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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, July 7, 2010

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

Prayers.

SENATORS' STATEMENTS

ST. THOMAS UNIVERSITY

CONGRATULATIONS ON ONE HUNDREDTH ANNIVERSARY

Hon. Francis William Mahovlich: Honourable senators, this past weekend, I had the privilege to participate in the celebrations marking the one hundredth anniversary of St. Thomas University in Fredericton, New Brunswick. Over the last few weeks, the university has hosted over 600 alumni and guests at various cultural and social events to celebrate this amazing milestone.

During my visit, I was asked to speak at the inauguration of the STU Tommies Sports Wall of Fame, where I joined the first class of inductees and their families.

[Translation]

While St. Thomas University is Canada's only university dedicated exclusively to liberal arts studies, sports have always been part of student life.

[English]

The Sports Wall of Fame is a wonderful way to honour many of the university's all-star athletes, teams and coaches. Some of the first inductees include Joey George, Bryan Jones, John McAloon, Walter "Bubby" Mills, Vance Toner, LeRoy Washburn and Peter McKee, who may be better known as one of the famous Flying Fathers.

I invite all honourable senators to join me in sending St. Thomas University heartfelt congratulations for reaching one hundred years of helping to shape tomorrow's leaders.

Hon. Senators: Hear, hear.

MR. RAMESH FERRIS

Hon. Daniel Lang: Honourable senators, I rise today to report on a meeting last week of Yukoner Ramesh Ferris with Her Majesty Queen Elizabeth and Prime Minister Stephen Harper at Rideau Hall.

Mr. Ferris is a polio survivor who has taken up the Rotary Club's fight for a polio-free world. In his effort to convey this message, in 2008, despite his legs being disabled, Ramesh hand-cycled across Canada to raise awareness and funds to fight the disease which has yet to be eradicated in some parts of the world. He travelled more than 7,000 kilometres by bicycle over 173 days and raised more than \$300,000.

Ramesh was born in Tamil Nadu, India, and he was infected by polio at six months of age. Former Yukon Bishop Ron Ferris and his family adopted Ramesh when he was two years of age, and he was raised in the Yukon. Over the years, with the help of surgery and physical rehabilitation, Ramesh learned to walk with crutches.

As a young adult, Ramesh has worked hard to prevent others from enduring the pain of polio. He is a remarkable young man and I am pleased Her Majesty was able to meet him in person and hear about his dedication to the eradication of polio.

2010 ABORIGINAL GOVERNANCE INDEX

Hon. Lillian Eva Dyck: Honourable senators, I rise today to recognize and honour the Ochapowace First Nation of Saskatchewan, as they top the list of the fourth annual Aboriginal Governance Index conducted by the Frontier Centre for Public Policy. The Ochapowace First Nation achieved a score of 77.2 per cent, besting a total of 78 Prairie First Nations that participated in the study.

Joseph Quesnel, the policy analyst who conducted the index, stated that the Ochapowace First Nation earned the top distinction due to their outstanding band leadership, which made specific goals for the community. The vision of the band leadership and the community was to double the per capita income on reserve by 2014 and they are making considerable strides toward achieving this goal.

The Ochapowace First Nation is located outside of Broadview in eastern Saskatchewan, and has a membership of 1,382. Of the top 10 First Nations, eight were from Saskatchewan: Muscowpetung First Nation; Saulteaux First Nation; Wahpeton Dakota Nation; Little Pine First Nation; Yellow Quill First Nation; Carry the Kettle First Nation; and Mosquito, Grizzly Bear's Head, Lean Man First Nation.

The index rates First Nations on elections, administration, human rights, transparency and the economy to determine what constitutes good governance. First Nations from Saskatchewan, Alberta and Manitoba participated in the study. Across the three provinces, the Frontier Centre for Public Policy indicated that overall, there is a significant continuation in the confidence in election systems. This is a significant improvement over previous years.

The index report also went on to stress that more First Nations members trust their election systems. There is greater confidence that the elections are fair and that their votes are being counted. The index is an ambitious project that promotes accountability, transparency and the dissemination of best practices by evaluating the quality of governance institutions in Prairie First Nations.

The index relies on opinion surveys to gather residents' perceptions of their band's government and ranks each participating band on the basis of these surveys. This year's project used approximately 5,000 surveys to evaluate 78 bands spread across Manitoba, Saskatchewan and Alberta.

Honourable senators, I hope you will join me in congratulating and recognizing the Ochapowace First Nation and the other Saskatchewan First Nations that placed in the top 10 with respect to good governance.

[Translation]

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Gerry St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Wednesday, July 7, 2010

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Tuesday, March 16, 2010, to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and other matters generally relating to the Aboriginal Peoples of Canada, respectfully requests supplementary funds for the fiscal year ending March 31, 2011 and requests, for the purpose of such study, that it be empowered:

- (a) to adjourn from place to place within Canada; and
- (b) to travel inside Canada.

The first budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on April 22, 2010. On April 27, 2010, the Senate approved the release of \$7,500 to the committee.

A second budget application was submitted to the Standing Committee on Internal Economy, Budgets and Administration and this budget application and the report thereon of that committee were printed in the *Journals of the Senate* on June 17, 2010. On June 22, 2010, the Senate approved the release of \$13,520 to the committee.

[Senator Dyck]

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, another supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GERRY ST. GERMAIN,
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 721.)

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

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

THE SENATE

NOTICE OF MOTION TO EXTEND FRIDAY'S SITTING

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

That, notwithstanding rule 6(2), when the Senate sits on Friday, July 9, 2010, it continue its proceedings beyond 4 p.m.; and

That, notwithstanding any other rule, when the Senate has completed consideration of every item on the Order Paper and Notice Paper of Friday, July 9, 2010, the sitting be suspended to the call of the Chair, with a fifteen minute bell before the sitting resumes.

• (1340)

NOTICE OF MOTION TO SUSPEND THURSDAY'S SITTING FOR THE PURPOSE OF ADJOURNMENT OR TO RECEIVE A REPORT FROM THE NATIONAL FINANCE COMMITTEE ON BILL C-9

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

That on Thursday, July 8, 2010, following the completion of the Orders of the Day, Inquiries and Motions the sitting be suspended to the call of the Chair with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive a report from the Standing Senate Committee on National Finance dealing with Bill C-9 An Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures.

Honourable senators, I will provide further explanation tomorrow.

[English]

If Bill C-9 does come from committee late tomorrow, it would give the Senate the opportunity to suspend for a period of time in order to receive it. The Friday motion relates to the same thing. If, for any reason, the chamber wishes to wrap up Bill C-9 on Friday, this motion would give us an opportunity to do so and have Royal Assent. I am hopeful that this may be the case for Friday.

Like a good Boy Scout, I like to be prepared. There is no great secret agenda in these two motions.

QUESTION PERIOD

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS BILL

Hon. Pana Merchant: Honourable senators, my question is to the Leader of the Government in the Senate, who is quoted in *The Globe and Mail* regarding Bill S-4. I ask her whether she was the source of the confusion about the constitutional division of legal powers in Canada, or whether she wants to blame the author of *The Globe and Mail* article as being the source of this ignorance.

The article, which I will make available to honourable senators if they wish, states:

Provincial divorce laws do not apply on reserves.

Did the Leader of the Government in the Senate tell *The Globe and Mail* that our divorce laws are provincial; and did she tell *The Globe and Mail* that our divorce laws — which, of course, are federal — do not apply on reserves, when they, in fact, apply everywhere in Canada?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I will have to read the article in *The Globe and Mail*. The only article I saw was where I made a comment about having to move on this bill. I will have to take the question as notice and check the transcripts.

Senator Merchant: The honourable leader has said that she will look at the article, but I would like to tell this chamber that the article also reads:

The government bill sets up federal rules granting reserve residents access to the courts to sort out residency and ownership issues. . . .

I ask the leader whether this is something that came from her or from *The Globe and Mail*. It is within the constitutional domain of the provinces to deal with residency and property rights issues. Perhaps she could look at that as well.

Senator LeBreton: I will have to read the article, but my recollection of the conversation, which was very brief, is that I did not get into discussions about divorce laws. I do not think the question of divorce even came up in my brief conversation with Mr. Curry of *The Globe and Mail*.

I was addressing Bill S-4 and the fact that it had passed third reading in the Senate. I indicated that this was an issue that had been discussed for some time and it was time to end the discussion and get moving. I expressed surprise at anyone not wanting to deal with the serious issue of violence against women in our Aboriginal communities.

I do not recall ever discussing divorce. I am quite sure I would not, because I am not a lawyer and not an expert on the divorce laws of the country.

Senator Merchant: In my second question, I asked about the impact of a federal law that would impinge on the constitutional domain of the provinces to deal with property rights. The Leader of the Government did not answer that query.

