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OFFICIAL REPORT  
(HANSARD)

**Tuesday, April 13, 2010**

—  
**THE HONOURABLE NOËL A. KINSELLA  
SPEAKER**

This issue contains the latest listing of Senators,  
Officers of the Senate and the Ministry.

## CONTENTS

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

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## THE SENATE

Tuesday, April 13, 2010

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

Prayers.

### AFGHANISTAN—FALLEN SOLDIER

#### SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of Private Tyler William Todd, whose tragic death occurred while serving his country in Afghanistan.

*Honourable senators then stood in silent tribute.*

[Translation]

## THE SENATE

### MS. DIANE BOUCHER—RECOGNITION AS DEPUTY USHER OF THE BLACK ROD

**The Hon. the Speaker:** Honourable senators, on your behalf, I wish to welcome the Deputy Usher of the Black Rod, Diane Boucher, who is replacing the Usher of the Black Rod today.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Abderrahim Ould Hadrami, Ambassador of the Republic of Mauritania.

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

[English]

Honourable senators, we are also honoured today because we have another distinguished delegation in our gallery in the person of the Honourable Emmanuel Otaala, Minister of State for Labour, Employment and Industrial Relations of Uganda; His Excellency George Abola, High Commissioner of Uganda to Canada; Mr. Milton Turyasiima, Senior Labour Officer, Employment; and Ms. Rosemary Ssenabulya, Executive Director, Federation of Uganda. They are guests of our colleague the Honourable Senator Mobina Jaffer and the chair.

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

## SENATORS' STATEMENTS

### CANCER AWARENESS

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, April is Daffodil Month, that annual rite of spring when volunteer canvassers for the Canadian Cancer Society stream out into neighbourhoods across the country to fundraise critically-needed dollars for the fight against cancer.

I suspect that there is not a single person sitting in this chamber — amongst senators, the many excellent people who help us in our work here, or the visitors in the galleries — whose life has not been touched in some way by cancer.

The statistics are sobering. According to the Canadian Cancer Society, some 40 per cent of Canadian women and 45 per cent of Canadian men will develop some form of cancer during their lifetime. On average, 3,300 Canadians are diagnosed with cancer every week.

The good news is that a cancer diagnosis is not now what it once was. Today, the five-year survival rate is over 60 per cent. It is becoming increasingly common to hear of cancer patients treating their disease as a chronic illness or, better yet, something that was dealt with and is now over and behind them. For this, we are indebted to the many researchers, doctors, medical technicians and nurses who are dedicated to figuring out how to prevent cancer in the first place, detect it quickly if and when it first appears in the body and, of course, treat it in the best way possible.

• (1410)

Canadian scientists have been at the forefront of cancer research. Last year, researchers at McMaster University in Hamilton were the first in the world to identify the key differences between normal human embryonic stem cells and abnormal cancer stem cells. Honourable senators, this was an important discovery that hopefully will pave the way to treatments that will target and kill cancer cells while leaving healthy cells untouched.

Recently, Canadian researchers played a key role in identifying four new genetic markers of colorectal cancer, bringing the total identified up to ten. Just last month we learned that researchers in Alberta had successfully tested a new way to treat prostate cancer in some men using a harmless virus called “reovirus.”

Canadian scientists are researching therapies to starve cancer tumours by cutting off blood supply. There is ongoing research to develop a new immunotherapy treatment using the body's own immune system to try to destroy cancer cells. There is research into a new, revolutionary treatment called photodynamic therapy that, unbelievably, tries to use a combination of light and photosensitive drugs to kill cancer cells.

This research is funded in part by the Canadian Cancer Society. Last year, thanks to generous donations, the society was able to invest \$50 million in cancer research projects across Canada. This is an exceptional level of scientific research support from the voluntary sector.

The April Daffodil campaign is a Canadian tradition that goes back more than 50 years. It began in Toronto in the 1950s, when volunteers used daffodils to decorate tables for fundraising teas to support the Canadian Cancer Society. Today, of course, it relies upon tens of thousands of individuals all across the country, all committed to helping in the battle against cancer.

My congratulations and best wishes to the Canadian Cancer Society for the 2010 campaign and my deep gratitude to the society, the army of canvassers and the generous donors in all corners of our country for their work and dedication to this important cause.

### PORT DOVER MOTORCYCLE RALLY

#### FIFTIETH ANNIVERSARY

**Hon. Doug Finley:** Honourable senators, as some of you may remember, the first words I spoke in this chamber were in recognition of the Friday the 13th festivities in Port Dover, Ontario.

For my new colleagues, and to jog the memory of those who were here, every Friday the 13th, the town is host to the largest motorcycle rally in Canada. It started off as a small group of friends in 1981, and they enjoyed the South Coast hospitality and the charm of Port Dover so much they decided to do this every Friday the 13th.

This August, four months from today, the town will host the fiftieth celebration of Friday the 13th. They have asked me to extend, once again, an invitation for all senators to come enjoy some South Coast hospitality, sample our famous perch, visit the beautiful harbour museum and, of course, enjoy the motorcycle excitement.

In the past, Port Dover, a lakeside town of approximately 6,000 people, has had over 100,000 people from all over Canada and the world come out for this event. This summer, weather permitting, we could easily exceed that number. I ask honourable senators, what type of politician does not like to schmooze with 100,000 people?

I am told that the closest available hotel rooms would now be located in Hamilton. However, if you are able to go, Paul Morris, the president of the Port Dover Board of Trade, has said they can arrange boarding with local residents to get you within minutes of the action and in earshot of the roar.

For those of you who hold superstitions about Friday the 13th, I promise, with some good South Coast hospitality, you will have a very different opinion of this supposedly unlucky day.

[ Senator Cowan ]

I hope all honourable senators, on both sides of the chamber, will join my wife and I and the good people of Port Dover for the fiftieth Friday the 13th motorcycle rally on Friday, August 13.

[*Translation*]

### CANADA FOUNDATION FOR INNOVATION

**Hon. Joseph A. Day:** Honourable senators, today I would like to speak to you about the Canada Foundation for Innovation. Since its creation, the CFI has had a transformative impact on the research landscape in Canada, in its work with the provinces, the private sector and colleges and universities.

The CFI's mandate is to strengthen the capacity of Canadian universities, colleges, research hospitals and research institutions to carry out world-class research and technology development that benefits Canadians.

Since its creation in 1997, the CFI has committed \$5.27 billion in support of over 6,600 projects at 130 research institutions in 65 municipalities across Canada.

[*English*]

Under the Budget Implementation Act, 1997, the CFI received \$3.65 billion, which, together with accrued interest and subsequent appropriations, allowed the foundation to do its good work.

Following a recent performance evaluation and value-for-money audit of the Canada Foundation for Innovation by an independent international review panel, CFI has been declared the most successful research funding organization of its kind in the world. KPMG conducted the overall audit of CFI and an international panel of seven experts in global research and research funding reviewed the findings and produced an independent report. The audit looked at CFI's management practices and processes and whether they had been carried out with regard to economy, efficiency and effectiveness.

Honourable senators may recall that there was some unease expressed in some quarters during the creation of foundations in the 1990s. While an independent review panel carried out this audit, the Auditor General of Canada does have the authority to audit the CFI, powers which that office obtained with the passing of the Federal Accountability Act. The Auditor General has chosen not to audit the CFI, presumably because she has been satisfied with the audit results presented by the independent panel.

Honourable senators, some of the words used by the international panel to describe this Canadian foundation included "uncompromising commitment to excellence," "strong advantage for Canada" and "world best practice."

[*Translation*]

I would like to take this opportunity to congratulate the foundation and to wish it much success in the future.

[*English*]

Congratulations, Canada Foundation for Innovation.

**TRAILS OF 1885**

**Hon. Pana Merchant:** Honourable senators, 2010 marks the one hundred and twenty-fifth anniversary of the North-West Rebellion of 1885, which is being commemorated by a tri-provincial marketing initiative to attract tourists from across Canada and beyond. This program, entitled Trails of 1885, is a narrative that crosses the modern boundaries of Manitoba, Saskatchewan and Alberta. Trails of 1885 is planned as a joint project of tourism agencies and will draw on the multitude of historical references and sites from life on the Prairies in the 1880s.

Trails of 1885 will embrace the story of the Metis, First Nations and settlers who chose the Prairies as their new home. In fact, the cultural interaction among Metis, First Nations and the thousands of immigrants of 125 years ago is a defining moment in the history of Canada. The buffalo were gone, the railway was coming and vast tracts of lands were cleared by immigrants from dozens of nations.

- (1420)

Many important national historical sites can be found on the Prairies. Included among them are Fort Pitt, the fur trade post; Steele Narrows; Frenchman Butte; Fort Carlton; and the Caron Home at Batoche. As these sites are vibrant tourist attractions, the potential economic impact of increased tourism throughout the region is substantial. Circle tours and U-drive tours are being developed to bring life to our historical legacy by way of charting the Louis Riel story and the stories of the other leaders who preceded us.

It is my hope that Canadians and honourable senators will join with us as we commemorate the history of our young country and retrace the Trails of 1885.

**SENATORS' RIGHT TO DEBATE**

**Hon. Tommy Banks:** Honourable senators, I call your attention to something we did on Wednesday, March 31, the day we rose for our most recent break. It was not unprecedented but unusual. We refused to allow a senator to adjourn debate on a bill. In the past, we have done so usually because an honourable senator was obstructing a bill. However, the bill in question is, I think, universally supported by all of us and pretty well uncontested. The bill had been on the Order Paper for two days when the senator stood and asked to take the adjournment of the bill in order to speak to it. I think we might have asked for an assurance that it would have been spoken to within a day or two, but without much thinking on our collective part, we voted down the motion to adjourn the debate. We are all in favour of the bill. I hope that we will not do that again. Senator Harb understands exactly what I am talking about. I hope honourable senators will be careful because that is a slippery slope if we begin to deny senators the right to speak on a bill that is properly before us.

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

[Translation]

**ROUTINE PROCEEDINGS****HEALTH**

**PROPOSAL FOR USER FEES AND SERVICE STANDARDS  
FOR HUMAN DRUGS AND MEDICAL DEVICES  
PROGRAMS—DOCUMENT TABLED  
AND REFERRED TO SOCIAL AFFAIRS,  
SCIENCE AND TECHNOLOGY COMMITTEE**

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to section 4 of the User Fees Act, I have the honour to table, in both official languages, a copy of the proposal submitted to Parliament by Health Canada concerning user fees and service standards for human drugs and medical devices programs.

After consultation with the Leader of the Opposition, it was decided that the Standing Senate Committee on Social Affairs, Science and Technology would examine the document.

**The Hon. the Speaker:** Honourable senators, pursuant to rule 28(3.1), this document is deemed referred to the Standing Senate Committee on Social Affairs, Science and Technology.

**INFORMATION COMMISSIONER****SPECIAL REPORT TABLED**

**The Hon. the Speaker:** Honourable senators, I have the honour to table a Special Report to Parliament by the Information Commissioner of Canada, pursuant to section 39 of the Access to Information Act, entitled: *Out of Time: 2008-2009 Report Cards and Systemic Issues Affecting Access to Information in Canada*.

**EXPORT DEVELOPMENT CANADA****2010-2014 CORPORATE PLAN SUMMARY 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 2010-2014 Corporate Plan Summary.

[English]

**FOREIGN AFFAIRS AND INTERNATIONAL TRADE****REPORT PURSUANT TO RULE 104 TABLED**

**Hon. A. Raynell Andreychuk:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the second report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament.

(For text of report, see today's Journals of the Senate, p. 217.)

[*Translation*]

## SUPREME COURT ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

(Bill read first time.)

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

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

## CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE,  
FEBRUARY 15-17, 2010—REPORT TABLED

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-France Interparliamentary Association respecting its participation at the Meeting of the Standing Committee, held in Paris, France, from February 15 to 17, 2010.

[*English*]

## QUESTION PERIOD

### ETHICS COMMISSIONER

#### DISTRIBUTION OF REPORTS

**Hon. Joseph A. Day:** Honourable senators, my question is for the Leader of the Government in the Senate.

Canadians believed the campaigning Stephen Harper when he promised to stand up for accountability, but as soon as he was elected, he put in place the Conflict of Interest Act that was replete with loopholes.

The Harper Conflict of Interest Act allows the Prime Minister to receive secret reports on the conduct of his cabinet ministers and other public office-holders and to keep those reports secret even if the Ethics Commissioner found that the minister had violated the act. Canadians would not even find out that the report had been issued, let alone that one of the government's cabinet ministers had violated the act.

Honourable senators tried to amend this legislation when it was before the Senate, but the Harper government rejected our amendments. Prime Minister Harper was determined to receive

the report secretly and then decide whether or not to let the public in on the truth about his cabinet ministers.

The Prime Minister has now asked the Ethics Commissioner to investigate the conduct of the former Minister of State for the Status of Women. As that request came directly from the Prime Minister, the Ethics Commissioner, under the act, will report secretly and directly to the Prime Minister on the results.

Will the leader undertake to this chamber that this report on the conduct of former Minister Guergis will not go secretly to the Prime Minister but will instead immediately be made public in its entirety?

• (1430)

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, first, unlike former Prime Minister Chrétien, whose ethics commissioner only reported to him in the person of Howard Wilson, this Ethics Commissioner is an Officer of Parliament and reports to Parliament.

With regard to the allegations from a third party concerning the former Minister of State responsible for the Status of Women, the Prime Minister, upon receiving that information from a third party, immediately referred it to the appropriate authorities. I imagine that once the RCMP has investigated the allegations, they will certainly inform the public.

There have been many demands that the Prime Minister reveal the allegations. However, any reasonable person — including, I am sure, people in this very chamber — would not be demanding that these allegations be made public until such time as the proper authorities have had a chance to see if the allegations are true.

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

**Senator Day:** The honourable senator has not taken the essence of my question. I am not looking for the revelation of allegations. I am looking for reports once a full investigation has been conducted.

Canadians should not have to rely on the kindness of the Prime Minister or his assessment of the level of embarrassment faced by the government in any given situation.

Since Canadians now see and understand the loopholes in the Federal Accountability Act and the Conflict of Interest Act, which was included in that act, will the Leader of the Government in the Senate undertake to table amendments to the act to require, as a matter of law, that whenever the commissioner concludes that there has been a breach of the act, then the conclusions would be made known to the public and not reported secretly to the Prime Minister for him to choose whether or not Canadians should know the truth?

**Senator LeBreton:** I take issue with the honourable senator's premise because matters referred to any authority by the Prime Minister or the government, if there is substance to the allegations, are made public.

## INFORMATION COMMISSIONER

### ACCESS TO INFORMATION

**Hon. Francis Fox:** Honourable senators, my question is also for the Leader of the Government in the Senate. It will not surprise her because the minister knows of my long-standing interest in access to information legislation in this country.

