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Wednesday, March 31, 2010



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

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THE SENATE

Wednesday, March 31, 2010

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

Prayers.

[*Translation*]

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

March 31, 2010

Mr. Speaker,

I have the honour to inform you that the Honourable Thomas Albert Cromwell, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, will proceed to the Senate Chamber today, the 31st day of March, 2010, at 4:30 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Tom Godber, Board Director, Prostate Cancer Canada; and Rocco Fazzolari, Vice-President, Prostate Cancer Canada.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

CANADA ELECTIONS ACT

FIFTIETH ANNIVERSARY OF RIGHT TO VOTE FOR ABORIGINAL PEOPLES

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am pleased to rise today to mark an important milestone in our country's history. Fifty years ago today, under the leadership of the Right Honourable John George Diefenbaker, the Canada Elections Act was amended to extend the right to vote to our First Nations people.

Hon. Senators: Hear, hear!

Senator LeBreton: By doing this, our country enhanced the sacred democratic principles of our parliamentary traditions. All women and men share the same fundamental freedoms and the same intrinsic rights. Without the right to vote, First Nations peoples had been denied these essential freedoms and rights.

The amendments contained in the act to amend the Canada Elections Act removed discriminatory parts of section 14 of the act and received Royal Assent on March 31, 1960. The legislation came into force on July 1, 1960, 93 years after Confederation.

Honourable senators, in 1958, Mr. Diefenbaker appointed the first senator of First Nations origin, the Honourable Senator James Gladstone, who is honoured in the lobby of the Senate chamber.

Mr. Diefenbaker was committed to advancing the rights of Aboriginal people and I am proud that our government is committed to the same laudable and necessary goal.

As a government, we are building on that legacy by demonstrating leadership and protecting the rights of First Nations, Inuit and Metis people through such initiatives as the amendment to the Canadian Human Rights Act, the Prime Minister's historic apology to former students of Indian residential schools, and the creation of the Truth and Reconciliation Commission.

Honourable senators, it is necessary to mark these chapters in our country's history as we send a clear signal that we are committed to building a new relationship between Aboriginal and non-Aboriginal Canadians. I hope honourable senators will join me in celebrating today's important anniversary by honouring the prime minister who took this action, while at the same time acknowledging the important work that remains to be done.

Canada and, I am particularly proud to say, Canadians of Conservative stripe have shown leadership in this area and we will continue to work to advance the rights and freedoms of Aboriginal peoples at home and abroad.

PROSTATE CANCER

Hon. Rod A. A. Zimmer: Honourable senators, today is a special day on Parliament Hill. Today, we unite in support of our colleague and comrade Mr. Jack Layton and every other man in Canada who is faced with the fight against prostate cancer.

Prostate cancer is a disease. It is the most common cancer to affect Canadian men and has rates comparable to those of breast cancer in women. Over 90 per cent of prostate cancer cases are curable if detected and treated in the earliest stages.

Honourable senators, if you allow me in my remaining allocated time, as the movie is entitled, let me become “up close and personal.” Almost seven years ago, I was diagnosed with throat cancer with the odds of 20 per cent of surviving for two years. When Dr. Kerr, the Head of Oncology at the Health Sciences Centre in Winnipeg, along with Doctors Maksymiuk and Butler — whom I consider saints, not doctors, since they saved my life — gave me the news, I reacted by saying, “Doctor, the seventh stage of death is acceptance. I’m there, so flip me over, zap my backside and let’s go!” He responded by saying, “Good attitude!”

A positive attitude generates energy and adrenaline and fights off this disease. It also counters stress. Cancer exists in all of our systems and will attack the most vulnerable parts of your body over 10,000 times in your lifetime. Therefore, as much as possible, honourable senators, take the stress out of your life.

Many Canadian men and their families are unaware of the disease and the associated risks. Therefore, along with honourable senators in this place and our colleagues in the other place, I wear my blue tie as a representation of my support to promote prostate cancer awareness, detection, treatment and a cure.

• (1410)

Honourable senators, almost seven years after a one-time seven-week treatment, I am considered a survivor. However, if you are struck by cancer, do not weaken. Take on the challenge, because I know it can be beaten. Many myths are out there, but I have been on this adventure. Therefore, along your journey, I pledge to all honourable senators today, irrespective of your political background or where you sit in this Red Chamber, if you wish, I will mentor, guide, comfort, talk, pray and walk with you. If you weaken in the last few weeks of your treatment, I will lift you upon my shoulders and carry you the rest of the way because you are my comrades. That is my promise.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Percy Mockler: Honourable senators, I rise today to encourage all senators and members of Parliament to proudly wear the men’s ties and women’s scarves given to us by Prostate Cancer Canada, the only national organization dedicated to eradicating prostate cancer through research, education and awareness.

[*English*]

Our best wishes go out to MP Jack Layton who recently announced that he is undergoing treatment for prostate cancer. We applaud Mr. Layton for speaking out on such a personal issue and helping to bring much needed awareness to a disease with which one in six Canadian men will be diagnosed.

Fundraising activities include the signature events such as Movember, the Wake Up Call Breakfast, the Father’s Day Walk/Run and other countless community events across our great country. Through these activities and the generosity of donors, the foundation continues to raise money for innovative research, public education initiatives and the development of support groups to assist those through their prostate cancer journey.

I encourage all men aged 40 years and older to do as I have, to get a simple PSA blood test to determine their risk. Over 90 per cent of prostate cancer cases are curable if detected and treated at their earliest stage.

[*Translation*]

The ultimate goal of the Prostate Cancer Canada foundation is to unite our great country in the fight against prostate cancer. The tie is a symbol of prostate cancer. Honourable senators, I believe that in the near future, it will be as recognizable as the pink ribbon is for the fight against breast cancer.

Honourable senators, I encourage senators and members of Parliament to wear their ties or scarves proudly to show their solidarity with all Canadians who are undergoing treatment to fight prostate cancer.

[*English*]

WEST COAST LEGAL EDUCATION AND ACTION FUND

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to pay tribute to West Coast Legal Education and Action Fund’s President Nitya Iyer and Executive Director Alison Brewen. West Coast LEAF is a charitable organization that works to ensure that our laws guarantee substantial equality for all women in Canada, especially marginalized women.

The West Coast Legal Education and Action Fund works to ensure that the rights of women and girls as guaranteed by the Canadian Charter of Rights and Freedoms are upheld throughout our courts, human rights commissions and government agencies. West Coast LEAF takes action to reveal how factors such as race, colour, Aboriginal status, sexual orientation and religion compound discrimination against women. Senator Nancy Ruth is a great supporter of LEAF and I thank her for her work and her support for the organization.

On March 26, West Coast LEAF held its twenty-third annual Equality Breakfast. Over 760 guests attended to celebrate International Women’s Day and heard a moving keynote address given by Nobel Peace Prize winner Jody Williams. During her address, Williams reminded us that “Tolerance is not acceptance; differences must be respected and supported through local and international law reform.” This is an important message we must not forget.

Despite the great efforts of this organization and others like it, women in Canada continue to earn less than men and to experience violence and poverty at higher rates than men, and women around the world continue to bear the economic and social impact of raising children.

West Coast LEAF does many other things to empower women. One of its projects is to prepare a report card to measure how well the British Columbia Government is living up to the obligations of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW. CEDAW is a United Nations human rights treaty that guarantees women substantive equality and non-discrimination.

West Coast LEAF's annual report card on the B.C. Government read as follows: C for violence against women and girls; C for women and girls in prison; D for the issue of women and social assistance; D for access to child care; D for the issue of women and housing; F for missing and murdered Aboriginal women and girls; and, finally, F for the issue of women and access to justice. This means that there are more British Columbian women in our jails and more British Columbian women who do not have access to our courts.

Honourable senators, while women in this country have rights under the Charter, human rights laws and elsewhere, Canadian women struggle with gender-based violence, access to justice and simply outrageous levels of poverty. We all must make these issues a priority until all areas receive an A grade.

Canada is the best country in the world. All Canadian women, regardless of their circumstances or background, deserve the best treatment from the governments of British Columbia and Canada.

PUBLIC SERVICE OF CANADA

Hon. Nicole Eaton: Honourable senators, Canadians enjoy poking fun at their public servants. It is a kind of national sport stemming from the fact that we have grown accustomed to expect so much from our civil service. A little good-hearted teasing never hurt anyone, however, I remind honourable senators of a time when our public servants deserved our ridicule.

I remind Canadians of April 1, 1925. On that day, Prime Minister Mackenzie King appointed Oscar Douglas Skelton as Under-Secretary of State for External Affairs, and gave the Queen's University professor the job of bringing Canada's civil service into the modern age.

Skelton's task was daunting. How flawed was our public service? In the words of historian Jack Granatstein, it was a mess, a swamp of patronage and a refuge for the incompetent. A 1924 Senate report called it so lacking in efficiency as to be little short of a national disgrace.

Enter Skelton. He hired dozens of the most talented young men the country had to offer — alas, only men, but what men. These bright, talented “all-rounders” steered us through the most momentous period in our country's history: the Depression, the Second World War and the beginning of the Cold War.

How good were they? They were the best anywhere. According to Dr. Granatstein, the collective intellectual power of Canada's Foreign Service had no peer in Ottawa, London or Washington.

How did Skelton cultivate such remarkable people? He worked his contacts within the country's universities to hire men based on intellectual and professional merit, not political or family connections. He then instilled in these recruits an ethos that public service is a duty and a privilege, not a sinecure.

Armed with that enduring belief, Skelton's External Affairs set a standard that senior executives in other key departments soon emulated to forge the highly skilled, non-partisan public service we now count on.

O.D. Skelton changed Ottawa. He and his recruits changed Canada, and it all started 85 years ago tomorrow.

[*Translation*]

FRANCOPHONES IN WESTERN CANADA

Hon. Maria Chaput: Honourable senators, I rise today as a Franco-Manitoban senator and a member of the Western Canada Francophonie.

Although the stronghold of the Canadian Francophonie is located in Quebec, there are bastions in every Canadian province and territory.

I would like to give senators a general picture of francophones in Western Canada. The French language has occupied a special place in Manitoba for almost two centuries. Francophones have built a comprehensive network of French-language community organizations and services for themselves.

Francophone culture and the French language have been alive and well in Saskatchewan for over a century and have evolved to reflect the community's diversity and its many partnerships.

• (1420)

Alberta's Francophonie has flourished and sets the standard in many ways. In British Columbia, there has been a spectacular increase in the number of children registered in the francophone school board and French immersion programs. In Yukon, francophones are so dynamic, it is contagious. Francophones in the Northwest Territories have forged many social, community and economic links. In Nunavut, francophones put down roots back in the days of the earliest Arctic explorations. They live in harmony with three cultures and three languages.