I have another question that relates to this issue. Since every legitimate Indian chief who appeared before the committee opposed this legislation, and since it would destroy self-government by band councils, half the members of which are women, is the Leader of the Government in the Senate indicating in this place that Prime Minister Harper supports this legislation and that he intends, over the opposition of First Nations leadership, to pass this legislation in the other place?

Senator LeBreton: I have heard ridiculous questions, but that takes the cake. Obviously, the government supports the legislation; it is legislation the government tabled in the Senate. Clearly, therefore, the cabinet and our government support the legislation.

I will have to check the article, because I did not discuss divorce or property rights. I simply made a valid comment, from my point of view, that we have talked about the serious issue of violence against women in our Aboriginal communities and that it is time to do something about it. I absolutely did not make any comments about divorce laws, property rights and jurisdictional rights.

Unlike the honourable senator's husband, I am not a lawyer and am therefore not in a position to make legal comments.

Senator Munson: It must be the heat.

Senator Merchant: I do have a question that perhaps the leader can deal with since it has to do with something that happened in this chamber yesterday. On the issue of First Nations, I refer to a comment made by Senator Brazeau regarding First Nations chiefs. He said:

I disagree that they are the democratically elected representatives of the people. . . .

Is it the position of the Government of Canada, represented by the Leader of the Government in this chamber, that First Nations chiefs are not democratically elected?

Senator LeBreton: Senators on both sides of this chamber are perfectly entitled to their views. Senator Brazeau is a valued colleague on this side. He did not have carriage of the bill; Senator Nancy Ruth did.

I explained to *The Globe and Mail* that we introduced the bill in the Senate because the Senate has an outstanding human rights committee. One of the reasons the government made the decision to table this bill in the Senate was so that it could be referred to the Standing Senate Committee on Human Rights. This is an issue of human rights.

Obviously, it was the right decision by the government. The Human Rights Committee studied the bill carefully and heard many witnesses. It went through the normal legislative process from March up until yesterday. The government supports the bill; it is our bill. We introduced it and are happy it has received third reading and has been sent to the other place.

• (1350)

I would simply say that members of this place, no matter what side they are on, are absolutely free to express their views. It is no secret that Senator Brazeau feels strongly about this topic. He has had a significant amount of experience dealing with these issues, and I do not think it is my right or the honourable senator's right to question Senator Brazeau's entitlement to his opinion.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

COSTS FOR ADDITIONAL SENATE SITTINGS

Hon. Donald Neil Plett: Honourable senators, my question is for the Chair of the Standing Committee on Internal Economy, Budgets and Administration.

We are all back in this chamber again today, July 7, as a result of a few senators' delay tactics in passing good legislation such as Bill C-9. Clearly, there is a large cost to the Canadian taxpayer as a result of this.

For the record, is the honourable senator able to tell honourable senators the cost to the taxpayers of Canada for bringing senators back to Ottawa for even one day and/or one week?

Hon. David Tkachuk: Honourable senators, I am somewhat relieved; I thought the question was going to be about committee budgets.

Nonetheless, it so happens that I spoke to the clerk about this issue a few days ago, and the average cost of bringing senators back to the chamber is \$200,000 a week.

FIRST NATIONS AND NORTHERN DEVELOPMENT

NATURAL DISASTERS IN PRAIRIE FIRST NATIONS COMMUNITIES

Hon. Lillian Eva Dyck: Honourable senators, natural disasters have been ravaging First Nations reserves in the Prairie provinces, leaving many without homes and basic infrastructure.

Manitoba has been ravaged by a flood season that has torn apart First Nations reserves. In the past 15 months, at least five major floods have left Manitoba First Nations reserves in dire straits. The Peguis First Nation has seen 207 of its members evacuated, with an additional 100 to be added. Their water sources are contaminated as the floods have destroyed basic infrastructure, including their sewage system.

In Saskatchewan, a tornado hit the Kawacatoose First Nation last Friday, ripping through homes. The reserve was already dealing with housing shortages such that, on average, four families were living in a single unit. This tornado has compounded the devastation and has created an immensely tough situation for the community.

These First Nations communities have been told that it may take years to deal with the damage to their reserves. This is unacceptable.

Could the Leader of the Government in the Senate explain to honourable senators how her government is dealing with these crises, as concrete solutions are needed now? With all this money being spent on infrastructure in the government's touted Economic Action Plan, where is the money for disaster relief on First Nations reserves?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, obviously the flooding on the Prairies is of great concern, not only to the people living on reserves, but also to the agricultural sector.

In response to questions by Senator Peterson about the situation faced by farmers, wheat and oilseeds growers, I responded that the minister in that case was literally in the fields meeting with the provincial officials.

With regard to flooding on the reserves, there has been considerable damage, as Senator Dyck has stated. People have been forced from their homes. I do not have the details before me, but I do know that Minister Chuck Strahl, the Minister of Indian Affairs and Northern Development, has been working with the people in the communities and the provincial departments. Even though this is a federal responsibility, there are also implications for the provinces. Unfortunately, since I do not have the information here, I will have to provide a written response to Senator Dyck.

Senator Dyck: I have a supplementary question. One of the articles with regard to the tornado situation on the Kawacatoose First Nation in Saskatchewan stated that it was thought the tornado might be a higher category level simply because of the extent of the devastation of the homes. The article suggested that the houses constructed were of a lesser standard than would have been the situation in a mainstream community.

Could the minister look into the standards for housing on First Nations reserves? Are they substandard compared to other communities?

Senator LeBreton: That is a difficult question. A considerable amount of money has been expended on housing on reserves, so I would doubt they are substandard.

I will ask the question, honourable senators. When a tornado strikes, we have seen many examples where huge farm buildings, tractors and machinery get tossed around like little toys. Therefore, I cannot imagine that any house could withstand that kind of weather condition. In any event, I will ask the question.

[Translation]

NATIONAL DEFENCE

BUDGET

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. We seem to be seeing a trend arising from an exercise — one that has perhaps become history now — undertaken when Prime Minister Mulroney and Minister Beatty were in power, in 1987 and 1989. At the time, the Armed Forces were promised the moon. However, within two years, the white paper was in tatters and the process of gradual deterioration was proceeding at top speed.

[English]

Normally, as a process in the defence budget, funds that appear in Vote 5 — which is capital acquisition — and funds that appear in Vote 1 — which is ONM, munitions, personnel and so on — are interchangeable inasmuch as permitting them to come from the capital program if projects simply cannot move fast enough or have been held up. Instead of losing the money allotted for capital projects in that fiscal year, it is moved to Vote 1 in order to make national purchases of spare parts, ammunition and so on, thus using the full budget.

Last year and this year, the government stopped the possibility of transferring money from Vote 5 to Vote 1. This essentially means that if those capital projects do not spend as per the estimates — and they are significant and can be problematic, as anyone in business knows — National Defence will actually lose hundreds of millions of dollars out of its budget.

Can the Leader of the Government in the Senate tell me if we are in the process of further exacerbating the cuts that have been announced in the defence budget by implementing such administrative procedures?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, with the honourable senator's preamble, I thought for a moment that he was expecting me to answer for decisions made by the Mulroney government. Naturally, Senator Dallaire skipped over the whole decade of the Chrétien and Martin governments with the cancellation of the helicopters and the decade of darkness, but it is understandable why he would do that.

I have reported to the honourable senator previously that the government has not cut the defence budget. The honourable senator probably understands the whole budgeting process within the Department of National Defence better than I, given his previous position; however, because it was a very detailed and specific question, I will take the question as notice and attempt to provide an answer before we rise for the summer.

Senator Dallaire: Not wanting to be parochial or partisan, as was announced yesterday, I simply wish to reflect on work that was done in the past by the leader's government.

Let me ask another question because there is somewhat of an illogical process going on.

• (1400)

As an example, the Canada First Defence Strategy, which is the guiding document — it is not a policy document but sort of a reference document — says we are to move the Armed Forces up to 70,000 regular forces, yet the government has decided to stop at 68,000. I do not understand why we would want to stop 2,000 short of the plan. We have thousands of reservists on full-time employment; and worse than that, we have troops who are on their fourth or fifth tour in Afghanistan. If we had enough troops, maybe we would not have to send them so often. We have troops that have more combat time than World War II veterans.

Why reduce the promised number of troops? Why will the government not assist us in meeting the challenges of this demanding mission?

Senator LeBreton: Honourable senators, I do not know where the honourable senator receives his information. The government has reported that this has been a banner year for recruiting with Canadians from across the country signing up to join the Armed Forces.

As the honourable senator is aware, more effort has been put into online recruiting. Recruiting has not been our problem, and no one should be under the false impression that the Department of National Defence and the government are no longer recruiting when in fact, they are recruiting. Thankfully, the campaigns to attract people into the Armed Forces have been successful. At the moment, recruiting is not a problem.

