



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Wednesday, September 28, 2011

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Wednesday, September 28, 2011

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

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before we begin our session with the calling of Senators' Statements, I would like to draw your attention to the presence in the gallery of His Excellency Jakup Krasniqi, President of the Assembly of the Republic of Kosovo, who is leading a delegation of members from that distinguished house in Kosovo.

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

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## SENATORS' STATEMENTS

### VISIBLE MINORITIES IN POLITICAL LEADERSHIP

**Hon. Vivienne Poy:** Honourable senators, I rise to speak about the Second Annual Transatlantic Minority Political Leadership Conference at the European Parliament in Brussels, to which I was invited in March.

The conference brought together an exclusive group of parliamentarians from across the European Union and the United States with the purpose of calling for dialogue between governments on greater tolerance and respect for diversity. The focus was on minority political participation, especially in national parliaments. As the only Canadian parliamentarian attending the conference, I feel it is important to share the proceedings with my honourable colleagues.

The under-representation of minorities at different levels of governments, which impacts access to quality education, employment and other resources, was noted. Ms. Nura Ismailovski, of Croatia, reflected on both being the first Romani woman to graduate from university and being elected to Zagreb's city council. African-American pollster Cornell Belcher detailed the influence of minority voters on the U.S. election. Concerns were raised about the growing racist and xenophobic political parties in Europe that were rolling back gains for minorities.

During the conference, I spoke about some of Canada's successes in valuing diversity. I noted that Canada's immigration rate on a per capita basis is nearly double that of the United States. Since most of these immigrants in the past 40 years are from Asia, Canadians of Asian origin are more than double the number in the U.S., despite our small population.

While recognizing Canada's successes because of our Charter of Rights and Freedoms, I acknowledged that many challenges still remain. Visible minorities are severely under-represented in

positions of leadership, in both the public and the private sectors. We lack diversity in our House of Commons, partly because of unequal seat distributions between rural ridings and urban ridings, where most visible minorities live.

I am, however, glad to say that, at present, we do have the most diverse House of Commons in the history of Canada. Almost 10 per cent of the members of Parliament elected are visible minorities, and we also see the highest representation of women. This indeed is progress, even though slow. I came away from the conference feeling that we are fortunate in Canada, but we must continue to be vigilant.

[*Translation*]

### INTERNATIONAL DAY FOR THE REMEMBRANCE OF THE SLAVE TRADE AND ITS ABOLITION

**Hon. Donald H. Olivier:** Honourable senators, I rise today to commemorate the International Day for the Remembrance of the Slave Trade and its Abolition. During the parliamentary summer break, on August 18, I had the opportunity to represent the Minister of Citizenship at a reception in honour of this day at Montreal's city hall. This commemoration was organized by the Black Coalition of Quebec.

[*English*]

The International Day for the Remembrance of the Slave Trade and its Abolition is celebrated each year on August 23. On that date in 1791, an uprising in Santo Domingo by African slaves would eventually lead to the abolition of the transatlantic slave trade.

According to UNESCO estimates, the transatlantic slave trade was the largest long-distance forced movement of innocent people in history. It uprooted 50 million Africans from their homelands. These innocent victims were shackled and sent to the Americas and the Caribbean. They endured indescribable and inhumane persecution. This misery was inflicted on generations to follow for nearly four centuries.

August 23 offers us an opportunity to reflect on the actions used to fight against the system of slavery and on the important impact those actions had on the human rights movement worldwide.

Honourable senators, in my keynote remarks at the event in Montreal, I was proud to quote the words of Prime Minister Stephen Harper, who is very sensitive to this cause.

While no country can claim to have fully achieved enlightenment or social harmony, Canada stands closer to these ideals than almost any other nation. Our success is rooted in our devotion to our founding values: freedom, democracy, human rights and the rule of law.

• (1410)

Honourable senators, 2011 also marks the two-hundred-and-twentieth anniversary of those uprisings that took place in Santo Domingo in 1791. This year is also the International Year for People of African Descent.

Last weekend, in Halifax, I was the honorary chair when Halifax hosted a conference highlighting the role of Nova Scotia and the African Diaspora Heritage Trail. More than 29 countries were represented.

Honourable senators, slavery and the slave trade have been abolished for many decades yet, as Ban Ki-moon once said:

... slavery-like practices are very much with us — from debt bondage and domestic servitude to forced or early marriages, the sale of wives and trafficking in children.

Join me, honourable senators, in condemning these acts of barbarism that take place throughout the world. Let us learn and be inspired by the efforts of our predecessors who fought racism and slavery.

#### THE HON. ALLAN J. MACEACHEN, O.C.

##### CONGRATULATIONS ON NINETIETH BIRTHDAY

**Hon. Terry M. Mercer:** Honourable senators, I rise today to draw to your attention an historic event that took place this past summer in Nova Scotia. On July 6, the Honourable Allan J. MacEachen celebrated his ninetieth birthday. Born in Inverness, Cape Breton, Allan J. would go on to become one of Canada's elder statesmen. A friend of many in this place, Allan J. is the epitome of what it is to be a great politician.

First elected in 1953, Allan J. would go on to win re-election nine times from 1953 to 1980. During his tenure in the other place, he would become Canada's first Deputy Prime Minister and would hold many senior cabinet positions. He was appointed to the Senate in 1984, where he served until his retirement as either Leader of the Government in the Senate or Leader of the Opposition. Allan J. fittingly received the Order of Canada in 2008.

Honourable senators, since 2000, the Allan J. MacEachen Lecture is held every year at his beloved St. Francis Xavier University in Antigonish, his alma mater. This lecture series celebrates the good work of Allan J. by inviting speakers to reflect on politics and the Canadian experience. I have attended some of these lectures, and they truly embody what Allan J. stands for: creativity, a passion for politics and true liberal ideals.

Allan J. served his constituents with a vigour and passion that we had never seen before. If you needed it done, Allan J. would get it done. A staunch defender of liberalism in Canada, he would never hesitate to offer his advice when called upon and was a guiding hand through many of the ups and downs of Canada during his time in politics.

Honourable senators, I know that you will join me in wishing Allan J. a very happy ninetieth birthday.

#### “BEYOND WORDS” 9/11 MEMORIAL SERVICE

##### GANDER, NEWFOUNDLAND AND LABRADOR

**Hon. Ethel Cochrane:** Honourable senators, earlier this month, on September 11, I was privileged to be in Gander, Newfoundland and Labrador, to attend the “Beyond Words” memorial service. In attendance were a host of dignitaries, townspeople and many of the travellers who were stranded on September 2001.