The Western Canadian Francophonie is constantly striving to assert itself. Fierce battles have been fought over official languages, schools and French radio, among other things. The francophones in Western Canada have every intention of preserving these signs of progress and they are certainly nowhere near surrendering.

Our language is an official language. It has equal status, equal rights and equal privileges guaranteed by the Constitution. We have an Official Languages Act, which is so important that the Supreme Court of Canada has described it as not an ordinary piece of legislation, but a quasi-constitutional act. What it protects is of tremendous importance.

Today, in 2010, the francophones of Western Canada distinguish themselves by their increased desire to speak French and by the impressive and sustained growth of their institutions.

Honourable senators, we, the francophones of Western Canada, are not part of folklore; we are alive and well, and proud of our vitality.

ROUTINE PROCEEDINGS

EXPORT DEVELOPMENT CANADA

2009 ANNUAL REPORT ON THE ADMINISTRATION OF THE ACCESS TO INFORMATION ACT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Export Development Canada's annual report on the administration of the Access to Information Act, for the period from January 1, 2009, to December 31, 2009.

EXINVEST INC.

2009 ANNUAL REPORT ON THE ADMINISTRATION OF THE ACCESS TO INFORMATION ACT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Exinvest Inc.'s annual report on the administration of the Access to Information Act for the period from January 1, to December 31, 2009.

[English]

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

FIRST REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the first, interim, report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Canada and Russia: Building on today's successes for tomorrow's potential.*

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

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

[Translation]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS BILL

FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-4, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

(Bill read first time.)

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

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

[English]

COMMONWEALTH PARLIAMENTARY ASSOCIATION

COMMONWEALTH PARLIAMENTARY CONFERENCE, SEPTEMBER 28-OCTOBER 6, 2009—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Fifty-fifth Commonwealth Parliamentary Conference, held in Arusha, Tanzania, from September 28 to October 6, 2009.

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

That committees scheduled to meet today have power to sit from 4:15 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

QUESTION PERIOD

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST NATIONS UNIVERSITY OF CANADA— ABORIGINAL EDUCATION

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate. I will begin by saying how much I appreciated her uplifting speech during Senators' Statements regarding the fiftieth anniversary of the First Nations receiving the vote. Unfortunately, there is another anniversary today which is not nearly as uplifting or pleasant.

Today is the end of the fiscal year and the day that the long-term core federal funding to First Nations University in Regina runs out.

We acknowledge there were serious problems with the governance and management of First Nations University, but both of these issues have been addressed. A new depoliticized board of directors has been put in place and the senior administrators have been dismissed. The University of Regina has stepped up to the plate and will assume oversight of financial matters.

While the provincial government has shown tremendous leadership in this matter and has concluded a funding deal with the university, the leader's Conservative government is still missing from the table and refuses to show leadership.

Honourable senators, education is the key to the future for Aboriginal people. In the next 10 to 15 years, they will make up 50 per cent of the workforce. Why is the Conservative government making students pay today for mistakes of the past, which have been acknowledged and, for the most part, have been corrected? Why would the government allow the demise of a great institution critically important to the education of Aboriginal youth by cutting off long-term funding?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have stated in this chamber before, the difficulties of the First Nations University have existed for some time. As I also reported to the honourable senator's colleague, Senator Dyck, the government remains committed to ensuring that First Nations students continue to enjoy the same educational opportunities as any other Canadian.

Our focus has been First Nations students in this regard. Minister Strahl announced yesterday that our government is prepared to invest up to \$3 million through the Indian Studies Support Program to an eligible post-secondary institution in good standing.

• (1430)

The investment will cover expenses related to programming for students attending the First Nations University of Canada so that they can finish their academic year, which ends on August 31, 2010.

Senator Peterson: I thank the leader for her response, but it seems that the government is not concerned about the students of the First Nations University, and is adding them to the list of cuts that include the Aboriginal Healing Foundation and the Dental Therapy Program. Why is the Conservative government abandoning the Aboriginal people of Canada?

Senator LeBreton: I respectfully disagree with the honourable senator. This government and the previous government have experienced great difficulty with this university. By no means does that difficulty undermine the commitment made by this government to many other programs, including education, for Aboriginal people. Work is being done and encouraging changes have been made, but there is still much to be done. We hope that all parties will conclude the legal agreements and bring about the changes expected not only by Aboriginal students but also by Canadian taxpayers.

Some Hon. Senators: Hear, hear.

Hon. Lillian Eva Dyck: Honourable senators, my mailbox is filling up with letters in support of the First Nations University of Canada from people around the world, including Spain, Ireland and Australia. I have received letters from the University and College Union that represents 120,000 academics and academic-related staff in the United Kingdom asking the government to restore full funding to the First Nations University of Canada. How can the government not restore that funding at this time?

Senator LeBreton: Honourable senators, the government is fully funding the students until August 31, 2010, so that they are able to complete their year. The honourable senator claims to have received letters from around the world. I hope that they are more respectful of our institutions than the gentleman from the University of Regina who appeared on "Power Play with Tom Clark" last week. If his statements were an example of the type of views that people share, that does not stand us in good stead.

I believe I put the following on the record the other day, but I repeat: Since 2006, when the Conservative Party formed the government, the government has invested \$395 million in the completion of 94 school projects. Canada's Economic Action Plan provided for 10 new schools and three major renovations to schools. The Building Canada Fund provided for eight new schools or renovation projects. As well, the government invested \$100 million over three years for the Aboriginal Skills and Employment Partnership and \$75 million in the new two-year Aboriginal Skills and Training Strategic Investment Fund. In December 2008, Minister Strahl launched two new programs to help Aboriginal students succeed academically: The Education Partnership Program and the First Nation Student Success Program.

I will be happy to provide the honourable senator with that information so that she may respond to all those letters from people around the world who mistakenly believe this government is doing nothing for Aboriginal students.

Senator Dyck: I believe that the honourable leader said the funding was coming through the Indian Studies Support Program. According to the January 2009 internal audit of Indian and Northern Affairs Canada, the only organization

that is authorized to receive funding through the Indian Studies Support Program on an annual ongoing basis is the First Nations University of Canada. It is allowed under the terms and conditions of the program to receive operational funding. The requests made by the government for the university to put forth a proposal go against the terms and conditions of the Indian Studies Support Program.

How does the government justify that request when the policy is already in place that the First Nations University of Canada is entitled to ongoing operational funding on an annual basis?

Senator LeBreton: The honourable senator must acknowledge that there have been serious accountability problems at the First Nations University of Canada. The Minister of Indian Affairs and Northern Development, the Honourable Chuck Strahl, is working hard on all these files and has met with the various stakeholders. He made an announcement yesterday to deal with the urgent need of the students in terms of the obligations to ensure that they complete their education. Beyond that obligation, there is much work to be done. Our focus should be to ensure that the students complete their school year. There will be ongoing activities at the ministry to resolve this problem, but none of these activities takes away from the other programs that are committed to the education and skills development of our Aboriginal peoples.

Hon. Sandra Lovelace Nicholas: Honourable senators, I ask the leader if this university is the only school in this predicament. If not, I want to know whether any other schools have been criticized.

Senator LeBreton: Honourable senators, the focus today has been on the First Nations University of Canada. I would not want to have the reputations of other excellent post-secondary or skills training facilities undermined in any way by the activities of the First Nations University of Canada. The questions of honourable senators have focused specifically on this university. The government has been working on a resolution to the serious accountability problems at the university. The original concerns expressed were for the students, and the government agreed. The students are paramount, and that is why Minister Strahl took such measures yesterday and today. I am not aware that any other First Nations universities or educational institutions face such a problem, so I will be happy to forward the honourable senator's question to the ministry.

Hon. Jane Cordy: Honourable senators, in the leader's response to Senator Dyck, she said that when the school closes in August, there will be ongoing activities in the ministry to solve the problem. Can the leader indicate to honourable senators the types of activities at the ministry that will solve the problem?

Senator LeBreton: The honourable senator has asked a hypothetical question. The government's focus is on the students. There are many problems surrounding the operations of this university. It is clear that the university could not continue. It is also clear that the minister and his department will seek solutions to continue to help Aboriginal students. My reference was to say that the government will not leave Aboriginal students high and dry all over the country because of the unfortunate activities of the First Nations University in Regina.

• (1440)

Senator Cordy: Honourable senators, mine was not a hypothetical question. It was a question in response to the leader's comments to Senator Dyck, unless her comments were hypothetical; I am not sure.

The government's plan to close this university was not made this week but some time ago and one assumes that the ministry would have alternate plans in place. We know that the largest growing demographic is Aboriginal youth under the age of 25 years. Honourable senators, plans must be in place today to educate this demographic. If no such plans are in place, we will have problems in the future.

I ask the leader again, what does the minister have planned? One cannot just close the door on these students and say "good luck."

The leader told this house that there would be ongoing activity to solve the problems. Please give this house an indication of that activity.

Senator LeBreton: I do believe the government was definitive about the First Nations University. However, as part of the ongoing efforts of the Minister of Indian and Northern Affairs and the government — and these are the plans going into the future — we have worked closely with British Columbia, Manitoba and New Brunswick First Nations groups on initiatives to improve all educational outcomes. In February, the minister signed a memorandum of understanding with Alberta and the Assembly of Treaty Chiefs. That MOU established an historic partnership to strengthen First Nations education in the province of Alberta.

These are all plans going forward that deal with education for our Aboriginal people.

Furthermore, honourable senators, Budget 2010 provides additional funding to strike agreements with remaining provinces that I have not mentioned and First Nations to support better education for First Nations students.

The simple answer to the honourable senator's question is that we were dealing with one particular issue, and that is the students at the First Nations University. I have addressed that issue. I have now outlined the work that the minister is doing in the provinces I mentioned, and in other provinces, all for the betterment of Aboriginal students.

[Translation]

OFFICIAL LANGUAGES

STATEMENTS IN COMMITTEE

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. On March 29, 2010, at the Standing Senate Committee on Official Languages, one of your colleagues asked a witness the following question, and I quote:

When do you forecast that the census figures for francophones in Western Canada will reach zero?

The senator in question later added, and I quote:

Aside from the folkloric element that those communities will eventually represent, the time will come when, if we do not find ways to revitalize and protect those communities, with the support of government officials who will make it their mission to do so, the number of francophones will eventually dwindle to next to nothing, even in everyday reality.

Is it not unfortunate that one of your honourable colleagues is so unaware of the vitality of francophone communities in Western Canada? I am certain that the senator's comments do not reflect a new policy of the current government on francophones in the West. But as you can see, I was staggered and upset by these comments. Can you give me any reassurance?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the activities of the various Senate committees are the activities of Senate committees and are not the responsibility of the government. I answer questions in Question Period on behalf of the government.

I believe that many questions and points of view are raised in Senate committees and people have every right to raise them and every right to question them. They do. That is part of their freedom of speech.