My question refers to a report made public today by the Interim Information Commissioner. The report, which is appropriately entitled *Out of Time*, documents the extent of delays and also identifies a number of factors contributing to them, based on an assessment of how 24 federal institutions responded to access to information requests in 2008-09. These 24 institutions account for about 88 per cent of the requests Canadians submitted that year.

Thirteen of these institutions assessed by the interim commissioner performed below average or worse against a number of measures. Furthermore, the interim commissioner confirmed the continued presence and detrimental impact of system-wide issues, and also found some new and significant obstacles to timely access to information.

As the interim commissioner concluded, we now have a fact-based assessment of the situation. She stated:

This report analyzes issues that have a direct and significant impact on the ability of institutions to meet their statutory deadlines for responding to access to information. . . . We now have a firm foundation to move forward on the issues of delays and to make administrative improvements to the system, pending legislative reform.

Could the minister indicate that the government intends to follow the Interim Information Commissioner's recommendations?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question.

As he is aware, and as I have stated in this place many times before, we vastly expanded the list of agencies covered by the access to information legislation. Seventy more institutions are now accountable, as opposed to in the past, including agencies such as the Wheat Board, the CBC and others.

The government takes the report of the Interim Information Commissioner seriously. It should be noted that there are over 40,000 access to information requests each year and approximately 12 per cent of these do take longer to respond to than 120 days.

Having said that, however, the government does accept the report of the Interim Information Commissioner and it is seeking ways to improve reporting. As I have pointed out before, however, the political arm of the government does not involve itself in access to information requests. Hopefully, the ministers and responsible departments and agencies will work harder in the future to ensure that 12 per cent of the 40,000 requests do a better job of meeting the time deadline.

**Senator Fox:** I have a supplementary question. I thank the minister for her answer, which I take to be a positive one. I would like to add a suggestion of my own.

Since the minister indicated that this legislation is in the hands of the administration as opposed to the political arm in terms of implementation, and since deputy ministers are at the top of all the government institutions in this country, would she consider recommending to the Prime Minister that he avail himself in one of his regular meetings with deputy ministers of the opportunity to advise them of the importance that the Parliament of Canada attaches to access to information legislation?

Also, would the government consider including in deputy ministers' annual performance evaluations a factor reflecting his or her department's performance in responding to access to information requests?

**Senator LeBreton:** I appreciate the suggestions, but the Clerk of the Privy Council, Wayne Wouters, and the deputy ministers are well aware of their obligations under the Access to Information Act. I am sure they all take their responsibilities very seriously.

As I indicated, with 40,000 requests a year, one can understand that this creates some pressure on the various administrations. However, the Clerk of the Privy Council and public servants in the Privy Council, as well as the deputy ministers and those who report to them directly on access to information requests, are well aware of the issues.

The government, as the President of the Treasury Board stated earlier, takes this matter seriously and is seeking ways to improve the system and streamline the reporting so that we do not have 12 per cent still not meeting the 120-day deadline.

**Senator Fox:** I understand the minister's response but, to date, that system does not seem to be working appropriately. The deputy ministers may be aware of it, but we do not see any concrete results.

That is why I am suggesting that one way of doing this is to measure their performance in administering the Access to Information Act by reflecting it in their take-home pay. I cannot think of a better way to concentrate the minds of deputy ministers on the issue than to see to it that somehow they are made not only accountable, but are remunerated in consequence of the performance of their department in responding to access to information legislation.

**Senator LeBreton:** Again, I have great faith in the deputy ministers of the various departments. Increasing numbers of them are women, by the way, as was noted in newspaper headlines a couple of days ago.

I will certainly take note of the honourable senator's comments today and make them known to the Clerk of the Privy Council.

[Translation]

## NATIONAL DEFENCE

### SUPPORT FOR RESERVISTS

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate. On several occasions, the Leader of the Government in the Senate, the Prime Minister and the Minister of Defence have made the point that we are able to carry out dangerous operations abroad thanks to reservists, who sometimes account for as much as 25 per cent of the personnel involved and who have been killed and injured in these operations.

• (1440)

Could the minister explain why the budget for militia regiments was so massively cut after the reservists returned to Canada last fall, having served in the regular force? They are barely able to return to their regiment one day a month to stay in touch and maintain their knowledge and skills, which could be of use in civilian life. Will things continue this way?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as I have responded to the honourable senator in previous answers, the overall budget of the Department of National Defence was not cut.

I took the honourable senator's last question in this regard as notice. I apologize if I have not provided a delayed answer, but I hope the honourable senator noticed that, with regard to our military people serving abroad, we have introduced legislation, as reported in the media. That legislation is to extend parental leave to our service-men and service-women who are overseas and not able to take advantage of the Employment Insurance parental benefits because they are in a theatre of operation.

That benefit is one good thing we have done for our men and women in service. With regard to the reserves, I will take the question as notice.

**Senator Dallaire:** Honourable senators, the budget for reservists, which is an integral part of our operational capability, is managed as part of the operations and maintenance budget. This budgeting approach is unlike the regular force, which has a set budget line in a vote. It is structured in person years and done in a rigorous fashion. The reservists' budgets are dependent on the O&M allocation and absorbing budget cuts.

There was a massive budget cut, and I can provide figures. In as much as the leader is taking a look at protecting the reservists and the continuity of the reservists by making their personnel budgets — their salaries and so on — can she respond by making the reservists' budget a firm vote within the Department of National Defence and not part of O&M, like rations, ammunition and fuel?

**Senator LeBreton:** The honourable senator has me at a decided disadvantage with acronyms since he held a high position in the Canadian Forces and has a much better working knowledge of the ins and outs of the Forces than I will ever have.

I thank the honourable senator for the question. I will take it as notice and provide the response.

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to present the response to the oral question raised by Senator Callbeck on March 25, 2010, concerning Veterans Affairs, the Community War Memorial Program.

## VETERANS AFFAIRS

### COMMUNITY WAR MEMORIAL PROGRAM

*(Response to question raised by Hon. Catherine S. Callbeck on March 25, 2010)*

The Community War Memorial Program, announced in Budget 2010, is under development and the Minister will make an announcement as soon as program particulars have been finalized.

[English]

## ORDERS OF THE DAY

### FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** moved second reading of 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.

**Hon. Nancy Ruth:** Honourable senators, Bill S-4, the family homes on reserves and matrimonial interests or rights act, provides a workable solution to a complex issue that has for too long caused much pain and suffering.

I will spend my time today outlining why I am honoured to present this bill and why I am committed to it and to the solution it offers to a long-standing and complex issue.

To begin, I emphasize that there is support for this bill among Aboriginal organizations and peoples. Consider, for instance, the testimony of Betty Ann Lavallée, National Chief of the Congress of Aboriginal Peoples, before the Standing Committee on Aboriginal Affairs and Northern Development in the other place. When asked directly about the proposed legislation, her response was as follows:

The Congress of Aboriginal Peoples has always supported the matrimonial property rights, quite simply for the fact that we're in favour of anything that's going to protect women and children, period.



Honourable senators, this quote cuts to the heart of the matter: the protection of vulnerable people. At present, the law does not protect residents of First Nations communities from abuses of matrimonial interests or rights. The law protects us and other Canadians who live off reserve.

Bill S-4 will put an end to this inequity; it will provide legal protection to some of our most vulnerable citizens. This proposed legislation protects the rights of Aboriginal people, particularly women and children living on reserve. In addition, on March 11, Bill C-3, the gender equity in Indian registration act, was introduced to respond directly to the *McIvor* decision rendered last year to the Court of Appeal for British Columbia. Ultimately, however, Bill C-3 is about justice and striving to ensure that Canadian men and women are equal before and under the law.

As the title of the proposed legislation indicates, Bill S-4 addresses the full range of matrimonial interests and rights associated with family homes on reserves. For the sake of brevity, I will use the acronym for matrimonial real property, MRP, when referring to this concept.

As a matter of family law, MRP falls under the jurisdiction of the provinces and territories. Every province and territory in this country has laws that protect the MRP rights and interests of both spouses. For instance, these laws protect one spouse from selling the family home without the approval of the other spouse. These laws also authorize a judge to order an abusive spouse to leave the family home for a specific period.

Two decades ago, the Supreme Court of Canada ruled that these laws do not apply on lands governed by the Indian Act. This ruling means that no MRP laws protect First Nations people who live on reserve. The consequences have been nothing less than devastating. Abuses of MRP rights in First Nations communities have left people homeless, impoverished and ostracized. Mothers and children are thrown out of their family homes and, often, they have to leave their communities.

This legislative solution has been a long time coming. In 2003, the Standing Senate Committee on Human Rights published *A Hard Bed to Lie In: Matrimonial Real Property on Reserve* which stated:

... the Committee recommends that the Federal Government adopt as soon as possible adequate measures to end the discrimination endured by First Nations women on reserve with respect to the division of matrimonial property and ensure that they enjoy the same rights as other women in Canada.

The Committee strongly believes that each and every government, be it the Canadian government or First Nations governing bodies, has a duty to respect and protect the rights of Aboriginal women, including the rights of First Nations women on reserve to their share of the matrimonial property. It is matter of law and a matter of honour and dignity.

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

• (1450)

**Senator Nancy Ruth:** Our solution features two main elements. Each First Nation could design and implement laws governed by MRP rights and interests on their reserve lands. This approach is valuable as First Nations could design MRP laws that meet the particular customs and traditions of their communities.

The bill requires that these laws receive the approval of the community as expressed through a vote that would help build governance capacity in these communities. I believe this approach would also strengthen relations between the federal government and First Nations communities. It is important to note that MRP laws developed by First Nations would not be subject to review by the Minister of Indian Affairs and Northern Development or by departmental officials. The bill recognizes that First Nations are best placed to develop their own MRP laws.

The second part of Bill S-4 is an interim federal regime that applies to First Nations that do not have MRP regimes of their own. This would ensure that the residents of First Nations communities enjoy special legal protection similar to that afforded to all other Canadians. This interim regime would provide legal resources to residents of First Nation communities. However, it is hoped that the courts will be a last resort and that any dispute resolution can be mediated through elders' councils or traditional practices.

Honourable senators, Bill S-4 is fundamentally all about justice. It would address a legislative gap that undermines our justice system. Bill S-4 proposes to strengthen the system in two ways: by eliminating the gap that leaves First Nations people vulnerable and without legal protection, and by engaging the people directly affected by the gap in the design and ratification of an appropriate and effective solution.

How did we get this bill? It is the culmination of a comprehensive and collaborative consultation and engagement process that has gone on for several decades. This government provided funding to the Assembly of First Nations and the Native Women's Association of Canada to hold a series of consultations. More than 100 such consultations took place.

Bill S-4 is not perfect. It is almost difficult to say any bill is, but no proposed legislation that addresses such a complex issue could approach perfection. That is why Canada's Constitution assigns Parliament the power to review and revise proposed legislation.

As senators, we have a responsibility to ensure there is legislative protection of basic rights and to adopt Bill S-4. We would send a signal to the hundreds of current and potential victims of MRP abuses that Parliament is willing to help. It would indicate that we have responded to the multitude of research studies and international calls for action. It would indicate that we have listened to and acted upon the exhaustive and collaborative consultation, engagement and consensus-building sessions that informed Bill S-4. Most of all, such a move would embrace the worthy purpose of Bill S-4 — protecting vulnerable Canadians.

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

**Senator Nancy Ruth:** In conclusion, I call the attention of honourable senators to a quote from Ms. Shirley Williams, a professor of native studies at Trent University in Peterborough, Ontario and a respected Ojibwa and Odawa elder. When asked about the proposed legislation, Ms. Williams provided a concise answer: "It's time."

Honourable senators, I urge us to move this bill along.

**Hon. Lillian Eva Dyck:** Would the honourable senator take a question?

**Senator Nancy Ruth:** Yes.

**Senator Dyck:** The honourable senator noted in her speech that the Congress of Aboriginal Peoples supported this bill. What about other Aboriginal organizations such as the Native Women's Association of Canada and the Assembly of First Nations?

**Senator Nancy Ruth:** My understanding is that some Aboriginal groups would like changes or do not like parts of the bill. The Native Women's Association of Canada is concerned with the section regarding how the law will be administered rather than the law itself.

**Senator Dyck:** The honourable senator also said that this is a complex issue and that she is providing compelling reasons to support the bill. If it is complex, it must mean something within this issue is not supported by people. What are those issues? Is there any downside to the legislation?

**Senator Nancy Ruth:** I would hesitate to speak for a group of which I am not a part. When I look at the gender equity side of the bill, there will be problems as there are in any part of Canadian society. If a court order, band or reserve committee — whatever body is responsible — requires one party to pay one half of the interest on the home, for example, to the other party who is leaving, it might involve severe financial issues if both parties are in receipt of social assistance.

There are problems in the bill's implementation and enforcement yet to be seen and it is up to the bands to take a crack at solving those issues.

**Senator Dyck:** The honourable senator mentioned that a number of women are essentially being forced to leave the matrimonial home after a family breakdown, separation or divorce. Do we know how many women are affected from any of the documentation?

**Senator Nancy Ruth:** I do not have that information, but I also did not say that. My understanding of Bill S-4 is that it will correct such a situation if that is the present situation.

(On motion of Senator Cowan, debate adjourned.)

## 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. Fred J. Dickson:** Honourable senators, I am humbled and energized to represent my province, Nova Scotia, in this chamber. Over the past few months, I fought a difficult health battle. Having been recalibrated, I am honoured, with the indulgence of honourable senators, to give my maiden speech in response to the Speech from the Throne.

I thank Your Honour, all honourable senators and officials of this chamber for their warm and kind words of support over the past few months. I also thank my family, especially my wife Kay, for their unceasing support. On the day I took my oath of allegiance to Her Majesty, my five grandchildren were here. They all have lasting memories of the history of Parliament and especially the many courtesies extended to them for which I will be forever grateful. My sixth grandchild, Matthew James Wing Lee, arrived a couple of weeks ago.

Regarding my summons to this chamber, I sincerely thank my sponsors the Honourable Marjory LeBreton, Leader of the Government in the Senate, and the Honourable Gerald Comeau, Deputy Leader.

I was honoured and surprised to receive the phone call from the Right Honourable Stephen Harper to ascertain my interest in joining the Senate. After some discussion with the Prime Minister and upon my reflection of my interest in public policy, especially health care policy, I accepted. I express my appreciation to the Prime Minister for my appointment.

• (1500)

At the same time, I commend Prime Minister Harper for his continuing commitment and the progress that has been made in implementing all elements of Advantage Canada, which is the

long-term plan for the economy set out by the government in 2006. This plan sets forth our government's strategies in this era of globalism, when economic power is shifting to developing countries, including Brazil, Russia, India and China.

