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OFFICIAL REPORT  
(HANSARD)

**Thursday, March 11, 2010**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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## THE SENATE

Thursday, March 11, 2010

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

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### THE SENATE

MR. GÉRALD LAFRENIÈRE—  
RECOGNITION AS TABLE OFFICER

**The Hon. the Speaker:** Honourable senators, I draw to your attention that today is the first time that Mr. Gérald Lafrenière serves as a table officer.

Mr. Lafrenière started his career in Parliament in 1994 as an analyst at the Library of Parliament. He joined the Senate Committees Directorate in 2004 and became Deputy Principal Clerk in 2008.

Welcome.

#### PROROGATION

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, in an article published on February 11, 2010, Marilyn Baker of the *Winnipeg Free Press* raised some important points regarding the biased media coverage of the prorogation.

Here are a few facts: although the word “prorogation” has been used often by the media in the past, it has never been associated with a “crisis of governance” or an “insult to our democracy” until recently.

The author of the article hypothesized that the media were biased in their handling of the subject and had blown the issue out of all proportion. In support of her claims, she searched for the word “prorogation” in all the main media outlets on specific dates. The results were astounding.

In 2003, 84 newspaper articles mentioned the word “prorogation.” At the time, Jean Chrétien had prorogued Parliament in mid-November for two months. People speculated that he did so to avoid sitting alongside Paul Martin in the House of Commons, since Martin was about to become the new Liberal Party leader. The 84 articles included several references to Ontario’s legislature, which was also prorogued in 2003.

By comparison, in January 2010, there were 242 newspaper articles about Prime Minister Stephen Harper’s prorogation.

Between January 1 and 26, *The Globe and Mail* published 34 separate articles about prorogation.

On January 31, CBC’s *Cross Country Checkup* devoted its entire two-hour program to the subject of prorogation.

On another CBC program, *The House*, Bob Rae said that the Prime Minister had “made a terrible decision”, even though he himself prorogued Ontario’s Legislative Assembly three times for periods of four months during his five-year tenure as premier.

On January 13, *Toronto Star* journalist Tom Walkom called it a “crisis of governance.” That month, there were 33 prorogation references in the *Toronto Star*.

According to Google News, more newspaper articles were written about prorogation than about the H1N1 crisis.

Jean Chrétien prorogued Parliament four times. Pierre Trudeau prorogued Parliament eight times. Your Honour, prorogation is the prerogative —

[English]

**The Hon. the Speaker:** Order. I regret to advise the honourable senator that her time has expired.

#### CANADIAN ALLIANCE OF STUDENT ASSOCIATIONS

**Hon. Terry M. Mercer:** Honourable senators, this past Tuesday, I had the pleasure of hosting an event in conjunction with the Canadian Alliance of Student Associations, better known as CASA.

Along with their stakeholder meetings in offices around Parliament, “Homecoming on the Hill” was an opportunity for parliamentarians to better understand the needs of today’s students. Many in this chamber attended, including Your Honour and several ministers and members from the other place. Many even wore their university colours, ties and pins. I would like to thank all honourable senators for coming and participating in the advocacy events this week with CASA.

CASA was first established in 1995 and has grown to over 25 member organizations and represents over 315,000 students across Canada. It is their job to advocate on behalf of their members to senators, our colleagues in the House of Commons and to our friends at the provincial level as well.

Honourable senators, being a student is not easy. A solid post-secondary education is the most effective way to be successful, whether by attending university, college or a trade school. However, it is expensive. While strides have been made to help students go to school, there is still much to be done.

Senator Moore and I, along with Michael Savage, the member of Parliament for Dartmouth—Cole Harbour, have worked for years with many students and youth organizations, like CASA and the Young Liberals of Canada, to try and help change the way we fund and support post-secondary education in this country. From trying to create a dedicated and stable Canada

education transfer to the provinces to changing the way we fund the Canada Student Loans Program, policy discussions like these need to continue in order to ensure that our brightest minds enjoy a world-class education system. However, honourable senators, talk is not enough; we need action to accomplish these goals.

I encourage all honourable senators, as well as members in the other place, to listen to what the students have had to say this week. We owe it to our children and grandchildren to do nothing but our best to make education in Canada the envy of the world.

### THE NATIONAL ANTHEM

**Hon. Nancy Ruth:** Honourable senators: O, Canada! I could not possibly stand by this week without saying a word or two, so here we go.

First, I want to thank Senator LeBreton for her assistance in cabinet and the Prime Minister for supporting gender-inclusive language in the Speech from the Throne. I also want to thank all honourable senators, and anyone else who also wants to see a gender-inclusive anthem. For those of you who do not, I have a couple of words.

The next time honourable senators sing the anthem in caucus, try singing “in all our daughters command.” See how that feels until the Easter Break.

**Senator Fraser:** We do not feel the need to sing the anthem in caucus.

**Senator Nancy Ruth:** Between then and when we rise for the summer, try singing “in all of us command,” and see how that feels. Ask your friends and relatives to do so, also.

The last thing I will add is a quote. One of my favourite Roman Catholic nuns, Rosemary Radford Ruether, said the following about language: “Language is the power of the ruling class to define reality in its own terms and to exclude and make invisible all others.”

**Some Hon. Senators:** Hear, hear.

### THE SPEAKER *PRO TEMPORE*

**Hon. Mobina S. B. Jaffer:** Honourable senators, it is with great pleasure that I rise today to salute two of our very hard-working and dedicated colleagues in the Senate.

Please join me today in recognizing Senator Losier-Cool’s work as she leaves her role as Speaker *pro tempore*, and please join me in congratulating Senator Oliver on his appointment as Speaker *pro tempore*.

**Some Hon. Senators:** Hear, hear.

[*Translation*]

Honourable senators, I would like to pay tribute to our colleague, Senator Rose-Marie Losier-Cool. As Speaker *pro tempore* of the Senate, Senator Losier-Cool has worked very hard. She was always very attentive to our needs. She was non partisan and, above all, she was fair.

[ Senator Mercer ]

Her dedication earned her the trust of her colleagues on both sides of the Senate chamber.

• (1410)

Her work as Speaker *pro tempore* of the Senate and as a senator was rich with wisdom, intelligence and meticulousness. She continues working for the women of Canada and women everywhere, for that is one of the causes she champions.

In 2007, when Senator Losier-Cool also agreed to chair the Network of Women Parliamentarians of the Assemblée parlementaire de la Francophonie, she said:

My Network colleagues will be delighted to hear that I am still the Deputy Speaker of the Senate.

Senator Losier-Cool, let me simply say that you are an incredible source of inspiration for us. On behalf of my colleagues, I would like to tell you that we are so very proud of you. We are fortunate, because now you will have more time to dedicate to women, the French language and education, just as you always have done.

[*English*]

Since his appointment to the Senate in September 1990, Senator Oliver has served the province of Nova Scotia and all Canadians with distinction. Since 2001, I have come to know how important creating opportunity is to Senator Oliver.

Senator Oliver is concerned not only with affording diversity a place in society, he is also concerned with creating space for diversity in society. Senator Oliver’s work on the issue of employment equity is a testament to this drive to create necessary space for diversity.

In 2006-07, when the annual report of the Public Service Commission revealed that Canada’s public service was not a true reflection of our diversity, Senator Oliver challenged us in this chamber to think about whom our public service will hire a decade from now. When those testifying before the Standing Senate Committee on National Finance shared their concern that certain provisions of the Public Service Employment Act were not being used, he said “make-it-happen” policies are necessary.

Senator Oliver, we are proud of your work here and outside on diversity.

### THE LATE HONOURABLE JOE CASEY THE LATE HONOURABLE CHARLES MACARTHUR

**Hon. Jane Cordy:** Honourable senators, I rise today to pay tribute and reflect on the lives and careers of Joe Casey and Charlie MacArthur, two former Nova Scotia members of the Legislative Assembly who passed away this year.

Joe Casey was the MLA for Digby—Annapolis from 1970 to 1984. He took a break for health reasons in 1984 and was re-elected in 1988. He served until he retired in 1997.

Known for his humour and love of telling stories, he was a dedicated MLA who took great pride in representing and assisting his constituents. Political partisanship always took a back seat when it came to the concerns of his constituents, which were always his number one priority.

Joe Casey was a storyteller extraordinaire. When there was a political meeting where there would be a vote, Joe was often called on to be the speaker while the ballots were being counted. Someone could whisper “15 more minutes, Joe” and he would keep going with his stories for the time needed, keeping the audience entertained.

Joe Casey had a full life. He sold fish, he was in the navy, he worked as a harbour pilot in the Bay of Fundy, he operated several fish plants, he operated an hotel and cottages, he was a motivational speaker and a cruise ship raconteur and, of course, he was a politician.

Joe passed away on February 16, at the age of 91. With his love of people and laughter, he will be missed.

I wonder if he has gone through the Pearly Gates yet or if he is still keeping Saint Peter entertained with his stories.

Charlie MacArthur was a fine gentleman. He entered politics in 1970 when he was elected as the councillor for Inverness in the Municipality of Inverness County. He served as councillor and warden until he was elected as MLA in 1988. Charlie loved his community and he loved working hard for the people in his area. He retired in 1998, after serving the people of Inverness for over 28 years.

Charlie MacArthur served in the Canadian military during the Second World War and he was a strong supporter of the Legion in Inverness. He attended the Remembrance Day service each year and his last one was on November 11, 2009.

Charlie was well known for being an excellent dancer so he is probably organizing a Cape Breton ceilidh right now.

Charlie passed away on February 24 at the age of 89. He will be missed by all who knew him.

I extend my sympathies to the families and friends of Joe and Charlie.

### G7 MEETING IN IQALUIT

**Hon. Dennis Glen Patterson:** Honourable senators, the Speech from the Throne given in this chamber last week proclaimed that we are a northern country and that Canada’s North is for northerners and all Canadians. It is in the spirit of these noble thoughts that I want to commend our government for recognizing the existence and importance of our North in the government’s welcome decision to host the G7 Finance Ministers and Central Bank Governors meeting this year in Iqaluit, Nunavut, the first such meeting held north of the 60th parallel.

This decision, taken by Canada as host country and Minister Flaherty as host minister, was not universally applauded. Officials of some delegations were heard to grumble that the location on

Baffin Island was too remote and that weather would be a risk. Some even expressed doubt that the Internet would work up there.

None of these fears was founded. When the G7 visitors arrived in Iqaluit on Saturday, February 5, Mother Nature smiled down beneficently. The temperature was a crisp minus 18 degrees Celsius, but without a breath of wind under brilliant sunshine and blue skies — perfect weather for a dog team ride on the ice, which some delegates, including the minister, were happy to take.

The citizens of Iqaluit welcomed the international and Canadian visitors with their usual open arms and warmth. There were no protests or protestors. We shared our way of life in a quiet way.

The delegates sat on sealskin-covered chairs in the legislative assembly chamber, which is decorated with fur and Inuit art. We offered the visitors Arctic char, caribou meat, muskox, muqtuq and seal to eat. We demonstrated Inuit culture — throat singing, games and legends — and invited them to see inside an igloo and attend a community square dance.