The fact is that people are entitled to ask questions or make statements they believe but that might not necessarily be borne out by fact. Any deliberations of the Senate committees are the property and the purview of the Senate and the Senate committees and are not the responsibility of the government. Therefore, I cannot answer for any specific person who might have appeared, whether it was a senator or a witness. Otherwise, we would be here, probably until I do not know when, answering questions.

Everyone is entitled to ask questions or have their own views, and I have no other comment to make.

[Translation]

HEALTH

REPRODUCTIVE HEALTH

Hon. Jean-Claude Rivest: Honourable senators, yesterday, the U.S. Secretary of State was in Canada. On the issue of maternal and child health, she spoke with her usual authority and very simply and concisely stated:

You cannot have maternal health without reproductive health and reproductive health includes contraception and family planning and access to legal, safe abortions.

I would like to know why the Canadian government, rightly or wrongly, seems to be so reticent about confirming the legal reality of Canadian women. Why has it not taken a stand internationally so that all women and children have the same rights as Canadian women?

[Senator Chaput]

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as is well known, Canada will lead the discussion at the upcoming G8 summit on child and maternal health, and this is an initiative supported by the G8. We are focused on how to make a positive difference and save the lives of mothers and children in the developing world.

Senator Rivest, whether it is the Arctic or the fact that we host a conference, whether it is the G8 or Afghanistan, it will be Canada and Canadians who will make those decisions.

[Translation]

OFFICIAL LANGUAGES

STATEMENTS IN COMMITTEE

Hon. Jean Lapointe: Honourable senators, I had the privilege of sitting on the Standing Senate Committee on Official Languages with two great senators, Senator Beaudoin and Senator Gauthier. We have fought tooth and nail to help francophones outside Quebec and to help anglophones. I am ashamed that such comments were made in committee and I would like the name of the senator who made those comments to be disclosed. It is not fair that all francophones east and west of Quebec and in the Maritimes are being treated this way.

Will the leader find out who made these comments?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I appreciate the question. I am not in the business of answering for senators on either side when they appear before any committee of the Senate, except to say that this government and all governments have a proud tradition of two official languages. We have French language minorities in all provinces, including Alberta, Manitoba, New Brunswick and Ontario, with a significant number of francophones in British Columbia and an English language minority in Quebec.

• (1450)

This government — just as, historically, Conservative governments have done, going back to when the Right Honourable Brian Mulroney was prime minister and he took a stand on Manitoba language rights — has been a proud defender of minority language rights and our official bilingualism policy.

[Translation]

Senator Lapointe: Honourable senators, may I ask the chair of the committee to disclose the name of the senator in question?

The Hon. the Speaker: According to the rules, it is possible to ask a question of the Leader of the Government in the Senate or a chair of a standing senate committee during question period.

Senator Lapointe: Then it is perfectly clear. I am asking the chair of the committee to disclose the name of the senator in question.

Senator Chaput: Honourable senators, it was Senator Boisvenu.

Senator Lapointe: I am sorry to hear that.

[English]

CANADA BORDER SERVICES AGENCY

IMPORTATION OF CHINESE DRYWALL

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. I am seeking reassurance from the government on the part of Canadian homeowners that an unfortunate situation that developed in the United States did not and cannot occur here.

I go back to 2004 at the height of the building boom, particularly in the southeast United States. The market exploded so quickly that American gypsum mines and drywall makers could not keep up with the demand, and hence turned to the import market. Unfortunately, they imported Chinese drywall, which passed through South Florida ports with virtually no inspection. This drywall was installed in as many as 100,000 homes across the United States.

Homeowners soon began to report problems such as air conditioners failing, and electrical wiring and copper piping corroding. Homeowners suffered persistent costs. I seek assurance from the minister that such importation did not take place in Canada at that time, and that mechanisms are in place to ensure building supplies imported into Canada are safe.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I appreciate having notice of this question because, otherwise, I am sure if the honourable senator had asked a question about Chinese drywall, I would not have had the facts at my fingertips.

The government is committed to protecting the health and safety of Canadians from hazardous consumer products. We are aware of the reports of health concerns and the situation as it developed in the United States.

The Canada Border Services Agency assists other government departments in controlling the importation of hazardous products. The Canada Border Services Agency works closely, as one would expect, with Health Canada to ensure the products that may be in violation of the Hazardous Products Act are intercepted at the border and handled appropriately.

I am pleased to report to honourable senators that the Canada Border Services Agency has informed Health Canada that there is no evidence or record of any of this drywall making its way across the border into Canada.

[Translation]

FISHERIES

EUROPEAN BOYCOTT ON COMMERCIAL SEAL PRODUCTS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. On November 2, 2009, the Government of Canada lodged an official complaint with the World Trade Organization to challenge the European boycott of seal products.

The first phase of the process required consultations with the European Union. If, after 60 days, no agreement was reached, Canada could then request that a special group be formed to review the complaint.

Could the leader tell us the nature of those consultations between Ottawa and Brussels and what conclusions were reached? Since the 60 days have passed, has Canada asked that a special group be formed?

[English]

Hon. Marjory LeBreton (Leader of the Government): Senator Hervieux-Payette is right; Canada has taken this issue to the WTO. I will take her question as notice and ask for information as to the status of that complaint. I will provide the honourable senator with a written response.

Senator Hervieux-Payette: I have another short question. The Humane Society International, in October 2009, after closing the European market, made the following comment:

[Translation]

Expanding the boycott of Canadian seafood to Europe is a logical next step in our campaign to end Canada's commercial seal slaughter.

There is a relationship there. I simply want to warn the government. Could the leader tell us what actions the government has taken to ensure that hard-working Canadians will not have to endure another European boycott on either seafood or fish?

[English]

Senator LeBreton: As honourable senators know, especially those from the East Coast, there are problems in the fishery as it is, without having this kind of a problem. I will add that question to my request to the Honourable Gail Shea, the Minister of Fisheries and Oceans, for a written response.

With regard to seal products, the honourable senator knows that Minister Shea has been aggressively pursuing other markets for seal products during a recent visit to China, which was successful. Hopefully we will have success not only in dealing with the European community but also creating other markets for our products.

FOREIGN AFFAIRS

MILITARY PARTICIPATION OVERSEAS

Hon. Hugh Segal: Honourable senators, my question is for the Leader of the Government in the Senate, and it is a supplementary question asked by our colleague, a senator from Quebec, relative to Secretary Clinton's visit to Canada. I rejoice in the leader's response that decisions about Canadian foreign, defence and maternal policies will be made in Canada.

As the Prime Minister has established a principle that no major military deployment will take place without a formal debate and vote in Parliament, can I ask the leader to inquire as to whether there will be a formal vote and debate in Parliament before any disposition with respect to the Congo? This disposition is being talked about in many sources with respect to our forces. Further, may I ask the leader whether the future of our activity in Afghanistan might also be the subject of open debate and discussion in the House of Commons?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I think we have much to be proud of because, for the first time, when the mission to Afghanistan was extended, our Prime Minister and government respected Parliament and took the question to Parliament. The question was not taken to Parliament, of course, when our troops were first committed to Afghanistan.

I believe that the Prime Minister has said publicly that any large-scale commitment by our military will be brought to Parliament. I have no reason to believe that will not happen. I believe it will. Honourable senators, I will seek clarification of that belief.

ORDERS OF THE DAY

TAX CONVENTIONS IMPLEMENTATION BILL, 2010

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Dickson, for the second reading of Bill S-3, An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Hon. Wilfred P. Moore: Honourable senators, it is my pleasure to rise today and speak to the bill known as Bill S-8 before "recalibration," and now properly referred to as Bill S-3, An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Somehow, it sounds as riveting today as when it first appeared before us in that long lost Second Session of the Fortieth Parliament whose life was tragically cut short by the soft-on-tax conventions, Conservative-dominated Prime Minister's Office.

• (1500)

I commend my colleague Senator Greene on his words of explanation regarding this bill. He somehow managed to stay on track despite the recent recalibration episode. This allows for brevity on my part.

As the global economy grew more integrated, a treaty on international taxation was sought to deal with the problems of double taxation and tax evasion. The OECD began to address these issues in the 1950s, eventually creating the Model Tax Convention. Since then, more than 3,000 tax treaties have been put in place worldwide.

Simply put, the Model Tax Convention establishes a guideline under which countries can harmonize their double tax treaties. If a Canadian company sells its goods in another market as well as at home, there is the possibility that it would end up paying tax at home and abroad. As Senator Greene mentioned last week, and in the speech he delivered before "recalibration," not only is such double taxation unfair to the company, it also causes major problems in international trade.

Tax treaties prevent these problems in several ways. To explain, I will quote from my pre-recalibration speech, in which I stated:

Tax treaties allocate taxing rights between two countries by resolving the issue of residence where a taxpayer would be considered a resident of both countries. With respect to each category of income, treaties assign the primary right to tax to one country, usually, but not always, the country where the income arises. A residual right to tax is usually, but not always, assigned to the country of residence.

Treaties provide rules for determining which country will be treated as the source country for each category of income.

Lastly, treaties also provide rules limiting the amount of tax that the source country can impose on each category of income, and places the onus on the resident's country to eliminate double taxation."

A dispute mechanism is included as well, which seeks ultimately to avoid double taxation by having representatives from each of the countries arrive at a mutually satisfactory solution regarding outstanding issues. I believe the 2008 update to the Model Tax Convention introduced a "mandatory, binding arbitration provision to resolve difficult issues."

Senator Greene mentioned in his post-recalibration speech that these treaties also deal with the issue of excessive taxation through the reduction of withholding taxes. Maximum levels are set for these withholding taxes, and Canada often seeks outright elimination of withholding tax for some types of income.

It is worthy to note that Senator Greene also stated in his speech:

It is important to remind honourable senators that while we have been impacted by global recession, Canada has weathered the recession better than any other countries

and we are well placed going into a recovery. Our fiscal standing is the healthiest in the G7; our housing markets avoided the problems seen in other countries; and our banks and financial system are the strongest in the world.

I would like to inform the chamber that I have passed on these compliments to the Right Honourable Jean Chrétien, the man responsible for protecting the economy and Canadians from this recession.

All in all, these tax treaties, including the three we are dealing with today in Bill S-3, are meant to enable an easier international tax regime between Canada, Colombia, Greece and Turkey. To do so under the rules as set out by the OECD's Model Tax Convention, I support this bill and look forward to further discussion in committee.

Hon. Stephen Greene: Before I propose sending this to committee, I would like to add that during the post-recalibration period, Greece signed its legislation into law. They are waiting for us.

With regard to the comments regarding the wonderful Prime Minister Chrétien, I would like to remind the chamber that it was the Reform Party, especially the Reform Party when Stephen Harper was the finance critic, that enabled the 1995 Budget to take place.