We gathered to remember those who died, of course, but also to celebrate what Gander mayor Claude Elliott called the beautiful acts of humanity. It was, as you can imagine, a very emotional service. We were moved by the beautiful voices of the Gander Academy primary choir, led by Sheila Pinsent. These school children, just three days into the new school year, sang their hearts out. Every word they sang had meaning and was full of emotion.

As honourable senators may recall, on that day 10 years ago, in the midst of total chaos, the people of Gander and the nearby communities of Gambo, Lewisporte, Appleton and Norris Arm, like so many other communities across the country, opened their homes to stranded air travellers. In fact, 38 planes, carrying 6,700 passengers and crew landed in Gander that day. It is worth noting that Gander normally has a population of just 10,000 people.

The U.S. Ambassador to Canada, David Jacobson, put the events into context when he said this:

Let it be remembered that in this time of grave anxiety and confusion, neither the government of Canada nor the people of Gander could know for certain whether they were inviting onto their soil a plane that might be used as a weapon. A plane with terrorists on board.

He continued:

They took the risk. They welcomed all.

Honourable senators, I think Monica Burke, a passenger from Seattle, said it best when she described what the actions of volunteer Beulah Cooper meant to her:

[Beulah] reminded me that kindness and humanity can light even the coldest, darkest night.

I applaud all of those people who pulled together and volunteered to help those stranded travellers a decade ago. The ripple effects of their actions continue to this day. I also congratulate Mayor Elliott and all those involved in the “Beyond Words” celebration for their work in organizing such an exceptional event.

#### AIR TRANSPORTATION SAFETY IN THE NORTH

**Hon. Dennis Glen Patterson:** Honourable senators, two airplanes have crashed in the Arctic in the past two months. The first was the crash of a Boeing 737 at Resolute Bay, within two kilometres of the airport, on August 20 in foggy conditions; it

claimed 12 lives. This was devastating news for the people of Nunavut, a territory that relies heavily on air transportation because there are absolutely no roads connecting any of its 27 communities.

I thank Prime Minister Harper for deciding to continue his planned visit to Resolute Bay days after the crash, turning his visit into one of comforting bereaved community residents; DND first responders; and staff of the Polar Continental Shelf Project who lost their beloved general manager, Marty Bergmann, in the crash. The Prime Minister then went on to Yellowknife where he met individually with families of victims in Yellowknife's close-knit aviation community.

Last week a Twin Otter crashed in Yellowknife, fortunately into a parking lot, while returning from a mining camp at Thor Lake.

These shocking events remind us that air travel is the most common mode of transportation in the North, that our harsh climate and remoteness entails added risk, despite the very good safety records in northern aviation. Although it covers a vast area, the North is a closely knit community which was greatly impacted by the loss of life. I, myself, knew people on both those flights.

Amidst the tragedy there were miracles associated with these sad events. First, there were three survivors in the Resolute Bay crash who were all seated near where the jet broke apart on impact. I know Canadians were touched to hear of the calm courage of Nicole Williamson, a geology student from Ottawa, who, amidst the chaos and horror, comforted seven-year-old Gabrielle Pelky, who lost her sister Cheyenne Eckalook in the crash, while awaiting rescue.

The second miracle was that Operation Nanook, with very specialized equipment and personnel, was about to launch a rescue mission for a simulated air crash on approach in Resolute Bay when the crash occurred. Their ability to promptly respond undoubtedly was a critical factor in saving the lives of three seriously injured survivors.

The Resolute Bay crash reminds us that the response times for search and rescue in the North must be improved. I believe that the increasing volume of air traffic — there are over 430 polar flights across Northern Canada every day, as well as marine and land-based traffic — requires new strategies to replace DND's search and rescue capabilities which are based far away in Southern Canada. Right now, response times are too long to save lives.

The CFB Greenwood base, for example, which provides search and rescue service to Eastern Nunavut, is much closer to Cuba than to Resolute Bay. In 2001 it took 40 hours for a CFB Winnipeg SAR team to reach a small aircraft crash site in the Northwest Territories, and by then three passengers who survived the crash had died of hypothermia.

• (1420)

I believe we should invite the private sector to establish infrastructure and provide appropriate aircraft to meet search and rescue needs in Northern Canada under Air Force Command and Control. This approach would build on our existing Northern

infrastructure and strong and growing aviation industry, and save the Air Force capital and O&M costs, while allowing it to focus on search and rescue in Southern Canada.

The tragic crash at Resolute Bay should serve as another warning to Canada that we must improve our search and rescue capability in the North.

[*Translation*]

## MANITOBA

### L'UNIVERSITÉ DE SAINT-BONIFACE

**Hon. Maria Chaput:** Honourable senators, on September 1, 2011, Collège universitaire de Saint-Boniface in Manitoba obtained university status. This long-time dream became a reality, and Université de Saint-Boniface is enjoying all of the privileges associated with its new status, including developing new relationships with other institutions of higher education.

The name change in no way alters the mission of Université de Saint-Boniface or the programs it offers. Université de Saint-Boniface will continue to offer a general and specialized university education, as well as professional and technical training. It is maintaining its affiliation with the University of Manitoba. This special relationship is important, as the Collège was one of the founding members of the University of Manitoba in 1877.

Université de Saint-Boniface is the French-language university of Manitoba. USB fully contributes to the vitality and development of La Francophonie in Manitoba, Canada and the world through its teaching, research and influence.

I offer my sincere congratulations to officials at Université de Saint-Boniface, in particular the Chair of the Board of Governors, Léo Robert, and the President, Raymonde Gagné. This is an amazing achievement and a historic moment for the Manitoba community. It indicates a promising future for post-secondary education in French in our province.

[*English*]

## INFANTICIDE

**Hon. Gerry St. Germain:** Honourable senators, the Alberta Court of Appeal's recent judgment on a case concerning infanticide sets a troubling precedent.

Six years ago, a young woman gave birth alone in her parents' basement and proceeded to strangle her newborn son and dispose of the body by throwing it over a fence into the neighbour's yard.

Honourable senators, this is a sad story. It is unfathomable that a young woman's mind can get to such a point of desperation where the only option is to commit such an act.

However, what is most disturbing are the justifications given by the appeals judge in sentencing. Prior to the appeal, two separate lower court juries had reached a verdict of second-degree murder under the Criminal Code. The murder conviction would be

[ Senator Patterson ]

overturned for a lesser conviction of infanticide. The appeals judge cited in her ruling that, because Canada has no laws governing abortion, Canadians sympathize with mothers who give birth without support and they grieve for the infant's death but also for the mother.