[Translation]

Senator Dallaire: It is not a gratuitous question!

[English]

When we had 55,000 men and women in the Armed Forces, we also had full recruitment, but we were at least 15,000 to 16,000 people short of our operational requirements to do the job we were assigned to do.

We are stopping at 68,000 members and we have people banging on the doors to join. Why not continue to advance up to the 70,000 figure that was announced in the Canada First Defence Strategy? Why stall over a period of time that is too lengthy and at a number that is not meeting the operational requirements for troops in the field?

Senator LeBreton: Honourable senators, obviously, with all the new recruits in the system, plus all our obligations in Afghanistan and other areas, there is the question of training and logistics. As these are complicated questions, I will attempt to obtain detailed answers for the honourable senator.

Senator Dallaire: I thank the leader for her undertaking. Of course, there are the deployed troops and the increasing costs associated with veterans and returning casualties.

Arising from the questions, particularly a question from Senator Callbeck, I am interested to learn that the President of Treasury Board has found \$35 million in the budget this year and the next two years of Veterans Affairs. I find that interesting because we are reviewing that charter and we know there are insufficient funds to meet the significant challenges in reforming Veterans Affairs to meet the demands of the troops.

How can the President of Treasury Board find money there, when we know the department needs more funds to even achieve what is required of the new legislation?

Senator LeBreton: The President of the Treasury Board is obviously seeking savings within all government departments. It is clear that many departments are looking at savings within their own structures. We also made it clear that in all these cases, these are internal administrative savings that in no way affect transfers such as those to seniors or veterans.

Surely the honourable senator is not suggesting that any department of government cannot look within itself for efficiencies and savings to better deliver services to the people who require such services. This is not an either/or situation. All of us in government and all ministers have been looking at our budgets with regard to where we can make savings, even in my own case. We are all looking for savings. That does not mean we will reduce our workload or cut back on any services we provide to the public, because that is not the case.

Senator Dallaire: Honourable senators, within departments, there are three priorities: essential, necessary, and nice to have. It is rare that a department ever achieves its essential requirements; in fact, a department is often underfunded in its essential requirements.

If a department finds that in certain areas it is under-spending or that it can make savings, then it behooves that department to meet the requirements of the essential needs, even if they are program needs, and move those funds there to meet its mandate.

I acknowledge that every department should look administratively to savings, but I do not understand how that can be then moved from the department to the central fund, when in fact that department is deficient in funds to perform its operational tasks.

Senator LeBreton: Honourable senators, there is not a one-size-fits-all solution and that is why we have excellent deputy ministers such as Robert Fonberg at National Defence and the Chief of the Defence Staff, Walter Natynczyk. We have excellent deputy ministers working within their departmental responsibilities. They are hard-working, dedicated public servants who are looking at all the government expenditures. There is not a government on the face of this earth that, if they were to look at their expenditures, could not find efficiencies and savings.

Obviously, all departments are involved in this procedure. As the honourable senator knows, when we were faced with the world economic downturn, a massive stimulus was put into the economy. In the last budget, the Minister of Finance laid out a road map to reduce the deficit, and all departments and all levels of government are doing their part to ensure that happens.

JUSTICE

TRUTH IN SENTENCING ACT

Hon. Tommy Banks: Honourable senators, on June 22, the Parliamentary Budget Officer issued a report on the financial implications of the Truth in Sentencing Act. The report indicates that the application of this act will cost billions of dollars more than originally estimated.

The initial estimate by the Department of Justice was \$90 million for this endeavour, but later that number was inflated to \$2 billion over five years. The watchdogs now say this act and its application will cost between \$10 billion and \$13 billion over five years, with the provinces and territories on the hook for an estimated \$5 billion to \$8 billion over that same period. That is a lot of money.

I presume — and I think we all presumed — that the object of the Truth in Sentencing Act had at least something to do with reducing crime.

Honourable senators, can the government produce any evidence of any kind from any source in any country in the world which shows that higher levels of incarceration or minimum sentences or harsher sentences have any demonstrable positive effect on reducing crime rates?

I ask the question because of the report of the Senate Special Committee on Illegal Drugs. That committee spent 18 months looking at this question, among others, and heard from experts from around the world on penology, incarceration, crime psychology and the like. They were all emphatic, as one can see in this report, in making the point that longer and harsher prison sentences have exactly the opposite effect; that statistics prove irrefutably that longer and harsher prison sentences lead, in fact, to substantially increased percentages of recidivism.

Honourable senators, in light of the fact that the Americans went down this road 25 years ago, and have discovered that it is wrong and are now retreating from it, why are we going down that same road now and spending all this money when we know it will have the opposite effect to what was intended?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, there are experts who would argue the opposite.

• (1410)

If a proper sentence was given in the first place, then people — particularly repeat offenders — would not be out committing other crimes; they would be incarcerated for longer periods of time. They would not be getting a free pass out of jail.

The government has been clear. We were clear when we ran in 2005-06 and again in 2008 that, with regard to our agenda against crime, our primary and only goal is to protect Canadians. In order to protect Canadians, it is necessary to keep dangerous offenders in prison.

However, with regard to Mr. Kevin Page's report, obviously there is a difference of opinion. The cost that we were advised by government officials would be \$2 billion over five years.

Again, I must read into the record the words of Manitoba's Attorney General, Andrew Swan, when referring to Kevin Page's report, as reported in *The Globe and Mail*:

What he didn't take into account in his report was the potential benefit of the law and its goals . . .

"I'm an optimist. I do believe that the ending of the two-for-one credit is going to result in better outcomes. In Manitoba, the average time that somebody is sentenced is rather short, and it doesn't give us a lot of time to work with people to try and get them better prepared to face society when they get out of a jail."

Mr. Swan added the provinces did ask the federal government for the change in legislation and were prepared to pay. His province has already added some capacity to its prison system because of the new law.

This is something that the federal government did in cooperation with the provinces. Obviously, there are people who believe that this is a policy that does not work. There are a great many others who believe it will. When one considers these costs, as Minister Toews has pointed out and that all the elements and the effects of crime in Canada cost the Canadian taxpayer and the Canadian public \$70 billion a year, then spending some money — nothing in the range of \$70 billion — to keep criminals behind bars is money well spent.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Senator Hervieux-Payette, on May 26, 2010, concerning the Canada Revenue Agency—Church of Scientology.

FINANCE

CHURCH OF SCIENTOLOGY

(Response to question raised by Hon. Céline Hervieux-Payette on May 26, 2010)

All applications submitted for registration as a Canadian charity under the *Income Tax Act* are reviewed and assessed to determine if the applicant organization meets the common law requirements related to charitable registration. To qualify for registration, an organization

must have purposes that are exclusively charitable and charitable activities intended to achieve those purposes. The advancement of religion is one of the four general categories of charitable purposes recognized by the courts. To advance religion in the charitable sense means to promote the spiritual teachings of a religious body and to maintain doctrines and spiritual observances on which those teachings are based. There must be an element of theistic worship, which means the worship of a deity or deities in the spiritual sense. An applicant organization that does not exhibit all of these characteristics would not qualify as a registered charity under the purpose of advancing religion.

As the protection of taxpayer information is of utmost importance, the confidentiality provisions of the *Income Tax Act* prevent us from discussing the specifics of any case.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HEALTH—QUANTITY OF SODIUM IN PREPARED FOODS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Downe.

HEALTH—INUIT BIRTH OUTCOMES

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 16 on the Order Paper—by Senator Watt.

[English]

ORDERS OF THE DAY

SENATORIAL SELECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Runciman, for the second reading of Bill S-8, An Act respecting the selection of senators.

Hon. Richard Neufeld: Honourable senators, I want to put a few of my thoughts on the record in regard to Bill S-8, An Act respecting the selection of senators.

I want to start by saying that I listened carefully to Senator Brown, a supporter of Bill S-8 and a long-time crusader for the Triple-E Senate — equal, elected, and effective. One could say Senator Brown's passion before and after being appointed to the Senate in 2007 has not changed much. I thank Senator Brown for his hard work on this issue.

Before I share my thoughts, I would like to talk about some of my background, as some honourable senators may not know it. I spent nine years as a councillor and mayor of a small community in a remote part of British Columbia, always arguing with larger centres to try to get recognized for services. That was a good lesson for me to learn, because later I became the MLA for a region called Peace River North in northern British Columbia for just under eighteen years, eight of those as a minister.

It was a large constituency, the size of Nova Scotia, New Brunswick, Prince Edward Island and Vancouver Island with room to spare, with about 35,000 people. It was a constituency that continually provided up to 8 per cent of the net revenue for the province of British Columbia to provide services to all British Columbians, and the population was sparse. It is sparse outside the golden triangle of Vancouver, Victoria and the lower part of Vancouver Island.