Senator Moore: Do they really want to raise that subject? Regarding Greece, we have all been reading the financial pages; little wonder they signed it already.

Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Greene, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poirier, seconded by the Honourable Senator Runciman:

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

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

MAY IT PLEASE YOUR EXCELLENCY:

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

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to thank our newest colleagues, Senator Poirier and Senator Runciman, for launching the debate on the Speech from the Throne. I think we can all acknowledge that they did the best they could in difficult circumstances. So many words; so little substance!

Here we are again, debating yet another Speech from the Throne after yet another surprise prorogation by this Prime Minister. I have been Leader of the Opposition in the Senate for less than a year and a half and this is the third speech that I have given in reply to a Speech from the Throne.

Honourable senators, there are real and pressing issues facing our country. Canadians are concerned about jobs, the deficit, health care, and the environment. They want to know that their government is working to ensure that their children will have the skills and education they need to meet the challenges down the road in our rapidly changing world. They have seen their life savings disappear in a financial meltdown and they ask what is being done now to protect their retirement income and pensions.

Most Canadians were skeptical of the Prime Minister's claim that he needed to prorogue Parliament in order to recalibrate, but they were prepared to give the government the benefit of the doubt, accepting that serious challenges require time to come up with serious solutions.

Honourable senators, Canadians have been sadly disappointed. This latest Speech from the Throne contains no serious solutions, no plan for Canada in the 21st century. As Mr. Ignatieff said, "This is recalibration? It looks more like regurgitation to me."

We have promises of recycled crime bills and Senate reform bills — bills that died because the Harper government either sat on the initiatives or because of the Prime Minister's decision to shut down Parliament.

The policy initiative that sparked the most public engagement was a proposal to change the words in the national anthem. That proposal was withdrawn within 48 hours. One could debate that issue at length, but it is the insight this fiasco provides into how this government comes up with policies for Canadians that is most shocking.

• (1510)

Prime Minister Harper justified his proroguing Parliament as somehow necessary to enable his government to consult with Canadians on a "recalibrated" Speech from the Throne. We can see now there was no recalibration, and it now appears there were no consultations, either.

Forty-eight hours of “listening to Canadians” was enough for him to decide that the proposal to change the words to the national anthem should not succeed. Why did that not happen during the period of prorogation? How many other policies contained in the Speech from the Throne and the budget were crafted in such evident haste and with so little forethought?

Canadians expect honest and serious public policy. Instead, regrettably, we have a government focused on spin while ignoring the real problems. It replaces substance with slick advertising and rejects out of hand all dissenting voices; whether from independent watchdogs, recognized experts, public servants, Parliamentarians or members of the public.

We have seen this government’s supposed law and order agenda, which insists on simplistic solutions to the problem of crime in Canada. Indeed, the Minister of Justice, himself, is on record as strongly opposing the very solutions he now stridently advances.

Perhaps most disturbing of all were the attempts by the members of the Harper government to discredit the testimony of Richard Colvin on the issue of Afghan detainees. More than 125 former ambassadors, including no less than our former ambassador to Washington, Allan Gotlieb, took the highly unusual step of writing a letter protesting the treatment of Mr. Colvin. They said he was “unfairly subjected to personal attacks,” and that the episode:

. . . risks creating a climate in which officers may be more inclined to report what they believe headquarters wants to hear, rather than facts and perceptions deemed unpalatable.

However, this government is not interested in serious public policy based on the honest examination of facts and evidence. It is interested only in controlling the message.

Cabinet ministers routinely refuse to answer questions about their portfolios or even their own proposed bills. We saw evidence of this in our own Senate committees. There were several occasions when cabinet ministers were invited to appear before Senate committees on proposed legislation they claimed was of critical importance and urgency, yet they did not appear.

The refusal of ministers to answer questions from the media is so well known as to pass with barely a shrug. It has been reported that members of the press gallery are routinely warned by the Prime Minister’s aides not to ask questions at the many carefully staged photo opportunities.

Anyone brazen enough to ask a question is quickly reprimanded and told, if they continue, reporters will no longer be invited to ask questions.

So much for an era of openness and accountability. A new era, it is true, but not the new era Canadians were expecting. No government in Canadian history has been so secretive and so closed as this one.

How has this government tried to justify its refusal to allow cabinet ministers to answer questions from the Parliamentary Press Gallery? The Prime Minister’s former press secretary was interviewed by *The Hill Times* a little over a year ago. This is what the article said:

“Ministers are available in Question Period to answer questions of the elected opposition, that is the system that we have, that is the primary way by which cabinet ministers in a Parliamentary democracy are held accountable,” said Mr. Teneycke.

That was in November 2008. We know what happened next, honourable senators. Just two short months later, the Prime Minister shut down Parliament and then, a year later, he did it again.

So much for the accountability of ministers to Parliament.

Prime Minister Harper has repeatedly told Canadians that his government would never cut and run. Yet, that is exactly what the Prime Minister has done: Cut and run, shutting down Parliament not just once, but twice.

This response by a national government to purely political problems is so unusual that it has provoked comment not only in Canada, but worldwide. *The Economist* commented on this in an article entitled “Halted in mid-debate” and in a strong editorial entitled “Harper goes prorogue.” which stated:

Canadian ministers, it seems, are a bunch of Gerald Fords. Like the American president, who could not walk and chew gum at the same time, they cannot, apparently, cope with Parliament’s deliberations while dealing with the country’s economic troubles and the challenge of hosting the Winter Olympic games.

The Prime Minister’s Office has tried to convince Canadians that the prorogation was routine and that it is commonly used. Richard Foot of Canwest News Service researched the history of the prorogation manoeuvre. He wrote:

. . . no other English-speaking nation with a system of government like ours — not Britain, Australia or New Zealand — has ever had its parliament prorogued in modern times, so that its ruling party could avoid an investigation, or a vote of confidence, by other elected legislators.

Only three times has this happened, all in Canada — first in 1873, when Sir John A. Macdonald asked the governor general to prorogue Parliament, in order to halt a House of Commons probe into the Pacific Scandal. . . .

No prime minister dared use prorogation to such effect again, until Stephen Harper convinced Gov. Gen. Michaëlle Jean to suspend Parliament in 2008, so the Conservatives could evade a confidence vote.

A little more than a year later, he did it again.

Editorial boards across the country stood up to denounce this shameful action by Prime Minister Harper. *The Globe and Mail* took the rare step of publishing its editorial of condemnation on the front page, something it last did 45 years ago.

Some Hon. Senators: Oh, oh!

Senator Cowan: I know the honourable senators opposite do not like to hear some of these facts, but it would do them good to do so.

Christopher White, a graduate student at the University of Alberta, set up a Facebook group which he called Canadians Against Proroguing Parliament. Over 225,000 Canadians joined that group.

At our universities, it was not only students who protested. Daniel Weinstock of the University of Montreal, Jeremy Webber of the University of Victoria and Charles Taylor of McGill — three eminent Canadian professors — joined to write an article criticizing the Prime Minister's decision to prorogue Parliament. To date, more than 150 Canadian academics who specialize in the principles of democracy have asked to sign that article.

Liberal parliamentarians returned to work on January 25, the week that Parliament should have resumed. That week, we held the first of what became a series of more than 30 public round tables on issues of real concern to Canadians. Our round tables focused on creating jobs, including for the youth of Canada; on the digital economy; lifelong learning; supporting science and technology; energy and the environment; health care, including issues around Alzheimer's and dementia; the medical isotopes crisis; poverty and homelessness; white-collar crime and community safety; aviation security; veterans; accountability; and governance.

Honourable senators, I regret that I do not see the same forward thinking efforts at thoughtful public policy development reflected in the actions of this government. There is no vision or plan to ready Canadians for the future. That was terribly evident in the Speech from the Throne.

Canadians face a major demographic shift as baby boomers retire and join the ranks of senior citizens. As Senator Carstairs recently pointed out in this chamber, fully 25 per cent of the Canadian population will be over the age of 65 by 2031. This presents serious challenges in terms of labour shortages, tax revenues, social programs and health care, to name just a few. A responsible government prepares for such massive challenges. However, none of this is addressed in the Speech from the Throne. Our own Parliamentary Budget Officer made it clear that we ignore these demographic issues at our peril.

Climate change is another serious challenge. It is real, and it is happening here today, transforming the world as we speak. Yet this government has no responsible environmental plan. It chooses instead to outsource its plan to the United States, while taking no action to prepare for the impacts that scientists know will occur — on the global food supply, water resources and even our physical health.

• (1520)

Economic development opportunities are being lost by this government's myopic approach to the environment. The Harper government says it is waiting for the United States, but President Obama has announced significant spending initiatives on emerging renewable and conservation technologies.

Before the recent budget, the United States government was outspending our federal government 14 to 1 on a per capita basis. According to the Pembina Institute, Budget 2010 not only failed

to narrow that gap, it widened it. Now, the U.S. government will be outspending Canada 17.8 to 1 on a per capita basis. Consistent with this neglect, Minister Flaherty did not even mention the words "climate change" in his budget speech.

Where is the plan to position Canadians to create and seize the best jobs of tomorrow? This government cut literacy programs. It decimated the national literacy infrastructure, stranding Canadians who desperately need these skills to work.

Education is the key to success yet this government has not presented any coherent plan to ensure that Canadians have the skills they will need. There are isolated initiatives and I applaud them. However, without a plan or clear ideas of where we want to be as a nation 5, 10 or 20 years from now, how can we hope to reach a destination?

Honourable senators, "vision" is not a rhetorical device. Vision is building for the future, not just solving the latest current crisis.

In the Speech from the Throne, the government ostensibly set out, in sometimes lofty tones, its plan for the upcoming session. In the budget tabled the day after the Speech from the Throne was delivered, we find some details of what Canadians can expect.

The government has made the deficit the centrepiece of this budget. Let us be clear. This is a problem of the government's own creation. It is a problem that seems to have taken this government by surprise, not only once, but repeatedly.

Prime Minister Harper inherited a healthy \$13-billion surplus from the previous Liberal government. He swore to Canadians in the 2008 election that his party would never put Canada back into deficit. He called the very idea "ridiculous." That is the word he used — ridiculous. His government presented its economic and fiscal update on November 27, 2008. Canadians were told to expect a \$100-million surplus in 2009-10.

Only weeks later, Finance Minister Flaherty was forced to admit that his analysis had been wrong. Canada would run a deficit of between \$20 billion and \$30 billion, which climbed to \$34 billion and is now a record \$53.8 billion.

An Hon. Senator: He should be fired.

Senator Cowan: Honourable senators, how can Canadians have any confidence in this Minister of Finance who has been so spectacularly wrong about what is happening to the nation's finances?

Mr. Flaherty is now telling Canadians that he can reduce the deficit without tax increases and without cuts to program spending. The deficit will disappear through a review of government departmental spending and with the economy growing its way out of deficit.