This ruling insinuates that society accepts this case of infanticide as an act of abortion, an act for which Canada has no law. The way in which the provincial court of appeal dealt with this case, in particular, the reasons for judgment, highlights what may result when Parliament chooses not to deal with issues of morality but elects to pass those issues to our justice system to figure out by using laws that are vague and, in the case of abortion, do not exist at all.

On these matters, Parliament has chosen not to provide the necessary direction that is needed to protect the interests and the values of our society. When we choose not to debate and deal with these issues of morality, we risk losing respect for the sanctity of life and other common values.

Honourable senators, it is our duty to preserve the integrity of our society and to ensure that the most vulnerable get the protection that they need.

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[Translation]

## ROUTINE PROCEEDINGS

### CHIEF ELECTORAL OFFICER

ACCESS TO INFORMATION ACT AND PRIVACY ACT—  
2010-11 ANNUAL REPORTS TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the 2010-11 annual reports of the Office of the Chief Electoral Officer, pursuant to section 72 of the Access to Information Act and to section 72 of the Privacy Act.

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

#### FIRST READING

**Hon. Claude Carignan (Deputy Leader of the Government)** presented Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

(Bill read first time.)

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

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

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

TRANS-ASIAN PARLIAMENTARY FORUM  
OF THE ORGANIZATION FOR SECURITY AND  
CO-OPERATION IN EUROPE PARLIAMENTARY  
ASSEMBLY, MAY 14-16, 2010—REPORT TABLED

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, respecting its participation at the 2010 Trans-Asian Parliamentary Forum of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Almaty, Kazakhstan, from May 14 to 16, 2010.

FALL MEETINGS OF THE ORGANIZATION FOR  
SECURITY AND CO-OPERATION IN EUROPE  
PARLIAMENTARY ASSEMBLY,  
OCTOBER 8-11, 2010—REPORT TABLED

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, respecting its participation at the 2010 Fall Meetings of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Palermo, Italy, from October 8 to 11, 2010.

## THE SENATE

NOTICE OF MOTION TO CALL UPON THE PAKISTANI  
GOVERNMENT TO RELEASE ASIA BIBI FROM PRISON

**Hon. Céline Hervieux-Payette:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That,

Whereas, in accordance with the Universal Declaration of Human Rights proclaimed by the United Nations:

“Everyone has the right to life, liberty and security of person” (Article 3);

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment” (Article 5);

“Everyone charged with a crime is presumed innocent until proved guilty according to law in a public trial at which all the guarantees necessary for his defense have been provided” (Article 11, paragraph 1) and

“Everyone has the right to freedom of thought, conscience and religion” (Article 18);

Whereas Pakistan is an active member of the United Nations since 1947;

Whereas, the international community has demonstrated its compassion and solidarity with the Pakistani people when it is faced with suffering, as was the case during the devastating floods during the summer of 2010;

Whereas Ms. Asia Bibi has been detained since June 2009 in conditions unworthy of human beings without a fair trial and that her health has been compromised,

That, the Senate of Canada calls on the Government of Pakistan to immediately release Ms. Asia Bibi, to ensure her safety and wellbeing, to hear the outcry of the international community and to respect the principles of the Universal Declaration of Human rights; and

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

I would add that 700 parliamentarians in Europe have approved such a declaration.

• (1430)

[English]

## THE SENATE AND PARLIAMENTARY REFORM

### NOTICE OF INQUIRY

**Hon. Sharon Carstairs:** Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will bring to the attention of the house what the Senate should really be.

## QUESTION PERIOD

### PUBLIC SAFETY

#### ANTI-TERRORISM ACT

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I am interested in hearing what Senator Carstairs might say about what this place should be. I guess we will have to wait for two days.

My question is for the Leader of the Government in the Senate and it has to do with the Anti-terrorism Act.

Two clauses in that bill that was passed by the Chrétien government following 9/11 provided for investigative hearings and preventative arrest. As honourable senators who were here — although I was not — will recall, these were highly controversial clauses. They were passed reluctantly by Parliament and only because certain safeguards were inserted in the bill. Some of those safeguards were inserted at the insistence of honourable senators on both sides of this chamber. One of those safeguards was the sunset clause, which provided that the clauses would expire, or die, in 2007.

My question concerns a statement made by the Prime Minister on September 8 in an interview with Peter Mansbridge on CBC. I will read the exchange.

[ Senator Hervieux-Payette ]

Mr. Mansbridge stated:

In terms of how you counter that, a number of clauses were brought in in 2001 that were sunset in 2007. Your last government tried to bring those back — preventive arrests, and the other — will you try to bring them back in the new government?

The response of Prime Minister Harper was:

That is our plan. We think those measures are necessary. We think they've been useful. And as you know, they're applied rarely, but there are times when they are needed.

Prime Minister Harper is a man who chooses his words very carefully. What was the Prime Minister referring to when he said he thinks these provisions have been useful? He said the provisions were applied rarely. What were the rare instances when those provisions were used?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. He was kind enough to answer his own question regarding the government's response to the question of Mr. Mansbridge in terms of the government's intentions to go back and provide these clauses in order to give the police and authorities the provisions and the tools they needed in the event that they are needed.

I was very happy to see former Liberal cabinet ministers John Manley and Anne McLellan agree with the Prime Minister that these clauses should be in the act. The Prime Minister was simply assuring the public that these are necessary as we deal with the issues of terrorist attacks and terrorism — that they would be rarely used but are needed. The position of the government is clear, as he stated, and I am happy to see that it was supported by some ministers in the previous government who had to actually deal with these terrible incidents.

**Senator Cowan:** The Prime Minister said these provisions have been applied rarely, "but there are times when they are needed." My question was: Have the provisions been used?

**Senator LeBreton:** Obviously, these provisions that are provided to our authorities who deal with terrorist acts are there for their use. I will not get into a debate about whether they have or have not been used. I am not privy to that kind of information.

I will simply state again that the Prime Minister made it very clear that we intend to bring the act back in its original form as passed by the previous government. We believe there are times when authorities need certain powers in order to keep our country and our citizens safe, and we intend to pursue that course of action.

**Senator Cowan:** The question is whether the provisions have been used, not whether they are necessary in the future. Have they been used, yes or no, or do you know? If you do not know, will you find out?

**Senator LeBreton:** I will not find out because obviously provisions provided to our security officials are not widely known and I would not be in a position to know. Therefore, it is



quite right to say that I do not know. When we have people working on serious matters of national security, I do not think I nor any person not part of the group responsible for our security should necessarily have that information.