I believe the meeting was a great success. Delegates were reported to be happy in a different place for a change. I was even told by one that the discussions were particularly open and frank, perhaps inspired by the unique ambiance of the Arctic in winter.

One delegate told me that meetings in the great five-star hotels of the world, where delegates are rushed from the airport under high security, are often much the same; but in Iqaluit, the delegates were able to meet the friendly local citizens and learn from them.

At the closing community gathering, one European minister told the community that this visit had fundamentally changed his perception of the Inuit and the Arctic. This exposure is priceless.

I commend Minister Flaherty for his inspired idea and enthusiasm about hosting the G7 in Canada’s Arctic in winter, despite reservations from some quarters about choosing more orthodox locations. I also commend the Government of Nunavut, the City of Iqaluit and the people of Iqaluit for superb organization and for so warmly welcoming the visitors.

### THE LATE MR. PHILIPPE CASGRAIN, Q.C.

**Hon. David P. Smith:** Honourable senators, I rise today to pay tribute to the late Philippe Casgrain, Q.C., of Montreal, who passed away on February 28, 2010.

Philippe was undoubtedly one of Canada’s most outstanding trial lawyers and he was a larger-than-life figure in the legal profession. Philippe was the only living “name” partner in the firm of Fraser Milner Casgrain, one of Canada’s larger legal firms with over 500 lawyers in six Canadian cities.

As I was chairman of the firm for nine years, I came to know Philippe well. I always had great respect for his legal skills, his vibrant personality and his contribution to numerous cultural, legal and social organizations.

Philippe was born in Rimouski, Quebec, in 1923 and came from a prominent legal family. His father and older brother were distinguished lawyers. His son Kirkland is currently a judge in the Superior Court of Quebec. Philippe graduated from Laval University in law and commenced practice in 1952 in Montreal.

In 1958, he was appointed Chairman of the Junior Bar Association of Montreal. Another president of this association in the 1950s was the Right Honourable John Turner, who frequently told me that one of the most fun experiences of his life was being President of the Junior Bar in Montreal during this period, and that the group of outstanding personalities who belonged to this organization was a collection of fascinating and talented characters — including Senator Angus, who also held the post of president.

• (1420)

Philippe also served as Chair of the Canadian Bar Association committee on commercial law for Quebec. He was appointed a Queen's Counsel, and he also served as Bâtonnier, which is equivalent to president, of the Bar of Montreal. The Bar of Montreal awarded him the prestigious honour of the Merit of the Bar Award in 2001, and the Quebec Bar Association awarded him the title of *Advocatus Emeritus* in 2007. In addition to these honours, he was also made a member of the American College of Trial Lawyers, to which few Canadians belong. Membership in this association is not something one applies for; it is by invitation only.

In an article in the *Montreal Gazette* on March 5, Justice Gérard Dugré of the Quebec Superior Court said in an interview “that Casgrain turned down judgeships — including an invitation by Prime Minister Brian Mulroney for a nomination to the Supreme Court of Canada — preferring the freedom to be able to always speak his mind.” In the article in the *Montreal Gazette*, litigator Gérald Tremblay of McCarthy Tétrault LLP, stated: “He was a man of uncommon energy, a real lion in court. He would stand up and own the place while cross-examining a witness as no one else could do and arguing with vigour and courage, showing his deep knowledge and sense of culture with Latin quotations or citations from Balzac.” The same Philippe who dominated any courtroom he was in, would also remind young lawyers who did not say hello to the law firm's receptionist of the debt they owed to their support staff and of the sacredness of a lawyer's word.

In closing, I also want to point out that Philippe was engaged in supporting the cultural community and, in particular, he was one of the patriarchs and a major financial supporter of École Nationale de Théâtre, also known as the National Theatre School, as well as being a senator of the Stratford Shakespearean Festival Foundation of Canada.

I, for one, will miss Philippe and, among other things, our legendary pre-Christmas annual black-tie, old-school dinners in Montreal. I know Philippe will be missed by countless friends throughout Canada but particularly in the province of Quebec and the city of Montreal.

[*Translation*]

## ROUTINE PROCEEDINGS

### ABORIGINAL PEOPLES

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Gerry St. Germain:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament.

(*For text of report, see today's Journals of the Senate, p. 65.*)

### BANKING, TRADE AND COMMERCE

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Michael A. Meighen:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament.

(*For text of report, see today's Journals of the Senate, p. 66.*)

[*English*]

### AGING

#### REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

**Hon. Sharon Carstairs:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on Aging, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament.

(*For text of report, see today's Journals of the Senate, p. 67.*)

### ABORIGINAL PEOPLES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTIETH PARLIAMENT

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal Peoples of Canada;

That the papers and evidence received and taken and work accomplished by the Committee on the subject during the Second Session of the Fortieth Parliament be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2011, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

### **BANKING, TRADE AND COMMERCE**

#### **NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM**

**Hon. Michael A. Meighen:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the committee submit its final report no later than December 31, 2011; and that the committee retain until March 31, 2012, all powers necessary to publicize these findings.

### **LEGAL AND CONSTITUTIONAL AFFAIRS**

#### **NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PROVISIONS AND OPERATION OF DNA IDENTIFICATION ACT AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTIETH PARLIAMENT**

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the provisions and operation of the *DNA Identification Act* (S.C. 1998, c. 37); and

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Fortieth Parliament be referred to the committee; and

That the committee report to the Senate no later than October 28, 2010 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

### **FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

#### **NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO FOREIGN AFFAIRS AND INTERNATIONAL TRADE GENERALLY**

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

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with Rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations and international trade generally; and

That the committee report to the Senate no later than March 31, 2011.

#### **NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY AND REFER PAPERS AND EVIDENCE SINCE SECOND SESSION OF THIRTY-NINTH PARLIAMENT**

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

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the rise of Russia, India and China in the global economy and the implications for Canadian policy;

That the papers and evidence received and taken and the work accomplished by the committee on this subject during the Second Session of the Thirty-ninth Parliament and during the Second Session of the Fortieth Parliament be referred to the committee; and

That the committee presents its final report no later than June 30, 2010 and retain all powers necessary to publicize its findings until December 31, 2010.

### **SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

#### **NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ACCESSIBILITY OF POST-SECONDARY EDUCATION AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTIETH PARLIAMENT**

**Hon. Catherine S. Callbeck:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the accessibility of post-secondary education in Canada, including but not limited to:

- (a) analysis of the current barriers in post-secondary education, such as geography, family income levels, means of financing for students, debt levels and challenges faced specifically by Aboriginal students;
- (b) evaluation of the current mechanisms for students to fund post-secondary education, such as Canada Student Loans Program, Canada Student Grants Program, Canada Access Grants, funding for Aboriginal students, Canada Learning Bonds, and Registered Education Savings Plans;

- (c) evaluation of the current mechanisms to fund scientific research and development in post-secondary and related institutions and the commercialization of such research;
- (d) examination of the current federal/provincial transfer mechanism for post-secondary education;
- (e) evaluation of the potential establishment of a dedicated transfer for post-secondary education; and
- (f) any other matters related to the study;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during of the Second Session of the Fortieth Parliament be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2010, and that the Committee retain until June 30, 2011, all powers necessary to publicize its findings;

• (1430)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY CURRENT SOCIAL ISSUES OF LARGE CITIES  
AND REFER PAPERS AND EVIDENCE SINCE  
FIRST SESSION OF THIRTY-NINTH PARLIAMENT

**Hon. Art Eggleton:** Honourable senators, I have two motions to reintroduce.

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

- (a) poverty, housing and homelessness;
- (b) social inclusion and cohesion;
- (c) urban economies;
- (d) models for collaboration and co-operation among governments;

That the study be national in scope, and include a focus on the largest urban community in each of the provinces;

That the study report include proposed solutions, with an emphasis on collaborative strategies involving federal, provincial and municipal governments;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2011, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

NOTICE OF MOTION TO PLACE THIRTEENTH REPORT  
OF COMMITTEE TABLED DURING  
SECOND SESSION OF FORTIETH PARLIAMENT  
ON THE ORDERS OF THE DAY

**Hon. Art Eggleton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Thirteenth Report of the Standing Senate Committee on Social Affairs, Science and Technology tabled in the Senate on Tuesday, December 8, 2009 during the Second Session of the Fortieth Parliament, entitled: *In from the Margins: A Call to Action on Poverty, Housing and Homelessness*, be placed on the Orders of the Day for consideration at the next sitting.

## QUESTION PERIOD

### SENIORS

#### STRATEGY FOR AGING—BUDGET 2010

**Hon. Sharon Carstairs:** Honourable senators, my question is to the Leader of the Government in the Senate. In January, the Alzheimer Society of Canada issued an extremely disturbing report on the increased incidence of dementia that we can expect in Canada over the next few decades. Last spring, the Senate unanimously endorsed a report entitled: *Embracing the Challenge of Aging* that outlined our changing demographics and the need to take action now.

Columnists, editorial writers and even business writers are writing weekly — sometimes daily — on the changing demographics taking place in our country. Can the minister tell us what was in the Speech from the Throne or the budget that would give us the faintest hope that the government was listening?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. I am well aware of the reports and follow-up in the media. It is an area I follow closely and, of course, did so when I had responsibility for the seniors' portfolio. I hasten to add that Alzheimer's not only affects seniors, it affects other age groups in society.

I can assure the honourable senator that this serious condition is of concern to all of us, no matter what political party we belong to. I will take Senator Carstairs' question as notice regarding actions that the Minister of Health has undertaken to address this serious problem.

**Senator Carstairs:** I thank the leader for taking the question as notice. However, I read the Speech from the Throne and the budget carefully. I could not find a single example of monies or

organizations that would be directed toward dealing with this particular initiative. I can only assume, therefore, that there is no strategy for dementia or aging within our government. I will anticipate that the government will find a means to develop such a strategy.

We know that by 2031, 25 per cent of our population will be over 65 years of age. Today, 13 per cent of our population is over 65.

Will the minister agree to take this message clearly to the Minister of Health and other agencies so that such a strategy can be developed and that we will not be behind the 8-ball when dealing with the tsunami of aging?

**Senator LeBreton:** Honourable senators, I think it was clear in the budget that significant funds are being directed to the Department of Health. With regard to our commitment to the provinces and territories, we said we would not do what was done previously to reduce the deficit on the backs of the provinces and territories in terms of cutting transfers for the delivery of health.

The budget and Speech from the Throne make commitments to health and talk about seniors and health. If we were to list every single area within the health portfolio affected by monies the government is directing to the health field, we would have been sitting for two hours, not one hour.

**Senator Carstairs:** Honourable senators, let me be clear. What is required is a national strategy. It is not that we do not have other national strategies. We do. We have a national strategy on HIV/AIDS, we have a national strategy on cancer, and we have a national strategy on diabetes. We know that having national strategies provides a focus to develop programs across the nation.

Why do we not have a national strategy on aging?