Many economists across the countries, including our own Parliamentary Budget Officer, question the government's assumptions. One newspaper called the plan "six sleights of hand."

Dan Kelly of the Canadian Federation of Independent Business was unequivocal in his assessment of this pie-in-the-sky approach to fiscal policy:

The budget's assertion it does not increase taxation is nonsense. While taxes are frozen for the calendar year 2010, every employed Canadian and every Canadian business that has staff will experience a significant Employment Insurance premium hike starting in January 2011.

No doubt, air travellers will disagree that this government has not raised taxes when they are forced to pay increased airport security fees.

The message from the Harper government on the deficit seems to be: "Trust us." However, how can Canadians be expected to trust a government that did not see the recession coming; a Prime Minister who claims to be an economist, but who told Canadians to invest in the stock market at the worst possible time; and a Minister of Finance who did not know whether he would be running a deficit or surplus?

It is also difficult to take seriously this government's promise to reduce government spending when the Harper government quietly boosts funding to advertise its economic action plan.

According to news reports, the government recently increased its advertising spending on the action plan from \$34 million to \$39 million — a 15 per cent increase. This level of thinly-veiled partisan advertising is equivalent to buying a Porsche with taxpayers' money and preaching to those same taxpayers that they should take the bus.

Only this week, Canadians learned in a report by Daniel Leblanc in *The Globe and Mail*:

A senior Conservative official repeatedly intervened last month to try and suppress the revelation that Ottawa spent \$5 million on a TV advertising blitz surrounding the Vancouver Olympics.

In a tense exchange of e-mails over a two-day period, ministerial aide Ryan Sparrow blocked attempts by bureaucrats to reveal the price tag of the ads that aimed to promote the Conservative budgetary measures. . . .

"No figures," bureaucrats were told by Mr. Sparrow, the director of communications in the office of Diane Finley, the Minister of Human Resources and Skills Development.

The Prime Minister's press office has a whopping 27 people on staff. Don Martin, columnist for the *Calgary Herald*, remarked: "That's a lot of staff to not get back to you." That is also an expensive office budget. It may be frozen, but what is the point if the budget was padded to the max before the freeze was imposed?

This government also has an interesting view of what all these people in the press office are suppose to do. It seems their primary purpose is not to provide information to the press, but rather to

suppress it. For example, after many months of stonewalling, the government has finally admitted that its illusory tough on crime agenda will cost Canadian taxpayers approximately \$3.1 billion by 2012-13. This is a 27 per cent increase to the Correctional Service of Canada's prison budget over the next three years. It is occurring while crime rates have been falling for years and virtually every expert says that the government's law and order agenda is fundamentally flawed and wrong-headed.

An Hon. Senator: It is a housing program.

Senator Cowan: Canadians need investment in research and development and in science and education. We know there will be strains on our health care system and our social safety net as our population ages. Instead, we get bloated prisons and a bloated PMO. Is this the Harper government's vision for Canada?

Look at where the government has announced it will cut back to fight the deficit it created. In the 2010 Budget, the Department of Public Safety, for example, is directed "to eliminate research programs where capacity now exists in other organization such as universities." The savings are \$200,000 per year. Public Safety is responsible for our national security, emergency management, corrections policy and law enforcement. Some of the organizations that fall under their purview are the RCMP, CSIS, and the Canada Border Services Agency.

We recently learned that practically all of the money that will be saved next year by these supposedly critical cutbacks on policy research will be spent on one single contract — for a decorator for this year's G8 and G20 summits. I suppose we should not be too surprised at this news since this is a government that prefers window dressing to substantive policy for Canadians.

Some Hon. Senators: Hear, hear.

Senator Cowan: Note the careful wording mandating the cuts to the policy research for Public Safety. It is not that the research is actually being done elsewhere; it is simply that "capacity now exists" elsewhere to do the research. University research may be focused on something completely different, but that is apparently irrelevant. The funding will still be cut.

Honourable senators, I fear the issue is not only about how this government mismanages fiscal priorities, but it goes to how it treats public policy research itself. Many of us in this chamber on both sides have asked to see research on which various public policy proposals were based. We were shocked to discover that no studies exist.

This has been a critical issue for senators studying the mandatory minimum prison sentences proposed by this government. Some of those proposed policies run counter to the research studies that have been conducted. Is this why the Department of Public Safety is being directed to make these cuts in spending on public policy research because the government does not want to confirm uncomfortable truths about its policies on things like corrections and law enforcement?

• (1530)

Last year, the McGill Institute organized a panel discussion on the question: “Does Evidence Matter in Policy-making?” John Geddes, a well-known journalist with *Maclean’s*, wrote in his blog:

To some of the other panellists, and I would guess to most of those in the roomful of academics and bureaucrats listening, the assumed premise was that evidence — facts, objective analysis, expertise — should matter a great deal more in policy than it does now.

He was shocked to hear Ian Brodie, the Prime Minister’s former chief of staff, casually dismiss it as irrelevant when stacked up against winning political points.

In an article entitled: “Ian Brodie offers a candid case study in politics and policy,” Mr. Geddes wrote:

Ian Brodie, Prime Minister Stephen Harper’s former chief of staff, delivered an astonishingly frank explanation today for why the Conservative government cut the Goods and Services Tax, and why he’s glad they did, even though just about every economist and tax expert said it was a terrible bit of public policy.

Mr. Brodie said:

“Despite economic evidence to the contrary, in my view the GST cut worked. . . . It worked in the sense that by the end of ‘05-‘06 campaign, voters identified the Conservative party as the party of lower taxes. It worked in the sense that it helped us to win.”

It’s not really surprising, of course, that campaign calculations lay behind the GST cuts, which have cost the federal government about \$12 billion a year at the worst possible time. That’s been obvious all along.

What’s noteworthy is that Brodie, who is now a visiting fellow at the McGill institute, doesn’t shrink from publicly asserting that such a major public policy decision can still be deemed a success — even in the face of “evidence to the contrary” — if that move paid the desired political dividends.

In other words, honourable senators, in order to win votes, Stephen Harper — an economist — introduced a fiscal policy that he knew was bad for Canada. According to Mr. Brodie, this is how business is done under the Harper government — all politics, all the time, and do not confuse us with the facts.

Is this the kind of policy-making that went into the design of the economic action plan? Is that why we are facing a \$54-billion deficit?

What jobs have been created so far during the height of the recession by this economic action plan? The government will not say. We do not know whether that is because they are ashamed of the lack of results for Canadians or because they do not know themselves.

Last year, the government promised to directly create 190,000 new jobs over two years. Statistics show that since October 2008 — back when Mr. Harper was saying that there would not be a recession in Canada — more than 300,000 Canadians lost their jobs and are still out of work.

Canada has an unemployment rate of 8.2 per cent — that is 1.5 million unemployed Canadians. According to Food Banks Canada, in 2009 Canadian food banks experienced the largest ever year-over-year increase on record. Close to 800,000 people turned to food banks in March 2009, which was the month of the study — more than 72,000 of them for the first time. These Canadians need more than politics. They need serious policies that will build good jobs for now and for the future.

The *National Post* did a major piece on the economic action plan, asking on the front page “Did Stimulus Really Work?” Let me read to you some of the examples from that article describing how Canadian taxpayers’ money was spent in the name of the economic action plan.

When the Conservative government announced in August it was sending nearly a quarter-million dollars to Calgary’s GlobalFest, organizers were delighted.

The money was part of the government’s “Economic Action Plan” to stimulate the economy, a tourism boost “to attract visitors to Calgary from throughout Alberta, across the country and around the world,” Local MP Devinder Shory said.

The problem was that when the money arrived the festival . . . was already set to begin. There would be little hope of attracting any new tourists to Alberta in time to visit Calgary for the showcase, admitted Ken Goosen, the festival’s producer.

Such was the fate of a number of other Conservative stimulus initiatives, according to the article.

An obvious question for all of us is whether the Harper government’s stimulus spending is responsible for the green shoots we are finally beginning to see in our economic landscape.

On March 24, the *Ottawa Citizen* reported:

The federal government’s \$47.2 billion Economic Action Plan contributed little to the economic turnaround in 2009 and will do more harm than good in 2010, according to the Fraser Institute.

It claims the money has not gone to create jobs for Canadians and has not helped to bring Canada out of the recession. Is it at least being used responsibly to lay a strong foundation for good jobs for Canadians in the future?

This brings us back to “the vision thing.” It is abundantly clear that this government has no vision for Canada and is not interested in a vision for Canada.

I mentioned the demographic challenge we face in this country with an aging population. Seniors are now the fastest growing segment of homeless persons in Canada. They have been hard hit by rising housing and energy costs while the economic meltdown decimated their savings and pensions.

All of us received a brief from the National Pensioners and Seniors Citizens Federation, an organization that represents over 1 million seniors. Their brief called for a national pharmacare program to stabilize the terribly high costs of pharmaceuticals. It called for an extension and reform of medicare. They called for national standards for home care and home support, and for attention to the housing crisis facing seniors. The federation called for a national pension insurance plan.

As they wrote in their brief:

Many seniors are spending sleepless nights worrying about the security of their retained earnings, pensions and investments incomes.

The Harper government did acknowledge that our seniors helped to build Canada. The Speech from the Throne correctly pointed out:

Canadians believe sacrifice and hard work should be recognized. As we strive to create an even better future for our families and communities, our government will stand up for those who built and defended this country.

How did the government stand up for these Canadians? Its response to the serious concerns was to offer a seniors day, mere window dressing.

Honourable senators, when I reread the submission from the pensioners foundation, I did not find a request for a seniors day. I do not believe anyone was spending sleepless nights worrying about that.

What was the government's answer to the concern about retirement income? A promise to engage in more consultations.

Honourable senators, what has the Harper government been doing these past few months? Consultations and a greeting card policy — Happy Seniors Day — not real help or serious solutions. Our senior citizens surely deserve better.

We just celebrated International Women's Day, and were reminded that women in Canada earned just 70 per cent of what their male colleagues earn, regardless of education level. In 2010, 40 years after the Royal Commission on the Status of Women, we still face this shameful disparity.

Child care is an absolutely essential requirement if a mother is to work outside of the home. The government of Prime Minister Paul Martin understood this; then Minister Ken Dryden succeeded in obtaining signed agreements with all 10 provinces on child care. The Harper government tore them up.

Diane Finley, the Human Resources Minister, in her first meeting with the Canadian Child Care Federation had this to say:

I'll be damned if anybody tells me how to raise a child.

Honourables senators, by eliminating child care options, this government is eliminating choice and is telling parents across the country how to raise a child — how to raise a child in the officially approved Conservative way.

The problem, honourable senators, is that this approach may reflect the preference and dreams of the Conservative Party's base, but it is not the Canadian reality of 2010.