I fought four elections and ran for three different parties. I was elected with over 50 per cent of the vote in each of those elections.

I learned a few things doing that, with ten years in opposition and eight years in government. I learned that working with people, trying to get things done in a working fashion, was the way to do it. One might not always have agreement, but one ought to be able to speak with everyone. Even if there are differences sometimes, that is fine — one still should be able to talk.

One must identify a common goal, if possible, and work towards that. Legislation must be enacted that is workable and enforceable.

I want to deal briefly with the three Es: equal, elected, and effective.

Before I came here, as a member of the B.C. legislature I can tell you that, although I like all honourable senators, you were not on my mind all the time. However, understanding government, being there, I totally respected what took place in this place and in the other place.

I cannot remember thinking that this place was ineffective. I never thought that. Having not spent any time here, how could I? What the Senate does in preparing reports on all kinds of subjects is a huge benefit for Canadians and for government, regardless of what stripe the government is, as long as it pays attention to those reports. Regardless of party stature, I think it does.

The regions must be represented by a Senate. As I said earlier, I can relate to sparsely populated regions. I know that the Atlantic regions and western regions sometimes feel alienated — rightfully so sometimes — from central Canada, from Ottawa, from the central part of the country where most of the people live. We often think that all the services go there. Whether they do or not is immaterial, but we often think that. It is important for us, as representatives from those areas, to continue to bring that word to the centre about being thought about in those ways and to try to garner as much as we possibly can.

Honourable senators, I have only been here a short period of time, not nearly as long as many of you, but I believe this place is effective. I believe this place does do good work. We work well together and it is healthy to have different positions. If we all had the same position, it would not be very good. We need different positions on different issues and to be able to work them out.

Second, there is nothing in this act that talks about “equal.” Unelected is what this act talks about mainly. Before I came here, I only thought about Senate elections when they were brought up in newspaper articles or when someone was ranting or raving about the Senate, but I did think we should have an elected Senate. However, since I have been here, I am not sure that an elected Senate is the way to go. Obviously there need to be a few changes, but I do not think the election of senators is the top thing on my mind.

• (1420)

When I go back to my community, honourable senators, not one person has said to me, “I like you, but I would have liked to have elected you.” Not one. I returned home in the afternoon of July 1. I was at a car show because I like cars and happen to have an old car. I was standing there when a great person who is highly regarded in the community — someone against whom I fought elections four times — said to me, “I am glad you are there.” He is from a different party yet he said, “We are happy you are there.” In fact, he said, “I never heard anyone say you should not be there because we finally have someone there that we know.”

Honourable senators, this is the first time that a person in northern British Columbia has ever been appointed to the Senate. I think the furthest north we ever got was Ross Fitzpatrick in the Okanagan, which is southern British Columbia. That is a long distance away.

Earlier, I talked about the major population being in the Lower Mainland. If I had to run as an elected senator, I would have to leave where I live, where I have spent most of my life, where people know me, and go to the major centre and say, “Pick me.” I do not think that would make the people where I live happy, and I do not think I would get anywhere down there in that big city. People there are well known. Senator Larry Campbell, a former Mayor of Vancouver, is a well-known personality. Maybe he would have an easier time of it.

It is said that you can divide the province — I guess you can, but in the case of B.C., you would have to divide from Hope. Vancouver would have five senators and then there would be the rest of the province. I do not think that is good for the province of British Columbia. When explained to British Columbians, I think they would want representation to be more scattered around the province.

Honourable senators, as I understand the bill, you must be nominated by a provincial party. My experience is that you would have to be nominated at a party convention. The last time I went to a party convention on a provincial issue, I do not think anyone wanted to talk about federal politics — not one person. I would not want to do that, and I go to the conventions of my party.

In British Columbia, we are a little different. Politics is a blood sport where I come from. As I said, I ran for three different parties. I was elected as a B.C. Liberal and I spent about 10 years

as a B.C. Liberal. In British Columbia, there is a mixture of federal Conservatives and federal Liberals. That is how we defeated the NDP and the Socreds. They were federal Liberals and federal Conservatives. I do not care how you work it out, but it takes good leadership — and Premier Campbell shows it — to be able to keep that together. W.A.C. Bennett was able to do it; Bill Bennett was able to do it; and Bill Vander Zalm could not manage anything and destroyed the party. I will never forgive the man for that.

Do I run as a B.C. Liberal? Is there a B.C. Liberal Party in here? No.

An Hon. Senator: Thank God!

Senator Neufeld: One senator said, “Thank God.” It was someone from Central Canada who has not come to British Columbia to see what a B.C. Liberal Party is.

The bill says that the costs should be borne by the province. This is a federal institution, as far as I am concerned. If I was still a politician in British Columbia, I would say that that is not B.C.’s responsibility. That is a responsibility of the federal government; all Canadian taxpayers should share those costs. It explains how to finance a campaign — the same as you do for a provincial campaign. If you can raise \$5 million to \$8 million, good on you, because that is what it will take.

Next is the election platform. The bill refers to provincial elections or municipal elections. If there is a provincial election going on and the province chooses to have senators elected at the same time, all of a sudden, you have a senator who is running either as a Conservative or as a Liberal in a campaign that is provincial. I do not think the provincial party wants you there, even though you went to their party convention and were nominated. I do not think they want a federal person in there at election time; I would not. That might work in some places that have both provincial Liberal and provincial Conservative parties — there are some provinces like that, but not mine. Mine is a bit different.

We are told that this bill is a guide only. Provinces can make up their own minds as to what they want or do not want. I guess some could not be subject to this bill and could still follow the present appointment process. However, it is inconsistent for some provinces to hold elections while others do not. That is neither workable nor effective. Thought must be given to some of those things.

I am a firm believer that the appointment process is quick and cheap. You can have regional representation and do all kinds of things. You can get a cross-section of the people that you want in this place to be those involved in the sober second thought process.

Senator Segal: Krushchev said the same thing!

Senator Neufeld: Even my own members are telling me that Krushchev had the same idea.

Senator Segal: That is right. Appointments are very efficacious.

Senator Neufeld: I was not here to heckle Senator Segal and I would appreciate it if he did not heckle me.

Some Hon. Senators: Hear, hear!

An Hon. Senator: You can dish it out but you cannot take it!

Senator Neufeld: I can take lots of heckling. Listen, I come from British Columbia.

I have heard some people say that the Senate is too partisan, that we have to elect senators so that we do not have a partisan Senate. My goodness! Take a look at the other place or at any other legislature. Are they not partisan? Of course not.

I think we work well here. Do we have differences of opinion? Of course we do, but if we cannot sit down and talk them out, sometimes we agree to disagree. That is democracy and I do not mind that kind of democracy.

If Canadians actually want an elected Senate, they need to be told both sides of the story. I do not think you can just continue to rant about how terrible the Senate is without telling people what the Senate does, what it has done and the good work that it does.

Some Hon. Senators: Hear, hear!

Senator Neufeld: I think we do ourselves a great disservice when we do those things. I am not saying that everyone does it, but it happens. Each and every one of you can think back about what you have heard, for example, that people fall asleep here and that you are appointed until you die, and so on.

Honourable senators, we have to rethink the process. Is there a need for constitutional change? I am not a scholar on the Senate, but I believe it requires a constitutional change. In fact, even the writers of this bill agree. They say that eight years hence — and I heard that in a speech — we will have constitutional change. That is quite a statement.

I think it takes federal legislation to change the Senate. It is a federal institution. It is a federal responsibility. It should be financed federally. If we want to reform some things, we could easily reform some things in here. However, understand that there are over 100 years of tradition in this place, which do not come easy. Maybe there are some things that we could do.

Could I have an extra five minutes, honourable senators?

Hon. Senators: Agreed.

Senator Neufeld: Honourable senators, there are some things that we could do in here. I have no problem with term limits, none whatsoever. If it is eight years or twelve years, whatever people decide collectively at the end of the day, I am okay with that. However, I do not think you should be appointed to the Senate at 35 years of age and be able to stay until you are 75 years old.

• (1430)

I fully agree with term limits and I am on record as saying that I agree with term limits. We should bring that change in relatively quickly. Canadians would say that the Senate is reforming itself and it is a better institution because of the reform. Getting new blood in here once in a while — no offence to anyone — does not hurt one bit.

Honourable senators, look at the big picture. What are Canadians thinking about? Are they thinking about the economy? Yes, Canadians are likely thinking about the economy. Are they thinking about health care? Yes, Canadians are likely thinking about health care.

In my province, I spent 18 years with health care at the top of the list and before the NDP took us to a have-not province, the economy was the other big item at the top of the list. Canadians are thinking about jobs, their families, crime and education.