**Senator LeBreton:** I thank the honourable senator for her question.

Through various departments, especially Health and Human Resources, the government has many national programs directed at aging. We have several agencies of government, including the National Seniors Council, addressing these issues on a national level. It is incorrect to say that the government is not seized with these issues.

With regard to the serious problems of Alzheimer's, health research has seen encouraging signs that some new drugs are starting to have some impact. However, I will take the honourable senator's question as notice and seek a more detailed response.

**Senator Carstairs:** Thank you, minister. Any direction from any minister will be a positive initiative in this case.

When I contacted ParticipACTION, I was told ParticipACTION was not for seniors; it was for young people. It focuses on engaging youth in healthy living, diet, exercise and such things. However, we also learned that failure by seniors to exercise increases their likelihood of developing dementia.

Can the minister take that message along with her other messages that ParticipACTION must be for all Canadians and there must be a particular focus on aging Canadians?

**Senator LeBreton:** Honourable senators, I will have to verify Senator Carstairs' comments about ParticipACTION. The Minister of State for Seniors, the Honourable Diane Ablonczy, is responsible for this portfolio.

The New Horizons for Seniors Program had its budget increased by \$10 million over the previous government's contribution. Budget 2010 adds another \$10 million to the program. Senator Carstairs knows that New Horizons for Seniors, in many instances, has been used for the subjects she references in terms of healthy and active aging and volunteerism. With this additional money to New Horizons for Seniors, I am sure the government and minister will actively pursue organizations to apply for these funds to encourage seniors to participate more actively and directly in their own communities.

[Translation]

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate.

In the report of the Special Senate Committee on Aging entitled *Embracing the Challenge of Aging*, we learned that most Canadian seniors today enjoy better living conditions than ever before.

Unfortunately, we also learned that some seniors are much less fortunate. Many older women and unattached, immigrant and Aboriginal seniors live below the poverty line.

• (1440)

Can the Leader of the Government in the Senate, who is the former Secretary of State for Seniors, explain to this chamber what the budget has to offer these seniors?

[English]

**Senator LeBreton:** Honourable senators, in terms of seniors in Canada, as honourable senators know, the percentage of seniors in Canada living below the poverty line is one of the lowest in the world. The fact is that significant funds have been invested, such as taking low-income seniors off tax rolls and providing \$400 million for low-income housing.

The National Seniors Council studied and presented a report to the government. Many of its recommendations have already been implemented. When I was the Minister of State for Seniors, I provided a copy of that report to several of my colleagues. I remember being questioned about this matter by Senator Trenholme Counsell. I provided her with a copy of the report, and she complimented me on the government's initiative in this regard.

There are many things that the government has done, honourable senators, in support of low-income seniors, a disproportionately large number of whom are women. I would be happy to provide the honourable senator with a long list of the things the government has done to assist people living with low incomes or below the poverty line.

[Translation]

**Senator Chaput:** Can the minister explain to this chamber why the government chose not to raise the Guaranteed Income Supplement to a level that would have enabled these seniors to live above the poverty line?

[English]

**Senator LeBreton:** Honourable senators, many suggestions are made to the government, all of which are valid and all of which are worthy. At the moment, the government is carrying on with Canada's Economic Action Plan, which is in its second year, and we are carrying out all the programs we had. However, at the same time, we are looking for savings within the departments.

Having said that, one thing we did say — and the Minister of Finance was categorical about it — was that one of the areas to which we would not make any cuts is to seniors or others who rely on government either by way of the Old Age Security or Guaranteed Income Supplement, all monies that affect the standard of living for Canadians. We said we would not touch those programs and we will not do so. We made a commitment to the provinces not to cut transfers. We also said we would not raise taxes.

As the honourable senator knows, with regard to Old Age Security and Guaranteed Income Supplement, these are matters related to the cost of living, which is assessed each year. Therefore, I will take the question as notice. It is a matter for the Minister of Human Resources and her department to advise the government on the levels of the Guaranteed Income Supplement.

**Hon. Jane Cordy:** Honourable senators, my question is for the Leader of the Government in the Senate. Many seniors are very active members of our community but, regrettably, as she knows, there are also many frail seniors in our midst who need care, particularly if they are to remain in their homes, which is what most of them want to do.

We must remember that these same seniors now in need of care were too often caregivers in earlier times. They cared for their children, grandchildren and often for their own parents when they were seniors. However, our society has changed and many of their caregivers are also employed full time in the workplace. They have limited time to provide care and they often have insufficient resources.

Can the minister tell this chamber what help was provided to these caregivers in the budget?

**Senator LeBreton:** Honourable senators, I have answered this question previously in my capacity as Minister of State for Seniors. The issue of caregivers is one, of course, that is complex and complicated. Many levels of government are involved in figuring out how to provide tax incentives and support for caregivers. It is one of the issues that I know was to be a major item on the agenda for the next meeting of the ministers responsible for seniors, a meeting I was previously to co-chair and which will now be co-chaired by Minister Ablonczy.

The honourable senator is quite right in saying that seniors are living longer and healthier lives, being vibrant and active members of their communities. They want to remain in their own homes. One of the things I found when I was Minister of State for Seniors was that issues of law and order were important to seniors because they want to feel safe in their communities. They want to know that if they stay in their own homes, someone will not break down their door and swarm in. They want to know they can walk safely on their streets without being robbed and mugged.

Of course, while I was still Minister of State for Seniors, there were the initiatives to combat elder abuse, although they really fell under the initiatives of the Minister of Human Resources and Skills Development. That also ties in with people wanting to stay in their homes and impacts on their caregivers.

I want to put something on the record I have said previously. Obviously, seniors are an important demographic to the country and to all of us. Many of us in this chamber are seniors — perhaps not some of my newer colleagues, but many of us are. In any event, I want to reiterate what the government has done.

Since October 2008, there has been no reduction in OAS or GIS rates. We have absolutely said that people who rely on the government for their livelihood will not be affected. We have promised the provinces that we would not pay down the deficit on the backs of the provinces and cut health care transfers. Of course, our health care system is still trying to recover from the mid-1990s.

We enhanced the Guaranteed Income Supplement and we increased the GIS earnings exemption from \$500 to \$3,500. One tends to forget these things. That was one of the problems with people on GIS; seniors wanted to do a bit of work for their own well-being and also for their own social health. Of course, if they earned any money working part-time, they were automatically penalized on their GIS.

In 2007, we passed Bill C-36, allowing eligible seniors to apply only once for GIS benefits, unlike in the past when they had to do so every year. Currently, they apply for it once and it is automatic thereafter. As long as they file their taxes, they get it each year.

Each year, the government proactively informs millions of Canadians about their CPP, QPP, Old Age Security and Guaranteed Income Supplement benefits, which was something that did not happen previously. As the years have gone by, through the very good work of the public service and those people who work for Service Canada, we have had fewer and fewer people left off of eligibility lists for GIS, CPP, et cetera.

As well, we provide services across the country where seniors can go to a Service Canada outlet and receive services for a host of government programs for which they are eligible.

**Senator Cordy:** Believe it or not, my question was actually about caregivers, so I guess that answer means that the budget does not address the needs of Canada's 3 million unpaid caregivers.

Can the minister tell this chamber if there will be changes to the Canada Pension Plan to enable an opt-out provision for those looking after their parents, similar to the one parents can take when looking after a child?

**Senator LeBreton:** Actually, I did answer the honourable senator's question. I said the issue of caregivers is a complex one, not only for the federal government but for the provinces and territories. It is on the agenda for the upcoming meeting of ministers responsible for seniors.

• (1450)

Also, as the honourable senator knows, there have already been provisions made for caregivers through Employment Insurance and through the tax system. I do not have them at my fingertips, but will provide the information by written response.

**Senator Cordy:** Just as a reminder, my second question dealt with the opt-out provision for those looking after their parents, similar to the one parents can take when looking after a child.

I will try for question number three and see if we can get this answer.

Can the minister tell this chamber —

**Senator Comeau:** Quit while you are ahead.

**Senator Cordy:** I will not quit when asking questions about seniors and caregivers, Senator Comeau, because if we are lucky we will all reach the age of senior citizenship ourselves.

**An Hon. Senator:** We are getting close to it.

**An Hon. Senator:** We are there.

**Senator Cordy:** Can the minister tell this chamber if changes will be made to any federal programs that would allow caregivers to take time off to look after aging parents, similar to programs provided for other vulnerable people?

**Senator LeBreton:** I thank the honourable senator for the question. That was suggested and recommended at various meetings I attended across the country in my former capacity as Minister of State for Seniors. I will simply take the question as notice. I do not know the status of all of the various programs being considered for caregivers, but I do know how difficult an issue this is. It varies across the country in larger versus smaller centres. For instance, in smaller centres, usually families are constructed differently. It has different implications for different parts of the country, but I will do my best to get the information for the honourable senator.

#### ACTIVE AGING AND VOLUNTEERISM—BUDGET 2010

**Hon. Terry M. Mercer:** Honourable senators, my question is for the Leader of the Government in the Senate. As she knows, volunteers are the life support for many organizations across Canada and indeed around the world. In fact, the philanthropic sector draws on over 2 billion volunteer hours, which is the equivalent of over 1 million full-time jobs in Canada. While this is huge, there is a current downward trend in the number of people volunteering.

Can the minister tell us what was contained specifically in the budget that would support or encourage volunteerism in Canada?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the National Seniors Council is writing a report on the issue of volunteerism. Senator Mercer is quite right; the value of volunteerism is incredible. I will have to go back and reread the budget. I did not bring it with me because I really was not expecting questions today on the budget. We have been back here for over a week now. Obviously jobs and the economy are the number one issue with the Canadian public, and no one has asked a question — not one single question — about the economy or jobs in this country.

With regard to volunteerism, I do believe that in the budget documents the additional money for the New Horizons for Seniors Program was directed specifically at volunteers and I am sure that comes because of the good work the National Seniors Council has done on the question of volunteerism.

**Senator Mercer:** The health of seniors and the health of the volunteer sector in this country are extremely important. As I already mentioned, they are giving over 2 billion volunteer hours, and that is to supplement the good work that other people are doing.

I do want to move on quickly, though. Last April the Special Senate Committee on Aging, in its report *Canada's Aging Population: Seizing the Opportunity* made a number of recommendations. As a matter of fact, I was surprised the leader missed the opportunity to mention the reference in the Speech from the Throne. It is something I am looking forward to seeing in detail. It is a good idea — listen to this, me saying that it is a good idea — to have the Prime Minister's award for volunteers.

However, will the Honourable Leader of the Government in the Senate and the former Minister of State for Seniors support, as is recommended in chapter 7, Recommendation No. 26 of the Aging Committee report, the establishment of a special Senate committee to study volunteerism, the emerging challenges of recruiting and retaining volunteers, options to promote volunteerism, and the role the federal government may play in supporting the capacity of the volunteer sector?

**Senator LeBreton:** I believe, honourable senators, that the government did respond to that report. I just mentioned that the National Seniors Council, a volunteer organization, has spent over a year meeting in communities all across the country — from coast to coast to coast — specifically seeking out advice and direction on volunteerism and active aging. This volunteer organization of people who work in the communities is the best vehicle to make recommendations to the government on the issue of active aging and volunteerism.

