and them,” and when we treat other people within our midst as barbarians, we are dividing our country. That’s not a Canadian value. Our Canadian value is our diversity, multiculturalism, inclusiveness. This will cut the fabric of our society. That’s not what Canada is all about.

Hon. Nicole Eaton: Senator Jaffer, you’re a lawyer. You can educate me. You have had a much longer time in human rights than I have. Is polygamy not a crime in Canada? Is it not in the Criminal Code?

Senator Jaffer: It is a crime in Canada, but we still have Bountiful. I’m not saying that we should allow people who practise polygamy. That’s not what I’m saying. I’m saying this bill will not cover it. Let me finish. It is a crime in Canada, but for years and years in my own province there are a thousand people who still practise polygamy, and we have not been able to do anything about it.

The Hon. the Acting Speaker: Senator Jaffer, your speaking time has expired. Would you like to ask for an additional five minutes? Is five more minutes granted?

Senator Tkachuk: No.

Some Hon. Senators: Yes.

Senator Fraser: Senator Tkachuk has denied leave.

The Hon. the Acting Speaker: Senator Tkachuk, are you denying leave? You said no?

Senator Tkachuk: That is correct.

The Hon. the Acting Speaker: Leave has not been granted.

Are honourable senators ready for the question?

Senator Martin: Question.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Question.

• (1540)

Senator Cools: Some senators just said they weren’t ready for the question.

I would like to speak on this debate. I would like to move the adjournment.

The Hon. the Acting Speaker: It has been moved by the Honourable Senator Cools, seconded by the Honourable Senator McCoy, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Acting Speaker: All those in favour of the motion, please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: All those opposed to the motion, please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: Whips, do we have agreement on a time limit for the bell?

Senator Munson: Thirty minutes.

The Hon. the Acting Speaker: That is 4:10.

Hon. Wilfred P. Moore: I don’t agree with that time period.

The Hon. the Acting Speaker: That is the time agreed by the two whips.

Senator Moore: No, you need unanimous consent.

The Hon. the Acting Speaker: Then it will be a one-hour bell.

Senator Moore: A one-hour bell.

The Hon. the Acting Speaker: There is no leave, so it will be a one-hour bell. That will bring us to 4:40.

[Senator Dyck]

• (1640)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Baker	Joyal
Campbell	Lovelace Nicholas
Chaput	McCoy
Cools	Merchant
Cordy	Moore
Cowan	Munson
Dawson	Ringuette
Day	Rivest
Downe	Robichaud
Dyck	Sibbeston
Eggleton	Smith (<i>Cobourg</i>)
Fraser	Tardif
Hervieux-Payette	Watt—27
Jaffer	

NAYS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Ataullahjan	Meredith
Batters	Mockler
Bellemare	Nancy Ruth
Beyak	Neufeld
Black	Ngo
Boisvenu	Ogilvie
Carignan	Oh
Dagenais	Patterson
Doyle	Plett
Eaton	Poirier
Enverga	Raine
Fortin-Duplessis	Rivard
Frum	Runciman
Gerstein	Seidman
Greene	Seth
Housakos	Smith (<i>Saurel</i>)
Lang	Stewart Olsen
LeBreton	Tannas
MacDonald	Tkachuk
Manning	Wallace
Marshall	Wells
Martin	White—46

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Hon. Anne C. Cools: Honourable senators, I rise today less on the substance of Bill S-7 and more on the process. I wish to say to senators that I have always understood that the abrasive and abrupt termination of a debate is bad parliamentary practice and poor, very poor, parliamentary manners. In addition, it is also unkind and unnecessary. It is most unfortunate, I believe, that Senator Tkachuk denied Senator Jaffer's request for an additional five minutes to answer questions from interested senators. I think that was most unfortunate.

Some Hon. Senators: Shame!

Senator Cools: If Senator Tkachuk or any senator wishes to speak, I would be happy to yield the floor and take it back after they have spoken.

Honourable senators, I wish to make the point that the first glance of this bill, which I could not study in an hour, reveals its complexity. The long title of the bill is 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.

Clause 1 tells us the short title, that:

This Act may be cited as the *Zero Tolerance for Barbaric Cultural Practices Act*.

Honourable senators, abruptly terminating a debate in as harsh a manner as it was done, after a very civil request from the speaking senator —

An Hon. Senator: Oh, oh.

Senator Cools: I can go on for a long time now if you really want, Senator Tkachuk. I think you have said enough; you would be wiser to shut up.

• (1650)

The Hon. the Speaker *pro tempore*: Colleagues, please. Order, please. We should calm down a little bit. I understand the line of opinion you have. I think we all —

Some Hon. Senators: Oh, oh!

The Hon. the Speaker *pro tempore*: Please.

Senator Tkachuk: Oh, oh!