Honourable senators, I would like to put on the record that if you polled Canadians and asked what six things are on their minds, I do not think any of them — or maybe one or two — out of the millions polled would say that the most important thing would be an elected senate. They would mention many other things first. CTV did a poll a while ago and asked about an elected Senate and the yes/no results were pretty even.

Thank you.

Some Hon. Senators: Hear, hear.

Senator Munson: It was worth it to stay the summer.

Hon. Gerry St. Germain: Will the honourable senator accept a question?

Senator Neufeld: From my good friend, Senator St. Germain, of course I will accept a question.

Senator St. Germain: Honourable senators, I have been a strong proponent of an elected Senate; and that is on the record. I said when I joined the Alliance Party with Stockwell Day that I would resign my seat and run if we could have an elected Senate. That statement still stands.

Senator Neufeld would have been a shoo-in to an elected Senate, given that he was elected in the Reform Party, the Social Credit Party and the B.C. Liberals.

Honourable senators, where do we start if we do not start somewhere? I agree that it will most likely take a constitutional change to bring proper reform to this place so that our province, for example, has proper representation, which it has not had for years.

Senator Brown was elected in Alberta. I know the politics in Western Canada and right across the country. I was the President of the Progressive Conservative Party for five years. Do you not think this is an honourable start to something?

Senator Neufeld, I agree that it is not on the minds of people but, when it comes up at a political rally, there is a burst of applause for this type of initiative. How would the honourable

senator go about initiating the required changes to bring about fairness to the province of British Columbia?

Senator Neufeld: I thank the honourable senator for the question. I would get a round of applause at a B.C. Liberal convention if I got up and said let us defeat the NDP. There are many ways to get a round of applause when you stand up as a speaker. Senator St. Germain, you know that as well as I know it. That is the part I talked about. It is time to quit kicking the Senate. It is time to start talking about the good things we do. I said that to an environmental group that came to our committee meeting a while ago. People do not always want to hear the negative. They want to hear about the good things we do.

As to where to start, I do not think it should be at the back end of the process. I said of Senator Brown that I appreciate very much the hard work; and that is what he has on his mind. There is a mishmash of legislation across the provinces and the territories with different ways of appointing people. It is amazing how confused things would be if each province and territory had different election legislation. That would not be effective.

We need to start at the top with a constitutional issue. We need to talk to the premiers and the territorial leaders to find agreement and work from there. Otherwise, the mishmash we would have over eight-year terms would be detrimental.

Hon. Donald Neil Plett: Honourable senators, I agree with my honourable colleague that we have the right to differing opinions, so I will give my opinion on this matter.

Honourable senators, change is in the air. The appetite for reform is spreading, not just among the Canadian population and in the governments of the provinces and territories of Canada but also in the Senate. I can tell you that it transcends party lines.

Honourable senators, not only Canada has an appetite for reform. Lord Andrew Adonis recently stood in the House of Lords in London and addressed that chamber, where Lords have been appointed for some 700 years. He told the chamber:

The time has now come to make it legitimate in the only way that a legislative assembly can be legitimate in the modern world, which is to be elected.

As you know, Ancient Greece was home to the first democracy. The Romans later created a system of government whereby senators were appointed. They may not have had Liberals on one side and Conservatives on the other, but it did not take long for Emperor Caligula to try to appoint his horse to the Senate. I trust that the Prime Minister was not trying to make that same point when he appointed me here recently.

Like the emperors of old, Canada's prime minister can appoint almost anyone he or she chooses to the Senate. However, our current Prime Minister, Stephen Harper, wants to see our senators elected. Recent polls show that the Canadian public is with him on that point.

I will share the results of two recent polls with honourable senators. Harris/Decima released a poll that made clear that few Canadians are satisfied to keep the Senate as it is. However difficult it seems to achieve, a call for reform is loud and clear. A majority of Canadians, 60 per cent, would like to see senators

[Senator Neufeld]

elected by the voters from the province or territory that they represent. In fact, Canadians under the age of 35 years are 70 per cent more likely than any other demographic group to prefer an elected Senate.

Interestingly, supporters of the Liberals were 66 per cent more likely and the Greens were 75 per cent more likely, across voting intention lines, to prefer an elected Senate. Angus Reid also released the results of a poll of Canadians on Senate reform. Honourable senators, the poll found that two thirds of respondents want to elect their senators directly. A staggering 73 per cent of Canadians want a new approach to the Senate, and 67 per cent want a method to elect senators directly. It is clear that Canadians want, demand and deserve a democratic choice in their Senate representative.

Currently, our appointed senators can sit until the age of 75 years with no fear of ever having to face voters in an election. Being elected means that you must be accountable to your constituents. Once senators are elected, they will have the democratic legitimacy and independence necessary to represent the interests of their home provinces rather than the interests of a political party. The Constitution of Canada, the Constitution Act, 1867 and the Constitution Act, 1982 make very clear that the purpose of the Senate is to represent the provinces and territories of Canada.

• (1440)

Honourable senators, it is important to realize that we are not here in the Senate as Conservatives or Liberals first. Being a senator transcends party lines, and I am testimony to that. The fact of the matter is that we are here as senators to represent our constituents first, to represent the parts of Canada from which we come. We are here together, representing all of Canada.

In the short time I have been in the Senate, I have noticed that, despite the fact that many of us have differing opinions, there is a sense of teamwork regardless of political affiliation. I have noticed this especially in the committees on which I serve. I have sincerely enjoyed working with all of my colleagues and look forward to continuing our relationships into the future.

I have made numerous friends on both sides of this chamber. Unfortunately, none of the friends I have made on the other side are in the chamber now. They include Senators Mercer, Robichaud, Dawson and Zimmer, just to name a few. However, I must say that I struggle a bit with Senator Zimmer, as he cheers for the Saskatchewan Roughriders over the Winnipeg Blue Bombers, even though he represents the province of Manitoba.

When I was appointed last year, Senator Maria Chaput was the first person from the other side of the chamber to welcome me to the Senate. Some years ago, I played hockey against her brother Maurice, and I must admit that my back is still sore from some of his hits. Although the competition was fierce, he was always the first person to buy a round of drinks after the game. I always shared a sense of camaraderie with her brother, even though we were fierce competitors. Senator Chaput and I continue that non-partisanship, even though we are from opposing parties. Ironically, I also worked with Senator Chaput's other brother, André, in politics for the Conservative Party.

Senator Chaput is a classic example of someone appointed to the Senate not for her political beliefs but rather for her passionate work for her causes, including her great work in the francophone school divisions in Manitoba.

Senator Mercer and I were clearly not appointed for such noble causes as Senator Chaput and recently retired Senator Keon. Having said that, I would be proud to run in an election and put my service record to the country on the line as my campaign platform.

As a senator, I have the opportunity to effect change. Youth justice is a cause close to my heart. Although I believe strongly in our government's youth justice bills, I also believe that the problem goes beyond putting children in jail. We must find out what the root problem is in order to find the solution.

I recently began working on this cause with my good friend Dr. Lloyd Axworthy. When I mentioned to a friend of mine that I was working with Dr. Axworthy on youth justice, he joked that I was so far right and Dr. Axworthy so far left that we would meet on the back end. All jokes aside, Dr. Axworthy is a good friend and a good man, and I am looking forward to continuing our efforts on this great cause.

Senators, before you think I have gone over to the dark side, let me speak about our Conservative government and what it means for me to be a Conservative. To me, being a Conservative is to deal with the reality of the world in its natural state. I believe in the rights and responsibilities and the natural dignity of the individual. I believe that human nature is not perfectible. Government control is not the answer. I am suspicious of government efforts to fix problems. Often what they are attempting to fix is human nature, which is impossible. That does not mean we are resigned to a negative destiny. I believe in striving for ideals, but within the realistic confines of human nature.

Liberalism holds that there is no human problem that government cannot fix if we have the right people in charge. Unfortunately, history and common sense are not on their side. Conservatives do not trust in utopian promises. Conservatives deal with human nature in its natural state. To me, conservatism is not merely about being political. Canadians expect public office-holders to seek office for the right reason, and the right reason is to challenge the norms and to serve the public's common good.

Recently, when I went to see my doctor in Steinbach, Manitoba, for a check-up, he praised Senator Carstairs for all of her hard work on palliative care. Palliative care is not a political issue; it is an issue of concern to us all. I believe that all parliamentarians should put aside their partisanship and work together on causes such as these for our constituents and all Canadians, and we in the Senate should lead this reform.

It is my true desire to have Senate reform within the upper chamber, and this should go beyond simply reforming how we arrive here. I agree that we should move toward having term limits for senators and look for a method for people to choose who represents them in the Senate.