**Senator Mercer:** I do not deny that the minister did respond, and the minister responsible for seniors did respond to the report. Indeed, I have praised, both here and publicly, some of the responses the government made. For example, we have all seen the television advertisements about abuse of seniors. Those advertisements are effective and, indeed, a direct recommendation from the committee.

I want to follow up on the recommendation in the report which stated that we need to go to the next step by conducting a broader study of volunteers and volunteerism in Canada, and not restricting it to volunteers working in the aging sector.

Will the minister commit today to supporting Recommendation No. 26 of the Special Senate Committee on Aging?

**Senator LeBreton:** I will repeat what I said a moment ago. We did respond. I believe that yet another special committee will not necessarily resolve anything, especially since we have had a National Seniors Council study on this very issue. We have a Minister of State for Seniors and a Minister of Human Resources Development. The unemployed and seniors make up a significant part of Minister Finley's portfolio. Of course, hers is the department that spends the most money on these various programs.

It is not up to the government to establish committees of various houses of Parliament on various issues; that is up to the members of the houses of Parliament.

## CITIZENSHIP AND IMMIGRATION

### REGULATIONS FOR REFUGEE STATUS

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate, and is one with a certain amount of urgency. There is a history of the left and right hand not necessarily being in communication.

The Minister of Foreign Affairs says that Canadians are to avoid non-essential travel or avoid all travel to countries and regions and then specifies them. In this case the countries are Rwanda and Burundi. In the same context, I am asking about the case of a woman who has been here for five years, has applied on humanitarian grounds to stay here, who is an assistant nurse, has no criminal record whatsoever and is about to be extradited tomorrow morning from Canada, having received that information on March 8, barely three days ago.

Does the honourable senator consider that to be a fair way of responding to people who have tried to stay in the country, who have put in applications and have been denied? After living here for years, she has been given barely four days to sort everything out and is now being simply thrown out of the country.

• (1500)

**Hon. Marjory LeBreton:** I thank the honourable senator for that question. Obviously, I am not familiar with the details of this case. Like most of these cases, it is quite complicated and detailed. I do not know the circumstances under which this individual came to Canada and under what circumstances this person stayed in Canada. I do not even know the name of the person.

However, I would say to the honourable senator that in this case obviously there is some concern or they would not be deporting the individual. I cannot comment on an individual case. The honourable senator would have to provide more detail and then I could make an inquiry.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Grandmaster Keun Ha Kim of Montreal, President of the Federation of Korean-Canadian Associations, and Nicole Shin, Secretary of the Federation of Korean-Canadian Associations. They are guests of the Honourable Senator Martin.

[ Senator Mercer ]

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

**Hon. Senators:** Hear, hear.

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## ORDERS OF THE DAY

### POINT OF ORDER

**Hon. John D. Wallace:** Honourable senators, I rise on a point of order concerning the attendance in the chamber of Senator Lavigne at yesterday's sitting. It is my understanding that Senator Lavigne has been granted a leave of absence from the chamber under the provisions of rules 140 and 136. Therefore, Senator Lavigne is not permitted to attend committees of the Senate or the chamber itself except under rule 136(5), which reads as follows:

A Senator on leave of absence, or suspended under rule 141, for more than a full session may nonetheless make an appearance in the Senate once every session to avoid disqualification, but only on the sixth day the Senate sits after the Clerk lays upon the Table a notice of the Senator's intention to be present, signed by the Senator.

Honourable senators, the *Journals* of March 3, 2010 indicate that in Senator Lavigne's case such a letter was tabled on that day. However, yesterday, March 10, was only the third sitting day after the tabling of the letter.

As I pointed out, our *Rules of the Senate* clearly indicate that a senator on a leave of absence may only be present in the chamber on the sixth sitting day after the letter has been tabled.

Honourable senators, it is incumbent upon all of us to ensure that we comply with the *Rules of the Senate*. It is clear that it was improper for Senator Lavigne to have been admitted to this chamber yesterday and, at this point, he has not complied with the *Rules of the Senate* in this regard.

**The Hon. the Speaker:** Are there further comments on the point of order raised by Senator Wallace?

Honourable senators, Senator Wallace has drawn our attention to rule 136(5) quite accurately, but I also would like to draw the attention of honourable senators to rule 20(1) which reads as follows:

If at any sitting of the Senate, or in Committee of the Whole, a Senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question "That strangers be ordered to withdraw", without permitting any debate or amendment.

A senator who, pursuant to the rules — as pointed out by Senator Wallace — is on a leave of absence or suspended under rule 141, is in a very real sense, a stranger.

The point I am making is that, as your chair, I did not observe Senator Lavigne in this place, nor was it drawn to the chair's attention. Senator Wallace has drawn it to our attention, and it is a fact that in the record his name appears as being present. We could refer to guidance from Beauchesne's, the sixth edition at page 97, which points out, in paragraph 321:

A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

The fact is that Senator Lavigne, apparently, took his place in the Senate although improperly, as has been pointed out by Senator Wallace. This discussion is now all on the record and, unless honourable senators feel that we have to expunge the name from those present yesterday, I suggest that the record now makes the matter clear.

### NATIONAL DAY OF SERVICE BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Pamela Wallin** moved second reading of Bill S-209, An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001.

She said: Honourable senators, I rise today to speak in support of Bill S-209, an act that will designate September 11 each year as a national day of service. I support this bill because I believe we must always remember what happened on 9/11 and remember those from 90 countries who lost their lives, including 24 Canadians who perished. We should also mark this day because it changed all of us forever, but we must turn the mourning into memory and the anger into action — acts of kindness between strangers, hands reaching out to those in need.

Inspired by the American 9/11 families, Canadian families have asked us to consider a national day of service. Bill S-209 answers their call. I believe it is a unifying, non-partisan bill that I hope everyone can support and embrace.

I will give a little history, just for the record. In March of last year the United States passed a similar bipartisan bill called the Serve America Act co-sponsored by 42 senators who worked together to construct a compassionate way for generations to remember, to pay honour and to maintain that spirit that played out in many moments of spontaneous humanity around the world.

• (1510)

Since the passage of the Serve America Act, thousands of organizations — non-profit, faith-based and employer-based — have mobilized hundreds of thousands of Americans; people such as young Tiffany Bohm in Chicago and her classmates, who launched a project to collect 2,974 pairs of shoes, representing each person lost in the 9/11 attacks, and then to donate them to a homeless shelter; or in Atlanta, Lilli Love and her friends, who delivered their homemade goody baskets to fire and police stations as a way of paying tribute to the first responders of 9/11.

This is the sort of volunteerism we hope Bill S-209 will recognize and inspire in this country. It can be a constructive and uplifting way to commemorate 9/11.

This bill is a simple one. There are no complicated clauses or tricky legal language. It does not oblige us or our governments to participate in or to fund any ceremony, and there are absolutely no mandatory provisions within it. It is simply about the spirit of giving back, or perhaps of paying it forward. What better day than September 11 of each year, going forward, to do just that.

Several weeks after September 11, 2001, I was honoured to host the “Canada Loves New York” event at the behest of former Senator Jerry Grafstein and others. The event took place on a beautiful warm, sunny afternoon in December. Nearly 25,000 Canadians filled the famous Roseland Ballroom in New York City and spilled out on that city's streets to show their support for their American friends. The then Prime Minister, Jean Chrétien, came, as did Mayor Rudy Giuliani. Our singers and artists reached out with their voices and their words and the images of our flags entwined. Canadian firemen and police honoured their American colleagues and brought equipment, spirit, hope and money to help.

At the end of this amazing day, a nurse who had worked all night before getting in her car to drive 10 long hours south had taken up a collection in her hospital coffee room. She sought me out and almost apologetically handed me the envelope with about \$60 that she had collected. She asked only that it go to a family, a widow or a child in need, and entrusted me with the task. The tears streamed down our cheeks.

It was that simple yet extraordinary act that today motivates me to ask all honourable senators to support this bill so that we might always find reason in our hearts to make kindness a part of our life and always to act to counter the hatred that inspired the heinous acts of 9/11.

With Bill S-209, a national day of service bill, the families hope to ensure that the lessons so painfully learned continue to resonate within our nation's heart. Bill S-209 will ensure that the passage of time or the ill will of others will never somehow combine to diminish this tragedy. The day will honour the victims of terrorism. It will pay tribute to all those who would not stand aside but who stood up in the face of terrorism, particularly the men and women of our military.

To those who have fallen in the fight and to their families, we can never repay your sacrifice, but we are grateful for the willingness of your loved ones to risk their lives to protect ours. To those who still stand and fight so that this tragedy will never happen again, we honour them by understanding the true meaning of their mission: to create hope and to ensure that their acts of kindness continue to change lives.

This bill honours the selfless service of our civilian and military volunteers, which is far more persuasive and far more powerful than the hate they battle every day. This bill recognizes the spirit of our citizens who, through their acts of generosity to strangers, are a powerful inspiration to our children and, through them, to the future.

(On motion of Senator Segal, debate adjourned.)

## PARLIAMENTARY REFORM

### INQUIRY—DEBATE ADJOURNED

**Hon. James S. Cowan (Leader of the Opposition)** rose pursuant to notice of March 4, 2010:

That he will call the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

He said: Honourable senators, the issue of democratic reform is one that this government has espoused for some time. Prime Minister Harper even created a special Minister of State for Democratic Reform and appointed the Honourable Steven Fletcher to that position. I take the government at its word that it is committed to real democratic reform in this country, and it is to that end that I have launched this inquiry.

I begin by stating the obvious — that real democratic reform cannot be imposed, not even by a prime minister. The result of a unilateral action can never be enhanced democracy. A healthy democracy requires a leader to listen to the views of others and, in some circumstances, to accept those views even if the leader disagrees with them. However, that is not what we have seen from the Harper government's so-called democratic reform agenda.

A constitution, by its nature, is the antithesis of unilateral action. Constitutions are the product of discussion and compromise. The Canadian Constitution contains a detailed amending formula meticulously negotiated over many years. At a minimum, for certain limited amendments, the Constitution requires that the three constituent parts of the Parliament of Canada agree to the amendment — that is, the House of Commons, the Senate and the Crown. However, the overwhelming weight of the evidence heard by our Standing Senate Committee on Legal and Constitutional Affairs a few years ago, to use the committee's words, suggests that the reforms proposed by Prime Minister Harper require more; they require the involvement and agreement of our constitutional partners, the provinces.

In 2006, this chamber was presented with a proposal for Senate reform. After listening carefully to the evidence, including persuasive evidence from a number of provincial governments, the Senate urged the Government of Canada to refer its proposal to the Supreme Court of Canada to determine whether it was constitutional. The government declined to accept our advice. Instead, on May 28, 2009, it chose simply to retable the same bill and then let it sit on the Order Paper.

The government refuses to discuss the proposals with the provinces. It insists, notwithstanding the views of numerous experts, that the Parliament of Canada possesses the authority to pass the proposed constitutional amendments on its own. When one of the chambers of that Parliament expressed the view that it did not believe that Parliament possessed that power, the government, instead of examining the merits of the objections, chose to appoint brand new senators on the express condition that they support the government's opinion; and this in the name of democracy.