**Senator Cowan:** I have a supplementary question. Another safeguard was included in that act when it was passed in 2001. That was in response to concerns that were raised — Senator LeBreton?

**Senator LeBreton:** I am listening; I do not have to look at you to listen to you.

**Senator Cowan:** Are you through? May I ask my supplementary question? Some people are very touchy, are they not?

Another safeguard was built into the Anti-terrorism Act in response to concerns raised by senators on both sides of this chamber at that time. It had to do with reporting requirements.

You were not here either, Senator Mockler.

The Attorney General and the Solicitor General of Canada, along with provincial ministers responsible for policing, were subject to strict reporting requirements, notably with respect to the use of these two provisions we spoke about — investigative hearing and preventative arrest. They were required to report to Parliament if and when those provisions were used.

To my knowledge, no reports to Parliament have ever been made about any such use —

You were not here either, Senator Eaton.

It has always been my understanding that those provisions had never been used. This is serious business. Honourable senators on the other side may find it amusing, but it is not. There is a very difficult balance to be struck between privacy and national security concerns.

Safeguards were built into this legislation 10 years ago. The Prime Minister, when he answered that question, indicated to any fair-minded listener that while the provisions were not widely used, they had been rarely used. Yet, there are no reports of them having been used.

It is not a question of choosing to look into whether this has been done. If the government used these provisions, they had an obligation to report that use to Parliament and they have not done so. Therefore, I would ask the Leader of the Government to verify whether or not there has been any use of those two provisions.

**Senator LeBreton:** I know the honourable senator was not here, but I suppose that was a question that could have been asked of the previous government since the act was in force under them for a longer period of time.

In any event, I will repeat that terrorism is still one the greatest threats that our country faces. We must give law enforcement officials and agencies all the tools that they need to safeguard our

national security, while protecting the fundamental rights and freedoms of Canadians, which we all respect.

Our government's actions have averted terrorist attacks. There are many examples of that already. We will, as the Prime Minister stated, be bringing back that piece of legislation with the two clauses that the opposition leader references. We are happy to have the support of people like the Honourable John Manley, who really does understand the issues and did great work for us in heading up the Afghanistan panel with the help of colleagues like Senator Wallin and former Minister McLellan, who also really did understand the threats to our country at the hands of terrorists.

• (1440)

**Hon. Tommy Banks:** Honourable senators, I was here. I was the sponsor in this place of the act that established the security apparatus as it presently exists. The difference between then and now, which I would point out to some senators who were not here then, is that, as the Leader of the Government in the Senate has pointed out, that bill was a Liberal government bill when the Liberal government had a majority in the other place and an overwhelming majority here. The difference between then and now is that this place, with an overwhelming Liberal majority, forced the government to put things into that bill that it did not want to put into the bill in order to bring about a reasonable balance between security, on the one hand, and intrusion into individual liberties, on the other.

Senator Fraser can speak with much more detail about this because it was she who took the message to the Liberal government and said, "If you are in such a hurry for this bill, there are some things in it that need to be fixed and if you do not fix them over there, we will fix them when it gets here." They were fixed. They include those sunset clauses and the review processes that are there, among which was a provision that when those provisions of the act to which Senator Cowan has referred were used, they were to be reported to Parliament. That is an act of Parliament, not a suggestion or a request. The government is required to report to Parliament when they are used.

The Prime Minister indicated in his interview with Mr. Mansbridge, as Senator Cowan has pointed out, that they have been used, however rarely. Therefore the question that Senator Cowan has asked is not "When were they used?" or "Upon whom were they used?" or "In what way were they used?" We do not need to know the names and the addresses of the persons on whom they were used, or the names and the addresses or the identities of the persons who caused them to be used. The question is simply: Were they used? It is a perfectly legitimate question and does not cause anyone the slightest difficulty or danger in order to answer it. It is a reasonable question. I hope the leader will take those facts into account.

**Senator LeBreton:** Honourable senators, I would not have been privy to the inner workings of the Liberal caucus and what the senator may have said in terms of his caucus. I do not know whether that necessarily is on the public record; I doubt that it is.

The fact is that it was the former government that had those two clauses in the act. They left them in the act for good reason and we are going to put them back into the act.

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Honourable senators, as Senator Banks has reminded us all, I, too, was here then. Sometimes we take root in this place. A number of senators on the other side were also here then.

First, I have a point of information for the Leader of the Government in the Senate. As Senator Banks has said, those provisions were discussed in the committee, in this chamber, and written down in the report that the committee filed with the government. The government could not really ignore the Senate's view on those matters.

My question to the leader is: If the government wishes to bring back these two extremely controversial provisions, will it also bring back the reporting requirement?

**Senator LeBreton:** Again, as I stated in answer to Senator Cowan — although I guess I am supposed to look at Senator Cowan, who is asking the questions; I am not allowed to look elsewhere — in any event, as I stated to him, I am not privy to this information. I am not on the Cabinet Committee on National Security. I am simply pointing out that this government, as the Prime Minister stated, thanks to Senator Cowan reading his comments into the record, will be bringing back the legislation with these clauses.

By the way, this was an election commitment. The fact that the Prime Minister said it to Peter Mansbridge should not be news. If you were paying attention to the election campaign — which your party forced, thank God — we made a commitment to it in our national election campaign.

## AGRICULTURE AND AGRI-FOOD

### CANADIAN WHEAT BOARD

**Hon. Robert W. Peterson:** Honourable senators, my question is for the Leader of the Government in the Senate. She stated yesterday that her government ran in the last election on a definitive program of giving our Western farmers marketing choice. I am afraid this is not correct. Minister Ritz stated at a public meeting on March 28, some two months before the election, that his party respects the vote of farmers who back the single desk and there would be no attempt to impose dual marketing on the Canadian Wheat Board unless a majority of producers voted for it.

Until farmers make that change, I'm not prepared to work arbitrarily. They are absolutely right to believe in democracy. I do, too.

That is a very definitive statement. That was Minister Ritz. A farmer hearing that statement could logically assume this to be true and expect the government, if elected, to honour that position. However, regrettably, that no longer appears to be the case.

The Honourable Leader of the Government in the Senate went on to say:

Why would we not want to give Western farmers the same rights as Ontario grain producers have?

Well, maybe she should do just that, because the farmers in Ontario, collectively through their board, opted to come out of the Canadian Wheat Board auspices. It was a farmer decision, which is the same consideration expected by Western farmers.