Above and beyond our government's vision for Senate reform, I also wish to see the elimination of stalling legislation within the Senate, as we are seeing today. It is frustrating for me to see a senator speaking for 45 minutes when what they said could have been said in 15 minutes. The role of a senator should be to enhance the work of the House of Commons, not to be a hindrance in its path. I believe that our role is to ensure that legislation that comes into this house passes the constitutional and legal tests, and not to second-guess the will of the democratically elected House of Commons.

Honourable senators, there are obvious benefits to having an elected Senate. However, debate on Senate reform often slips into a discussion of technical details. Rarely do we examine the ultimate goal of reform, which is a healthier and stronger Canadian democracy.

It is important to note that reforming the Senate does not require a constitutional amendment. In fact, the province of Alberta has held three senatorial elections, and the winners of two of those elections have been appointed without any constitutional changes.

The President and CEO of the Canada West Foundation, Dr. Roger Gibbins, released a paper outlining the reasons the Senate should be reformed. He brought up two very good points that we should consider. A reformed Senate could provide a check on the power of future prime ministers and also provide permanent and effective provincial representation within the national Parliament.

Honourable senators, as we contemplate the future of the Senate, I want to remind you that we are having this conversation right now because of our Prime Minister. Not only has Prime Minister Stephen Harper taken action on Senate reform through legislation and through establishing a Minister of State for Democratic Reform, but he is also the first sitting Prime Minister to testify before a standing Senate committee. In fact, our Prime Minister has been dedicated to Senate reform since he entered politics in 1987. As you may recall, Prime Minister Harper also proudly appointed the winner of Alberta's Senate election, our colleague Bert Brown, to the Senate in 2007. Senator Brown has worked tirelessly on Senate reform for nearly three decades, from both outside and inside the Senate.

• (1450)

Senator Brown often uses this quote, and I would like to share it with you today.

Politics has sometimes been described as a battle of ideas. But in democratic politics, one non-partisan idea above all others is supposed to rule supreme: those who govern derive their moral authority to do so only with the consent of the governed, and that such consent comes through free and fair elections.

Thank you very much.

Hon. Mac Harb: I wonder if my colleague will take a question.

Senator Plett: Certainly.

Senator Harb: As happened when Senator Brown was elected in the province of Alberta, I am sure my colleague would agree that nothing stopped the Prime Minister from going to the premiers, before he appointed a series of senators on the other side, to have them elected. Is the honourable senator aware that the Prime Minister has in fact approached some of the premiers to run elections?

Second, for all of the colleagues on the other side who were appointed, did any one of them make a statement that after eight years they will voluntarily retire and, if not, why not?

Senator Plett: I thank the honourable senator for those questions. I cannot answer on behalf of other people entirely, but I am quite sure that my colleague Senator Brown would bear out that he, in fact, has spoken at one point or another to every premier in the country and has had the consent of many premiers over a period of time, and is still actively soliciting the support of premiers across the country. He would have to answer as to where he is in that. Senator Brown has worked closely with the Prime Minister, and I certainly believe that he is the Prime Minister's representative.

The Hon. the Speaker: Senator Plett, your time is up. Are you asking for more time? Two other senators wish to ask questions.

Senator Plett: If there are questions, I will ask for more time.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Senator Plett: Let me try to answer the honourable senator's second question, and that was dealing with senators agreeing to term limits. I will again say only what I have agreed to, and I have agreed to support the Prime Minister's Senate reforms.

Hon. Dennis Dawson: Honourable senators, I refer to rule 52 of the *Rules of the Senate*, dealing with redress of an injured senator. When a senator is absent from the room, a senator is not supposed to say that that senator is absent. I am sure Senator Plett would want to take the opportunity, since he mentioned Senator Robichaud and myself as being absent from the Senate, to stand up and apologize.

Senator Plett: I would certainly want to stand up and say that I was not aware that I should not do that. I will certainly try to improve myself in the future. If it is an apology you want, Senator Dawson, as I did say that you were one of my friends on that side, I would be happy to apologize to both of my friends.

Hon. Jim Munson: Earlier, Senator Plett asked the chair of the Standing Committee on Internal Economy, Budgets and Administration what it costs to have senators return each week, and I think the answer was \$200,000. That is approximately \$2,000 per senator. From my perspective, listening to the debate between Senator Plett and Senator Neufeld, it is priceless. What is his view?

Senator Plett: Let me first say, Senator Munson, before my friend Senator Mercer attacks me on the same issue that my good friend Senator Dawson did, I would apologize to all honourable senators who are not in the chamber and whom I may or may not have offended.

In terms of the debate between Senator Neufeld and myself, honourable senators, it is priceless when we debate behind closed doors. You should see that.

Senator St. Germain: Senator Plett, the indication is that this side is not a bunch of sheep. We have Senator Neufeld. He is man enough to stand up and state his position. You are man enough to state your position. I think this is what builds a strong Conservative Party. That is why we are in power: we have the ability to differ on certain issues. However, on the national issues, the important issues such as those being dealt with now in the Standing Senate Committee on National Finance, we take on the responsibility to Canadians.

On certain issues, we have personal positions. I think that brings strength to this side, and I think we should build on that. Does the honourable senator agree?

Senator Plett: Thank you very much, Senator St. Germain. I would simply echo those exact comments. I have been accused of being many things, but a sheep has never been one of them, and I do agree with that.

I also agree that we need to start building somewhere.

If we just simply say that every type of Senate reform cannot be achieved, then we will not achieve Senate reform. We have to bite the bullet at some point and say we need to start somewhere, whether that is term limits, an elected Senate, or shortening the speeches here in the chamber. Any one of those will do.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, the honourable senator and his colleagues are united in their ideas about reform, but something about their argument bothers me.

Not that long ago, several of the senator's colleagues defended the right to express opinions in public. I consider this to be a public place, and to maintain order, time limits must be imposed. So a party that is concerned about protecting freedom of expression. . .

[English]

Some Hon. Senators: Order.

The Hon. the Speaker *pro tempore*: Senator Dallaire, Senator Plett's time is up. Answer very briefly, Senator Plett.

Senator Plett: I think the honourable senator was speaking about time limits and the freedom of speech. If I in fact have the time later on today, I want to make sure I get 45 minutes of speaking time in the chamber, and I am hoping I will be able to speak on the inquiry of freedom of speech later on today.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

CANADA-RUSSIA FRIENDSHIP DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-218, an Act respecting Canada-Russia Friendship Day.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this item is on day 14. Senator Segal is very interested in this matter, but as he had to leave the chamber to take a call, I would ask that we adjourn the debate in his name.

(On motion of Senator Comeau, for Senator Segal, debate adjourned.)

• (1500)

ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I note that this is day 12 of debate on this bill. As I wish for us to have the opportunity to debate this matter, I will thus adjourn debate for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

[English]

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

FOURTH REPORT OF FISHERIES AND OCEANS COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Management of fisheries and oceans in Canada's Western Arctic*, tabled in the Senate on May 26, 2010.

Hon. Bill Rompkey moved the adoption of the report.

(Motion agreed to and report adopted.)

EROSION OF FREEDOM OF SPEECH

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Finley calling the attention of the Senate to the issue of the erosion of Freedom of Speech in our country.

Leave having been given to revert to Other Business, Other, Inquiry No. 8:

Hon. Donald Neil Plett: Honourable senators, while I agree with Senator Finley's inquiry on the freedom of speech and support all the things he said in his address in this chamber, it was not my initial intention to speak on this issue; that was, of course, until the Leader of the Opposition in the Senate chose to draw me into the debate by naming me in his comments.

Today, it is my intention to address some of the issues that Senator Cowan raised in his response to Senator Finley's inquiry and which he has either mistaken for a lack of freedom of speech or a lack of freedom of expression.

I will open with *The Toronto Star* article that Senator Cowan referred to, where he specifically named Senator Finley and me. Senator Cowan commented in his address to this chamber that as a result of the Conservative Party of Canada removing Mark Warner from being a candidate, we somehow curtailed his freedom of speech. Indeed, Mr. Warner was officially, as Senator Cowan puts it, "fired by senior official Don Plett, in a hotel room near the Toronto airport." However, he was in no way ever told he could not speak his mind. In fact, I told him he could say whatever he wanted as long as he was not a candidate for the Conservative Party of Canada.

Mr. Warner or any other candidate who chooses to run for the Conservative Party signs a document stating they will uphold the policies and principles of the party. Candidates in the Conservative Party will not be party spokespeople just as a result of being a nominated candidate. As such, Mr. Warner was simply told that he had to adhere to the policies of our party as long as he was a candidate for the Conservative Party.

No political party that has any amount of success can have 308 candidates running their own campaigns, whether it is the Liberals, the NDP or the Conservatives. Each party campaign has a platform and party policies and expects that when their candidates take part in media relations, they speak within those policies and platform directives and do not form their own.