Instead of addressing any of the serious concerns facing women today, the Harper government's Speech from the Throne proposal for women was to change the words of *O Canada*. It has been reported that this idea was suggested to the government by Senator Nancy Ruth and, in fact, was advanced by a number of Liberal women senators several years ago.

• (1540)

Let us be clear: Changing the words to *O Canada* will not address the wage disparity between men and women. It will not fund one child care space. It will not help one abused woman. In any event, we all know what happened. Not 48 hours after the Speech from the Throne was delivered, the proposal was taken off the table by the Prime Minister himself. This abrupt about-face presents us with an interesting and unusual predicament. As we all know, the Throne Speech explains why Her Majesty or Her Majesty's Representative has called Parliament into session. The motion we are debating today states that we in the Senate "offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament."

However, Prime Minister Stephen Harper, Her Excellency's most senior advisor and servant in Parliament, has publicly proclaimed that he has no intention of meeting one of Her Excellency's expectations. In view of what has occurred, I am surprised that Senator LeBreton, who is Prime Minister Harper's senior representative in this chamber, has not proposed an amendment to the Address in Reply motion to make it clear that, although we thank Her Majesty for her gracious address, we do not agree with her instruction that a parliamentary committee examine the wording of the national anthem. I have never heard of any prime minister anywhere so quickly disassociating himself or herself from the pronouncements of Her Majesty.

Honourable senators, this government is trying to change the way we talk and think about Canada, and is determined to dismantle the social infrastructure that generations of Canadians have built so painstakingly. I wish to quote from Frances Russell's column in the *Winnipeg Free Press* on January 20, 2010, to show how the Prime Minister is trying to change Canada. She wrote:

On the domestic front, that same social conservative base and the Conservatives' determination to return Canadian federalism to the 1867 British North America Act era are combining to shred what little progress this country has made in creating a pan-Canadian social and educational policy framework.

Since 2006, the Conservatives have either axed or slashed funding for the Canadian Council on Learning, the Status of Women, the Canadian Council of Social Development, the Court Challenges Program, the Canadian Policy Research Networks, the Canadian Millennium Scholarship Foundation, Volunteer Canada, the Canadian Health Network, the Child Care Advocacy Association of Canada, Family Service Canada and Centres of Excellence, among many others.

The gutting of the Canadian Council on Learning, which was leading the push for national standards for post-secondary education, comes at a time when the Obama administration is launching a massive \$250 million education initiative, claiming education is key to America's future prosperity. But the council was never popular with the provincial-rights premiers and it is an affront to the Harper government's belief that all social policy is provincial, if not family-based.

Of course, those organizations were prepared to challenge the government, and this government cannot abide challenges. In 2005, when he was leader of the opposition, Mr. Harper said:

When a government starts trying to cancel dissent, or avoid dissent, is frankly when it is rapidly losing its moral authority to govern.

I could not have expressed it any better.

Honourable senators, I will conclude today as I concluded in reply to the previous Speech from the Throne. We on this side of the chamber will do our best to fulfil our constitutional role as members of an active, thoughtful, dedicated opposition exercising our mandated role of sober second thought. We intend to scrutinize carefully the government's legislative agenda and will propose legislative measures of our own. Where we find fault with bills, we will propose amendments to improve them. If on the other hand we find favour with the government's proposals, we will support them. Always, our guide will be the public good. We will not be bullied or threatened by Mr. Harper to comply with artificial deadlines imposed by the government for purely partisan purposes.

There are serious issues facing our nation. I regret that I do not see an equally serious vision presented in the Speech from the Throne. Honourable senators, Canadians deserve better, and we on this side will do what we can to see that they receive it.

Hon. Lowell Murray: Honourable senators, will Senator Cowan allow a question?

Senator Cowan: Of course.

Senator Murray: I want to give the Leader of the Opposition the opportunity to assure this place that he is not associating himself or his party with the blinkered analysis of the Fraser Institute with regard to stimulus spending. Surely as a Keynesian, which I presume most Liberals are, and in view of the fact that the honourable senator's party supported the stimulus measures, the honourable senator will acknowledge what the Fraser

Institute completely discounts: the powerful message that the governments of Canada, the United States and the United Kingdom sent to the private sector, which was that these governments will do what it takes to ensure that an international financial crisis does not plunge the whole world into the economic abyss. I cannot but believe that message had a positive impact on the markets and on the private sector, a fact that is completely ignored by the Fraser Institute. Neither the honourable senator nor I am old enough to remember the Great Depression, but governments at that time sent the contrary message that they would retrench, cut taxes and spending, and let the private sector work its magic. That approach was a disaster and took a world war to recover from.

There will be time enough to analyze the efficacy or otherwise of the various stimulus measures taken by this federal government. Some things will have worked well, some others less well and some perhaps not at all. We can have that discussion at another time. Surely the honourable senator will not associate himself with what I think is a completely unrealistic view of the Fraser Institute that stimulus spending played no part in the incipient economic recovery and, in fact, caused more harm than good. This view is a piece of nonsense.

Senator Cowan: Honourable senators, I was quoting from the Fraser Institute because I was anxious to make the point that Canadians are entitled to know the effect of the stimulus spending. This government has consistently stonewalled when asked by reporters and the Parliamentary Budget Officer to show its impact.

I do not profess to have the same expertise or experience as the Honourable Senator Murray, but it is my understanding that the effects of the stimulus package in the U.S. have been much clearer and better measured. The reporting mechanisms put in place by the Obama Administration are more robust than those put in place in Canada. Canadian taxpayers, whose money this is, are entitled to know in a clear and timely fashion the results of their expenditure. That was my point. I did not intend anyone to think that those were my views which were being expressed by the Fraser Institute. A question was asked and a conclusion was reached by the Fraser Institute. I do not have the expertise or information to reach my own conclusion on that issue.

Hon. Fred J. Dickson: Will the honourable senator permit another question?

Senator Cowan: Of course.

Senator Dickson: Honourable senators, I have the greatest respect for Senator Cowan. I am one of the many who always listen to his remarks because of his experience in developing public policy over many years.

• (1550)

In the scales of justice, one could put the public interests on one side and the political interests on the other. Would Senator Cowan comment as to whether or not all policy meetings and sessions of the Liberal Party to develop public policy ever gave any consideration to the political benefit side of the scale?

Senator Cowan: My friend Senator Dickson and I have been at many public events together over the years. He knows and appreciates, as do I, how important it is for political parties to involve themselves in open debate and encourage people — and not only members of the political party but people from outside — to come and give the benefit of their advice. That is certainly what the Liberal Party did so successfully this past weekend involving, as I understand, more than 20,000 Canadians from coast to coast to coast, as well as in our series of 30 round tables to which I referred in my remarks earlier.

Obviously, at the end of the day, a government has to make choices and political considerations are certainly part of those choices. One would hope, when it comes to the choice between good public policy and good politics, that one would choose good public policy. I am sure that my friend would agree that, in most cases, good politics is good public policy as well.

Senator Dickson: I have a supplementary question. Today, a report came out from KPMG saying that Canada now holds a 5 per cent business cost advantage over the United States. Would the honourable senator like to comment on that, which is, in part, due to the policies of the Harper government? An honourable senator said earlier that it may have been partially because of a foundation or part of a foundation laid by a previous government, and that is hard to debate, but I am sure that the Harper government must have played an important role in giving Canada that cost advantage.

Senator Cowan: Perhaps earlier my friend Senator Moore was giving credit to Prime Minister Chrétien for having provided such a solid financial base which was inherited by the Harper government. I have not seen the article to which Senator Dickson refers, but I respect the work of KPMG. If we have that sort of advantage, that is good, and that is why Mr. Ignatieff suggested that now is the time to push the pause button on further corporate tax reduction because we do have that advantage. We ought to take the money that would be lost to the Government of Canada if we were to reduce corporate taxes further to enable the next Liberal government to fund the kind of social programs that he has referred to.

Hon. Hugh Segal: Will my honourable friend take another question?

Senator Cowan: Absolutely.

Senator Segal: I wanted to zero in on the issue of the deficit. I accept that there will be a judgment call made by observers and partisans on all sides as to what the deficit might or might not have been before the Lehman Bank collapsed. A decision was reached by the G8 and the G20 with respect to countries committing to increase their percentage of GDP expenditure as governments so as to keep liquidity in the marketplace, understanding that short-term deficits were a better response than a more total collapse of the economic system.

Would my honourable friend be of the view that the Government of Canada should not have done that, and that the deficit that we now have is inappropriate and that we should have, as Senator Murray implied earlier, stood back and not taken that risk, letting the financial tumbles fall as they may?

Senator Cowan: That is not my view at all. It was obvious that Canada would go into deficit as a result of actions not only within our borders but also outside our borders. I am not pretending in any sense that a deficit was avoidable. I am saying that it was irresponsible for this government to pretend that we would not have a deficit and then to pretend that we were not in a deficit, when we were in a deficit. That is the irresponsible part. It is not what happened; it is the fact that the government pretended it was not going to happen and pretended it was not happening, when it was happening. That is what I quarrel with, not the fact that we are in deficit.

As I indicated in my response to Senator Murray, certainly our party was supportive of the stimulus package and the necessity to spend money to avoid the very kind of thing that Senator Murray referred to as occurring in the 1930s.

Senator Segal: So I am clear on the proposition as advanced by my good friend, is he in fact asserting that the Government of Canada, the Minister of Finance and the Prime Minister, were aware of a deficit, they hid it or misrepresented it from the public, and then that they should have been able to anticipate what would transpire after the Lehman Bank collapsed before it transpired and, in fact, on that basis, they simply misrepresented the truth to the public, notwithstanding the unpredictable circumstances that transpired thereafter?

Senator Cowan: I obviously do not have the information that was available to the Minister of Finance and the Prime Minister at the time that they were making these public assertions. I also agree with the obvious that we have the benefit of hindsight now.

However, honourable senators, it was clear that most economists, most experts in the field who had more information than certainly I or perhaps Senator Segal had, were predicting this and were saying that we were in a deficit at the time that the Prime Minister and the Minister of Finance were denying that that was in fact the case. On the basis of that, I say it is unlikely that they had less information than those experts. Who was right and who was wrong? My conclusion is that they were at least looking at the situation through rose-coloured glasses, if not deliberately misrepresenting the situation to Canadians. It is that for which I fault them.

Senator Segal: The Leader of the Opposition made reference to the \$13-billion surplus inherited from the Martin administration. He will be aware of comments that have been made across the country and across the political spectrum, fairly or unfairly, that that surplus was achieved in part through slashing transfers to the provinces by 33 per cent and by a massive reduction in the defence budget. However one might choose to agree or disagree with those assertions, would the honourable senator not accept the premise that for a government to come into office and decide to replenish the defence budget and to cut taxes so that the social and economic deficit in the country was dealt with by greater fairness from Ottawa was a legitimate political choice for a government to take after campaigning on it? Further, on that basis, while people can judge how that worked out for themselves, would the honourable senator agree that a difference in opinion does not necessarily suggest the squandering of someone else's surplus when it was built on social and defence deficits in the country?