The pillars of this plan that the government is building on include a tax advantage, reducing the tax burden on Canadians and Canadian businesses; a knowledge advantage, fostering skills, training and education; an infrastructure advantage, building a modern, world-class infrastructure; an entrepreneurial advantage, making product and financial markets more efficient; and, last, a fiscal advantage, strengthening Canada's fiscal position for current and future generations. Advantage Canada is visionary yet concrete, pragmatic and results-oriented.

Is the work on these strategies delivering results? The answer is yes. Canada now holds a 5 per cent business cost advantage over the U.S., according to KPMG's *Competitive Alternatives 2010* study. One of the study authors said:

Canada has pulled its weight in terms of contributing to the global stimulus response to economic crisis, ranking fifth among nine countries in terms of relative stimulus spending. However, this has been achieved while maintaining a reasonable long-term government debt outlook — with Canada expected to rank first among the G7 in 2014 in terms of low government debt.

I will subsequently refer in greater detail to this plan and Canada's Economic Action Plan.

Since Confederation, Nova Scotia senators have provided or are providing their advice to continue to build a stronger federation for future generations. I hope my background, experience and the life lessons I have learned and am learning will help me contribute to building a strong, progressive Canada. The best lesson I learned was from my first employer, the Nova Scotia industrialist R.A. Jodrey, whose motto was: "There is no substitute for hard work."

Today I express, on behalf of all Canadians, our appreciation for the service and dedication of the men and women who serve so gallantly in our Armed Forces. Also, I offer our deepest sympathy and condolences to the families who have lost loved ones in the Canadian Armed Forces, NGOs and media on foreign missions, particularly in Afghanistan.

Being a Nova Scotian, and like all honourable senators, I feel real sympathy for the people of West Virginia on the tragic loss of 29 hard-working coal miners in the methane disaster on April 5.

Turning now to the global recession, last year Timothy Geithner, the U.S. Treasury Secretary, described the global downturn as not being a typical recession. Rather, it is an abrupt correction of financial excesses that has overwhelmed economies' and markets' self-correcting mechanisms, and can only be ended by extraordinary global policy responses implemented systematically by global leaders.

Through Canada's Economic Action Plan, our government has done just that, and coupled with implementing the strategies of Advantage Canada, our government is committed to building a Canada focused on the opportunities of the future. The Harper government has both vision and, even more important, a mission. We are making real progress in implementing that mission, which includes jobs, growth and opportunities.

In Nova Scotia, the economic action plan has already made a difference. Infrastructure projects, including roads, water, sewer and recreational facilities, are being built across the province.

On March 3, we heard the Governor General lay out our government's plans in the Speech from the Throne. In that document, she referenced the improvement in job growth across Canada. She noted the fact that our federal government has taken "decisive steps to protect incomes, create jobs, ease credit markets, and help workers and communities get back on their feet." She further stated that jobs and growth remain the top priority.

It was most satisfying to hear the Governor General say:

Balancing the nation's books will not come at the expense of pensioners. It will not come by cutting transfer payments for health care and education or by raising taxes on hard-working Canadians.

Canadians are concerned about their jobs and the jobs of their children, about the effects of globalization, and about whether or not their pensions will be there when they retire. Our federal government understands and is working hard to respond to these concerns.

Here are just some examples that Her Excellency referenced in the Speech from the Throne. Across Canada, 16,000 economic action plan projects are putting Canadians back to work. Businesses are hiring, with 180,000 new jobs since last July. Incomes and confidence have been restored, and hope and security renewed.

Furthermore, our economic action plan is supporting skills and apprenticeship training for Canadian workers; expanding opportunities for university graduates to pursue post-graduate studies; helping post-graduate students and academics commercialize their ideas; bolstering the science and technology strategy; launching a digital economy strategy; investing in clean and renewable energy technologies; cutting red tape; and helping seniors by protecting and strengthening our pension system.

When I came to this chamber, I was asked what my priorities were. I said that I would focus first on strengthening the effectiveness and sustainability of our health care system. My choice of health care was in part driven by a friend of mine, the late Jim Connors of Dartmouth, a lawyer, executive and alderman who served his community faithfully. He was the lead advocate in the successful campaign for the public funding of Avastin by the Government of Nova Scotia.

Dr. Anne Doig, President of the Canadian Medical Association, in a recent speech set forth the CMA's call for action to transform health care under five basic pillars, the idea being to build a health care system that puts patients first. She noted that ten years ago, health care spending comprised over 34 per cent of all program spending. Today it is over 40 per cent and soon will reach 50 per cent in some provinces. Furthermore, if we continue the present style of service delivery and funding, health care is projected to consume 100 per cent of program spending in all provinces and territories within the next 25 years.

Our American neighbours have just finished a year-long debate on the future of their health care system. President Obama has signed a bill that in time will provide 95 per cent of U.S. citizens with health care coverage.

Although all Canadians have health care coverage, our system is not perfect; indeed, its very sustainability is in question. The door for health care debate is now wide open. We all understand just how sensitive it will be but, if we do not take action now, then who will, and when?

That is why I am studying the 2002 report of the Standing Senate Committee on Social Affairs, Science and Technology entitled *The Health of Canadians: The Federal Role*, the Kirby-LeBreton report. This is one of the most important parliamentary reports in Canadian history. Furthermore, it demonstrates the effectiveness of the work of the Senate at a time when our government is initiating Senate reform. I believe we, honourable senators, have both the responsibility and opportunity to address in a significant way the big issues affecting Canadians, such as health care.

The first recommendation of the Kirby-LeBreton report was the creation of a National Health Care Council. The council has again been allotted \$10 million in the 2010-11 estimates. The council's mandate is the production of an annual report on the state of the health care system and the health status of Canadians.

The council, in February 2009, issued an insightful report entitled *Value for Money: Making Canadian Health Care Stronger*.

The goal of the council is to provide a system-wide perspective on health care reform for Canadians, with particular attention to accountability and transparency. The report's executive summary opens with the challenging quote: "If you have only five minutes, read this." I strongly suggest that honourable senators take the five minutes to read the summary or, if you have read it, to read it again. It may be sourced at [www.healthcouncil.ca](http://www.healthcouncil.ca).

• (1510)

The executive summary sets out key facts and concepts to engage Canadians in thinking about value for money and health care. Simply put, the report explores the question: How can we make the best possible use of the 40 per cent of all federal, provincial and territorial government programming spent on health care? The council shares the view of the overwhelming majority of Canadians and their governments that a high quality and sustainable health care system is achievable.

[ Senator Dickson ]

I respectfully and strongly suggest that all honourable senators give consideration to assisting the Kirby-LeBreton committee members in achieving their objective by promoting meaningful discussion along the lines the council recommends, because we, like all Canadians, care deeply about the sustainability of our health care system.

I intend to look carefully at where we are today in relation to the Kirby-LeBreton report, the Health Council report and the targets set out in the 2004 federal-provincial health care accord. Are the changes made to date working? Do they need modification? I plan to introduce further inquiries in this chamber in this regard.

Honourable senators, I think we all agree that healthy Canadians make a prosperous Canada. We have a wonderful health care system that was once the envy of many countries. It is up to us to return it to that status.

My political motto is best expressed by the quote, "Do what you can to show you care about other people and you will make our world be a better place." I believe our Governor General's Speech from the Throne put us on course to do just that.

**Hon. Catherine S. Callbeck:** Will the honourable senator accept a question?

**Senator Dickson:** Yes.

**Senator Callbeck:** I first want to compliment Senator Dickson on his speech. He spoke a lot about the Kirby-LeBreton report, which I agree is a wonderful report. I was fortunate to be a member of the committee.

One strong recommendation in that report was on a catastrophic drug plan, the bottom line of which is that no family will pay above a certain percentage of their income for medications. After the report was submitted, talks started between the provinces and the federal government. There were several meetings, and then the government changed in 2006. Since that time, the federal government has not been active on this file. Activity on it has completely stopped.

The honourable senator has obviously read the report. How does he feel about the catastrophic drug plan?

**Senator Dickson:** Honourable senators, since coming to this chamber, I reviewed volume 6 of the report and subsequently had the Library of Parliament prepare a spreadsheet on the action that has been taken on certain recommendations. It appears, as the honourable senator knows, that the major responsibility for health care rests with the provinces. The report prepared by the Library of Parliament indicates that the federal government has moved expeditiously where it has the power to do so. However, as provincial governments change, there are roadblocks to moving forward and achieving unanimity among the provinces on how to proceed.

I will need to study the catastrophic drug plan further, and I look forward to discussing it with other senators who served on the Kirby-LeBreton committee.

(On motion of Senator Comeau, debate adjourned.)

## WORLD AUTISM AWARENESS DAY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Jim Munson** moved second reading of Bill S-211, An Act respecting World Autism Awareness Day.

He said: Honourable senators, I will speak briefly — for the third time — on my bill, an act respecting World Autism Awareness Day. This bill has been given different numbers in different Parliaments and has received support and been spoken of generously by many honourable senators, including Senator Keon, Senator Oliver, Senator Mercer and the former Senator Trenholme Counsell. Despite the support this bill has received, it has become the victim of prorogation. I hope that the third time is indeed third time lucky or a lucky charm. Given our light-to-moderate legislative agenda, perhaps we can move quickly on this bill.

I hope honourable senators will humour me as I remind them of some of the contents of this bill and why it is important. This bill, as the name implies, will raise awareness of autism, a neurological condition that affects a growing number of families in Canada. Autism now affects more children worldwide than pediatric cancer, diabetes and AIDS combined. Health Canada conservatively estimates that 1 in 150 families live with autism. Others argue that it is closer to 1 in 110.

However, this bill is not about numbers; it is about people, people who need our help. Autism isolates those who have it from the world around them. It is a health issue, but the treatments involve many different therapies and professionals — speech therapists, occupational therapists, educational experts, social workers, and the list goes on. Many of these services are not paid for through our health care system, and they can cost up to \$65,000 a year. Some provinces fund autism treatment but, as we all know, there are long waiting lists for treatments and therapies.

While we do not know much about autism, we do know that the earlier treatment can begin, the more successful it tends to be. Imagine for a minute how stressful it would be if your child or grandchild had autism and you knew that they would not receive treatments for several months, or even years, because of waiting lists. Imagine the anguish you would feel.

It is a tragedy when people with autism do not receive timely treatment, because it means that they are denied the tools they need to succeed and contribute to society.

As we learned in the Standing Senate Committee on Social Affairs, Science and Technology and later documented in our report, *Pay Now or Pay Later: Autism Families in Crisis*, the stress on families is enormous. Far too many families have to remortgage their homes, work two jobs, or make other sacrifices

to ensure the child receives the treatment he or she needs. One parent must often give up a satisfying and well-paying career to be a full-time caregiver and advocate for their child with autism. Financial strain, fatigue and constant worry for their child erode the mental and physical health of parents. They need our help too.

This modest bill to respect World Autism Awareness Day will not change their reality, their day-to-day struggle to find and pay for care, but if a nation for one day acknowledges their reality, they will not feel so alone. On April 2, World Autism Awareness Day, people with autism and their families will feel the respect and admiration they deserve from their fellow citizens.

• (1520)

Such a day will show support, but it will also send a message about autism to those who do not know about this condition. It will be an opportunity for people to learn about autism and recognize that in their community there are families living with autism, neighbours, friends and colleagues who deserve to have their reality acknowledged and supported. Honourable senators, before we can mark World Autism Awareness Day, we need to pass this piece of legislation.

All children have the right to succeed, and we as adults and as lawmakers have the responsibility to ensure they have the tools and opportunities they need to succeed. I remind honourable senators that Canada is a signatory to the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities. These international conventions commit us to take action to see that children with disabilities enjoy a full life with dignity, self-reliance and full participation in society.

Honourable senators, let us take one more step forward and join the 192 other countries of the world that have made April 2 World Autism Awareness Day.

**Hon. Michael Duffy:** Would the honourable senator take a question?

**Senator Munson:** Yes.

**Senator Duffy:** I applaud the honourable senator for his valiant work on this subject. In my own life, I have known a number of people who have been affected by this condition and every word the senator told the chamber this afternoon is true in spades. It is a tremendous struggle for people.

Given that the jurisdiction of health in this country is with the provincial governments, could the honourable senator bring us up to date on what the various provinces are doing? I am not sure of the chronology, but I have friends in Ontario who found it was covered and then it was not covered; there is apparently an argument that this is not a disease but a condition. Could the honourable senator elaborate on where the provinces are on this matter?

**Senator Munson:** I thank the honourable senator for the question. The answer is that the provinces are everywhere and in no particular place on this. The Ontario government has spent a lot more money to alleviate some of the waiting lists, but those lists are still too long.

I am of the view that we should dare to think outside the box. The honourable senator and I have covered Parliament Hill and we have covered many federal-provincial conferences. We have often heard the argument that an item falls under provincial jurisdiction.

My argument to that is that autism has no borders. When it comes to jurisdictional disputes, we should erase those borders. I do not care what government is in power. I want the federal health minister to sit down with the social affairs or health ministers from each province and dare to think big. Think about this country and think about the young men and women with their families who are travelling from Nova Scotia and my own province of New Brunswick to Alberta, not for oil but to get better treatment. I do not think that is fair.

At this point in our society, if we have national health programs dealing with heart disease and cancer and so on, surely we can dare to sit down and look at autism again. Let us look at having a national research base, having a system set up where we have common values on how to treat autism and that the money is spent equitably across the board.

I challenge the present government and, hopefully, one day I will challenge my own government to reach out, sit down and develop a national autism spectrum disorder strategy.

(On motion of Senator Seidman, debate adjourned.)

## NATIONAL PHILANTHROPY DAY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Terry M. Mercer** moved second reading of Bill S-203, An Act respecting a National Philanthropy Day.

He said: Honourable senators, I do intend to speak at some length on this bill, but I propose to wait. I move adjournment of the debate.

(On motion of Senator Mercer, debate adjourned.)

[*Translation*]

## EROSION OF FREEDOM OF SPEECH

### INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. Joan Fraser:** Honourable senators, I would like to start by commending Senator Finley on initiating this debate on an extremely important subject to which we should all pay careful attention. I listened carefully to the speeches by the four senators who have already participated in the debate. I hope many of us will join in.

It must be pointed out that in this chamber, we are all most definitely in favour of freedom of expression.

[*English*]

We all support freedom of speech and freedom of expression. That should go without saying, although sometimes one is led to wonder.

Like Senator Duffy and Senator Wallin who preceded me in this debate, as a journalist I benefited from and exercised freedom of speech every day in my work.

I was often attacked for it, but nobody ever said that exercising your freedom of speech ought to give you a free ride against other people's freedom of speech. If you go into the public arena, you have to be prepared to face criticism, some of it vehement. Indeed, on a couple of occasions employers and I parted company after I exercised my freedom of speech. My experience was small potatoes, however, because I am fortunate enough to be in Canada.