A political party is like any other organization. Organizations have regulations and requirements that members must adhere to in order to become and remain members.

I would like to draw a comparison to professional hockey in this instance. We have right here in this chamber, from each side of this house, two people who have been actively involved in professional hockey for many years. I am referring specifically to Liberal Senator Frank Mahovlich and to Conservative Senator Jacques Demers. I think each of them would tell this chamber they did not have the right to play the position or say the things they wanted at any time while they were members of their

respective teams. Senator Mahovlich was a great goal scorer, but when the senator was told to play in a defensive mode by the hockey coach, he would not have been one to say, "No, I would rather be on the offensive; I want to go out and score goals." He was a great goal scorer, racking up 627 goals in his professional career, his last being against Winnipeg while playing for the Birmingham Bulls. Winnipeg won that game and went on to win the Avco Cup.

Senator Demers certainly would have expected team discipline from any and all of the players he coached. He would tell a certain team member to play defence or centre, to forecheck or backcheck, whatever the case may have been, and he would anticipate they would do just that. This in no way curtailed their freedom of expression. They were asked to play a certain position and do a certain task toward a collective goal. If they did not, they would not have continued on his team.

When I spoke with Senator Demers about this, he explained how he and all other coaches had curfews for their players. If the players were to break that curfew, there would be consequences.

• (1510)

Imagine the Great One, Wayne Gretzky, possibly the best ambassador hockey has ever had, being told what to do and when to be in his room. Would anyone question whether his freedom of expression was being curtailed because he was not allowed out of his room after 10 p.m.?

Rookie sensation, P.K. Subban, a player with the Montreal Canadiens who took over for injured defenceman Andrei Markov, was carefully managed in his media availability and his talking points. Known for his open, off-the-cuff comments and how quickly he became popular, the Canadiens managed his accessibility to the media in order to help him adjust to the spotlight and to help him concentrate on the task at hand, which was to play his position and do what he does best — simply play the game on the ice. Clearly, this method proved successful, as we saw with the Montreal Canadiens' great achievements this year in the playoffs.

Senator Finley could have been seen as the coach of the Conservative Party and I would have been the manager who delivered the message. Mr. Warner did not do what the coach asked of him, so the coach cut him from the team.

Senator Cowan further refers to an individual, Martin Macias Jr., who was reportedly detained by border officials at the Vancouver International Airport and questioned for several hours. Senator Cowan claimed that this gentleman is an American journalist.

Mr. Macias was not coming to Canada as a journalist — a fact which Senator Cowan conspicuously left out of his address to this chamber. He was coming into Canada to take part in an organized Olympic resistance movement, and as such, border security officials questioned him. Mr. Macias himself admits that he believes his rejection at the Canadian border had something to do with a phone number that customs officers found in his address book — a phone number of the Olympic Resistance Network. In fact, Mr. Macias intended to meet with these anti-Olympic protesters, the same protesters that caused havoc in downtown Vancouver.

These protestors, dressed in black and wearing bandanas to cover their faces, caused substantial damage, smashing three windows at a Hudson Bay store and another at the Toronto Dominion Bank. They sprayed windows with red paint and were involved in several confrontations with supporters of the Olympic Games. They threw marbles and spat at police.

As Vancouver Police Chief Jim Chu puts it:

Police will respect the rights of those who wish to express their criticism through protests, but that does not give them the right to commit crimes and jeopardize the public's safety.

Mr. Macias was not told that he did not have freedom of speech. He was told that for whatever reason, he would not be allowed into Canada.

I am very thankful for the conduct of our border security officials. These dedicated people turn people away from our borders if they feel the person could be in any way harmful to our citizens or our country. I am grateful that Mr. Macias was refused entry into Canada, and I have to wonder where he was on June 26 when the riots were taking place in Toronto.

Senator Cowan has referred to the fact that CBC radio show, *The Current*, ran a segment entitled Request Count. In that segment they tallied the number of requests made to members of the Harper government and tracked how many were accepted and how many were refused. The show discontinued the on-air component as there were so few requests accepted.

Honourable senators, the fact is when public pollster Frank Graves, a known Liberal, joins forces with the CBC and does polling for the CBC, and is out there creating false stories, ministers have no reason to want to be on the show. These shows are set up for a specific purpose. They are set up by the Liberal Party and Liberal pollster Frank Graves, working together with the CBC. Why would anyone from our government want to be on this obviously biased radio show aired by the Liberal Party and/or the CBC, although it is difficult to differentiate one from the other?

Honourable senators, in the last couple of weeks, there have been news stories regarding the former director of communications to Prime Minister Stephen Harper, Kory Teneycke, starting a right-wing news channel backed by Quebecor. CTV's Craig Oliver, of *Question Period*, was worked into a frenzy over this news, stating that we did not need such a channel because Canada already has two news channels and that is good enough.

Don Newman, in an article penned for the CBC, said that a right-wing news channel was "the absolute last thing this country needs," giving the reasons that it would make Conservative MPs more rabid and force the Liberals into a more polarizing posture.

Mr. Newman and Mr. Oliver, are you so afraid of opinions that differ from your own that you are willing to prevent others' freedom of speech and expression?

The honourable senator referred to David Akin, a respected Canwest reporter, who apparently is going to the aforementioned news channel, who wrote in his blog on January 29 about the continued limitations imposed on the Parliamentary Press Gallery by the Prime Minister's Office. He described a trip with the Prime Minister to the World Economic Forum in Switzerland, where members of the press gallery were collectively afforded two questions, one in English and one in French.

One reporter dared ask a question at a photo-op and was warned immediately that if she continued, reporters would no longer be allowed to attend such photo-ops. Access would be denied. The PMO also supposedly made veiled threats that the individual's organization might suffer further sanctions, all because of the impertinence of asking a question.

Asking the question was not the problem. It was asking the question at the wrong time. When the Prime Minister is travelling abroad, he must deal with important international issues within a certain schedule. When the media tries to sidetrack from the issues at hand, the Prime Minister's people have to enforce time constraints.

This is all that was being done in this instance. There was no freedom of expression or speech denied for any journalist. In fact, every journalist was allowed to report exactly that, as David Akin chose to do in his blog.

Senator Cowan wrote:

In view of all I have described, I was surprised to hear that yesterday, which was World Press Freedom Day, the Canadian Journalists for Free Expression awarded this government an "F" — a failing grade — for "countless delays and roadblocks" put in the way of access to information.

I am proud that our Minister of Finance has received an "A" for dealing with the economy. I am not nearly as concerned as to what the media thinks of our government as I am concerned about what the International Monetary Fund thinks of our government and our banking system. Our Prime Minister has done a marvellous job in dealing with economic issues that we have had in the last few years, dealing with the issues in Afghanistan or the disaster in Haiti. Here is where our government has received As.

I would much rather choose to build on these things than ideas and thoughts of Canadian journalists and what their impression is of our government. Most significantly, it is the electorate, not the Canadian journalists, whose impressions are the most important to our government; and the electorate spoke loud and clear, honourable senators, in 2008 when they re-elected our Conservative government to a strengthened mandate.

Freedom of expression, freedom of speech and freedom of religion are all valid views, and I hold them very dear. In that regard, a few weeks ago, we had a gathering of approximately 8,000 people on the Parliament lawn. I went outside to view the gathering and came back in on what may have been a bit of a high just from breathing the air outside. We had 8,000 people

expressing their “freedoms” in choosing to smoke marijuana. The fact of the matter is what these people were doing at this gathering — smoking marijuana — was illegal; but we allowed these young people to have their freedom of expression.

A few weeks later, we had a gathering of 10,000 people, using their freedom of expression and their views on the right to life, expressing their freedoms and letting all of Canada know that they hold life sacred. They have the right to do this and I am thankful that they do. There were people outside the gate who were also expressing their rights in their pro-abortion stance. They also have that right to express those opinions.

Amy Goodman is another American journalist that Senator Cowan felt was slighted of her freedom of speech when she came to Canada. In fact, she was allowed to enter Canada and allowed to speak. Canadian border security did the same thing that any other national border security does abroad. Individuals are allowed to be in a foreign country for a designated period of time. Canada border security simply took Ms. Goodman's passport when she entered Canada, allowed her to speak and 48 hours later, asked that she leave the country and they returned her passport — again, not preventing her from having freedom of speech.

• (1520)

The good senator further suggested that our Prime Minister is somehow muzzling people because he expects caucus discipline. Let me simply refer Senator Cowan and other honourable senators to a number of prime ministers in our country's past who have had reasonable success in being leaders of our country.

I would certainly not say that I agreed with everything that these individuals did. In fact, I did not agree with much that some of them did. I would agree, however, that they had success in their leadership and winning elections as a result.

Your Honour, could I please have five more minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five more minutes.