I again ask, what has transpired that compels her government to ignore the wishes of prairie farmers and move unilaterally to dismantle the Wheat Board as a single-desk marketer of wheat and barley?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, in the elections of 2004, 2006, 2008 and again in 2011, which I am very grateful the Liberals forced on us, the government promised to give Western grain producers marketing choice. It is not abolishing the Wheat Board; it is simply giving the Western farmers marketing choice.

As I said in answer to the honourable senator's question yesterday, no expensive plebiscite or survey with an unclear question can trump the rights of farmers to market their product as they would choose.

We had an election on May 2. Our platform and commitment to Western farmers was very clear. We went all over the West. I was at many meetings when the Prime Minister and Minister Ritz made this very same commitment. All kinds of farmers were in the audience and all kinds of people heard that commitment. The results of the election clearly gave us a mandate to proceed with marketing choice for Western farmers, and that is exactly what we are going to do.

**Senator Peterson:** Obviously, the Minister of Agriculture misspoke in 2011. Four multinational grain companies control 80 per cent of the world grain trade. Thirteen times they have gone to the WTO to have the Canadian Wheat Board removed as a trading entity and thirteen times they have lost. Now the government will do it for the multinational grain companies by simply changing the legislation and giving the multinationals what they want, and the taxpayers will be left with the responsibility for all the additional costing. Again, I can only ask, why does the government cater to them rather than the farmers of Western Canada?

**Senator LeBreton:** Honourable senators, Saskatchewan, Alberta and British Columbia produce over 80 per cent of the wheat in Western Canada. A vast majority of these farmers support the move to marketing freedom. There are examples all over the world that this works. Australia is a perfect example. They have moved to it and increased market access for their farmers. Obviously, in Ontario grain farmers have free market choice. That is exactly what we will do for the farmers of Western Canada, who overwhelmingly supported our government and our platform on May 2.

• (1450)

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

The leader stated that government policy is based on marketing choice, marketing freedom for Western farmers. Does that policy also include Ontario farmers, Quebec farmers and Atlantic Canada farmers?

**Senator LeBreton:** If the honourable senator was listening to my answer, she would have known that I was talking about grain farmers.

[*Translation*]

## JUSTICE

### INTERNATIONAL WAR CRIMINALS

**Hon. Roméo Antonius Dallaire:** Honourable senators, as a preamble to my question, I would like to say that on several occasions I have appeared as a witness before international tribunals that have indicted perpetrators of genocide and people who committed crimes against humanity. None of these tribunals imposed capital punishment, which for me was a determining factor in my decision to testify or not.

A few years ago, we passed Canadian legislation allowing us to bring to trial within our own country an individual who has committed or is suspected of committing a crime against humanity or a war crime. This legislation was passed to provide us with the means to take legal action and impose sanctions such as life in prison or a punishment to fit the crime.

Two and a half years ago, I appeared as a witness during the first trial for genocide in Montreal. The individual was ultimately sentenced to life in prison.

We know that such individuals are living here in Canada. We know that at the Department of Justice there is a unit devoted to examining the issue of international criminals. Nevertheless, instead of judging them in accordance with our own laws, even if they are Canadian citizens, albeit fraudulently, we have decided to simply return them to their home country and let their country deal with them.

Some of those countries practise torture and capital punishment; it seems to me that another one of our laws states that we must never return people to a country where torture and capital punishment are in place.

Has the government changed that policy in order to wash its hands of this, just like Pontius Pilate?

[*English*]

**Hon. Marjory LeBreton (Leader of the Government):** I will take the Honourable Senator Dallaire's question as notice. We have not changed government policy, but there was a lot of detail in the preamble to the question and I would like to be able to study it closely.

**Senator Dallaire:** I thank the leader for that courtesy.

Canada has been accused of buying from extremist elements those persons who are being held hostage. The case that has come to the fore is that of a good friend of mine who is an ex-deputy minister of defence and UN special envoy to Africa, Bob Fowler, and also Mr. Louis Guay. It was reported that we paid for their release.

On the one hand, we are sending the bad people back to their countries and getting rid of them. God knows what they will be doing and whether they are linked to these organizations that will continue to be a source of terrorism, extremism and insecurity for us. On the other hand, we are getting involved in buying off these people, throwing millions of dollars at them, to buy back the security of Canadian citizens when many other nations are refusing to negotiate.

Why did the Prime Minister say that we are not negotiating, and then we learn that several million dollars have been provided to buy off those individuals and provide security to our diplomats?

**Senator LeBreton:** I do not believe that statement is correct, Senator Dallaire. The Government of Canada does not pay ransom for people held in captivity by various organizations.

**Senator Dallaire:** May I request that the leader inquire within the Department of Foreign Affairs, in particular, and also the Department of Justice, about whether or not what she has stated is the policy of the government and if it has been so applied?

**Senator LeBreton:** Honourable senators, I think the honourable senator is relying on apparently leaked information. We do not comment on leaked information. There is an organization that is putting out all kinds of information. We will never comment on so-called "leaked information." The policy of the government has not changed; we do not pay ransom.

[*Translation*]

## FOREIGN AFFAIRS

### PALESTINE'S UNITED NATIONS MEMBERSHIP APPLICATION

**Hon. Jean-Claude Rivest:** Honourable senators, my question concerns Canada's policy in the Middle East. Last week, the Palestinian Authority made a formal application for Palestine to become a United Nations member state. Along with other countries, Canada immediately rejected the request, despite the fact that some 163 UN member states are supporting the Palestinian bid.

This is not the first time the Canadian government has automatically and immediately endorsed the Israeli government's position on solving this conflict. Many observers are worried about the Canadian government's quasi-systematic and partial way of taking a position that is in line with the Israeli government's position.

I am wondering if the government realizes that by acting this way, it is renouncing any kind of useful role Canada could play in resolving this conflict because it is manifestly and systematically taking the Israeli government's side.

Second, given what is currently happening in the Arab world, is the government not aware that its policy on this issue is upsetting or could upset the Arab countries that Canada counts as friends?

Canada already paid the price for this policy when it applied for a UN Security Council seat: no Arab countries supported Canada's bid.

Given the simplistic attitude reflected in Canada's policy, perhaps the government could take a page from the French government, which, without endorsing the Palestinian Authority's position, still proposed a compromise that would give Palestine a specific status within the UN — a status that has already been given to other political entities.

Canada was fine with automatically endorsing the Israeli government's position. With the credibility we enjoy, is Canada's rejection really conducive to resolving the Palestinian conflict and the conflict in the Middle East?

I would like to ask the minister to explain to this chamber how this policy is in the interest of the Canadian people. I believe this policy goes completely against Canada's interests and the role we can play on the international stage.