• (1530)

I will never forget an experience in Cuba a few years ago when I was there as part of a parliamentary delegation. I gave a speech extolling freedom of speech and freedom of expression, and I suggested that Cuba could benefit from the application of this principle. The Cubans, understandably, were not delighted. The next day, a Cuban parliamentarian stood up to deliver an impassioned rebuttal, saying that, yes, everyone understands freedom of speech and Cubans have that freedom. She went on to say, "Is it not a pity that Senator Fraser is not here to hear my rebuttal of her ill-informed remarks." I was not there because I and other Canadian parliamentarians were, at that precise moment, meeting with a group of Cubans who had done hard time in prison for exercising their freedom of expression. In comparison to what they and so many others have suffered around the world, we should almost be ashamed to complain about events that may or may not occur here.

Still, honourable senators, that experience was a reminder that possibly the first reason for defending freedom of expression is that without freedom of expression, citizens are not free to criticize their government, and that is the foundation of democracy. It is the foundation of the system in which we are free to say that we either agree or disagree with those who govern us and, by extension, to choose others to govern us.

In that context, I was a little puzzled by the particular focus of my predecessors in this debate who tended to express great concern with the case of an American polemicist, Ms. Ann Coulter, and did not address issues that seemed to me to be of considerably greater concern. I note, for example, that the other

day, *Globe and Mail* columnist Mr. Lawrence Martin produced a handy reminder of facts that we are all aware of in which he stated:

The government tried censoring coverage of dead bodies returning from Afghanistan. It tried to curtail freedom of the press like never before, at one point having the police move out journalists from a Charlottetown hotel lobby. . . .

And, I would add here, also by setting up what appeared to be friends and enemies lists about who was allowed to ask questions. Mr. Martin continued:

Restrictions on the access-to-information process effectively put a “stranglehold” on communications, information commissioner Robert Marleau reported.

As we have heard today, freedom of access to information continues to be a source of shame in this capital at this time. Mr. Martin continued by saying:

The Prime Minister’s operatives put out a secret handbook instructing members how to muzzle parliamentary committees. . . .

Minister of State Diane Ablonczy lost some of her responsibilities because, a colleague said, she tried to give gays a voice to fund their parade. A noted academic, Michael Behiels, was attacked for criticizing the Harper government’s Quebec policy; Government Senate Leader Marjory LeBreton went all the way to the University of Ottawa’s chancellor in a bid to have him disciplined.

**Senator LeBreton:** That is not true, by the way.

**Senator Fraser:** I thank senator LeBreton for that clarification.

The fact is that there are many examples of efforts by the present Government of Canada to muzzle various people, and I find them to be far more disturbing than the incident of the unfortunate Ms. Coulter — “unfortunate” in several senses.

I would like to address a couple of misunderstandings that tend to be quite common in discussions of freedom of expression. First, in Canada, freedom of expression does not trump other rights. In Canada, all constitutional rights are equal, and for good reason.

Honourable senators, I can remember having heated debates with some American colleagues back when I was a journalist because they believed for them it was an article of faith that freedom of the press trumped everything else. I do not believe that to be true. I believe that freedom of expression does not, for example, trump the right to a fair trial. The courts in Canada, including the Supreme Court of Canada, have confirmed that freedom of expression, while essential, is not more important or more sacred than the other constitutional rights.

A second misunderstanding which is linked to the first is the notion that any limit on freedom of expression is inherently wrong. That is not true in Canada, either. Section 1 of the Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society — limits that can be demonstrably justified, that is, and any such

exceptions must be narrow. The courts have confirmed that they must be narrow.

In the case of freedom of expression, the core point to remember here is that it, like other freedoms but perhaps even more than other freedoms, must be exercised responsibly. It must be exercised vigorously over a wide range of opinion, but responsibly, because words have power. We were reminded when this debate began by Senator Dallaire of the power of the words of Radio Mille Collines in Rwanda, the radio station that incited genocide. Words have power. Therefore, we must use our words with a reasonable degree of prudence about the consequences that our use of those words may have.

Sometimes, there is a tendency to say, “Oh, bad things happen over there, on other continents, in poorer, less wonderful countries than Canada.” However, we have examples in this country of how words can be misused and can lead directly to terrible consequences for people here. Just ask the minorities in Canada. Ask Aboriginals, Blacks, Jews, Chinese; the list is long. Indeed, ask women whether the words deployed against them have not had, too often, devastating consequences up to and sometimes including the loss of life.

In comparison to those abuses of freedom of expression, I would argue that the case of Ms. Coulter is not very important. University students have, for as long as there have been universities, engaged in overheated adolescent displays of intolerance. This seems to go with the territory of being a student. Honourable senators will recall the old saw about how, when you were young, your father did not know anything and how, as you got older, it was amazing how the old man learned stuff. Generally that first stage is where many university students are.

We have other present examples of the power of words, honourable senators. I would draw to your attention the, in my view, most unfortunate tenor, too often, of the debate in my own province of Quebec on what is called “reasonable accommodation,” which too often seems to take the view that any accommodation of minorities is not reasonable. The most recent example is the appalling quality of the debate surrounding the wearing of the niqab by perhaps a few dozen Quebec women. We are not immune from abuses in this country, abuses of freedom of speech which lead to actions with real consequences.

• (1540)

Some speakers earlier in this debate explained that they want to abolish section 13(1) of the Canadian Human Rights Act, which they see as establishing government censorship. I find that explanation odd because section 13(1) is about repeated communication of hate messages by electronic means, so I am not sure why that particular section of the act has attracted such extraordinary venom.

Be that as it may, the Supreme Court upheld the validity of that section of the act, with the careful enunciation of narrow grounds upon which it may be interpreted, but it has upheld the constitutionality of that section of the act. My colleagues, I think, are suggesting that the Canadian Human Rights Act is no place to address hate messages at all, whatever the means of communication, and that the Criminal Code gives us all the protection we need.

I submit to honourable senators that we need both because the acts serve different purposes. The Criminal Code has as its object punishment — punishment of offenders one after the other after the other if necessary, often after long and costly trials — whereas the Canadian Human Rights Act is designed to be remedial. The act is designed to remove hate messages that cross the line from being expressions of opinion, even if benighted opinion, to that danger zone where they create true dangers for groups of Canadians.

Several people have referred to the famous case of Mark Steyn and *Maclean's* magazine. The Canadian Human Rights Commission dismissed the complaint against *Maclean's* magazine, but as the Canadian Human Rights Commission itself pointed out, there is room for improvement in the act, which might have helped *Maclean's* and Mr. Steyn. The commission suggested that the act be amended to add a statutory definition of hatred and contempt in accordance with that applied by the Supreme Court of Canada, which specified that section 13 refers to unusually strong and deep-felt emotions of detestation, calumny and vilification that are ardent and extreme in nature: in other words, truly extreme expressions of hatred and contempt.

The commission suggested that it be allowed to award for costs in exceptional circumstances.

[Translation]

**Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker):** Honourable senators, Senator Fraser's time has run out.

**Senator Fraser:** May I ask for five more minutes?

**Hon. Senators:** Agreed.

[English]

**Senator Fraser:** The commission has suggested that it be allowed to award costs in exceptional circumstances where the tribunal finds that a party has abused the tribunal process, and it has suggested that the law be amended to provide for early dismissal of section 13 complaints when messages do not meet the narrow definition of hatred or contempt. With those amendments, it seems to me that even those Canadians who fear the application of the Canadian Human Rights Act would have good reason to sleep more easily in their beds.

However, honourable senators, do not forget that words have power. When someone suggests that all Muslims are terrorists, for example, that is a powerful and dangerous message. The speaker does not need to go on and say, "Therefore, go out there and commit violence against Muslims." If someone persuades somebody that members of a given group are all terrorists or are all out to get them in some way, the consequence will follow as the night, the day. That group will be subject to dreadful persecution in this country as in others.

Some of us have had the misfortune in our lives to see race riots in other countries. I pray to God that we never have to see them again in this country, but I do not believe that we should sleep lightly and say the possibility cannot exist. That possibility, honourable senators, is why I believe it is so important to hedge about our freedom of expression with the responsibility to exercise it properly.

[ Senator Fraser ]

**The Hon. the Acting Speaker:** On debate.

**Hon. Nicole Eaton:** Honourable senators, I am sorry I am not prepared to answer the house today but I will say my piece. Like other senators who have spoken before me on this matter, I am alarmed by the erosion of this most essential right, alarmed because freedom of speech is part of our Canadian identity. If we lose that freedom, we lose part of our Canadian-ness. Freedom of expression in all its forms, including freedom of speech, the press, the arts and religious and cultural expression, has always been one of Canada's most famous national qualities. In our increasingly multicultural pluralistic society, it ensures that everyone in Canada can find their voice and have their say.

Freedom of speech is the great equalizer for Canadians who seek to address their claims by appealing to our national conscience. In Canada, one does not need to have power or money to make a case, merely a passion to express an idea.

Freedom of speech is one of the most attractive qualities we offer to new immigrants, many of whom come from countries where political or even religious dissent is a crime, but free speech is not only part of our Canada today. It is also a great Canadian tradition. In his opening remarks on this subject, Senator Finley mentioned in passing the case of Joseph Howe. I will expand on that case because it sets an important precedent for the freedoms we enjoy to this day.

In 1835, nearly 200 years ago and a generation before Canada was born as our own country, Joseph Howe was put on trial for seditious libel because the newspapers he published had embarrassed local Halifax politicians by exposing their corruption. Mr. Howe knew that his own freedom was at stake. If he lost, he could have been imprisoned, but he knew that much more was on trial that day. The right to scrutinize and criticize their government was in question. Some would call that right the right to offend.

Here is what he said to the jury about what would happen politically if he were convicted:

Were you to condemn me, these men would say there is no truth in these charges, there is nothing wrong, and matters would continue in the old beaten track. If you acquit me, as I trust you will, they must form themselves into a court of inquiry for self-reformation; they must drive out from among them those men who bring disgrace on their ranks, and mischief on the community in which they reside.

Mr. Howe's case would set a precedent for Nova Scotia and the rest of Canada for centuries to come. Had the jury chosen to side with the Halifax elites, the politicians and other polite company who had been offended and embarrassed by him, corruption would have flourished and democratic criticism would have withered.

• (1550)

Howe's passionate defence of freedom worked. The jury defied the judge's instructions and acquitted him. That great triumph set Howe on course to one day become Nova Scotia's premier.



Let me quote one more passage from Howe's speech. Remember, his trial was not long after the American Revolution and the War of 1812. Canadians and Americans had taken two separate paths and were still wary of each other.

Howe clearly rejected the American way. He regarded their revolution as an act of rebellion and disloyalty. He was a fiercely proud Nova Scotian, but here is what he said:

Let not the sons of the Rebels look across the border to the sons of Loyalists, and reproach them that their press is not free.

Howe was not trying to impress the Americans, and he certainly did not believe that freedom of speech was only for Americans — in fact, the opposite. In his defence, he constantly referred to Canadian and British traditions of liberty. To Howe, all modern free peoples enjoyed freedom of speech. Far from being merely an American concept, Howe regarded it as quintessentially Canadian.

Joseph Howe set a great precedent, that the nature of freedom of speech is that it constantly must be supported for there are would-be censors in every generation.

In 1935, exactly a century after Howe's acquittal, across the country in Alberta, William Aberhart became premier. Like the political elites of Howe's Halifax, he found Alberta's newspapers to be troublesome and offensive.

Aberhart's election came in the face of nearly universal opposition by the newspapers of the day. By 1937, he was so frustrated that he introduced the Accurate News and Information Act, which required every newspaper in the province to run a rebuttal, correction or amplification when ordered to do so by the government.

Alberta's lieutenant governor refused to proclaim the law until the Supreme Court could assess its constitutionality. He was punished by being stripped of his official residence, car and staff.

Even without the law, Aberhart prosecuted his war against the press. The Alberta legislature ordered that a reporter for the *Edmonton Journal*, Don Brown, be jailed for misquoting a government backbencher. Luckily, national ridicule caused the government to back down before they could arrest him.

In the spring of 1938, the Supreme Court ruled that Alberta's press act was illegal and that it violated Canada's unwritten bill of rights, the same code of freedom that had protected Joseph Howe. For its efforts in fighting against Aberhart's censorship, the *Edmonton Journal* was awarded a special Pulitzer Prize, the first time the citation was awarded outside the United States. It was a great Canadian moment.

There are many other of these moments in our history, some much more recently. It was not until 1955 that the University of Toronto shut down its art room where, until then, students had to prove they were free of mental problems before reading controversial books like *Ulysses*. The books were later moved to open shelves.

In the 1980s, in the case of Vancouver's Little Sisters bookstore, Canada Customs followed Memorandum D-911, which arbitrarily declared any description of gay sexuality to be obscene, a vague rule that was eventually thrown out by the Supreme Court.

Little Sisters continued its fight against Customs and Canada Post well into the 1990s; and until Prime Minister Mulroney overturned the order 48 hours later, Customs police briefly made Canada the only Western democracy to seize copies of Salman Rushdie's *Satanic Verses* after Iran's fatwa.

We are in the 21st century now and one would think that censorship would be obsolete, universally considered a relic of less enlightened times. However, nowadays it is not prudish Customs officers or thin-skinned politicians who are the main threat; it is Canada's human rights commissions — for which I disagree with my honourable colleague — that would have struck George Orwell as being perfectly named.

These commissions were started with the best of intentions, to help the poor and the weak from being bullied out of a job or an apartment. They have become censors, policing not death threats or incitement to violence or any other real crime, but rather the fake crime of hurt feelings. They have become what author Kathy Shaidle calls a "tyranny of nice."

Section 13 of our Canadian Human Rights Act makes it against the law to invoke feelings of hatred or contempt, but hate is a normal human feeling. What is not normal is to make these feelings against the law.

Of course we do not want people to turn their hard feelings into crimes. That is why we have the Criminal Code; but to have a government agency monitoring the Internet, searching for certain political views to prosecute, is anathema to a liberal democracy.

Senator Fraser already addressed the question of Mark Steyn. *Maclean's* magazine was put on trial for a week for publishing excerpts from his best-selling book on Islam. That is very stressful and expensive, and as Senator Fraser pointed out, it was overturned.

The *Western Standard* publisher, Ezra Levant, was prosecuted for 900 days — that is over three years — for publishing pictures of the controversial Danish cartoons of Mohammed.

Those are two famous cases, but many other people have been investigated by the government merely for having a certain point of view. Honourable senators, I refer you to Pastor Stephen Boissin, who was given a lifetime speech ban by the Alberta Human Rights Commission; Father Alphonse de Valk of Toronto's Catholic *Insight* magazine; the Christian Heritage Party; and Bill Whatcott of Saskatchewan. Each man was prosecuted for expressing his religious beliefs — not for doing anything harmful, just for saying something that someone else found offensive.