What kind of democracy is this? What kind of reform to the chamber of sober second thought is effected when the only permitted sober second thought is to say, "Yes, Prime Minister, whatever you say"?

Honourable senators, I initiated this inquiry to begin the kind of real discussion on Senate reform that this government has refused to engage in. I hope that many honourable senators on both sides of the chamber will decide to participate, because this is our country and the Constitution is the bedrock of our country. I hope we can engage Canadians in that discussion.

At times, I feel that many of us simply take for granted the truly special nature of this country in which we live. In so many ways, we have been a beacon of light and hope to the rest of the world. Democratic reform is fine, but we should not lose sight of the fact that Canada is now a great democracy, indeed an extraordinary democracy, in a world filled with turmoil and failed states.

Our history is one of tolerance, of finding ways to work out our differences peaceably. We truly are a peaceable kingdom. It is not that we have somehow been an island untouched by difficulties. Of course we have had our problems, and we have always had challenges throughout our history; however, as a nation, we have always been able to meet and work together to address those problems.

The credit for this remarkable history and success belongs to all Canadians, but let us acknowledge the special debt we owe to the Fathers of Confederation. Their wisdom and foresight established institutions that have allowed us to address even terribly divisive issues, and we have done so with an enviable record of peace and mutual respect. So many countries around the world live with the threat of violence, terrible bombings, hostage-takings and other terrorist acts because groups of citizens disagree with their government and insist on having their own way, whatever the cost to their neighbours.

• (1520)

I know that Prime Minister Harper has spoken over the years with shock and disdain about the fact that one of the opposition parties in the other place openly espouses a sovereigntist or, as he says, albeit outside Quebec, separatist agenda. However, the suggestion that we are somehow less a nation because of this is wrong. I believe just the opposite. I am proud that as a nation, instead of facing years of bloody violence, we have a system that allows people, even those with such profoundly different views, to take their place in our Parliament.

For those who object to having such fundamental differences dealt with in Parliament through vigorous debate, I ask: How else should we broker and manage our serious differences? If Parliament is not the proper place to deal with differing aspirations of Canada's diverse peoples and regions, what venue do they suggest?

My real point is that what we are blessed with is no accident. Our system — and the Parliament of Canada, in particular — was designed specifically for a nation founded in diversity. It has not been without its problems, but it has worked well and Canada has flourished as a peaceful and prosperous nation.

Obviously, anything we build in this world can be improved. Any structure can be improved, but, just as the Fathers of Confederation were clear about the unusual diverse nature of the nation they were building, so must we be clear about the context and purpose of our proposals for change.

What is the Harper government's vision for Canadian democratic reform? In the last parliamentary session, Minister Fletcher's office put forward four bills. There were two bills in the other place: one to add two advance polling days to federal elections, and the other to eliminate the Senate Ethics Officer. His government also introduced two bills here in the Senate: one limiting political loans — a matter I would have thought primarily of interest to our colleagues in the other place unless, perhaps, this relates to our new colleagues who have, apparently, eight-year terms — and the other to limit the tenure of senators appointed to this place to a single eight-year term.

When the Senate tenure bill is reintroduced, it will be in its fourth reincarnation. It was introduced first in this chamber, then tried in the other place, and then basically the same bill was reintroduced here once again. In previous parliaments, the Harper government also tried on two occasions to pass a Senate appointment consultations act. That, too, never proceeded very far. The government has indicated that it plans to reintroduce this legislation for a third attempt, but to date has not done so.

It seems strange to me that this is the nature and extent of the democratic reform proposed by this government. I wonder how many Canadians, if asked about their priorities for an agenda of democratic renewal, would mention issues like term limits, advance polling days and the elimination of the Senate Ethics Officer. This is pretty thin gruel for those Canadians who are looking for real change so that their hopes and aspirations can be better reflected in our political structure.

**Some Hon. Senators:** Hear, hear.

**Senator Cowan:** Honourable senators, much has changed since 1867. Canada and the world are very different from the way they were 150 years ago. Canada stretches from sea to sea to sea. We are now ten provinces and three territories, with a population that has grown from less than 3.5 million in 1867 to more than 33.5 million today. The world itself is a vastly different place from the time of Confederation.

Is it time for Canadians to take a fresh look at our system of governance? Perhaps it is. However, the questions I have heard raised by Canadians are very different from the ones being considered by Prime Minister Harper and his Minister of Democratic Reform. Canadians I have spoken to are focused on the fact that education is the key to economic prosperity in the 21st century. They have asked if we can be a truly internationally competitive economy without a national education strategy. Canadians have talked to me about health care. Among other things, they have asked if the current allocation of shared responsibility for health inhibits the effective management of a pandemic like SARS or H1N1 in a world where viruses can be carried across the globe in a few hours. They ask if Aboriginal Canadians are well served by the present constitutional arrangements.

I appreciate that these would be difficult constitutional matters to resolve, but let us at least acknowledge, if we are discussing democratic renewal, that these would be issues of far greater concern to many Canadians, and probably most Canadians, than the question of two additional advance polling days.

This government has chosen to pursue a narrow vision of democratic renewal. Truth in advertising suggests it would be better referred to as parliamentary reform rather than democratic reform. Even so, this government refuses to ask the real questions. Their agenda seems to be much more about politics and being able to say that they did something rather than actually effecting real parliamentary renewal.

Indeed, if Prime Minister Harper were serious about his proposals for Senate reform, surely he would not have made the recent appointments to this place. If he were all that serious about wanting a chamber of senators who reflect the wishes of the electorate, then why did he appoint only Conservative senators?

In a recent article, Chantal Hébert considered what would have happened to recent Senate vacancies had there been an election for those seats. She wrote:

Over the past year, it is hard, for instance, to think of a scenario that would have seen the Conservatives win 32 senatorial seats spread out across Canada.

The pair of vacancies in Newfoundland and Labrador would more likely have gone to the Liberals or the NDP.

Among the eight new senators from Quebec, there might well have been four or five sovereigntist members.

Surely if Mr. Harper were honest with Canadians in telling them that he wished to appoint only senators who had somehow been elected in their province, then he would have made appointments that reflected the political wishes as demonstrated by the people of those provinces.

Other prime ministers have appointed people affiliated with other parties. Senator Segal, Senator Nancy Ruth and Senator McCoy can attest to that, all having been appointed by Prime Minister Martin.

Prime Minister Harper appointed 33 Conservative Party loyalists as senators — 32 in just over one year — the most of any Prime Minister since Confederation. It is difficult not to question Mr. Harper's true commitment to a representative Senate.

However, recognizing that all of our new colleagues are reportedly fully in support of Prime Minister Harper's Senate reform goals, I fully expect that each of them will take pains to ensure that their positions on other bills reflect those of their regions over and above the views of the Conservative Party.

**Some Hon. Senators:** Hear, hear.

**Senator Cowan:** This should be interesting for our new colleagues from provinces that have openly opposed the Harper government's Senate reform bills.

Honourable senators, I know that all of us want the Parliament of Canada to be the very best that it can be, but we must be serious about this. Constitutional reform is not something to be taken lightly and it must be effected in accordance with the

amending formula of the Constitution. If there is any doubt about the constitutionality of a particular approach, our system enables the Supreme Court of Canada to pronounce on that issue.

Prime Minister Harper has chosen to pursue a piecemeal approach — incremental parliamentary reform — because he argues we cannot succeed with a full constitutional amending process. Too many other issues get raised by too many other parties and this has made progress on Senate reform difficult.

Honourable senators, constitutions are designed to be difficult to change. It is intentional, and for good reason. If other issues get raised, it is because Canadians want them to be addressed, perhaps even more urgently than those the government may be focused on.

• (1530)

If there are problems reaching an agreement on a proposal for Senate reform, then those problems must be dealt with and not simply brushed aside. There is an established and recognized process for constitutional reform. That process calls for a consensus amongst the constitutional partners, the provinces, rather than the imposition of one person's chosen solution on the country, even if that person is the Prime Minister of the day.

I do not propose today to get into the concerns as to the constitutionality of the government's Senate reform bill. I will simply refer colleagues to my remarks on June 17, 2009, and especially to the report of the Standing Senate Committee on Legal and Constitutional Affairs on June 12, 2007, which was thoughtfully appended to the Senate Debates of that day at the request of the committee's then chair, my friend Senator Oliver.

Colleagues will see that the overwhelming weight of testimony heard by our Standing Senate Committee on Legal and Constitutional Affairs supported the conclusion that there were significant constitutional concerns if Parliament proceeded as proposed by the government. Witnesses told the committee that, as a minimum, the bill should be referred to the Supreme Court of Canada on a constitutional reference to determine whether or not it was constitutional. The committee agreed and then this chamber agreed. Unfortunately, Prime Minister Harper refused to accept this advice. Two years and nine months later, we are no further ahead.

In contrast, Mr. Harper has decided to ask the Supreme Court whether the Constitution would permit the creation of a national securities regulator. One would have thought that a call for a reference to the court should be even stronger when the issue relates to a constitutional amendment itself. However, the question whether constitutionally the government can proceed as it proposes is not my focus today. Instead, I wish to examine a little more carefully the implications of the government's narrow approach to democratic and parliamentary reform.

The highly respected Professor David E. Smith of the University of Saskatchewan recently devoted an entire book to the study of the Senate. It is called *The Canadian Senate in Bicameral Perspective*. He argues that part of the weakness of Senate reform in Canada is that it proceeds as if the Senate is a hermetically sealed, self-contained entity. He says the following: "There is no acknowledgement of the profound implications for the political system that would flow from such changes." In his words, "Bicameralism matters."

[ Senator Cowan ]

Professor Smith argues that Senate reform is not a question of elections to the second chamber and, presumably, even more so, not of Senate tenure, but rather of determining how that body should complement the work of the elected House of Commons. As he writes, "Absent this linkage, reform is impossible."

He also writes the following:

It is fundamentally important that Canadians agree on the second chamber's purpose. Without such agreement, there can be no consensus on the design of the chamber.

One of the strongest proponents of incremental Senate change and of the proposals presented by the Harper government is Roger Gibbins of the Canada West Foundation. However, the comments he made about the Harper government's Senate reform bills are hardly reassuring. In the first case I will quote here, he was speaking of the government's proposed Senate appointments consultations act, and he was appearing before a committee in the other place. Dr. Gibbins said this:

I do admit, and I think this is a critical point, that the changes proposed by Bill C-20 would leave us with a bit of a dog's breakfast in terms of the Senate. But I see this as a virtue of the bill rather than a fatal flaw. The bill would destabilize the status quo and therefore force Canadians to come to grips with the design of a modernized and democratic upper house.

A year later, Dr. Gibbins was appearing before our Standing Senate Committee on Legal and Constitutional Affairs during its study of the Senate tenure bill, and he made the same argument:

. . . we need a trigger . . . That is why I have argued for this kind of creative destruction, or whatever it is, as a way of destabilizing the status quo to the point where we are prepared or forced to address more fundamental structural questions.