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, our government's long-standing position, for as long as we have been in government, has not changed. We have a strong, principled position. We are committed to comprehensive, just and lasting peace in the Middle East where two states, Palestine and Israel, live side by side in peace and security. Any two-state solution must be negotiated and agreed upon by both sides. One of those states must be a Jewish state and must be conceded to be a Jewish state, and the Palestine state must be a demilitarized state. As G8 leaders agreed in Deauville, France, unilateral action in this regard is ultimately most unhelpful.

• (1500)

#### PALESTINE AND ISRAEL

**Hon. Pierre De Bané:** Honourable senators, I have two questions for the Leader of the Government in the Senate. First, Israel announced two days ago that they are building 1,100 apartments in East Jerusalem. Like-minded countries to Canada, among them the United States, have stated that that initiative by Israel at this moment is not really helpful. Why is Canada silent about that last unilateral action by the Government of Israel?

Second, when the Leader of the Government talks about her long-standing policy, would she agree that unfortunately it is exactly the opposite of the policy that a former leader of her party, Mr. Stanfield, wrote and signed when he was mandated by a Conservative government to give advice on that problem in the Middle East? The policy espoused by the honourable senator is exactly the opposite of what Mr. Stanfield authored, which has been a lasting monument to his vision as a statesman.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, Mr. Stanfield advocated what the government is also advocating: that the two states must live side by side in peace and security; that one of those states must be a Jewish state; and that the agreement must be mutually agreed upon by both states. Of course, as I said in answer to Senator Rivest, one must be a Jewish state and the Palestinian state must be a demilitarized state. That position has been taken by the government in a very principled way, and nothing will change that position. Obviously, no one more than us would like to see peace

[ Senator Rivest ]

in the Middle East and recognition of Palestine, but it must not be arbitrated by some outside party; it must be negotiated between the two of them.

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Losier-Cool on June 14, 2011, concerning Canadian Heritage funding to arts and culture organizations.

#### CANADIAN HERITAGE

##### ARTS AND CULTURE

*(Response to question raised by Hon. Rose-Marie Losier-Cool on June 14, 2011)*

The Department of Canadian Heritage supports various Francophone and Acadian organizations across Canada through its arts and culture programs.

Here are some examples:

#### UNIVERSITÉ DE MONCTON/GROUPE DES TECHNOLOGIES D'APPRENTISSAGE (New Brunswick)

Project: Parlez-vous encore français?

The Université de Moncton would like to create an interactive Web site providing content that highlights the lexical and linguistic heritage of Francophone communities. The site will be a tool for discovering and appreciating language. The content will feature contributions from experts and users and will reflect the particularities and vitality of the French language in Canada. Visitors to the site will be able to identify with the more than 120 entertaining and thought-provoking short documentaries, produced with the participation of six up-and-coming filmmakers recruited and trained by the NFB, who will showcase expressions and different ways of speaking and direct original reports on language, filmed in 12 Canadian communities. Web site users will be invited to share their knowledge and to contribute content by uploading videos, photos and text or audio messages. More adventurous visitors can take part in a treasure hunt and share their experiences on the Web site.

The university is also developing interactive games and activities based on the educational objectives of teachers and students. The proposed activities will create an enriching interactive experience and will allow visitors to follow their own progress.

Program: Canada Interactive Fund

\* \* \*

#### MUTEK (Quebec)

Project: Development of MUTEK.ORG Web 2.0 site and a mobile app

The goal of this project is to help MUTEK, the International Festival of Digital Creativity and Electronic

Music, develop its MUTEK.ORG website into a new generation Web 2.0 site, as well as an iPhone and iPad app.

MUTEK wants its site to be continually evolving. It also wants artists who are part of the “Mutek network” to take ownership of it and bring it to life, international broadcasters to consult it regularly to find out what’s new with Canadian artists and the public to use the site to discuss and share information, for MUTEK to finally be able to promote its annual activities to as many users as possible; and for MUTEK.ORG to become the main site for information on Canadian digital creation.

Program: Canada Interactive Fund

\* \* \*

#### **SOCIETY FOR ARTS AND TECHNOLOGY (Quebec)**

Project: Beyond the invisible / Par delà l’invisible, or Territoires interactifs augmentés [augmented interactive territories]

Using augmented reality, the Web and geotagging, the Society for Arts and Technology (SAT) proposes an exploration of four Montreal locations, from within the SAT — the Quartier des spectacles, Mont Orford, the Lachine Canal National Historic Site, and the Fur Trade at Lachine National Historic Site.

The project consists of developing an infrastructure and tools that will enable artists and others to create content in various media, including 2D and 3D images, 2D and 3D video, and audio (sound, music, ambiance) in order to produce interactive digital art exhibitions, both online and in augmented environments, which visitors will be invited to explore. Visitors will also be able to contribute to the geospatial content and to geopositioned artistic content by submitting comments, making multi-media contributions or providing information about their experiences; they will also be able to create, share and comment on their own experiences, as well as re-use someone else’s experience. Users will therefore be able to comment on both the works and the associated events, thus contributing to the content (audio, video, text, photo, 3D object and geospatial data) used by professional artists or others to create works or to showcase the historical or natural heritage of a region, place, or territory. The geopositioned artistic content and visitors’ contributions can be explored on mobile devices and computers, or viewed on slides or projections, including immersive ones. The public will be invited to stroll through virtual artistic and historical locations superimposed on real locations in the Quartier des spectacles.

Program: Canada Interactive Fund

\* \* \*

#### **Musicaction (National)**

The Fondation Musicaction (Musicaction) is a not-for-profit organization that fosters the development of music by supporting the production and marketing of audio

recordings and group promotion activities. Musicaction is a third-party administrator of the Canada Music Fund (CMF) for the entire Francophone market.

It administers the New Musical Works and Collective Initiatives components of the CMF. Musicaction redistributes the funds received from the Department to the final beneficiaries.

Program: Canada Music Fund

\* \* \*

#### **Festival du Voyageur (Manitoba)**

The Festival du Voyageur celebrates the culture, arts and heritage of Francophones in Manitoba through cultural activities such as popular, folk and traditional shows and various other artistic disciplines. The festival was first celebrated over four days in 1970 and is now recognized as one of the largest winter festivals in Western Canada.

The Festival du Voyageur is recognized internationally for its year-round historical and cultural events. It is an innovative catalyst that promotes economic and cultural growth and increases tourism in the French Quarter, community, province and country in the spirit of viable and sustainable partnership.