The Hon. the Speaker *pro tempore*: Colleagues on both sides have to calm down a little bit.

Senator Cools: I am not —

The Hon. the Speaker *pro tempore*: Honourable senators, please.

Senator Cools, you can finish your comments, with a little bit of restraint.

Senator Cools: It is not hard for me, Your Honour. I live in this place and work in this place in a consistent and persistent state of restraint. I am sure you understand that, and I am also sure you admire it. Thank you, Your Honour. I know you do.

In any event, colleagues, I wish to be clear that when one combines those two titles — the short title and the long title — one begins to see very quickly that Bill S-7 sounds like a toxic cocktail of issues and questions that ought not to be joined in one single bill.

Honourable senators, if Senator Jaffer did a good job in putting the complexities and the issues before us, which I believe she did, I commend her for that. I think that is desirable. And if as she was speaking, senators were beginning to grasp the complexities and the difficulties within the bill and wanting more clarification, I see absolutely no reason why those five minutes that she requested was not granted. No reason whatsoever.

Colleagues, my purpose in saying this is that the second reading debate on Bill S-7 has not been long or prolonged. The bill was introduced on November 5, barely three weeks ago. On November 18, Senator Ataullahjan, as the sponsor, spoke for a total of 14 minutes. Her time and Senator Jaffer's time combined is not a lot of time to spend on this difficult bill. What is the haste?

I must inform senators that sometimes it becomes quite overbearing that, as an independent senator, I am constantly in a situation of never knowing what the opposition and government leaders have agreed in respect of time for debate in the chamber and how long an item would stay at second reading. Perhaps the unpleasant situation of today could be avoided if the two leaders would inform the independents of their plans, because independents suffer from the singular infirmity of never having enough information about what is happening on the floor of this chamber. It is a huge and ever-present infirmity. This is an unfair situation which is only compounded when something happens, as happened today to Senator Jaffer.

Colleagues, on the government side, you would have had the bill voted on second reading already but not for that ill-considered and unkind response.

Senator Tkachuk: Oh, oh!

Senator Cools: Yes, Senator Tkachuk, ill-considered.

Your Honour, I hope you appreciate that I am being restrained, very restrained.

The debate on Bill S-7 has not been overlong. As I said, I am speaking largely to record the fact that I object strongly — very strongly — to what happened. I thought it was unnecessary, upsetting to what I would describe as fraternal relations in this place. It was extremely disturbing and upsetting to fraternal relations between the independents and the government. And actually the opposition, too.

Let us understand, I have served in this place for 30 years and I have seen a lot. I just wish to record this here by virtue of making my objection known. And senators, it is not civil to decline an interested senator the opportunity and the right to speak in a debate as happened to me here today.

Honourable senators, as I said, the only reason that I am speaking so little is because I do not want to get in the way of our most noble Speaker's reception scheduled to begin in the next few minutes. Today is not a day to delay proceedings.

In his last speech to the Senate this afternoon, Speaker Kinsella concluded his remarks by speaking of freedom of debate in Canada and the great parliamentary democracy. Well, that parliamentary democracy did not work very well an hour ago. I think, colleagues on the government side, you can do better than that, and you deserve to do better than you did.

Anyway, colleagues, I just wanted to make the point.

The Hon. the Speaker *pro tempore*: On debate? Senator McCoy.

Hon. Elaine McCoy: I will speak on debate.

In the interests of democracy and the freedom of debate, especially as announced in his principles by Speaker Kinsella — whose farewell reception is due to start at five o'clock this evening, and I know we all have a great desire to go and enjoy that and wish him well in the next phase of his life and that is impelling a great many senators here to wish to adjourn for the evening — rather than take up your time, but still to claim the right to debate on this bill, I would ask for an adjournment.

Hon. Yonah Martin (Deputy Leader of the Government): On debate, if I may, just before —

An Hon. Senator: No.

Senator Cordy: No, there has been an adjournment motion.

The Hon. the Speaker *pro tempore*: An adjournment motion is not debatable.

(On motion of Senator McCoy, debate adjourned.)

[Translation]

ROYAL ASSENT

The Hon. the Speaker *pro tempore* informed the Senate that the following communication had been received:

RIDEAU HALL

November 26, 2014

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 26th day of November, 2014, at 3:41 p.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Wednesday, November 26, 2014:

An Act to implement the Free Trade Agreement between Canada and the Republic of Korea (*Bill C-41, Chapter 28, 2014*)

[English]

ADJOURNMENT

The Hon. the Speaker *pro tempore*: It being past four o'clock, and the Senate having come to the end of Government Business, pursuant to the order adopted on February 6, 2014, I declare the Senate continued until Thursday, November 27, 2014, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, November 27, 2014, at 1:30 p.m.)

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