Honourable senators, needless to say, I am appalled by this creative destruction scenario. Our goal must be to strengthen our parliamentary system, not to destabilize it.

**Some Hon. Senators:** Hear, hear!

**Senator Cowan:** Honourable senators, this is not a game where the Constitution and Canadians are pawns on some sort of chessboard. I hope that the days when a prime minister would try to roll the dice with our Constitution are long gone. It would be terribly ironic if the Prime Minister were trying to pass so-called reforms in an attempt to enhance executive power through the destabilization of the Parliament of Canada, all the while attacking the sovereignist opposition party in the other place, which in all its years of Parliament has never stooped to such tactics.

It is with real regret that I acknowledge that there may be some truth in what Dr. Gibbins has said. The changes proposed by the government, which it describes as "modest" steps, have a number of unintended consequences for our bicameral system, which could indeed, as Dr. Gibbins predicted, destabilize our present system of governance.

To begin with, an eight-year term would allow a two-term Prime Minister to appoint the entire chamber. Remember, whatever this Prime Minister's hopes may be, even under his most ambitious proposal, we are still dealing with a Senate wholly appointed by the Prime Minister. Under his Senate appointments consultations act, any elections are advisory only. Short of a formal constitutional amendment, the Prime Minister remains absolutely free to disregard the results of any so-called Senate election and appoint whomever he chooses. We have seen a prime minister appoint senators when he promised Canadians he would not. We have seen a prime minister disregard his own fixed election law. In view of this past behaviour, there is absolutely no assurance that the results of a consultative election would be respected.

Dr. Gibbins has said that majority governments face no effective constraints within the House of Commons, and therefore Senate reform can be seen as a way to provide some check on the government of the day. I doubt very much that a so-called reform that allows the Prime Minister to appoint the entire chamber over an eight-year period would fill a need identified by Dr. Gibbins.

Dr. Janet Ajzenstat, a leading expert on Canadian political history, has written that Sir John A. Macdonald and the other Fathers of Confederation believed "the singular advantage of parliamentary democracies" is that they protect the political minority, that is, the political opposition. She writes that Canada's founders placed a high value on "security for political dissent and respect for minority political rights." She quotes Sir John A. Macdonald as saying the following:

We will enjoy here that which is the great test of constitutional freedom — we will have the rights of the minority respected.

As Dr. Ajzenstat explains:

By the "minority," Macdonald does not mean ethnic or religious minorities, as commentators have sometimes supposed. (He discusses the issues of ethnic minorities elsewhere in the Confederation debates.) "Minority" here refers to the political minority, that is, the political opposition, in the Senate and Commons and in the populace at large. Macdonald is saying that the supreme benefit of parliamentary government is that it protects political opposition, the right to dissent. In most political systems the rights of the majority take care of themselves; despots of all sorts, even monarchic despots, seek to appease the majority in one way or another. The singular advantage of parliamentary democracies is that they protect the minority. Only in a parliamentary system must the majority refrain from ignoring or suppressing the complaints and interests of the political opposition.

I spoke at the beginning of my remarks about the remarkable foresight and wisdom of the Fathers of Confederation in building institutions that could channel profound differences into peaceful resolution. It was not only manifest in the careful balancing of our regional representation, education and linguistic protections, but

I believe it was also demonstrated by recognizing that the Parliament of Canada is a place for political dissent and opposition.

Needless to say, this special role of dissent and opposition for the Senate, which goes back to the first principles of the Fathers of Confederation, would be seriously diminished by an eight-year term. There would be no opposition to a majority-dominated House of Commons from a chamber completely appointed by that majority's elected Prime Minister.

• (1540)

Witnesses who testified on the Senate tenure bill pointed out that one of the basic differences between the Senate and the other place is that the Senate does not have a regular turnover of membership. In this chamber, we have continuity of institutional memory; a long-term perspective exemplified by the so-called deans of the Senate; and developed expertise in particular subject matter.

What would the impact of a single eight-year term be on that feature, and what implications would it have for our relationship with the executive and the other place? Would we ever see again the likes of the various in-depth Senate studies that have framed and galvanized public policy debate in this country on a wide range of public policy issues, studies like the one on the concentration of media in Canada, health care, mental health, poverty, drug policy, euthanasia, assisted suicide, and the studies on defence and security, to name just a few?

Professor Smith also suggested that a short, non-renewable term could change the nature of the Senate because it might result in Senate terms coming early in one's career rather than late. The Senate could become a stepping stone to the other place rather than the other way around. He has written:

In other words, the relationship between the two chambers would be reversed and the independence that now attaches to senators, whose political ambitions are at an end, would be compromised.

These are just a few consequences for our bicameral system that would flow from an eight-year term from an appointed Senate, a seemingly modest step, but one that would have potentially very far-reaching consequences.

Of course, a move to an elected Senate would have enormous consequences for the role of this chamber and raise many questions about its role and position in Canada's parliamentary democracy.

There is certain to be a deadlock between the two houses. How would that be resolved? Would the Senate, with members elected for longer terms than members of the other place, and with constituencies of entire provinces rather than small ridings, emerge as the more powerful chamber, as is the experience in the United States? Would the members of such a chamber be content to serve primarily in a reviewing role, that is, as a chamber of sober second thought, considering and revising initiatives from the other place? What would be the impact on provincial and territorial governments and, in particular, their relationships with the federal government?

I was interested to read in a recent report in the Saskatchewan press to the effect that Saskatchewan Premier Brad Wall, whose government last year passed legislation to hold elections for Senate candidates, is apparently rethinking the idea. According to the article, and I quote:

The premiers, Mr. Wall suggests, may be better able to look after their provinces' interests in Ottawa than an upper house established specifically for that purpose.

Colleagues, you can understand why a number of provinces have been adamant in demanding that Prime Minister Harper's proposed changes cannot be passed by parliamentary diktat without their involvement.

Another challenge is reconciling elected senators with the fact that the Senate is not a confidence chamber. What about cabinet ministers? Would they be selected equally from both chambers? What will be the impact on our concept of responsible government, holding government to account for its actions? Would this be scattered between chambers? How would campaigning for election to one chamber affect campaigning and party organization for the other? What about the cost of campaigning over an entire province or territory? Would there be public subsidies for candidates for Senate elections? How ironic it would be if the result of reforms intended to make the Senate more democratic is that we end up with a Senate more attuned to the wealthy than is presently the case.

Prime Minister Chrétien appointed Sister Peggy Butts to this chamber, a nun from my province of Nova Scotia, who was a tireless advocate for the poor and underprivileged. She had taken a vow of poverty. Would a future Sister Peggy be able to sit in this chamber?

If we are to avoid creating, in the words of Roger Gibbins, "a dog's breakfast," then we must look at the full implications of any proposed change. We must, as Professor Smith argues, consider the Senate in a bicameral perspective, taking a similarly thorough look at the House of Commons. Any changes to one body necessarily impact the other, and it is not simply a matter of looking at the other place because we want to make changes to the Senate. In fact, I believe that many Canadians are dissatisfied with the way the other place works. The Senate may be a source of irritation, but that is not why voter turnout in this country is at an all-time record low. True parliamentary renewal demands an examination of both Houses of Parliament.

As colleagues are aware, Liberals held a series of round-table discussions during the months when Parliament was prorogued. One of these, which I helped to organize, was focused on the state of health of Canada's parliamentary democracy. There were a number of serious issues raised by the panellists and members of the audience, issues like limiting the power of the Prime Minister's discretion to prorogue Parliament, the power of the Prime Minister's Office, citizen engagement, the need to strengthen parliamentary committees and the role of the media. There was minimal discussion of Senate reform. Indeed, it was unclear that it would even have been raised by anyone at all had it not been for the Harper government's focus on this issue.

Many issues were raised by Canadians during the recent prorogation of Parliament, including whether limits should be placed on the Prime Minister's absolute discretion to ask for

prorogation. Canadians have said that changes to Question Period are required, and recent events indicate that there may be a need to re-examine the enforcement of parliamentary demands for documents, at least when those demands are made of the government.

The first and fundamental question, of course is: Do the provinces and Canadians wish to retain a bicameral system? The frustrations that have been expressed from time to time by governments of the day — not just this government but previous governments — that the Senate is obstructing or delaying the passage of particular legislation are in fact part of the essential nature of a bicameral system.

Professor Smith wrote:

At its core, bicameralism everywhere rests on obstruction: rather than empower, it restrains government. . . . Bicameralism is based on the premise that "two decisions are better than one." Since two decisions take more time, bicameralism means delay.

In other words, honourable senators, it is the nature of the beast. A second chamber will not be universally loved or admired, yet the vast majority of federations around the world have adopted bicameral federal legislatures.

Professor Ronald Watts has written:

The principle of bicameralism has been incorporated into the federal legislatures of most federations. Most federations have found a bicameral federal legislature to be an important institutional feature for ensuring the entrenched representation of the regional components in policy-making within institutions of "shared rule" that are an important element for the effective operation of a federation.

I believe that as a federation the conclusion today would be the same as it was in 1867, namely, that a bicameral system remains the best choice. Otherwise, certain provinces would find themselves unable to make their voices heard as they should.

George Brown expressed it well in 1865 when he said:

Our Lower Canada —

— and by that he meant Quebec —

— friends have agreed to give us representation by population in the lower house, on the express condition that they shall have equality in the upper house. On no other condition could we have advanced a step.

Many things have changed since 1865, but I suspect the need for some type of bicameral system for regional balance remains strong. However, Prime Minister Harper would like to jump immediately from the question of the bicameral nature of our part to the issues of tenure of senators and how they are appointed. Before these issues can be properly dealt with, we need to have a discussion and agreement on the relative functions, roles and powers of the two houses and consider how they will interact, and such a discussion must involve our constitutional partners, the provinces. They were present when the system was first designed

and we already know that a number of provinces want to be involved in any proposed changes. The provinces must be there when those changes are made.

• (1550)

What is the purpose of the Senate? Prime Minister Harper and members of his government have defended appointments to this chamber on the grounds that they are necessary for the government's bill to pass through this chamber.

**Some Hon. Senators:** Hear, hear.

**Senator Cowan:** Senator Wallin was quoted recently in *The Hill Times* saying: "The primary job of the Senate constitutionally is to approve legislation, or to deal with legislation. . . ."

**An Hon. Senator:** Shame.

**Senator Cowan:** Honourable senators, it appears that the Harper Conservatives, including at least some of Prime Minister Harper's nominees to this chamber, believe the role of the Senate is to act as a rubber stamp of their government's agenda.

**An Hon. Senator:** It is embarrassing.

**Some Hon. Senators:** Shame, shame, shame.

**Senator Cowan:** That has never been our role. The Senate is a legislative chamber, and its constitutional job is not to approve legislation but rather to review and assess proposed legislation and, where appropriate, to make changes that then go back to the other place for consideration.