Program: Canada Arts Presentation Fund

\* \* \*

#### **City of Edmundston - Centre des arts et de la culture de la Petite église. (New Brunswick)**

The City of Edmundston is a municipality that was incorporated in 1998. The goal of this project is to transform the historical St. Paul’s United Church into an entertainment building with variable geometry that could accommodate 100 to 150 people and with an annex for an art gallery. The annex would also provide arts-related creative, training and storage spaces, as well as administrative offices. This project, completed in downtown Edmundston in New Brunswick over a period of ten months, has contributed to improving the physical conditions required for presenting and showcasing works of art, in keeping with program objectives.

Program: Canada Cultural Spaces Fund

[Translation]

#### **ANSWER TO WRITTEN QUESTION**

CANADIAN HERITAGE—PRIME MINISTER’S  
ATTENDANCE AT HOCKEY GAME IN BOSTON

**Hon. Claude Carignan (Deputy Leader of the Government)**  
tabled the answer to Question No. 21 on the Order Paper—by Senator Moore.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

#### MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS—DEBATE ADJOURNED

**Hon. Claude Carignan (Deputy Leader of the Government),** pursuant to notice of September 27, 2011, moved:

That, during the remainder of the current session,

- (a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 5(1)(a);
- (b) when the Senate sits on a Wednesday, it stand adjourned at the later of 4 p.m. or the end of Government Business, but no later than the time otherwise provided in the Rules, unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
- (c) when the Senate sits past 4 p.m. on a Wednesday, committees scheduled to meet be authorized to do so, even if the Senate is then sitting, with the application of rule 95(4) being suspended in relation thereto; and
- (d) when a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, if required, immediately prior to any adjournment but no later than the time provided in paragraph (b), to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

[English]

**The Hon. the Speaker pro tempore:** It has been moved by Honourable Senator Carignan, seconded by the Honourable Senator LeBreton, that this motion be debated now. Are honourable senators ready for debate?

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** On debate, Honourable Senator Fraser.

[Translation]

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Honourable senators, I had hoped that the Deputy Leader of the Government would give us an explanation so that the senators could understand the reason for this motion, but since he does not seem prepared to do so, today at least, I move the adjournment of the debate.

**Senator Carignan:** Honourable senators, I can provide an explanation right now —

[English]

**The Hon. the Speaker pro tempore:** It has been moved by the Honourable Senator Fraser, seconded by the Honourable Senator Cordy, that further debate on this matter be adjourned to the next sitting of the Senate.

Is it your pleasure honourable senators to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** All those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the “nays” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Could the whips have a consultation?

**Hon. Jim Munson:** Fifteen minutes.

**The Hon. the Speaker pro tempore:** Are honourable senators agreed to a 15-minute bell?

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** Honourable senators, the bells will ring for 15 minutes. The vote will take place at 3:20 this afternoon.

Call in the senators.

• (1520)

Motion negatived on the following division:

### YEAS THE HONOURABLE SENATORS

Baker	Joyal
Banks	Losier-Cool
Campbell	Lovelace Nicholas
Chaput	Mercer
Cordy	Merchant
Cowan	Mitchell
Dallaire	Moore
Dawson	Munson
De Bané	Peterson
Downe	Poulin
Eggleton	Ringuette
Fraser	Rivest
Harb	Robichaud
Hervieux-Payette	Watt
Hubley	Zimmer—30

NAYS  
THE HONOURABLE SENATORS

Andreychuk	Marshall
Angus	Martin
Ataullahjan	Meredith
Boisvenu	Mockler
Braley	Nancy Ruth
Brazeau	Neufeld
Brown	Ogilvie
Carignan	Oliver
Champagne	Patterson
Cochrane	Plett
Comeau	Poirier
Demers	Raine
Di Nino	Rivard
Dickson	Runciman
Duffy	Segal
Eaton	Seidman
Finley	Smith ( <i>Saurel</i> )
Fortin-Duplessis	St. Germain
Greene	Stewart Olsen
Housakos	Stratton
Johnson	Tkachuk
Lang	Verner
LeBreton	Wallace
MacDonald	Wallin—49
Manning	

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

[*Translation*]

**Senator Carignan:** Honourable senators, the purpose of the motion standing in my name is to increase the efficiency of the Senate, in particular by changing the start time of the debates to 1:30 p.m.

• (1530)

For many years, the Senate has started at 1:30 p.m. on Wednesdays and Thursdays. On Wednesday in particular, the Senate can sit until 4:00 p.m. or until the end of Government Business, to avoid needlessly deferring important items on the Orders of the Day.

This motion would increase the efficiency of the Senate on the days it is sitting. Unfortunately, we do not have a lot of sitting days; therefore, when we are sitting, we must make the most of the time we have to examine bills.

I believe that is what the Canadian public expects from the Senate of Canada. That is why I am moving this motion.

[*English*]

**Senator Fraser:** The Deputy Leader of the Government speaks of efficiency, and efficiency is often a laudable quality. It strikes me, however, that

the efficiency in this case applies to the government side of the Senate but not necessarily to anyone else, certainly not to those of us on this side.

It is true that for some years now we have had a system whereby we adopted a house order that the Senate, on Wednesdays, would sit at 1:30 in the afternoon and would rise at 4:00 in the afternoon. Sitting half an hour early and rising at the fixed time of four o'clock was adopted, essentially, to ensure that committees would have some certainty in the planning of their work on Wednesday afternoons, and it has worked well; it has worked really very well. Those committees that sit at 4:15 can plan with certainty how their work will be done. They could invite witnesses, who sometimes would come from great distances, and be assured that those witnesses would not have to sit and wait around until the Senate has finally decided that it will rise for the day.

This motion, in my view, would have several unfortunate effects. First, it says implicitly that government business matters more than other business of this chamber, and that is a slightly tricky road to go down. Government business takes priority in the ordering of our affairs, but that does not mean that it is necessarily more important than other business. If we are allowing the Senate to sit, we are allowing the Senate to sit. Historically, when the Senate sits, it goes through the whole Order Paper, unless on a specific individual day we vote to adjourn before the entire Order Paper and, indeed, Notice Paper have been concluded.

Second — and this is a practical difficulty — if we get into the business of having the Senate continue to sit past four o'clock, that means that those committees that meet at 4:15 would then find themselves faced with a dilemma, and this would be particularly acute for those senators on our side of the chamber. As all senators know, our numbers are diminishing and it is becoming, and will become, increasingly difficult for us to be in two places at once. Colleagues on the other side who remember their long years of dwindling numbers will have an acute understanding of the difficulty that creates.