Senator Fraser: Our side will also agree to five minutes.

The Hon. the Speaker *pro tempore*: Is leave granted for five more minutes, honourable senators?

Hon. Senators: Agreed.

Senator Plett: The first prime minister I will mention is Pierre Elliott Trudeau. Many senators opposite were appointed by him. Prime Minister Trudeau won five general elections. Prime Minister Brian Mulroney won two majority governments, one that was and still is the largest in Canadian history. Prime Minister Chrétien won three majority governments as a result of how he ran his party and, indeed, this country.

Some notables who were not as successful include Prime Minister Turner, who served the second shortest term as Prime Minister in Canadian history; Prime Minister Joe Clark, who only managed to stay in government for nine months; and, more recently, Prime Minister Paul Martin, who was touted to be one

of the best prime ministers ever and who was expected to win the largest majority government ever, but ran one failed minority Parliament. He lost in his second election.

I would simply suggest that Prime Ministers Trudeau, Mulroney and Chrétien had discipline in their caucus. Each one of them had as much discipline as our current Prime Minister does today. They did not prevent the freedom of speech of their caucus members, but if a member wanted to speak outside of the party lines, then they spoke outside of their party caucus. Prime Ministers Turner, Clark and Martin learned this lesson the hard way. They did not have caucus discipline and thus promptly lost their subsequent elections.

Therefore, I would suggest that the fact that our Prime Minister commands discipline within our caucus makes him a good leader, not someone who muzzles. Our Prime Minister has never suggested that someone does not have the freedom to express his or her own will or opinions; however, as long as they are members of the Conservative caucus, they have an obligation to adhere to Conservative guidelines, and rightly so.

In closing, let me suggest that if the Liberal Party believes so greatly in freedom of speech, then I would encourage them to give certain individuals the freedom to tell the Canadian public what happened to the missing \$40 million of taxpayers' money that was stolen, but individuals are not allowed to say what happened to it. In fact, Prime Minister Jean Chrétien prorogued Parliament to avoid receiving Sheila Fraser's report on the sponsorship scandal. Now that, honourable senators, is muzzling freedom of speech if ever I have seen it.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I am wondering if Senator Plett would entertain a question.

I was interested in the honourable senator's comments on *The Current*, and perhaps he would provide more information to back up his assertion that *The Current* is some sort of a collaborative effort between Frank Graves and the Liberal Party of Canada. I did not realize that the Liberal Party of Canada extended its influence quite so far as the inner circles of the CBC and its programming. If the honourable senator has that information, I would be pleased to hear it.

Senator Plett: I would be happy to send the honourable senator the research I have done on that. The relationship between Frank Graves and the Liberal Party of Canada has been fairly public, as well as that of many people in the Liberal Party and the CBC, but I will be happy to send the honourable senator that information.

Senator Cowan: Will this information show that Mr. Graves and the Liberal Party of Canada are behind the respected CBC program *The Current*?

Senator Plett: I do not expect that it will be a signed agreement.

Hon. Jim Munson: Honourable senators, is Senator Plett not glad that we are back here doing these democratic things, such as studying that massive budget bill, trying to make sense of it, trying to split it up, and that the honourable senator has the opportunity to speak? Is he not happy that this money is being well spent?

Senator Plett: In fact, I truly believe that when I read Hansard and listen to some of what I said, I am sure it will be worth \$200,000. I have now spoken and will not speak again next week, so I certainly hope we will not spend a further \$200,000 to bring everyone back.

Hon. Anne C. Cools: Honourable senators, I have a few questions to ask Senator Plett. I have no doubt that Senator Plett is very well-intentioned and so on, but I found some of his statements a little cruel and a little unkind. I wonder, honourable senators, if I could take the adjournment of the debate.

Hon. A. Raynell Andreychuk: Honourable senators, I am not sure if this is a point of order or perhaps information, but this item was standing in my name on adjournment, and I certainly had no objection to Senator Plett speaking. I was intending to take the adjournment. That has been our usual practice in this place, but I have no problem if it stands in Senator Cools' name at this point. I just wanted to note that.

(On motion of Senator Cools, debate adjourned.)

2010 OLYMPIC WINTER GAMES

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Other, Inquiry No. 2:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Raine calling the attention of the Senate to the success of the 2010 Olympic Winter Games held in Vancouver, Richmond and Whistler from February 12 to 28 and, in particular, to how the performance of the Canadian athletes at the Olympic and Paralympic Games can inspire and motivate Canadians and especially children to become more fit and healthy.

Hon. A. Raynell Andreychuk: Honourable senators, I wanted to rise today to add my voice to the millions of Canadians who are concerned with the growing epidemic of childhood obesity.

I begin by thanking Senator Raine for the dedication and initiative she has shown on this topic and for offering her unique perspective, both as an Olympian and a concerned Canadian. She certainly stands as a role model for all of us.

There is no question that this is a crisis that must be addressed for the well-being of future generations.

Childhood obesity is on the rise in Canada. As Senator Raine indicated previously, the obesity rates in children have almost tripled in the last 25 years, and over a quarter of Canadians between the ages of 2 and 17 years old are currently overweight or obese.

Obesity rates continue to increase into adulthood. The Childhood Obesity Foundation has indicated that approximately one third of normal weight 20-year-olds will become overweight within eight years. If this trend continues, in 20 years, we can

expect 70 per cent of the 35- to 44-year-olds in Canada to be overweight or obese, versus 57 per cent who are currently overweight or obese.

Experts are now beginning to look at the fallout of such trends beyond the obvious impacts. People's quality of life can be lowered, self-image and self-esteem can be affected, and these can lead to depression and, in due course, other more damaging health complications such as high blood pressure, increased risk of heart attack and stroke, heart disease, diabetes and the list goes on. Over the course of a life, obesity can have an impact on anxiety, aging, depression, addiction and menopause, just to name a few.

While this problem may seem insurmountable with the increasing availability of cheap, high-fat, low-nutrition foods, the climbing prices of healthy nutritional options and our cultural proclivity towards fast, easy, convenient lifestyles, there is a growing body of ingenuitive research bringing forward some remarkable revelations.

A fine example is found in my home province of Saskatchewan. Located at City Park Collegiate Institute in Saskatoon, a special needs high school, one school teacher there put common sense into action.

Allison Cameron is a special education teacher and fitness advocate. She has been teaching special education, focusing on behaviour management, for the last seven years. Knowing the mental, physical and emotional benefits of being active, she was confident that she could help the students struggling in her classroom.

• (1530)

Many of Ms. Cameron's students are obese. All of her students have learning difficulties, whether it be gaps, disabilities or disorders. Many of her students have health conditions such as diabetes, ADD, ADHD, mental health conditions including depression, anxiety, post-traumatic stress disorder, and others have abandonment issues. Ms. Cameron knew it was not going to be easy to deal with all of these concerns at once.

Initially, in response to these learning challenges in her classroom, Ms. Cameron implemented a 20-minute exercise segment at the start of her first class. Within one year it became evident that the improvements in her classroom should be made available to the rest of the school. It has now been two years since Ms. Cameron started the exercise program, nine classes of students come to Ms. Cameron's classroom three to five times each week, and the program continues to expand due to the remarkable success and results.

Each class is now 30 minutes long. The students spend the first 20 minutes on treadmills or stationary bikes, then the second 20 minutes of the period on the academic subject: Mathematics, language arts, social studies and so on. Each student wears a heart rate monitor and must elevate his or her heart rate above 65 per cent. The results have been astounding. During a four-month trial, many students improved on average from a grade 2 to a grade 8 level in sight-word vocabulary. This is six grade levels in only four months.

However impressive these results are, Ms. Cameron has been struck by a more subtle but profound change in her students. In an inner city environment where cutting classes is standard, her students are showing up early every day. They are sitting still and staying focused throughout the class. In other words, they are teachable. They are losing weight and becoming fit. Their self-confidence is improving from day to day.

The impact on students' lives beyond the academics is also remarkable. She said students are making positive choices such as quitting smoking and other addictive drugs, they are getting out of gangs, they are getting off Ritalin, there is no bullying in her classroom, no competitiveness, but rather, students are becoming fitter and smarter.

Allison Cameron is exporting her idea to other schools across Canada and the United States. She tells me, "People are keen.

People want the program, though there are barriers — most of which are funding." Therefore, she is setting up partnerships between local gyms, equipment wholesalers and schools to accommodate the requirements of the program. This cutting-edge ingenuity is changing the way education and exercise are integrated into our schools. I am confident that if we promote this kind of program across Canada, it will have a transformative effect on future generations.

I wish to thank Senator Raine for her inquiry.

(On motion of Senator Fraser, debate adjourned.)

(The Senate adjourned until Thursday, July 8, 2010, at 1:30 p.m.)

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