**Some Hon. Senators:** Hear, hear!

**Senator Cowan:** Accepting the designation of parliamentary rubber stamp for government legislation is not the path to enhancing our credibility and demonstrating our value to Canadians. I appreciate that this role may be the only way in which to win favour in the Prime Minister's Office but, under the current constitutional framework, the Senate is designed specifically and deliberately so as not to be concerned with currying favour with the executive.

Is that design something that Canadians believe should change? My impression is that Canadians emphatically do not want more power focused in the Prime Minister's Office. This impression was confirmed by the recent Nanos poll.

I believe our legitimacy derives first and foremost from doing a good job at the tasks given to us by Canadians under the Constitution.

Honourable senators, another fundamental question concerns the powers of the two legislative bodies in a bicameral system. Should both houses have essentially the same powers as the case is now, or should they be different? Is there a role for a house of Parliament representing the regions of our country? The role of the provinces and territories in the Canadian federation has changed substantially since 1867. What is the desired relationship between the provinces and the territories on the one hand, and the Senate on the other, and then vis-à-vis the federal government?

I spoke earlier of the original intent of the Fathers of Confederation in creating the Senate to represent political minorities; that is, the political opposition. The Senate was designed specifically so that it would be in a position to represent the views of the political opposition against the majority-elected government and majority-dominated House of Commons. Is that role still important?

The Senate also has a role representing other minorities: linguistic, cultural, religious, et cetera. People expect the Senate to stand up for these rights. Again, should that role continue? What should the functions of each house be?

Most observers, including many critics of the Senate, agree that the Senate performs particularly well in committee work, in studies of public policy issues, in legislative reviews and in scrutinizing government activities. Should the Senate do more studies of major public policy issues? Should the House of Commons undertake more studies? Should one or the other chamber emphasize this function, or retain the status quo?

Our role as a legislative chamber of sober second thought is acknowledged to be valuable, but it must be noted that it has never won us any friends or admirers among the government of the day of whatever political stripe. Nevertheless, most outside observers consider that work to be amongst our best.

Are there other things that the Senate should do? Should it have a role in ratifying treaties, as the Senate does in the United States? Senator McCoy spoke recently on a panel at a student-run conference at St. Paul's University. The interesting question for the panel was whether there is a way that the Senate can act as a catalyst for informed public engagement in ethical policy-making. I put the question to honourable senators: Is there a way, and should catalyst be part of the Senate's role?

In Australia, the Senate inquires into, and reports upon, estimates of expenditures referred to them. The Senate has the power to deny supply, and this power is real; it has been used. Should the Senate of Canada exercise greater power over estimates; perhaps review the estimates before they are presented to the House of Commons? The members of the Standing Senate Committee on National Finance have developed long-standing expertise and perspective. Perhaps these strengths can be used to advantage here.

Once the powers, roles and functions of the Senate within our system are settled, then and only then should the issues of the distribution of seats, the election or selection of senators and the terms of senators be tackled.

If it is decided to retain the role of the Senate in representing political dissent, how will that role be reflected in the structure of a reformed Senate? If we are to continue to have a role representing linguistic, ethnic and other minorities, what impact, if any, does that choice then have on how senators are chosen?

I do not necessarily oppose elections for senators, but what about the parties who are impacted most significantly by this change: the provinces and territories, and the House of Commons?

As I mentioned earlier, arguably a senator elected with a mandate from an entire province for an eight-year term will have a strong claim to represent that province federally. What impact will this claim have on the role of provincial and territorial governments in our federation? In the United States, I think it is fair to say that federal senators wield a great deal of power in contrast to state governors. Honourable senators understand why the provinces and territories will have much cause to insist upon a role in deciding these issues.

A second chamber, to be of value, cannot be a mirror of the other house. If elected at the same time, possibly the composition of the two chambers will be similar, potentially undermining the likelihood that the Senate will be an effective check, either on the executive or on the other place.

Again, the role, powers and functions of each chamber inform how Senate elections are designed and timed. There are so many questions that need to be considered and addressed, some of which I touched on earlier.

Impasses or deadlocks will inevitably occur between the two houses. How will these be resolved if both claim electoral mandates and equal political legitimacy? Will the Senate be made into, or evolve into, a confidence chamber? What will happen to our cabinet system and the whole concept of responsible government, so fundamental to our system? How will that work in a system of two elected chambers?

Right now, the Senate's membership is more reflective of Canada than is the House of Commons. For instance, the Senate has the highest proportion of women members of any federal or provincial legislative assembly in Canada.

**Some Hon. Senators:** Hear, hear!

**Senator Cowan:** Aboriginal representation has always been stronger in this chamber than in the other place. Linguistic minorities are better represented. My friend, the Deputy Leader of the Opposition of the Senate, is a francophone woman from Alberta. Are there any francophone women from Alberta in the other place? I do not count any.

We have a depth and range of experience that is arguably unique and is a source of strength: former cabinet ministers; members of Parliament; provincial legislators; provincial and territorial premiers; mayors from large and small municipalities; public servants with experience at federal, provincial and municipal levels; professionals; leading politicians; leading physicians and lawyers; business persons; and academics. Is this depth and range desirable for the purposes agreed upon for the Senate? Can they be replicated in an elected chamber and, if not, is this a concern?

If senators are elected, what methodology will be used? Will it be on the same basis as that used in the House of Commons? Will it be some form of preferential ballot, proportional representation or some form of hybrid elections? If some form of proportional representation is adopted, how should this form be adapted for provinces or territories with few Senate seats, or only one seat?

How will this representation be rolled out on a transitional basis, given that there might be only one seat available at a particular time?

[ Senator Cowan ]

What system of election financing will be adopted? If there are to be province- or territory-wide campaigns, these will necessarily be much more expensive than MPs' campaigns. How can we best ensure the Senate does not — as I have alluded to before — become a place reserved for the wealthy?

• (1600)

What about the role of political parties? Increasingly, questions are being raised about our partisan political system. It seems likely that political parties would play a significant role if we move to an elected Senate. Is that a concern for Canadians?

Right now, we have a number of independent senators unaffiliated with any caucus. Is this, in fact, desirable? Is there a way — perhaps there is not — to design funding arrangements so that unaffiliated individuals can compete with affiliated ones in Senate elections?

These comments have related to issues that arise with respect to an elected Senate, but there have been numerous proposals over the years for various models — elected, appointed — but from a list of candidates prepared by a panel of respected Canadians, chosen somehow by provincial governments or legislatures, or mixed appointed and elected. The current government is clear as to its choice, but they are only one partner in this constitutional structure. These are not issues that can be decided unilaterally. The provinces must be afforded their rightful voice.

The issue of regional representation in the Senate is commonly viewed as one of the most pressing problems with the existing Senate, requiring redress as a first step in any Senate reform proposal. No proposal on this issue has been put forward by this government.

How should the seats in the Senate be allocated? In June of 2006, senators Austin and Murray proposed a motion to kick-start this constitutional change. Their motion proposed an amendment to the Constitution to increase the seats to 12 for British Columbia and 24 for the Prairie provinces — 10 to Alberta and 7 each for Manitoba and Saskatchewan — to reflect the significant growth of the western provinces since 1915 when seat allocation was last adjusted for those provinces. Alas, the government has not seen fit to pursue this initiative.

Senator Tkachuk had strong views on the proposal and proposed an amendment to the Austin-Murray motion on western province representation in the Senate. He would have made British Columbia a region with 24 senators rather than 12 as proposed by senators Austin and Murray. I hope he will join in the debate on this inquiry and present his current views to this chamber.

Other ideas have been put forward by interested Canadians. Thomas Hall, a retired House of Commons procedural clerk, and W.T. Stanbury, a professor at the University of British Columbia, recently wrote two long articles for *The Hill Times* in which they put forward some of their views on Senate reform. Their central goal, as they put it, was to build on the strengths of the Senate. In their view, quoting as they did from Andrew Potter, what the Senate does best is the old idea of serving as a chamber of sober second thought, effective scrutiny of legislation, and inquiry into the activities of the government and its various agencies.

Hall and Stanbury rejected an elected Senate, accepting that the Fathers of Confederation designed the Senate that way in order to ensure that the elected Commons would be the pre-eminent House of Parliament. They also set a goal that the reformed Senate not take power away from the democratically elected premiers.

Honourable senators, you can see how, in the words of Professor Smith, bicameralism and federalism matter. Agreement on this goal is critical for the choices in designing the Senate.

Hall and Stanbury had a number of interesting ideas, but I will confine myself to raising just two of them this afternoon.

They said that the best way to modernize the Senate and improve its effectiveness is to constrain the unfettered power of the Prime Minister to advise the Governor General to appoint people to the Senate. They said the manner in which the people are currently selected by the Prime Minister for appointment is the single-most important reason that the Senate has no legitimacy in the eyes of Canadians. Many of us would no doubt disagree that the Senate has no legitimacy in the eyes of Canadians, but few would disagree that there is a legitimacy issue faced by this chamber.

Hall and Stanbury proposed an independent Senate appointments commission to recommend candidates to the Prime Minister. The proposed Senate appointments commission would have 11 members, chaired by a retired judge and with 10 members, each representing a province, all of whom would be persons of high reputation who would have demonstrated a deep knowledge of public affairs.

The commission would then apply legislative criteria that reflect the tasks that senators are expected to perform: detailed review of bills originating in the other place; thoughtful discussion about the desirability and likely consequences of government bills; investigation of emerging and distant policy issues; and a forum for Canadians to make their voices heard on issues and initiatives.

Hall and Stanbury argued that the Senate would be better able to make a greater contribution if the role of political parties in this place was reduced both in how senators are elected — hence the Senate appointments commission — and also in how the Senate is organized. They suggested using the regional divisions established in the Constitution as an alternative to organizing the Senate by political party. The 105 senators would be grouped into four regional caucuses instead of political ones. They described how government bills could be handled under this new non-political approach. I will not go into details here other than to say that it is an original, thought-provoking idea and I recommend the articles to you.

Honourable senators, changing our parliamentary institutions is a serious endeavour. I believe it is legitimate to question whether the structure designed in the 19th century, which has served us so well for 140 years, is suited to the 21st century. However, it must be a serious discussion both in substance, addressing the real issues of concern, and also in how it proceeds, that is, engaging the provinces and territories and, I believe, Canadians themselves. It cannot be a rarefied discussion here on Parliament Hill, almost literally in a tower on the Hill. It cannot be a solution imposed on Canadians. We have seen that does not succeed.

Our Parliament was carefully designed by the Fathers of Confederation and the wisdom of many of their judgments has been proven over and over again throughout our history. We truly are a great country — the best country in the world, in my judgment — but that does not mean that we should be afraid to take a fresh look, with full knowledge of the history that has led us to where we are today and the reasons for the various choices made over the years.

Honourable senators, this afternoon I have tried to raise some questions. I invite each of you to engage in this important debate, to raise your own questions and perhaps propose answers. Then I challenge us to take the questions and answers to our provinces and to the citizens of our provinces. That is how we can begin a process of true parliamentary reform in the tradition of our great parliamentary democracy under the great Constitution of Canada.

**Some Hon. Senators:** Hear, hear!

(On motion of Senator Segal, debate adjourned.)