Senator Cowan: The cuts to which the honourable senator refers were made in the 1990s. Senator LeBreton pointed out that this government took over in 2005-06. The surplus to which I refer was built up early in this decade. Clearly, there was no surplus in the 1990s.

• (1600)

That is when the cuts you referred to were made; those cuts were made to clear up the deficits left by the previous Mulroney government. I accept the fact these cuts were political choices the government made when it came into power. It includes the decision — a wrong decision, in my judgment — to slash the GST by two points.

If the government wanted to reduce the taxation burden on Canadians, most economists — and I am not an economist — have said that reduction was the wrong way to go about it. I leave that issue to economists. I am sure the honourable senator can find some to support it. Stephen Harper is an economist and he said it was the right way. However, most other economists contended that was the wrong way to achieve the tax burden reduction the honourable senator speaks about.

Why the government took that approach is for them to answer and they will answer; they have answered for it several times at the polls, and the time will come when they will do so again. The decision was a political choice. I accept that. I think it was a wrong political choice, but it was a choice they made. As the government, they are entitled to make such decisions under our system of government.

I think my honourable friend is associating too closely in point of time the reductions of the 1990s with the surplus build-up of the early period of this decade.

(On motion of Senator Comeau, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Linda Frum moved second reading of Bill S-215, An Act to amend the Criminal Code (suicide bombings).

She said: Honourable senators, I rise today to speak in support of Bill S-215, an Act to amend the Criminal Code (suicide bombings).

It is impossible to speak about this bill on this day without pausing to recognize the loss of innocent civilians murdered this week in multiple attacks around the world. Terrorist attacks on civilians ended the lives of 38 people in Moscow on Monday and claimed 12 more lives only this morning in Dagestan, all of them victims of suicide bombers. Another suicide bombing this morning in Afghanistan abruptly ended the lives of 12 civilians and wounded another 45, including 8 children.

As all civilized people will agree, suicide bombing is a heinous terrorist act that demonstrates a spectacular disregard for the sanctity of human life.

Honourable senators, let me explain that Bill S-215 is exactly the same as former Bill S-205, which was passed by the Senate with some amendments on June 10, 2009. Former Bill S-205 was then debated at second reading in the House of Commons last October and November. It was referred to the Standing Committee on Justice and Human Rights in November of 2009, but it died when Parliament was prorogued late last December.

Honourable senators, I will provide background for this bill. The current definition of “terrorist activity” found in section 83.01 of the Criminal Code has two components. The first component is defined in part as “an act or omission that is committed in or outside Canada” that would be an offence under the major international instruments that apply to terrorist activities, such as hijacking and terrorist bombing.

More specifically, this component includes the offence in the Criminal Code that implements International Convention for the Suppression of Terrorist Bombings. This offence is found in section 431.2(2) of the Criminal Code. It makes it a crime when a person:

... delivers, places, discharges or detonates an explosive or other lethal device to, into, in or against a place of public use, a government or public facility, a public transportation system or an infrastructure facility, either with intent to cause death or serious bodily injury or with intent to cause extensive destruction of such a place, system or facility that results in or is likely to result in major economic loss, is guilty of an indictable offence and liable to imprisonment for life.

The maximum punishment is imprisonment for life.

The second component is a general definition of “terrorist activity,” which is found under section 83.01 of the code. It is defined as an act or omission undertaken inside or outside Canada for political, religious or ideological purpose that is intended to intimidate the public with respect to its security, including its economic security, or to compel a person, government or organization, whether inside or outside Canada, from doing or refraining to do any act that intentionally causes one of a number of specified forms of serious harm.

These harms include causing death or serious bodily harm, endangering life or causing a serious risk to health or safety, among others. The definition of “terrorist activity” also includes counselling, attempting, conspiring or being an accessory after the fact in relation to a terrorist activity.

Given this definition, it is apparent that the current definition of “terrorist activity” catches the actual carrying out of suicide bombings by terrorists as well as counselling, attempting or conspiracy to carry out such a suicide bombing, since such conduct, in the context of terrorism, would intentionally cause death or serious bodily harm to a person. However, the current definition of “terrorist activity” does not explicitly provide that suicide bombings fall within the definition of “terrorist activity.”

It could be argued that the current definition of “terrorist activity” is an entirely satisfactory state of affairs, since suicide bombing is already implicitly included in the definition. The argument is, there is no need to specifically provide that it be included.

However, this argument fails to address the importance of the criminal law as an educative or, indeed, symbolic tool that affirms the fundamental values of Canadians. By expressly referencing “suicide bombings” in the context of terrorism as falling within the definition of “terrorist activity,” the Code affirms the fundamental values of human life and human dignity.

Honourable senators, this bill proposes that a greater certainty or definitional clause be added to the definition of “terrorist activity.” Specifically, it proposes to amend the Criminal Code to clarify that suicide bombings come within paragraph (a) or (b) of the definition of “terrorist activity” found in section 83.01 of the code if it satisfies the criteria of that paragraph.

The benefit of this clause is that it provides a clear and forceful educative message, not only to the people of Canada but also to the world, that Canada denounces suicide bombing as a tactic of terrorists, given its obvious contempt for human life and dignity. At the same time, the bill is crafted with precision to ensure this definitional clause is consistent with the definition of “terrorist activity” currently in the code, and does not accidentally enlarge the scope of “terrorist activity.”

Let me give honourable senators an example of how carefully this definitional clause has been drafted. Consider the possibility of someone who decides to commit suicide by detonating himself or herself in the middle of an empty field. Yes, this person has engaged in a suicide bombing. However, since there is no intention to intimidate the public for a political, religious or ideological purpose, and since there is no intention to harm anyone other than the bomber, this bomber will neither be caught by the original definition of “terrorist activity” nor by the new definitional clause proposed.

I will also note briefly another provision of this bill. The bill proposes to come into effect on a day to be fixed by the Governor-in-Council rather than the day on which it will receive Royal Assent. This wording ensures maximum flexibility for the government to advise provinces of this change before coming into effect.

This bill is an example of democracy in action. Former Senator Grafstein introduced previous versions of this bill in this house before his retirement. The organization called Canadians Against Suicide Bombing supported previous versions of this bill. It also created an online petition in favour of these bills, which included the names of such Canadians as former prime ministers Jean Chrétien and Kim Campbell.

Additionally, this chamber last year voted in favour of former Bill S-205 as amended, while members of all parties spoke favourably in the House of Commons about former Bill S-205 prior to prorogation last December. I hope this bill will receive speedy passage in this place and will have the support of all parties in the House of Commons.

Some Hon. Senators: Hear, hear.

• (1610)

Hon. Art Eggleton: Honourable senators, I rise to support the bill and to congratulate Senator Frum on her sponsorship of the bill. She has picked up the baton from Senator Grafstein who

still has involvement in the background, although he does not have a voice here in the chamber any more. I also want to recognize Judge Reuben Bromstein who has made a campaign out of this for many years. He has recruited many supporters for this effort.

The subject has dominated us in society and around the world for a number of years. Events this week in Russia have again demonstrated that this kind of suicide bombing activity still plagues us. People of all faiths and backgrounds, innocent men, women and children, have become its victims.

It is important to point out that suicide bombers, of course, do not act alone. A suicide bomber carries out a mission and that is the end of that person, but many other people recruit, finance, teach and incite them to do this for some possibility of continuing their faith in an afterlife.

As Senator Frum pointed out, this bill helps to provide greater clarity and certainty in the law. It also provides us with an opportunity to demonstrate leadership in expressing our abhorrence of such crimes against humanity.

The House of Commons was considering the previous Bill S-205 when prorogation occurred. They have made the provision that if this bill can be passed within 60 days, then the bill would resume its previous position before the House of Commons committee.

I hope we will be able to accomplish that. We can start by sending it to committee today. We debated and passed this bill previously. The Standing Senate Committee on Legal and Constitutional Affairs heard from witnesses on the subject. Therefore, I hope the committee would turn it around quickly and send it back to this chamber so we can pass it through to the House of Commons within that 60-day time frame to continue its consideration.

In that context, I am pleased to support the bill.

Hon. Hugh Segal: Honourable senators, I simply want to express my support for both honourable senators — Senator Frum and Senator Eggleton — on this bill. Our ability to make progress on this issue as a civilized society, our ability to underline that suicide bombers have killed more people of the Islamic faith than any other group in the world, and our ability to underline our commitment to the forces of judicial and legal investigation that need to have the conspiracy aspect for any reference in the Criminal Code to pursue the lines of connection and financing that Senator Frum and Senator Eggleton have discussed should be something on which we can unite in this chamber.

Moreover, we should give any instrument or tool we can to our law enforcement and intelligence agencies to prevent these events from happening. These are not events best pursued after they have transpired for the purpose of gathering evidence to bring people to trial. The damage has been done by that point. Putting this particular legal precision in the Criminal Code gives all the forces that fight for stability and order, both here and in their networks around the world, added capacity to protect the very citizens with whom we share this globe against this heinous crime.

[Senator Frum]

I appeal to the leadership on both sides and to individual members of this institution not to subject this bill to death by endless adjournments for no particular reason. Let it proceed to committee where honourable senators who have concerns or issues will have ample opportunity to raise those questions and to have them addressed by officials. We could then deal with fair reflection on the substantive issues without holding up progress on this most important question.

Hon. Anne C. Cools: I move adjournment of the debate.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: Continuing debate.

Senator Cools: Honourable senators, I was under the impression that we were hurrying through today's business so we can proceed to Royal Assent and that we were not pursuing matters where there was prolonged debate. That was my understanding.

Some Hon. Senators: Question!

The Hon. the Speaker: Honourable senators are asking that the question be put.

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

Some Hon. Senators: Agreed.

An Hon. Senator: No.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

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

(On motion of Senator Frum, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

EXCISE TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Watt, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-212, An Act to amend the Excise Tax Act (tax relief for Nunavik).

Hon. Richard Neufeld: Honourable senators, thank you for the opportunity to engage in the debate on Bill S-212 concerning tax relief for Nunavik. The proposal will give exclusive preferential tax treatment to residents of Nunavik through the sales and excise tax systems. Specifically, it would apply a zero per cent GST rate on the supply of goods and services in Nunavik. It would also exempt petroleum fuels purchased in Nunavik from federal excise taxes.

In discussing this proposal, there are a number of important points to be kept in mind. First, considerable tax relief is already available to residents of Nunavik through measures such as the Northern Residents Deduction and current provisions of the Excise Tax Act. Second, providing further tax relief to Nunavik residents alone while providing nothing to Canadians in other similar regions raises issues of unfairness. Third, the federal government already provides significant support to all provinces and territories. Fourth, actions announced by our Conservative government in Canada's Economic Action Plan and the significant tax relief introduced by this government will boost confidence and economic growth and support Canadians in all regions.