Why do we have to buy the magazines? If we do not like them, do not buy them. If you do not like what is being said on television, turn off the television set. If you do not like an entertainer, walk out.

All these human rights issues show a systemic bias in our human rights commissions, and that is exactly the problem with vague political censorship. It is not about the law; it is about political favourites. It is about the way the wind is blowing.

There is a common thread to each one of these free speech battles. In each case, the targets of censorship were declared offensive or troublesome; but in each case, the success of these troublesome critics helped make Canada more inclusive and democratic.

Canada is the most peaceful and tolerant country in the world precisely because we allow people to disagree with each other passionately and even offensively. That clash of ideas is often noisy and occasionally upsetting, but through these vigorous discussions we have been able to navigate our way through hundreds of years of challenges and our national purpose has never been stronger.

Honourable senators, freedom of speech is not an abstract Canadian ideal; it is an active, living part of being Canadian. It is an integral part of the Canadian identity. Our citizens use it every day, more often than any other freedom.

To study our history is to see each generation of Canadians stand up for that freedom when it is challenged, as it has been several times recently with Mark Steyn, Ezra Levant and yes, Ann Coulter. These are small episodes but they all add up; and to learn from our history is to know that we must protect that great inheritance today and whenever in the future it may be challenged again.

**Hon. Patrick Brazeau:** Honourable senators, I rise in this chamber today to add my voice to the inquiry on the status of freedom of speech in Canada. As has been so eloquently pointed out by my honourable colleagues, the concept of freedom of speech is fundamental to democratic government.

It has been said that the test of democracy is freedom of criticism. Indeed, healthy, provocative, even intense debate is the truest essence of the basis for participatory democracy.

Freedom of speech is not, as some may have suggested, an American idea. It is an extension of free will. It is a by-product of democracy and it is reflective of the notion that all men and women were created equal. Freedom of speech knows no political station, no power structure, no race, colour or creed.

Given this, how sad is it that we seem as a society to place the notion of freedom of speech as less important than ensuring none might become offended by the hard truths of 21st century living?

I took note of several senators' questions about the fine line between freedom of speech and respect. As an Aboriginal person, I am personally aware of how freedom of speech can be used as a tool to promote prejudice and hatred. It was presumably that situation, as reflected in the Ann Coulter incident, which has given momentum to our deliberations on this most important subject. Equally important is that the recent incident highlights another fine line between one person's freedom of expression vis-à-vis another's, and this warrants further study.

[ Senator Eaton ]

• (1600)

[*Translation*]

I do not know, personally, whether it was University of Ottawa professors who prevented Ms. Coulter from speaking or whether it was the organizers who decided to cancel her speech. Nor do I know whether she was intimidated by the crowd of students or whether she was truly indifferent to their demonstration. I do know for a fact that the students felt free to limit her freedom of expression.

[*English*]

There are those who believe that freedom of expression and free speech work in only one direction: those who insist on being able to express views and opinions while denying others the opportunity to challenge those views. The line between speaking freely and being spoken to freely should not exist but, sadly, it most assuredly does. If the students were free to protest Ms. Coulter's presence on their campus and the nature of her presentation she was expected to give, why was she not equally free to be there and speak her mind?

The erosion of many of these freedoms is nowhere more evident than in First Nations communities. In many instances, the utter absence of accountability and transparency that has plagued Aboriginal politics for so long can be attributed, in large part, to the infringements of the rights of grassroots Aboriginal people to their freedom of speech. For many reserve residents, the price for their attempts at free speech and the expression of their concerns in an open manner is often restriction of access to essential services such as housing and post-secondary education. The price of speaking out against corruption and demanding accountability can at times be even more severe, involving physical violence and threats to family and friends.

[*Translation*]

There are also people who advocate free speech and freedom of expression and then turn around and do everything they can to prevent others from enjoying that same freedom. I experienced that type of situation in 2008, in a previous role, during discussions surrounding the repeal of section 67 of the Canadian Human Rights Act. The discussions eventually resulted in the provisions of that legislation also applying to the First Nations peoples for the first time in over 30 years.

Who, in your opinion, was most opposed to this important improvement to human rights for members of the First Nations? It was none other than their own leaders.

[*English*]

There are numerous examples whereby freedom of speech has resulted in positive change that has and will benefit generations of Aboriginal peoples. John Corbiere spoke up against being prevented from voting in band elections in his community because he lived off-reserve. Sharon McIvor recently spoke out on the injustices in the area of gender inequalities regarding the Indian registration system, as did Senator Lovelace Nicholas in the 1980s at the international level. Donald Marshall spoke out on the matter of Aboriginal fishing rights.

Each of these people served their communities and their own rights by exercising their freedom of speech all the way to the Supreme Court of Canada and other venues.

Honourable senators, as Canada's first peoples, the Aboriginal community needs to be able to freely define its aspirations, to debate the real root causes of poverty in Aboriginal communities, and to compellingly prescribe the cure for its ills. This cannot happen in a vacuum where people live in fear of retribution and retaliation if they have the courage to speak out.

This will not happen if divergent opinion is termed racist, and it surely will not happen without the full engagement and participation of grassroots Aboriginal peoples convicted and convinced enough of the need to embrace the need for change.

Full engagement means just that. It is not the flow-through of funding to organizations or leaders who are all too eager to accept the cash and purposefully stifle any divergent opinions or possibly troublesome comments from grassroots Aboriginal peoples.

Honourable senators, I will make full use of my right to free speech and, in so doing, will affirm that our government has no intention of doing what was done in the past, dealing what I term to be "shut-up money."

Let us bear in mind that the fundamental with which we are dealing is freedom of speech, and not freedom of entitlement.

[*Translation*]

Let us aspire to a non-partisan debate in which everyone can enjoy complete freedom of expression: internal solutions to overcome the problems of poverty among Aboriginals, presented by and for the First Nations, Inuit and Metis; a deeper commitment by the Aboriginal community to the political process and even to political life, where Aboriginals could voluntarily run for office and elect representatives who are responsible and accountable; and a Canada where Aboriginals are recognized as an integral part of the fabric of our country and essential to the debates needed to ensure our continued prosperity.

[*English*]

The time-worn saying that the truth shall set you free is a dream for many Aboriginal peoples. The sad reality, however, is that the truth will most often set you back — to the back of the line for housing repairs, for job training, and for employment opportunities.

Honourable senators, we must not take on this complex matter lightly. There are numerous fine lines that are to be found intertwined in this subject. There is the line between freedom of speech and freedom of expression which must not be crossed, and that is in the instance where freedom of expression can lead to resorting to violence. Equally, there is the line between freedom of speech and the freedom to knowingly misrepresent the truth. There is the line between our rights to free speech and our rights to protect ourselves from slander and libel.

This is a highly complex matter and one from which we in this chamber should not deter ourselves from addressing. It will only be through an open exercise of free speech that Aboriginal poverty will be overcome and the aspirations of Canada's Aboriginal peoples will be achieved. It is only by ensuring the essential right to freedom of speech is respected and affirmed that Aboriginal people will have the fair opportunity to participate fully in Canada's prosperity.

Honourable senators, freedom of speech is often a right that we in Parliament take for granted. However, in Aboriginal communities, the affirmation of the right to freedom of speech is something that needs to be taught, exercised and, most importantly, rigorously defended in light of anything that attempts to trump it. It is essential to understand that, in the hearts and souls of Aboriginal peoples, Canada is indeed their home and native land, and one in which their ability to prosper and to speak should be equally as strong and as free as our great nation is.

**Hon. Anne C. Cools:** Would the honourable senator take a question?

**Senator Brazeau:** Yes.

**Senator Cools:** As the honourable senator knows, I have great respect for the Aboriginal peoples of this country. To my mind, their treatment has been beyond intolerable. It has been unacceptable, really. I was listening with interest to what the honourable senator had to say, as I listened with interest to Senator Eaton. I have no doubt that Helena Guergis is suffering terribly because she has been exposed to such calumny.

I want to ask Senator Brazeau two questions. First, has Ms. Guergis' freedom of speech been considered in this debate?

Since the honourable senator said that we must not take our freedom of speech here in this chamber for granted, the other thing I wish to say is that I do not. However, three times in a row in this chamber in the last two weeks, I rose to express my interest in speaking and three times in a row I could not. Once is an accident, twice is a coincidence, but three times is a pattern.

Second, does the honourable senator think that my freedom of speech was offended when, in this chamber, at the behest of colleagues across the way, my ability to speak in debate was terminated and denied?

**Senator Brazeau:** I thank the honourable senator for her questions. First, with respect to Ms. Guergis, she has the freedom and the right to speak and to defend herself, just like anybody else across the country. She has already indicated that she will do that at a later date, so I do not think that her freedom of speech has been trumped until she cannot exercise it.

With respect to the specific question involving the honourable senator, obviously I have not been here long enough to be able to comment, except in terms of process and procedure in this chamber. However, to be quite honest, it was a little bit odd at face value. I will leave my comments at that.

• (1610)

**Senator Cools:** Honourable senators, I think Senator Finley has done us a service in bringing forward this issue. The debate should proceed on the fact that the Canadian Human Rights Act or any of its sections are not before us. Until such question is before us, it is not proper to debate it because opinions are being expressed in the abstract, and that is not a wise thing.

Senator Finley quoted that brilliant and well-known statement by Mr. Voltaire where he says something to the effect that he may hate what you say, but he will defend to the death your right to say it.

Maybe someone of the honourable senator's background, knowing as much suffering as his people have known, can give me what I am looking for in this debate. Can we find a balanced approach where we practice what we preach on a daily basis, where we continue to act based on the fine set of parliamentary principles evolved over a thousand years, and where we invoke our Judeo-Christian background in its expression of principles? We will do humanity a great service if we were to find a balance in the application of the law within this place.

Finally, maybe these questions are too many and maybe all of this will unfold as the debate continues. In my view, Ann Coulter talks a lot of idiocy. However, I still think she should be allowed to speak. I will tell Senator Brazeau, and invite him to consider, that there is no place in this country where freedom of speech is more violated than in this chamber. Honourable senators, think on that.

**Hon. Jim Munson:** What does the honourable senator mean by "shut-up money"?

**Senator Brazeau:** Honourable senators, I am happy to tell the honourable senator.

For far too many years in my opinion, Aboriginal organizations and groups have had to submit proposals for different initiatives, issues, conferences, et cetera to obtain federal monies. Having been in the position I held previously, I have seen a lot of money wasted on conferences and meetings where there is a lot of talk and no action or results.

However, I have seen governments — time and time again — allow this funding to flow to these organizations basically to shut them up. Governments give them funding for their conference, but essentially say, let us not have the real debate on issues of potential treaty rights or other rights flowing from section 35 of the Constitution. That is what I mean by "shut-up money." A lot of it has been going around in past years.

**Hon. John D. Wallace:** Honourable senators, I am pleased to have this opportunity to speak to you today regarding the inquiry initiated by Senator Finley, in respect of one of the fundamental rights and freedoms guaranteed to each of us under the Canadian Charter of Rights and Freedoms, namely our freedom of thought, belief, opinion and expression. In speaking today, I want to acknowledge the thoughtful and meaningful contributions to this inquiry previously presented in this chamber by Senator Tkachuk, Senator Wallin, Senator Duffy and, of course, Senator Finley and others here today.

I begin by drawing the attention of honourable senators to the underlying fundamental basis of this guarantee of rights and freedoms that each of us is entitled to, and enjoys, within our Canadian democracy. That guarantee includes our guaranteed right to freedom of speech. This underlying fundamental basis is found in section 1 and section 2 of the Canadian Charter of Rights and Freedom.

In this regard, section one of the charter reads as follows:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Those reasonable limits were referred to earlier by Senator Fraser in her presentation.

We can see at least two key issues and resulting questions that arise from section 1. First, what are the guaranteed rights and freedoms? Second, what reasonable limits prescribed by law can be imposed on our enjoyment of these guaranteed rights and freedoms?

Regarding the first question, section 2 of the Charter clearly outlines each of the guaranteed fundamental freedoms to be enjoyed by everyone. They include "freedom of conscience and religion" and "freedom of thought, belief, opinion and expression. . . ."

Regarding the second question concerning reasonable limits prescribed by law that can be imposed on our enjoyment of, and entitlement to, these guaranteed rights and freedoms, I will refer to existing statutory limitations that prohibit what is commonly known as "hate speech" and "hate propaganda." Before doing so, I will outline for honourable senators some of the legislative history behind these limitations.

After the Second World War and the defeat of Nazi Germany, nations of the world recognized the dangers that hate propaganda can create by fomenting hatred against minorities. In January 1965, then Minister of Justice, the Honourable Guy Favreau, appointed a special committee to study the problems with respect to the spread of hate propaganda in Canada. The committee released its report in 1966 and recommended specific criminal legislation against hate propaganda. Hate propaganda provisions were added to the Criminal Code in 1970 and followed the recommendations of the committee.

Currently, the Criminal Code still includes hate propaganda and hate speech prohibitions. Both of these prohibitions are considered to be reasonable limitations imposed on the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms. Two prohibitions or limitations can be found in section 319 of the Criminal Code.

Section 319(1) prohibits "inciting hatred" against an "identifiable group" by "communicating," in a public place, statements that are likely to lead to a breach of peace. Section 319(2) prohibits communicating statements, other than in private conversation, to "wilfully promote hatred" against an "identifiable group." Within each of these sections, "communicating" specifically includes communicating by telephone, broadcasting or other audible or visible means.

The critical issue that arises from a consideration of these sections is how do we, in an open and progressive democratic society, distinguish statements that are made publicly and that to many of us may be considered to be disrespectful, unflattering, outrageous, offensive or — in some social or educational circles — unpopular or politically incorrect from other public statements that would be considered to “incite hatred” or “wilfully promote hatred” against a identifiable group? Statements inciting hatred or wilfully promoting hatred would be in direct violation of the provisions in section 319 of the Criminal Code and, consequently, outside of the protection of the Canadian Charter of Rights and Freedoms.

This critically important issue has been considered by the Supreme Court of Canada. The questions of what constitutes “hatred” and what is meant by “wilfully promote hatred” were considered in the 1990 case of *R. v. Keegstra*. In that case, the Supreme Court had to rule on the constitutionality of section 319. This ruling required a balancing on the part of the court of the democratic right of the freedom of expression against the right of society to protect its citizens against destructive and humiliating public communications. The Supreme Court emphasized that the offence is one of wilful promotion of hatred and not holding or expressing outrageous, offensive or unpopular opinions.