## IMPACT OF DEMENTIA ON SOCIETY

### INQUIRY—DEBATE ADJOURNED

**Hon. Sharon Carstairs** rose pursuant to notice of March 9, 2010:

That she will call the attention of the Senate to the Impact of Dementia on the Canadian Society.

She said: Honourable senators, on Monday, January 4 of this year, the Alzheimer's Society released a new study entitled: *Rising Tide: The Impact of Dementia on Canadian Society*. The study was conducted by Risk Analytica, a leading firm in risk management.

In brief, this report indicated that within a generation, the numbers of Canadians suffering from Alzheimer's disease or related dementias will increase from 500,000 to 1.1 million. The costs of dementia care will increase from \$15 billion to \$153 billion, and the number of hours that Canadians will be providing in informal care to their loved ones will increase from 231 million hours per year to 756 million hours per year.

Honourable senators, these are the statistics if, as a society, we choose to do nothing. However, what was important in this report was that they indicated that there were things that we could do. Those are the things that I want to speak about today.

We learned in the report, for example, that increasing physical activity of those over the age of 65 without dementia can significantly reduce their chance of being diagnosed with dementia. That means everyone in this chamber who is over 65 has to immediately increase their exercise program.

Honourable senators, we clearly need exercise, but we also need leadership. Canadians over 65 must be encouraged to be more active. We need a program under ParticipACTION that is specific to seniors. We need a national advertising program in print, radio and television encouraging seniors to be more active. We need to target the specific activities that seniors can participate in, for

example, walking, swimming, aerobics and aquacises, specifically targeted to those over the age of 65 so that there are only positive effects, not deleterious ones. According to this risk study, an increase of 50 per cent more activity among our population over the age of 65 will yield a 30-year reduction in direct health costs of \$31 billion.

• (1610)

The second strategy they targeted was a healthy diet and lifestyle, which can delay the onset of dementia by two years. Any delay will result in fewer people living with dementia, less work for their caregivers and significantly reduced pressures placed on health care resources. All these endeavours are positive. The cost savings in raw dollars is estimated to be \$219 billion over 30 years and a reduction of 410,000 cases of dementia.

The third strategy was to initiate a skill-building support program for informal caregivers, such as spouses and children, of dementia sufferers. Currently, no training is available and few, if any, supports are available for these informal caregivers. It is estimated that helping caregivers to develop coping skills and to build competency in their caregiving roles will yield a 30-year savings of \$63 billion.

The report recommended an intervention that will establish a system navigator or, by another name, a case manager to each newly diagnosed dementia patient to provide both the person with dementia and their informal caregivers with someone who can provide care coordination and support. It is estimated that this intervention can yield a savings value of \$114 billion.

This 30-year savings will be \$448 billion. Of course, honourable senators, costs are associated with each and every one of these programs but it is estimated today that the cost of doing nothing over that same period of time will be \$872 billion. The cost of doing nothing is twice that of doing something. Surely, we must do what we can to provide prevention and better care, in particular if they will result in reduced costs.

It is important to recognize that recently Australia, Norway, the Netherlands, France, Scotland and the United Kingdom have developed specific plans or frameworks for dealing with dementia, but there is no national strategy in Canada. In Canada, 6 of 10 provinces are developing strategies, but we have learned through other national strategies that we have, such as those for diabetes, HIV/AIDS, cancer and 10 others, that when the federal government becomes engaged, a stronger voice and stronger programs develop. Like with other diseases, dementia does not recognize provincial barriers.

Honourable senators, we can and we must do better. A national strategy could and should accelerate investment in dementia research. A national strategy could and should recognize the important role played by informal caregivers. A national strategy could and should recognize the importance of prevention. A national strategy could and should provide for the greater integration of care and use of best practices. A national strategy could and should work toward increasing the number of geriatricians in this country.

Honourable senators, it might come as a surprise to know that in Canada, we have 250 geriatricians but only 150 are in practice. This year, we have only 2 in training from coast to coast to coast. For comparison, we have 1,370 physicians practicing paediatric

medicine. Clearly, there is a huge gap in providing the kind of appropriate training and care within this aging society. We need geriatricians to improve diagnostic treatment, support self-management and engage the voluntary sector to make all of this strategy a reality. If honourable senators know someone with dementia today, then they already know how important it is to take action now. If they do not know anyone who suffers from dementia, they can be assured that sadly they soon will know someone with dementia. Two honourable senators during my time in the Senate, one of whom has died and another who is still alive, have suffered from Alzheimer's disease.

Several weeks ago, I attended a forum on Alzheimer's and other forms of dementia. A man who sat at the head table was beautifully groomed. In fact, he reminded me of Senator Meighen, in a way, who always looks so sartorially splendid. This gentleman was equally articulate. Therefore, it came as a bit of a shock when he announced that he has Alzheimer's. Honourable senators would not have thought that this man has Alzheimer's. He said that he first became aware that he had difficulty when he found himself in an airport several years ago and had no idea what city he was in or that he was in an airport. This experience is not the same as losing your keys, honourable senators; we all do that. Rather, this gentleman experienced a complete lack of understanding of where he was and what he was doing. He went to his physician who said that perhaps it was because he had been travelling a great deal and was stressed. However, several months later, when he was walking his dog in his own neighbourhood, he realized that he did not know where he was. He went back to his physician and said that there was something seriously wrong. The result was a diagnosis of Alzheimer's.

Honourable senators, if we live to the age of 85 — and I would like to think that everyone here will — 40 per cent of us will have Alzheimer's. I repeat: 40 per cent. I urge each and every honourable senator to take whatever steps they can to influence those who can make such a strategy in this country a reality. I urge honourable senators to do it without delay because the reality of Alzheimer's and related dementia is very much with us.

**Some Hon. Senators:** Hear, hear!

**Hon. Wilbert J. Keon:** Will the honourable senator take a question?

**Senator Carstairs:** Yes, of course.

• (1620)

**Senator Keon:** Honourable senators, let me congratulate Senator Carstairs on the tremendous amount of work she is putting into this subject and the frequency with which she speaks to audiences. My wife was in one of her audiences recently. Thankfully, my wife does not have Alzheimer's.

**Senator Carstairs:** No, she certainly does not.

**Senator Keon:** However, I notice that the honourable senator did not address the role of controlling blood pressure, particularly in middle life, in her speech. I wonder whether she would not

include that issue in the future because evidence is becoming overwhelming. If blood pressure is not controlled from approximately the age of 45 onward, there is a tremendous increase in the incidence of Alzheimer's.

**Senator Carstairs:** I thank the Honourable Senator Keon for that dynamic. It was not addressed in this particular report, although I was aware of it and should have included it. I was diagnosed with high blood pressure at the age of 17. That has obviously been very much a part of my life, although it is under control. I will ensure that the control of blood pressure is added to any other speech I give on this topic.

(On motion of Senator Di Nino, debate adjourned.)

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO MANDATE AND REFER PAPERS AND EVIDENCE SINCE SECOND SESSION OF THIRTY-NINTH PARLIAMENT

**Hon. W. David Angus,** pursuant to notice of March 10, 2010, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including but not limited to water, minerals, soils, flora and fauna; and
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development.

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee submit its final report no later than June 30, 2011 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

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

(Motion agreed to.)

#### COMMITTEE AUTHORIZED TO STUDY CURRENT STATE AND FUTURE OF ENERGY SECTOR AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTIETH PARLIAMENT

**Hon. W. David Angus,** pursuant to notice of March 10, 2010, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the current state and future of Canada's energy sector (including alternative energy). In particular, the committee shall be authorized to:

- (a) Examine the current state of the energy sector across Canada, including production, manufacturing, transportation, distribution, sales, consumption and conservation patterns;
- (b) Examine the federal and provincial/territorial roles in the energy sector and system in Canada;
- (c) Examine current domestic and international trends and anticipated usage patterns and market conditions, including trade and environmental measures and opportunities, likely to influence the sector's and energy system's future sustainability;
- (d) Develop a national vision for the long-term positioning, competitiveness and security of Canada's energy sector; and
- (e) Recommend specific measures by which the federal government could help bring that vision to fruition.

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Fortieth Parliament be referred to the committee; and

That the committee submit its final report no later than June 30, 2011 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

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

(Motion agreed to.)

### AGRICULTURE AND FORESTRY

#### COMMITTEE AUTHORIZED TO STUDY CURRENT STATE AND FUTURE OF FOREST SECTOR AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTIETH PARLIAMENT

**Hon. Percy Mockler**, pursuant to notice of March 10, 2010, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the current state and future of Canada's forest sector. In particular, the Committee shall be authorized to:

- (a) Examine the causes and origins of the current forestry crisis;
- (b) Examine the federal role in the forest sector in Canada;
- (c) Examine and promote the development and commercialisation of value added products;
- (d) Examine potential changes to the National Building Code of Canada 2005 to increase the utilization of wood;
- (e) Examine education in the wood science sector;
- (f) Develop a vision for the long-term positioning and competitiveness of the forest industry in Canada; and
- (g) Recommend specific measures to be put forward by the federal government to lay the foundations of that vision.

That the papers and evidence received and taken on the subject and the work accomplished during the Second session of the Fortieth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2010.

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

(Motion agreed to.)

[*Translation*]

#### COMMITTEE AUTHORIZED TO STUDY CURRENT STATE AND FUTURE OF AGRICULTURE AND AGRI-FOOD AND REFER PAPERS AND EVIDENCE SINCE THIRTY-NINTH PARLIAMENT

**Hon. Percy Mockler**, pursuant to notice of March 10, 2010, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the current state and future of agriculture and agri-food in Canada;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-ninth Parliament and during the Second Session of the Fortieth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than June 17, 2011.

(Motion agreed to.)

### ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Gerald J. Comeau (Deputy Leader of the Government)**: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 16, 2010, at 2 p.m.

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

**Hon. Senators**: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 16, 2010, at 2 p.m.)

**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION**

*(indicates the status of a bill by showing the date on which each stage has been completed)*

**(3rd Session, 40th Parliament)**

**Thursday, March 11, 2010**

*(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

**GOVERNMENT BILLS  
(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-268	An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)	10/03/04							

**SENATE PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards) (Sen. Ringuette)	10/03/04							
S-202	An Act to amend the Canadian Payments Act (debit card payment systems) (Sen. Ringuette)	10/03/04							
S-203	An Act respecting a National Philanthropy Day (Sen. Mercer)	10/03/04							
S-204	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	10/03/09							
S-205	An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability (Sen. Hervieux-Payette, P.C.)	10/03/09							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-206	An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations (Sen. Hervieux-Payette, P.C.)	10/03/09							
S-207	An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb)	10/03/09							
S-208	An Act to amend the Conflict of Interest Act (gifts) (Sen. Day)	10/03/09							
S-209	An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001 (Sen. Wallin)	10/03/09							
S-210	An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament) (Sen. Banks)	10/03/09							
S-211	An Act respecting World Autism Awareness Day (Sen. Munson)	10/03/10							
S-212	An Act to amend the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	10/03/10							

**PRIVATE BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

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