Let me deal with each of these issues in turn, starting with an overview of the tax assistance already available to residents of Nunavik and other Canadians living in northern and isolated regions. The Northern Residents Tax Deduction provides a daily residency deduction that recognizes the higher costs of living in the North. This deduction aims to draw skilled labour to northern and isolated communities by significantly reducing the tax burden of northern residents.

The Northern Residents Deduction is based on a zonal system. Residents who live in the prescribed northern zone qualify for the full amounts of the deduction, while those living in the intermediate zone qualify for one half of the amounts. Nunavik is part of the northern zone and its residents are eligible for the higher amounts of the Northern Residents Deduction.

As part of the government's comprehensive northern strategy, the government made a major 10 per cent increase in the residency amount of the Northern Residents Deduction in Budget 2008. This increase brought the maximum annual amount of the residency deduction to \$6,022.50, up from \$5,475, for residents of the northern zone, including residents living in Nunavik.

• (1620)

In addition, the Northern Residents Deduction provides a deduction for two employer-provided vacation trips per year, as well as unlimited employer-provided medical travel. The Conservative government's increase in the Northern Residents Deduction represented approximately \$10 million in additional tax relief in 2009-10 and subsequent years.

This increase was widely applauded. The *Yellowknifer* newspaper called it:

... a nice unexpected surprise, a boost for the Northern Residents Tax Deduction, which has not been updated since its inception in 1986.

I might add that it was implemented by a previous Conservative government under Brian Mulroney, with successive Liberal governments in between not changing the levels at all.

The Mayor of Yellowknife added:

It was something we have been asking for for a significant period of time. The move will mean more spending into local economies and further reduce the cost of living.

Certain additional provisions of the excise tax already provide significant tax relief in favour of commercial transportation and remote communities. For example, diesel fuel and aviation fuel are subject to a reduced rate of federal excise tax. This reduced rate of excise tax on diesel fuel and aviation fuel recognizes the importance of these fuels for business. It is especially important in rural and remote regions of Canada, where it is necessary to transport goods, equipment and people over vast distances.

As well, federal excise tax provides full relief for diesel fuel that is used either as heating oil or to generate electricity. Again, this relief is important in rural and remote regions of Canada, where diesel fuel may be used as a substitute for home heating oil and where it is sometimes necessary to use diesel generators to provide electricity. These measures ensure that excise tax does not apply when diesel fuel is used to provide shelter heat and electricity.

This brings me to my second consideration — whether it is fair to provide tax relief to residents in Nunavik alone and not to other northern communities, or all Canadians, for that matter.

Bill S-212 proposes a zero per cent GST rate on supply of goods and services in Nunavik. It also proposes a federal excise tax exemption on petroleum and fuels sold or purchased in Nunavik. Such exemptions would certainly be a source of inequity, not only between Nunavik and those who live elsewhere, but also between Nunavik and other parts of the North.

As I mentioned a moment ago, the proposal targets Nunavik residents exclusively. There is little justification to do so; and as anyone can see, this would be unfair to other residents of the North, as well as other taxpayers in general.

Our Conservative government, on the other hand, believes that tax relief should be as broad-based as possible. For instance, we delivered on our commitment to reduce the GST to 5 per cent from 7 per cent. This benefited all Canadians. While reducing the GST by 2 percentage points, it also maintained the GST credit level which helps offset the sales tax burden of lower income families and individuals.

The Yellowknife Chamber of Commerce supported the GST cut and the considerable saving for northerners it provided, noting:

Any time there is some kind of a tax cut it is going to be good because more money is going into people's pockets and maybe there will be more opportunities for them to spend it and get the economy going.

For my third point, I would like to review the many other ways which this government supports the residents of Nunavik. For instance, our government recently announced \$9.7 million in funding for health projects to improve the health of Canada's Inuit, as well as support an Inuit-specific mental wellness team and an Office of Inuit Health. These initiatives will help approximately 48,000 Inuit living in Canada.

Budget 2010 built on that progress. The government also announced important reforms to the food mail program to improve access to affordable healthy foods for northerners. As well, Canada's Economic Action Plan continues to provide support for its skills training and education and better housing.

We are also providing significant financial support to provincial and territorial governments on an ongoing basis to assist them in the provision of programs and services. For 2010-11 fiscal year, the Government of Quebec will receive \$17.2 billion through major transfers to provide programs and services to Quebec residents, including Nunavik residents — an increase of over \$500 million over the previous year.

My fourth point is that given the effects of the global recession, Canadians are concerned about their businesses, their jobs and their savings. The government has listened to these concerns and will do what it takes to keep our economy moving and to help Canadians in this time of extraordinary challenges.

One important element of the government's economic action plan is its agenda for tax relief, aimed at creating a tax system that rewards Canadians for realizing their full potential and improving their standard of living. In the first year, Canada's Economic Action Plan implemented significant new personal income tax relief that will provide immediate benefits such as: increasing the basic personal amount, the amount all Canadians can earn without paying federal income tax; and increasing the upper limit of the two lowest personal income tax brackets, so that Canadians can earn more before paying high taxes. For fiscal 2010-11, year two of the economic action plan, \$3.2 billion in personal income tax relief will be delivered to all Canadians.

Nunavik residents, along with other Canadians, also benefit from the significant tax relief provided by this government. Since coming into office, the government has taken action that will provide significant tax relief to Canadians and Canadian businesses now and in the future.

Our government certainly agrees that residents of Nunavik deserve tax relief, as do all Canadians; this is why it has cut taxes in every way it collects them. However, tax relief needs to be responsible and fair, which measures proposed under Bill S-212 clearly are not. No government could justify providing special tax preferences to Nunavik residents and denying them to other northern residents in similar situations.

In closing, I will quote from the sponsor of the bill, quoting his own Liberal leader's edict — that any proposal be physically credible — from this past weekend:

One of the issues we have to confront is how do we pay for this? We can't be a credible party until we have an answer for that question. We will not identify any new spending unless we can clearly identify a source of funds without increasing the deficit.

For all of those reasons I talked about, we are unable to support this proposal. I trust all colleagues will agree.

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

Hon. Claudette Tardif (Deputy Leader of the Opposition): Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Watt, bill referred to the Standing Senate Committee on National Finance.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of the Honourable Deputy of Her Excellency the Governor General?

Hon. Senators: Agreed.

(The Senate adjourned during pleasure.)

• (1650)

[Translation]

ROYAL ASSENT

The Honourable Thomas Albert Cromwell, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker,

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour:

The Commons of Canada have voted supplies required to enable the government to defray certain expenses of the public service.

In the name of the Commons, I present to Your Honour the following bills:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010. (*Bill C-6, Chapter 1, 2010*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011. (*Bill C-7, Chapter 2, 2010*)

To which bills I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

(The sitting of the Senate was resumed.)

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, April 13, 2010, at 2 p.m.

[English]

Hon. Anne C. Cools: Honourable senators, I would like to say a few words. My leave to move this question was requested earlier today when I spoke to Senator Comeau. He told me that he needed my leave to move this adjournment. I agreed then and I plan to agree now. However, I must say to this house that I was rudely shocked this afternoon because I was under the impression that the government and the house was under a very tight timeline. Today is a huge day in the parliamentary process with two supply bills, to which Her Excellency's deputy assented, and the adjournment for Easter. I rose a short while ago to take the adjournment on a new bill so that I could speak to it. This is the normal process. Every member has a right to speak to every measure before this place. It is an inherent right and I was denied that right. I am told by several senators across the way that when they were denying it, they did not know what they were doing, which I find astounding. It is not in my nature to be spiteful. I want the record to show that I gave agreement so that the assent could take place and now for this adjournment motion. This is a mighty system and senators should learn how to use it properly to

reflect the freedom of speech we were talking about only yesterday. I have the freedom to speak and I am exercising it to give agreement so that it is done. Let us understand that I do not have to do this. Thank you.

Hon. Michael Duffy: Honourable senators, I rise to thank Honourable Senator Cools and to let her know how much we appreciate her deep knowledge and history of this place. Some days some things happen, especially with so many new members, that no one on this side ever intended to give offence. We hold Senator Cools in high regard, as I have done personally for many years. I would not want this place to break for the Easter recess with any sense on the part of Senator Cools that we ever intended to slight or insult. Some of us did not understand the details involved, but I can assure the honourable senator that those on this side hold her in the highest regard. The last thing we would want to do is cause the honourable senator any slight, especially at this joyous Easter time of the year.

Senator Cools: Honourable senators, I thank Senator Duffy for his comments. He knows the great affection I feel for him. He mentioned Easter and I am a Christian. I believe deeply in the notions of redemption, forgiveness and love. However, new senators should take the time to learn and understand what they are doing, and if they do not know, perhaps they might zip their lips.

All honourable senators have choices, and I have made a choice not to be spiteful today in either of these two circumstances. I deeply appreciate what the honourable senator has said, and I shall remember him in my prayers on Easter morning.

• (1700)

[*Translation*]

Senator Comeau: Honourable senators, before moving the adjournment motion, I would like to join my colleague, Senator Duffy, in thanking Senator Cools for the sound advice she provides on a very regular basis. I always appreciate her interventions. We do not always agree but we always try to come to an amicable agreement. This afternoon is a case in point. Having said that, I move that the Senate adjourn.

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

(Motion agreed to.)

(The Senate adjourned until Tuesday, April 13, 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)

Wednesday, March 31, 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 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Criminal Code and other Acts	10/03/17	10/03/29	Legal and Constitutional Affairs					
S-3	An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	10/03/23	10/03/31	Banking, Trade and Commerce					
S-4	An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves	10/03/31							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-6	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (<i>Appropriation Act No. 5, 2009-2010</i>)	10/03/24	10/03/29	—	—	—	10/03/30	10/03/31	1/10
C-7	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011 (<i>Appropriation Act No. 1, 2010-2011</i>)	10/03/24	10/03/29	—	—	—	10/03/30	10/03/31	2/10

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	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							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-464	An Act to amend the Criminal Code (justification for detention in custody)	10/03/23							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	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	10/03/30	Banking, Trade and Commerce					
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. Herveux-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. Herveux-Payette, P.C.)	10/03/09							
S-206	An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations (Sen. Herveux-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	10/03/18	Energy, the Environment and Natural Resources					
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	10/03/31	National Finance					
S-213	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)	10/03/23							
S-214	An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities) (Sen. Ringuette)	10/03/24							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Criminal Code (suicide bombings) (Sen. Frum)	10/03/24	10/03/31	Legal and Constitutional Affairs					
S-216	An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans (Sen. Eggleton, P.C.)	10/03/25							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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