In the *Keegstra* case, the Supreme Court set a high standard for a statement to be considered hate propaganda. The term “hatred” was interpreted as connoting emotion of an intense and extreme nature that is clearly associated with the most severe and deeply felt form of vilification and detestation. It is an emotion that the individuals against whom it is exercised are to be despised, scorned, denied respect and made subject to ill treatment. Therefore — and this is extremely important to realize — not all statements that may offend Canadian values or minority groups constitute hate propaganda, but only those that meet this criteria.

- (1620)

The “wilful” element in section 319(2), that is, the wilful promotion of hatred, requires a Crown prosecutor to prove that the statement was made with the conscious purpose or intention of promoting hatred or the knowledge that hatred will be certain or substantially certain to result. In other words, it is a crime of intention, not recklessness.

This was exactly the same criteria that was referred to in the decision of the Provincial Court of Saskatchewan in the 2009 case of *R. v. Ahenakew*. In that decision, Justice Tucker made specific reference to the *Keegstra* case. He stated that the prohibition contained in section 319(2) of the Criminal Code — that is, the prohibition against wilfully promoting hatred — was in fact a reasonable limitation imposed on the guarantee of the fundamental freedoms of thought, belief and expression, which are part of our Charter of Rights and Freedoms, but only if that Criminal Code prohibition was strictly limited by a very narrow definition of intent.

In this regard, Justice Tucker went on to say:

The opinions, distorted historical facts, and general views expressed by the accused can only be viewed with revulsion and disgust by ordinary Canadians. . . . however, the accused is not charged with holding disgusting, inhumane

opinions. With respect to the charge against the accused of wilfully promoting hatred . . . the intent necessary to constitute the offence has not been proven by the Crown.

Clearly, our courts are distinguishing opinions and statements that constitute hate speech and hate propaganda, which of course are unlawful, from other opinions and statements that some may consider unsettling, unflattering, disrespectful, rude, politically incorrect, and even in some cases outrageous, but despite that fall within what is considered to be legally acceptable and included within one of the fundamental freedoms that is protected and guaranteed under our Canadian Charter of Rights and Freedoms, namely, our freedom of thought, belief, opinion and expression.

I also draw to the attention of honourable senators the fact that there are specific defences included in section 319(3) of the Criminal Code that are also available to an accused charged with the offence of wilfully promoting hatred. In section 319(3)(c) these particular defences include that no person convicted under section 319(2) will be convicted:

(c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit and if, on reasonable grounds, he believed them to be true.

In addition to section 319 Criminal Code prohibitions, the imposition of which are considered to be reasonable limitations on our guarantee of rights and fundamental freedoms as set out in the Charter of Rights, additional limitations that are also relevant to the issues of hatred and contempt are included in the Canadian Human Rights Act, in particular in section 13 of that act, as well as in various human rights codes and acts of the provinces and territories.

As time is limited for my presentation today, my comments will be directed only to the provisions of the Canadian Human Rights Act.

Section 13 of the Canadian Human Rights Act was enacted by Parliament in 1977. That particular section declares that it is a discriminatory practice to communicate repeatedly by telecommunication or Internet any matter that is likely to expose persons to “hatred or contempt” on the basis of certain characteristics like religion and race. In this regard, section 13 has obvious similarities to the prohibition found in section 319 of the Criminal Code.

The original purpose of section 13 was to address a situation where people advertised telephone numbers that one could call to hear pre-recorded anti-Semitic or white supremacist messages. Section 13 of the Canadian Human Rights Act does not prohibit public lectures, nor does it prohibit speech that is merely offensive. It prohibits only repeated and extreme hate messages that are sent by telecommunications or the Internet. The Supreme Court of Canada upheld the constitutionality of section 13 in 1990, and section 13 was later amended by Parliament in 2001 to explicitly confirm that it applies to the Internet.

In 2009, the Canadian Human Rights Tribunal refused to enforce section 13 in the case of *Warman v. Lemire*. It decided that the combination of section 13, the \$10,000 fine and a non-conciliatory process for section 13 complaints imposed an

impermissible limit on the freedom of expression as guaranteed in section 2(b) of the Charter of Rights and Freedoms. The *Warman* case also referred to the 1990 Supreme Court of Canada decision in the case of the *Canadian Human Rights Commission v. Taylor*. In that Supreme Court decision, it was stated that the reference to “hatred” speaks of “extreme” ill will, and an emotion, which allows for “no redeeming qualities” in the person to whom it is directed.

The Supreme Court also noted that “contempt” is to be viewed as similarly extreme, and in this regard, “contempt” is a term that suggests a mental process of looking down upon or treating as an inferior the object of one’s feelings. Thus, the court concluded that the language of section 13(1) of the Canadian Human Rights Act refers to “unusually strong and deep felt emotions of detestation and vilification.” The court pointed out that the tribunal is expected to pay heed to the “ardent and extreme nature of feeling described in the phrase “hatred or contempt”” and not allow “subjective opinion as to offensiveness” to supplant the proper meaning of the section. The Canadian Human Rights Commission has filed an application for judicial review of this decision in the Federal Court.

In recent years, there has been debate about section 13 as well as the role of the commission and the tribunal in combating hate speech on the Internet. In the previous session of Parliament, the Standing Committee on Justice and Human Rights began a study of the Canadian Human Rights Commission’s mandate and operations as well as the application and interpretation of section 13.

Having said all of this, I believe it should be more than readily apparent just how important the Charter’s guarantee of rights and freedoms, including, of course, the fundamental freedoms of thought, belief, opinion and expression is thought to be within the functioning of an open, free, progressive and democratic society. Of course, there is no better example of such a democratic society, nor should there be, than Canada. For those who would suggest otherwise, for those who would attempt to restrain, limit or prohibit this fundamental right of freedom of thought, belief, opinion and expression because in some cases the views that are expressed may be considered by some to be controversial, socially or politically unpopular, or even in some cases outrageous, is a clear reflection on their part of a fundamental lack of understanding and appreciation of the essential principles that must always remain as core elements of any properly functioning and successful democratic society, in particular here in Canada.

Undoubtedly there are times when each of us finds ourselves entirely at odds with certain thoughts and opinions that we hear expressed publicly. We may find them to be rude, irritating, insincere, unsettling, and in some cases offensive. However, as long as these thoughts and opinions do not cross the line and contravene our laws that prohibit hate propaganda and hate speech, then that is the way it is, and the option in those circumstances that is available to each of us, if we so choose, is simply not to listen.

• (1630)

Freedom of speech and the guaranteed right to be able to express one’s opinion are among the most cherished rights we

[ Senator Wallace ]

enjoy in our Canadian democratic society. We must not let our guard down. We must always remain vigilant in protecting and preserving our Canadian democratic ideals, none the least of which is our guaranteed, fundamental right of freedom of speech.

**Senator Munson:** Will the honourable senator take a question?

**Senator Wallace:** Yes, certainly.

**Senator Munson:** Freedom of speech or freedom of expression can be stifled in different ways. Does the senator believe that there is a healthy, competitive free speech environment in the newspaper business in the province of New Brunswick?

**Senator Wallace:** Honourable senators, that is an interesting question. Canadians do not want to have our options closed to us. We want to have many sources from which we can draw our news and opinions and, even in the small province of New Brunswick, we have that ability. We have one provincial paper. We have access to many national papers. We have information available to us on the Internet. Yes, we have Internet in New Brunswick. I do not think any of us in New Brunswick feels at a loss to understand what is going on in the world. We have the opportunity to appreciate fair balance, arguments and positions. In New Brunswick, we feel well served in understanding what is going on.

**Senator Munson:** I have a quick observation. Whether it is business or baseball, getting somebody out of the way is a squeeze play.

**Senator Cools:** The honourable senator mentioned the creation of the 1970 Criminal Code provisions on hate speech. Is the honourable senator acquainted with the fact that when those provisions were created, Dean Cohen of McGill University had a lot of involvement, and some of the major civil libertarians of Quebec brought forth serious objections to the creation of those provisions? For example, Frank Scott did. Is the honourable senator acquainted with their objections? If not, it is pointless to continue.

**Senator Wallace:** The answer to the question is no, I am not familiar.

**Senator Cools:** En passant, they raised tremendous cautions about the phenomenon of criminalizing speech at all, especially for what at the time appeared to be isolated incidents. That is a matter of historical interest.

The honourable senator mentioned the *Warman* case, and it is an ugly case. Is the honourable senator aware that Mr. Warman supposedly made extremely offensive and unspeakable comments about a female member of this house, remarks that were the subject of great exchange on the Internet, as repugnant as the statements were? Is the honourable senator aware that a female member of this house was deeply offended in that whole situation?

**Senator Wallace:** I cannot say I know the details of that case, but I would say that sounds regrettable.

**Hon. Lowell Murray:** Honourable senators, I have one question relating to the Criminal Code provisions to which the honourable senator referred.

Am I correct in my impression, first, that for at least some of those provisions, before a prosecution can be launched, the fiat of the Attorney General is required, and second, that in the years since those provisions came into force, there have been literally only a handful of prosecutions launched, and a smaller number succeed? It suggests to me that the provisions are of limited applicability, as they should be in free and democratic societies.

**Senator Wallace:** As to the honourable senator's first question, the consent of the Attorney General is required in any prosecution. As the honourable senator said, there are a limited number of cases, and perhaps that is a good thing. From my presentation, honourable senators will gather the provisions deal with the extreme. I agree that use of the provisions is limited, and perhaps we should be thankful it is.

(On motion of Senator Comeau, debate adjourned.)

## THE SENATE

### MOTION TO TELEVISION PROCEEDINGS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Nolin:

That the Senate approve in principle the installation of equipment necessary for broadcast quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by committees of the Senate;

That for the purposes set out in the following paragraph, public proceedings of the Senate and of its Committees be recorded by this equipment, subject to policies, practices and guidelines approved from time to time by the Standing Committee on Internal Economy, Budgets and Administration ("the Committee");

That proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programs, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

That such selected proceedings also be made available on demand to the public on the Parliamentary Internet;

That the Senate engage by contract a producer who shall, subject only to the direction of that Committee, make the determination of the program content of the proceedings of the Senate and of its committees on a gavel to gavel basis;

That equipment and personnel necessary for the expert preparation and categorization of broadcast-quality proceedings be secured for these purposes; and

That the Committee be instructed to take measures necessary to the implementation of this motion.

**Hon. Tommy Banks:** Honourable senators, I rise to speak on and to make an amendment in respect of the matter before us. Many of us have talked about this issue before. This is also about expression — our expression. It is about the expressions we make here and in our committee meetings.

I know that honourable senators have all carefully and assiduously read and taken into account all the implications of the motion presently before us. The initiatives are Senator Segal's, and they have widespread support among many of us on this side and I hope many honourable senators on that side. The idea is to bring light into the business and proceedings of this place, to let even more light in, and to allow Canadians to see and read things that they can see now only with the greatest of difficulty, and those things that we say in this place and the deliberations and questions we ask in our various committee meetings. The proceedings of this place ought to be public and made available to Canadians on the basis of subject area and interest in such a way that Canadians can most easily find them. As we have heard before in this place and in the committees to which this matter has been previously referred, making the proceedings available to Canadians is technologically relatively easy to do. We should deal with this issue with some alacrity.

Honourable senators, the Standing Committee on Rules, Procedures and Rights of Parliament has been in the process of considering the implications of this motion, and they are nearly able to make a report to us on the question.

### MOTION IN AMENDMENT

**Hon. Tommy Banks:** Therefore, honourable senators, I move the following amendment:

That the matter now before the Senate be referred to the Standing Committee on Rules, Procedures and Rights of Parliament for study; and,

That the committee submit its final report no later than September 15, 2010.

Honourable senators, if we adopt that motion in amendment, we will then, when we come back in September, have a report from the Rules Committee on their views about how this matter will affect the operation of this place, and we can then deal with the matter in substance. I commend to the attention of honourable senators this motion in amendment.

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

• (1640)

**Hon. Anne C. Cools:** The honourable senator did provide some explanation, but it was very brief. Could he amplify on it a little bit more?

**Senator Banks:** I could. We have discussed this motion and previous amendments to it at great length in this place. I could describe it in great detail, but I think that the time for us to describe it and discuss it in great detail is after we have

heard the report from the Rules Committee, because it will pronounce on certain aspects about which questions have previously been raised in respect of the motion.

If, for example, the Rules Committee were to suggest to us that this is inappropriate in some way, that it impinges in some way on the privileges of senators or that it has those kinds of effects, then we would take a different approach when we discussed the substance and application of the matter. We would be well advised to have that opinion before we get into the meat and potatoes, if I can put it that way. That is the reason for the shortness on my talk today about the motion.

**Hon. Michael Duffy:** Honourable senators, I too, have a great interest in this, and I see Senator Segal is with us, as well as Senator Banks.

I only raise one issue, which I think Senator Cools was alluding to peripherally. We had a meeting of the Rules Committee this morning, in camera, but basically it was about our workload. I am concerned about the deadline, because we have before the committee the issue of concordance of the rules, which is a highly technical, long overdue and very important review.

The chair of the committee is unfortunately not in the chamber at the moment and away on other business, but I wonder if we should consult to see whether we could meet the date put forward in the honourable senator's motion.

**Senator Banks:** I have done that, and I have it on the best authority that September 15, 2010 is a good date.

I am acting on advice that I have received to that effect. I think it is probably right. The substance of the advice was that the report on this matter is very nearly complete and that it could, with some safety, be delivered in the middle of September.

**The Hon. the Acting Speaker:** Did you have a question, Senator Cools?

**Senator Cools:** Yes, I was asking Senator Duffy a question.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, on a point of order, the honourable senator cannot ask Senator Duffy a question because the debate is under the name of Senator Banks.

**Senator Cools:** I am sorry, honourable senators; I meant to say Senator Banks.

I think this is a good initiative and I am a strong supporter of Senate proceedings being broadcast. I am a member of the Rules Committee, and Senator Segal can tell honourable senators that I have been supportive of this. I have no objection at all to the question being put today. My concern is the proposed date for the committee's report.

Remember, report dates set the outer limit, not the inner limit and, when in doubt, one should go further away than closer. September 15 is right around the corner. We will break in another six weeks and then we will not be back until after September 15.

There is no harm done in putting a later date; that gives the committee a bit of latitude. It does not mean they have to use the latitude, but it is a far better thing to have it. Perhaps the honourable senator might want to consider moving the date

forward a couple of months. There is a large workload before the committee right now and we do not want this study to founder — at least I do not.

**Senator Banks:** Taking that into account, and assuming the assiduousness of the committee in its undertakings, I would ask leave of the Senate to amend my motion in amendment. I do not know what the procedure is here, but I am asking leave of the Senate to amend my motion in amendment with respect to the date and to make it December 15, 2010.

**Senator Comeau:** Leave has not been granted.

I would like to move adjournment of the debate. We can all consider this and reflect on it in our own time and come back with possibly a subamendment to the amendment of Senator Banks, at which point we can consider a different date.

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

(On motion of Senator Comeau, debate adjourned.)

## PARLIAMENTARY REFORM

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

**Hon. Bert Brown:** Honourable senators, I am speaking to the inquiry by the honourable senator opposite concerning parliamentary reform. My answer to comments by the honourable senator is that there is a litany of reasons for not supporting Senate reform. I will address only two of those objections.

First, the honourable senator opposite said that Senate reform would take power away from the provinces. The fact is that the provinces have influence at the federal level, but they have very little power. The provinces have no vote to oppose anything a prime minister might put forward as a program to be nationally imposed on the provinces themselves.

The second comment I want to address is the questioning of why I had not been vetoing a number of bills since joining the Senate. That exposed a huge lack of understanding of the voting system and process, simply that one must have a majority vote to veto or pass anything in this chamber.

The most amazing thing about the wide range of Senate options for reform that the honourable senator opposite supposedly could not see passing by the Senate is the simple fact that it was wrong on every criticism — not just wrong, but dead wrong. His comments are found on pages 122 to 124, March 17, under "Parliamentary Reform, Inquiry," in *Debates of the Senate*.

Thank you.

(On motion of Senator Tardif, debate adjourned.)



• (1650)

## THE SENATE

### MOTION TO RECOGNIZE THE DANGER POSED BY THE PROLIFERATION OF NUCLEAR MATERIALS AND TECHNOLOGY TO PEACE AND SECURITY— DEBATE ADJOURNED

**Hon. Hugh Segal**, pursuant to notice of March 23, 2010, moved:

That the Senate

- (a) recognize the danger posed by the proliferation of nuclear materials and technology to peace and security;
- (b) endorse the statement, signed by 500 members, officers and companions of the Order of Canada, underlining the importance of addressing the challenge of more intense nuclear proliferation and the progress of and opportunity for nuclear disarmament;
- (c) endorse the 2008 five point plan for nuclear disarmament of Mr. Ban Ki-moon, Secretary-General of the United Nations and encourage the Government of Canada to engage in negotiations for a nuclear weapons convention as proposed by the United Nations Secretary-General;
- (d) support the recent initiatives for nuclear disarmament of President Obama of the United States of America;
- (e) commend the decision of the Government of Canada to participate in the landmark Nuclear Security Summit in Washington, D.C., in April, 2010 and encourage the Government of Canada to deploy a major world-wide Canadian diplomatic initiative in support of preventing nuclear proliferation and increasing the rate of nuclear disarmament; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I oppose the adjournment.

**Senator Segal:** I moved the motion so I could speak to it for the first time.

**Senator Dallaire:** I thank the honourable senator very much.

**Senator Segal:** Honourable senators, my purpose in submitting this motion for the consideration of honourable senators is straight-forward: to encourage our Prime Minister, Secretary-General Ban Ki-moon and U.S. President Obama in their vital work on nuclear arms reduction that they have begun.

Our southern and northern neighbours, the Americans and the Russians, have reached a profoundly encouraging agreement on further nuclear weapons reductions — the New START treaty

signed in Prague on April 5 by President Obama and President Medvedev — the first such progress since the important steps taken by General Secretary Gorbachev and President Reagan at Reykjavik in October 1986.

However, there is far more to accomplish on this file, as was pointed out by William Perry and George Shultz in a recent piece in the Sunday *New York Times*. The START treaty is a modest step and should be built upon with future arms talks seriously exploring a “joint United States-Russia program that would provide a bulwark against Iranian missiles.” Working with Russia as a partner is vital.

The meeting that took place in September 2009 at the UN, chaired by President Obama, and the meetings in Washington yesterday and today, at which our Prime Minister is present, reflect a new president’s rational and constructive initiative, an initiative that appears to have constructive Russian engagement. This is a remarkable open window we must not let pass.

Canadian history is interesting on the nuclear issue. Chalk River in the post-war years was an important contributor to weapons technology. Howard Green, Mr. Diefenbaker’s foreign minister, was a staunch global campaigner for nuclear disarmament and, as history records, the Diefenbaker government essentially divided and collapsed on the nuclear-tipped Bomarc anti-aircraft missile issue, amongst other things. Lester B. “Mike” Pearson, who won the Nobel Peace Prize for his work on creating the United Nations Emergency Force in the Sinai, campaigned against Diefenbaker as was his job, and for the nuclear-tipped option as was the Liberal policy preference at the time. In this, he was consistent with Prime Minister St. Laurent, who had nuclear-tipped ordinance on Canadian fighter jet squadrons as part of the deterrent force of the North Atlantic Treaty Organization in what was then West Germany.

The old shibboleth one hears worldwide of the right being for nuclear weapons and the centre-left being opposed does not, and did not, apply in Canada. This issue is not about right or left, honourable senators; it is about sanity and humanity.

In Canada, we have been formally free of nuclear weapons for some decades, and that is a good thing. The historic agreement announced by Prime Minister Harper yesterday to ship fissile stocks to the United States for safe protection is of immense and historic value. However, being free of nuclear weapons does not free us from the responsibility of diminishing the global nuclear threat, slowing and defeating proliferation at every opportunity. History tells us that much of what drove Secretary of State for External Affairs Lester Pearson to engage with such creativity and purpose on Suez was his concern that, with Egypt then being a Russian proxy in the region and a Soviet client state, and Israel being on the other side, escalation on the ground in Suez could have moved the hands on the nuclear clock much closer to midnight for the entire world.

Interacting with allies, the international community and even sometime enemies has always been, in part, about managing the nuclear threat for Canada’s military, politicians and diplomats. That imperative remains with us today.

The 500-plus Canadian members of the Order of Canada to which this motion makes reference, and who signed the statement underlining the importance of addressing the challenge of more

intense nuclear proliferation and progress of, and opportunity for, nuclear disarmament did so because they earnestly seek to encourage our own government to continue the work our Prime Minister has begun on this issue. I am delighted that Dr. John Polanyi, Murray Thomson and former Senator Doug Roche were able to meet with the Prime Minister last Friday to share their views and encourage him in his work. I am especially grateful to the Prime Minister for setting aside time to meet with them before going to Washington yesterday.

I believe in deterrents. They sustained NATO's missions since the Atlantic charter of 1941 and saw the end of the former Soviet thermo-nuclear threat without a shot being fired.

NATO solidarity, a NATO strategic concept that never excluded responsive or prophylactic use of nuclear weapons, served to keep the more extreme nationalist voices in Soviet politics and strategic circles from gaining influential ground. I dare say that the Russian nuclear capacity had the same restraining effect on more extreme factions in the American far right and their allies in the U.S. defence world.

The premise was called MAD, appropriately, for "mutual assured destruction." Both sides concluded that the guarantee of mutual destruction was too pervasive. Rational people, however divided by ideological and geopolitical differences, are not suicidal.

In today's world, however, we face a problem that is more alarming, namely, the rise of non-state, non-rational actors not driven by geopolitical interests where negotiation is preferable to war but by nihilist fundamentalist goals that see suffering, terror, panic, torture, death and suicide bombings as ends in and of themselves. There is no greater protection to keep these forces from the use of nuclear technology than ensuring they have no access to that technology.

While Saudi Arabia, Tunisia, Egypt and others in the region have deep and abiding concerns about Israel and her policies, none of these Canadian partners are feared as potential nuclear aggressors throughout the region or beyond.

However, if, as Sunni Islamic countries, they were driven by global complacency to face a nuclear-armed Iran clear on intimidating those countries that do not seek the military destruction of Israel, we would face a serious and well-heeled nuclear arms race in that oil-rich part of the world. It would not take a wildly unimaginable turn of events to see that powder keg not only destroy the cradle of civilization but the rest of civilization itself, were it to blow.

The meetings in Washington are in part about a common work plan to prevent nuclear materials reaching those who would relish their use in the terrorist cause.

Saudi Arabia's security, as is Canada's, is a vital national interest for the United States for, among other common interests, the same energy-focused regions. A nuclear-armed Iran, not reconciled to peaceful negotiation on regional issues, dominated in its governance not by the immense decency, culture, civilization and history of the Persian people but by a revolutionary guard, government and fundamentalist faction more of the nihilist school, would be the most serious threat we have faced to peace and civilization since Mr. Hitler's invasion of Poland in 1939.

That is why I, as a Canadian, deeply regret Prime Minister Netanyahu's absence from Washington this week. Of all people, he should have been there.

• (1700)

However, this resolution is not about Iran, but about the weapons that would render her threat to the world catastrophic in ways her hateful rhetoric presages but hardly matches. Any reticence to walk through the open window made possible by the recent initiatives of Russia and the United States in modest but exemplary progress would be a catastrophic failure of will.

Those who worry intensely about climate change might well reflect on the catastrophic implications of what a nuclear exchange between Israel and Iran or Pakistan and India could have. De facto defence links between India and Israel and India and Russia countervail equally important links between Pakistan and China. As we speak, multiple flights between Tehran and Caracas, on which civilians cannot buy tickets, are happening weekly.

What 9/11 taught us all is the clear inability of distance to protect us from the inherently irrational. Only a rational negotiation on nuclear restraint and ultimate nuclear arms control and reduction can manage this catastrophic risk. Investment in deployable, technologically advanced, precision-guided, intelligence-based capacity and training on land, on and beneath the sea, and in the air must be robust and ongoing. While focusing on global poverty eradication will generate its own momentum for a more peaceful world, civilization cannot shuffle the nuclear threat to one side. It is too real, too uncontainable once released and too threatening to civilization itself to be of second order.

In a recent article by Martin Rees and Des Browne in the *Guardian*, they urge the scientific community to take an active role in assisting in the reduction and disarmament of nuclear weapons. They cite Harvard professor Graham Allison, head of the Kennedy School, whose seminal work on decision theory and the 1962 Cuban Missile Crisis is still fundamental to security and foreign policy studies worldwide. It bears repeating:

The global nuclear order may be as fragile today as the global financial system was a few years ago. But if the non-proliferation regime collapses, there will be no bailout.

Our Prime Minister, his American colleague and the Russian leadership have embraced new steps with momentum and promise. The Prime Minister, in the name of all Canadians, has indicated his commitment as chair of the G8 and co-chair of the G20 with our friends in Korea to broaden the Global Partnership Program for the conversion of fissile material and sites at risk in the old Soviet Union and elsewhere. Today, Canada, Mexico and the United States have reached an historic agreement with the International Atomic Energy Agency for the conversion of fuel from Mexico's research reactor and the conversion of that reactor itself.

Honourable senators, I think we have a chance to embrace this momentum of promise. The motion before you and the inherent sanity and hope it reflects on all our parts is something I hope we can pass upon rapid reflection.

**Senator Dallaire:** Will the honourable senator accept a question?

**Senator Segal:** I will be honoured to accept a question.

**Senator Dallaire:** I thank the honourable senator for speaking to the motions. It will give us the opportunity for rebuttal and debate.

I wanted to raise the point that I find interesting regarding the change of atmosphere that exists with our Prime Minister and the initiatives coming from the United States in regard to nuclear disarmament. Over 18 months ago, former Conservative Senator Doug Roche published his most recent book on the Middle Powers Initiative. We were able to do the launch of the book in the chambers of the speaker from the other place. No one from the Prime Minister's Office or the Conservative party dared to attend and show interest in Doug Roche's work.

I am the patron of Pugwash under Doug Roche's leadership and was not invited by the Prime Minister to attend. It does not offend me. It may not have been done for reasons of political colour, but lack of knowledge on the depth of the subject.

The honourable senator referred to Mr. Diefenbaker and Mr. Pearson in regard to having or not having nuclear weapons in our country. The honourable senator will recall that the Canadian Forces, as part of NATO, maintained capabilities throughout that entire time, and still does, to deliver nuclear weapons. Although our hands are clean of not producing nuclear weapons — and we tend to feel good about not having them on our terrain — we are fully compliant in the operational concepts of NATO to use those weapons through our weapons systems.

**Senator Segal:** I understand that the existing operational concept for NATO — and this is in the public domain — is premised upon several of our non-American allies having the capacity to deliver nuclear weapons in the event of a conflict. That capacity is an expensive one for those countries. They are not major military powers. The West Germans, now the Germans, the Italians and others are part of that capacity. They are going through the process of retooling and reassessing their aircraft and their respective capacities in the future. The NATO process of updating its strategic concept under the chairmanship of a former Secretary of State in the Clinton administration and the issue of first use of nuclear weapons as an option in the broad strategic context is very much on the table.

I speak on behalf of no one other than myself. My view is that it will probably be impossible to reduce the total presence of nuclear weapons in the strategic balance, but fighting against proliferation and assessing the broad range of options that are not —

**The Hon. the Acting Speaker:** Honourable Senator Segal, your time is finished.

**Senator Dallaire:** May we have an additional five minutes for questions?

[Translation]

**The Hon. the Acting Speaker:** Is there consent to give the honourable senator five more minutes to ask a question?

**Hon. Senators:** Agreed.

[English]

**Senator Dallaire:** I have an additional question regarding disarmament and non-proliferation in the big equation. We are pursuing non-proliferation without pursuing disarmament in a real way. The British have signed a contract for £40 billion to upgrade their nuclear submarines to handle the new generation Polaris. As we are talking about non-proliferation, we are maintaining our capability. It is rather a hypocritical exercise to hold that position.

The recent signing of an agreement between the United States and Russia is most encouraging in regards to disarmament.

The honourable senator raised the point of the Middle East. In an open debate on the Middle East at a Pugwash international conference, the Israeli representative was asked whether Israel would use the nuclear weapon *in extremis* if it were losing a conventional war in a potential assault from foreign countries. The response was yes.

Does that not continue to maintain a real demand for nuclear weapons on the other side as opposed to their getting rid of them as an initiative to bring about peace in the Middle East?

**Senator Segal:** I think a new nuclear weapons convention involving a series of partners, including our friends in the Middle East, might be an opportunity for a “no first use” agreement among all the players to diminish the risk of nuclear weapons being used somewhere in the cycle before an existential moment has been reached.

Clearly, peace and peaceful cooperation between countries in the region will make unnecessary the anticipation or use of any nuclear weapons. That is what Canada is fighting for, and always has, with its balanced position in the Middle East. The convention the Americans are seeking with Ban Ki-moon of the United Nations and Russian support represents a significant opportunity to move forward.

(On motion of Senator Dallaire, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)



## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

**THE SPEAKER**

The Honourable Noël A. Kinsella

**THE LEADER OF THE GOVERNMENT**

The Honourable Marjory LeBreton, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable James S. Cowan

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**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Kevin MacLeod

## THE MINISTRY

(In order of precedence)

(April 13, 2010)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. Jean-Pierre Blackburn	Minister of Veterans Affairs and Minister of State (Agriculture)
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Chuck Strahl	Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency
The Hon. Peter Gordon MacKay	Minister of National Defence
The Hon. Stockwell Day	President of the Treasury Board and Minister for the Asia-Pacific Gateway
The Hon. Vic Toews	Minister of Public Safety
The Hon. Rona Ambrose	Minister of Public Works and Government Services and Minister of State (Status of Women)
The Hon. Diane Finley	Minister of Human Resources and Skills Development
The Hon. Beverley J. Oda	Minister for International Cooperation
The Hon. Jim Prentice	Minister of the Environment
The Hon. John Baird	Minister of Transport, Infrastructure and Communities
The Hon. Lawrence Cannon	Minister of Foreign Affairs and Minister of State (National Capital Commission)
The Hon. Tony Clement	Minister of Industry
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	President of the Queen's Privy Council, Minister of Intergovernmental Affairs and Minister for La Francophonie
The Hon. Jay D. Hill	Leader of the Government in the House of Commons
The Hon. Peter Van Loan	Minister of International Trade
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Jason Kenney	Minister of Citizenship, Immigration and Multiculturalism
The Hon. Christian Paradis	Minister of Natural Resources
The Hon. James Moore	Minister for Official Languages and Minister of Canadian Heritage
The Hon. Leona Aglukkaq	Minister of Health
The Hon. Lisa Raitt	Minister of Labour
The Hon. Gail A. Shea	Minister of Fisheries and Oceans
The Hon. Keith Ashfield	Minister of National Revenue, Minister of the Atlantic Canada Opportunities Agency and Minister for the Atlantic Gateway
The Hon. Gary Lunn	Minister of State (Sport)
The Hon. Gordon O'Connor	Minister of State and Chief Government Whip
The Hon. Diane Ablonczy	Minister of State (Seniors)
The Hon. Rob Merrifield	Minister of State (Transport)
The Hon. Lynne Yelich	Minister of State (Western Economic Diversification)
The Hon. Steven John Fletcher	Minister of State (Democratic Reform)
The Hon. Gary Goodyear	Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario)
The Hon. Denis Lebel	Minister of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Peter Kent	Minister of State of Foreign Affairs (Americas)
The Hon. Rob Moore	Minister of State (Small Business and Tourism)

## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(April 13, 2010)

Senator	Designation	Post Office Address
THE HONOURABLE		
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.



Senator	Designation	Post Office Address
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A. A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Bert Brown	Alberta	Kathryn, Alta.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Fred J. Dickson	Nova Scotia	Halifax, N.S.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Kuroki Beach, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
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Patrick Brazeau	Repentigny	Gatineau, Que.
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Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.c
Donald Neil Plett	Landmark	Landmark, Man.
Michael Douglas Finley	Ontario—South Coast	Simcoe, Ont.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Vim Kochhar	Ontario	Toronto, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.

## SENATORS OF CANADA

### ALPHABETICAL LIST

(April 13, 2010)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Brazeau, Patrick	Repentigny	Gatineau, Que.	Conservative
Brown, Bert	Alberta	Kathryn, Alta.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude	Mille Isles	Saint-Eustache, Que.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
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Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Conservative
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Finley, Michael Douglas	Ontario—South Coast	Simcoe, Ont.	Conservative
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Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
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Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kochhar, Vim	Ontario	Toronto, Ont.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
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Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Tracadie-Sheila, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Manning, Fabian	Newfoundland and Labrador	St. Brides's, Nfld. & Lab.	Conservative
Marshall, Elizabeth (Beth)	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seidman (Ripley), Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Wallace, John D.	New Brunswick	Rothsay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Kuroki Beach, Sask.	Conservative
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**

(April 13, 2010)

**ONTARIO—24**

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2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Anne C. Cools	Toronto Centre-York	Toronto
5 Colin Kenny	Rideau	Ottawa
6 Consiglio Di Nino	Ontario	Downsview
7 Wilbert Joseph Keon	Ottawa	Ottawa
8 Michael Arthur Meighen	St. Marys	Toronto
9 Marjory LeBreton, P.C.	Ontario	Manotick
10 Marie-P. Poulin	Northern Ontario	Ottawa
11 Francis William Mahovlich	Toronto	Toronto
12 Vivienne Poy	Toronto	Toronto
13 David P. Smith, P.C.	Cobourg	Toronto
14 Mac Harb	Ontario	Ottawa
15 Jim Munson	Ottawa/Rideau Canal	Ottawa
16 Art Eggleton, P.C.	Ontario	Toronto
17 Nancy Ruth	Cluny	Toronto
18 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
19 Nicole Eaton	Ontario	Caledon
20 Irving Gerstein	Ontario	Toronto
21 Michael Douglas Finley	Ontario—South Coast	Simcoe
22 Linda Frum	Ontario	Toronto
23 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
24 Vim Kochhar	Ontario	Toronto

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**SENATORS BY PROVINCE AND TERRITORY**


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**QUEBEC—24**


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Senator	Designation	Post Office Address
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THE HONOURABLE

1	Charlie Watt	Inkerman	Kuujuaq
2	Pierre De Bané, P.C.	De la Vallière	Montreal
3	Jean-Claude Rivest	Stadacona	Quebec
4	W. David Angus	Alma	Montreal
5	Pierre Claude Nolin	De Salaberry	Quebec
6	Céline Hervieux-Payette, P.C.	Bedford	Montreal
7	Lucie Pépin	Shawinigan	Montreal
8	Serge Joyal, P.C.	Kennebec	Montreal
9	Joan Thorne Fraser	De Lorimier	Montreal
10	Jean Lapointe	Saurel	Magog
11	Raymond Lavigne	Montarville	Verdun
12	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
13	Roméo Antonius Dallaire	Gulf	Sainte-Foy
14	Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
15	Dennis Dawson	Lauzon	Ste-Foy
16	Francis Fox, P.C.	Victoria	Montreal
17	Michel Rivard	The Laurentides	Quebec
18	Patrick Brazeau	Repentigny	Gatineau
19	Leo Housakos	Wellington	Laval
20	Suzanne Fortin-Duplessis	Rougemont	Quebec
21	Claude Carignan	Mille Isles	Saint-Eustache
22	Jacques Demers	Rigaud	Hudson
23	Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël
24	Pierre-Hugues Boisvenu	La Salle	Sherbrooke

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**SENATORS BY PROVINCE-MARITIME DIVISION**


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2 Donald H. Oliver	South Shore	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Terry M. Mercer	Northend Halifax	Caribou River
6 James S. Cowan	Nova Scotia	Halifax
7 Fred J. Dickson	Nova Scotia	Halifax
8 Stephen Greene	Halifax - The Citadel	Halifax
9 Michael L. MacDonald	Cape Breton	Dartmouth
10 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning

**NEW BRUNSWICK—10**

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1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila
3 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
4 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
5 Pierrette Ringuette	New Brunswick	Edmundston
6 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
7 Percy Mockler	New Brunswick	St. Leonard
8 John D. Wallace	New Brunswick	Rothsay
9 Carolyn Stewart Olsen	New Brunswick	Sackville
10 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent

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1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

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**SENATORS BY PROVINCE-WESTERN DIVISION**


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1 Janis G. Johnson . . . . .	Manitoba . . . . .	Gimli
2 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
3 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Winnipeg
4 Maria Chaput . . . . .	Manitoba . . . . .	Sainte-Anne
5 Rod A. A. Zimmer . . . . .	Manitoba . . . . .	Winnipeg
6 Donald Neil Plett . . . . .	Landmark . . . . .	Landmark

**BRITISH COLUMBIA—6**

Senator	Designation	Post Office Address
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1 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
2 Mobina S. B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
3 Larry W. Campbell . . . . .	British Columbia . . . . .	Vancouver
4 Nancy Greene Raine . . . . .	Thompson-Okanagan-Kootenay . . . . .	Sun Peaks
5 Yonah Martin . . . . .	British Columbia . . . . .	Vancouver
6 Richard Neufeld . . . . .	British Columbia . . . . .	Fort St. John

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1 A. Raynell Andreychuk . . . . .	Saskatchewan . . . . .	Regina
2 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
3 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
4 Robert W. Peterson . . . . .	Saskatchewan . . . . .	Regina
5 Lillian Eva Dyck . . . . .	Saskatchewan . . . . .	Saskatoon
6 Pamela Wallin . . . . .	Saskatchewan . . . . .	Kuroki Beach

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2 Tommy Banks . . . . .	Alberta . . . . .	Edmonton
3 Claudette Tardif . . . . .	Alberta . . . . .	Edmonton
4 Grant Mitchell . . . . .	Alberta . . . . .	Edmonton
5 Elaine McCoy . . . . .	Alberta . . . . .	Calgary
6 Bert Brown . . . . .	Alberta . . . . .	Kathryn

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**SENATORS BY PROVINCE AND TERRITORY**


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**NEWFOUNDLAND AND LABRADOR—6**


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1 Ethel Cochrane . . . . .	Newfoundland and Labrador . . . . .	Port-au-Port
2 William H. Rompkey, P.C. . . . .	Newfoundland and Labrador . . . . .	St. John's
3 George Furey . . . . .	Newfoundland and Labrador . . . . .	St. John's
4 George S. Baker, P.C. . . . .	Newfoundland and Labrador . . . . .	Gander
5 Fabian Manning . . . . .	Newfoundland and Labrador . . . . .	St. Bride's
6 Elizabeth (Beth) Marshall . . . . .	Newfoundland and Labrador . . . . .	Paradise

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**NORTHWEST TERRITORIES—1**


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Senator	Designation	Post Office Address
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1 Nick G. Sibbeston . . . . .	Northwest Territories . . . . .	Fort Simpson

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**NUNAVUT—1**


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Senator	Designation	Post Office Address
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1 Dennis Glen Patterson . . . . .	Nunavut . . . . .	Iqaluit

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**YUKON—1**


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Senator	Designation	Post Office Address
THE HONOURABLE		
1 Hector Daniel Lang . . . . .	Yukon. . . . .	Whitehorse

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## CONTENTS

Tuesday, April 13, 2010

	PAGE		PAGE
<b>Afghanistan—Fallen Soldier</b>		<b>Information Commissioner</b>	
Silent Tribute.		Access to Information.	
The Hon. the Speaker. . . . .	257	Hon. Francis Fox. . . . .	261
		Hon. Marjory LeBreton . . . . .	261
<b>The Senate</b>		<b>National Defence</b>	
Ms. Diane Boucher—		Support for Reservists.	
Recognition as Deputy Usher of the Black Rod.		Hon. Roméo Antonius Dallaire. . . . .	262
The Hon. the Speaker. . . . .	257	Hon. Marjory LeBreton . . . . .	262
<b>Visitors in the Gallery</b>		<b>Delayed Answer to Oral Question</b>	
The Hon. the Speaker. . . . .	257	Hon. Gerald J. Comeau . . . . .	262
<hr/>			
<b>SENATORS' STATEMENTS</b>		<b>Veterans Affairs</b>	
<b>Cancer Awareness</b>		Community War Memorial Program	
Hon. James S. Cowan. . . . .	257	Questions by Senator Callbeck.	
<b>Port Dover Motorcycle Rally</b>		Hon. Gerald J. Comeau (Delayed Answer). . . . .	262
Fiftieth Anniversary.		<hr/>	
Hon. Doug Finley . . . . .	258	<b>ORDERS OF THE DAY</b>	
<b>Canada Foundation for Innovation</b>		<b>Family Homes on Reserves and Matrimonial Interests or Rights Bill</b>	
Hon. Joseph A. Day. . . . .	258	(Bill S-4)	
<b>Trails of 1885</b>		Second Reading—Debate Adjourned.	
Hon. Pana Merchant . . . . .	259	Hon. Gerald J. Comeau . . . . .	262
<b>Senators' Right to Debate</b>		Hon. Nancy Ruth . . . . .	262
Hon. Tommy Banks . . . . .	259	Hon. Lillian Eva Dyck . . . . .	264
<hr/>			
<b>ROUTINE PROCEEDINGS</b>		<b>Speech from the Throne</b>	
<b>Health</b>		Motion for Address in Reply—Debate Continued.	
Proposal for User Fees and Service Standards for Human Drugs		Hon. Fred J. Dickson . . . . .	264
and Medical Devices Programs—Document Tabled and Referred		Hon. Catherine S. Callbeck. . . . .	266
to Social Affairs, Science and Technology Committee.		<b>World Autism Awareness Day Bill (Bill S-211)</b>	
Hon. Gerald J. Comeau . . . . .	259	Second Reading—Debate Adjourned.	
<b>Information Commissioner</b>		Hon. Jim Munson . . . . .	267
Special Report Tabled . . . . .	259	Hon. Michael Duffy . . . . .	267
<b>Export Development Canada</b>		<b>National Philanthropy Day Bill (Bill S-203)</b>	
2010-2014 Corporate Plan Summary Tabled.		Second Reading—Debate Adjourned.	
Hon. Gerald J. Comeau . . . . .	259	Hon. Terry M. Mercer . . . . .	268
<b>Foreign Affairs and International Trade</b>		<b>Erosion of Freedom of Speech</b>	
Report Pursuant to Rule 104 Tabled.		Inquiry—Debate Continued.	
Hon. A. Raynell Andreychuk . . . . .	259	Hon. Joan Fraser . . . . .	268
<b>Supreme Court Act (Bill C-232)</b>		Hon. Nicole Eaton . . . . .	270
Bill to Amend—First Reading . . . . .	260	Hon. Patrick Brazeau . . . . .	272
<b>Canada-France Interparliamentary Association</b>		Hon. Anne C. Cools. . . . .	273
Meeting of Standing Committee, February 15-17, 2010—		Hon. Jim Munson . . . . .	274
Report Tabled.		Hon. John D. Wallace . . . . .	274
Hon. Claudette Tardif . . . . .	260	Hon. Lowell Murray . . . . .	276
<hr/>			
<b>QUESTION PERIOD</b>		<b>The Senate</b>	
<b>Ethics Commissioner</b>		Motion to Televisе Proceedings—Debate Continued.	
Distribution of Reports.		Hon. Tommy Banks . . . . .	277
Hon. Joseph A. Day. . . . .	260	Motion in Amendment.	
Hon. Marjory LeBreton . . . . .	260	Hon. Tommy Banks . . . . .	277
		Hon. Anne C. Cools. . . . .	277
		Hon. Michael Duffy . . . . .	278
		Hon. Gerald J. Comeau . . . . .	278
		<b>Parliamentary Reform</b>	
		Inquiry—Debate Continued.	
		Hon. Bert Brown . . . . .	278
		<b>The Senate</b>	
		Motion to Recognize the Danger Posed by the Proliferation	
		of Nuclear Materials and Technology to Peace and Security—	
		Debate Adjourned.	
		Hon. Hugh Segal . . . . .	279
		Hon. Roméo Antonius Dallaire. . . . .	279
		<b>Appendix</b> . . . . .	i







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