Suppose that the Senate is in fact sitting past four o'clock in the afternoon. It will be doing so, presumably, because the subject before it is important, something that has required rather more debate than would be usual on a Wednesday.

If we look at the past record of government legislation brought to the Senate, for example, it seems to me that there is a reasonable chance that the subject in question might well be a bill concerned with criminal justice. We have had a lot of bills concerned with criminal justice, and we have had assurances from the government that there will be more. The Standing Senate Committee on Legal and Constitutional Affairs is one of the committees that sits at 4:15 in the afternoon. How will its members divide their time? Will they be able to follow the debate in the chamber about a bill that is coming to them, or maybe that has just come from them; or will they go to the committee and hear the witnesses? It is not a fair choice.

It is for good reason, in my view, that the Senate has had long-established rules that committees do not sit when the Senate is sitting, except in special circumstances, as yesterday, when Senator Angus sought permission to sit when the Senate was sitting because a minister was appearing. When there are special

circumstances of that nature, the chamber gives permission for the committee to sit, but we do not have a general rule. We have not had, in the memory of anyone I know, a general rule that on a specific day it is okay for committees to sit while the Senate is sitting.

Therefore, I have serious difficulty with this motion as written. However, honourable senators will have noticed that the Deputy Leader of the Opposition, Senator Tardif — who is, of course, charged with the organizing of chamber business on our side, as Senator Carignan is on the government side — is absent on public business. She is absent today on important public business, bringing credit to the Senate, might I say. She will be absent tomorrow also, and I know that she has serious opinions, based on her experience as Deputy Leader of the Opposition, and that she wishes to speak on this matter.

That is practically, it seems to me, not an impediment in that this particular motion would have no practical effect whatever until a week from today, even if we adopted it one minute from now. Therefore, honourable senators, I ask your indulgence and your courtesy, and that we agree to adjourn this debate in the name of Senator Tardif.

**The Hon. the Speaker pro tempore:** Under the rules, Honourable Senator Fraser, you cannot adjourn the same debate again unless you ask for leave.

**Hon. James S. Cowan (Leader of the Opposition):** I move the adjournment of the debate in the name of Senator Tardif.

**The Hon. the Speaker pro tempore:** There must be an intervening proceeding, Honourable Senator Cowan, before you can make such a motion.

**Senator Cowan:** If I might, I would like to confirm my understanding of my conversation with Senator Tardif. I know that she and Senator Carignan discussed this issue when it was raised by the government yesterday. She and I had a brief discussion yesterday. As Senator Fraser said, Senator Tardif is absent from the chamber today and tomorrow, and I know she wishes to speak on this matter. Therefore, I would move the adjournment of the debate.

**The Hon. the Speaker pro tempore:** Under the *Rules of the Senate*, there has to be an intervening proceeding before there can be a motion to once again adjourn the debate, unless there is leave from the Senate.

Are you asking for leave of the Senate to grant you permission, without an intervening proceeding, to move the adjournment of the debate at this time?

**Senator Cowan:** Honourable senators, it was my understanding that my brief remarks were such an intervention. However, if that is not correct and I need to ask the leave of my colleagues, I do so.

**The Hon. the Speaker pro tempore:** Honourable senators, is leave granted?

[ Senator Fraser ]

**Hon. Senators:** Agreed.

[*Translation*]

**Senator Carignan:** I spoke with the Deputy Leader of the Opposition. I know that she had some concerns about the motion. We are prepared to adjourn the debate.

[*English*]

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

**Hon. Senators:** Agreed.

(On motion of Senator Cowan, for Senator Tardif, debate adjourned.)

• (1540)

## NATIONAL STRATEGY FOR CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY (CCSVI) BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Jane Cordy** moved second reading of Bill S-204, An Act to establish a national strategy for chronic cerebrospinal venous insufficiency (CCSVI).

She said: Honourable senators, it is my pleasure to speak today on Bill S-204, An Act to establish a national strategy for chronic cerebrospinal venous insufficiency treatments for multiple sclerosis patients in Canada. The bill received first reading on June 26 this year.

I would like first to thank Dr. Kirsty Duncan, the member of Parliament for Etobicoke North for the work she has done in fighting for clinical trials for those who have MS. With her scientific background, Dr. Duncan has closely followed the research being conducted around the world, while showing compassion to literally thousands of Canadians affected by this devastating disease. Working closely with those directly affected by multiple sclerosis, their families, friends, along with those in the medical field, she has advocated for clinical trials here in Canada since 2010. Dr. Duncan has work tirelessly to bring this debate before parliamentarians, and I must credit her for being instrumental in formulating Bill S-204, the bill before us today.

This past winter, Dr. Duncan hosted two meetings on Parliament Hill to provide information to MPs and senators about multiple sclerosis and the treatment of CCSVI in Canada. At both non-partisan meetings, there were MPs representing all the political parties as well as both Liberal and Conservative senators.

At the first meeting we heard from medical experts Dr. Sandy McDonald, who is the only Canadian doctor to have performed the diagnosis and treatment of CCSVI and who was trained by Dr. Paolo Zamboni; Dr. Mark Haacke, who is a world leader in diagnostic imaging with extensive experience in establishing and describing venous anatomy and flow characteristics in MS data; and Dr. David Hubbard, a board certified neurologist and medical director of the Applied MRI Institute in San Diego.



At the second meeting we heard from those who have MS and have received venous angioplasty from Dr. Bill Code, from Steve Garvie and from Vito Maltese, whose son, Matthew Maltese, was diagnosed with relapsing remitting MS in June of 2000, at the age of 16. Over the next 10 years, Matthew lost all the feeling in his left side until he had venous angioplasty, when he regained almost full sensation to his left side. He has not had another MS attack.

After hearing from the medical doctors and then from those who have MS and have had venous angioplasty, I remember thinking, "This is Canada — we have to do something to help those with MS and their families." Then I remember thinking that "we" included me, which is why, in March of this year I began a Senate inquiry on multiple sclerosis, chronic cerebrospinal venous insufficiency and the venous angioplasty procedure to correct abnormalities in veins to the brain. Those who heard my speech last March know that I do not believe that Canadians with MS should have to travel outside of Canada for venous angioplasty treatment. Angioplasty is a common procedure in Canadian hospitals. I also believe that Canadians who have MS should not be refused imaging tests to diagnose CCSVI.

After speaking on my inquiry, I received hundreds of emails from Canadians who have MS and from their family members. I was also fortunate to meet with many of them.

I want to personally thank each and every one of these Canadians who were so willing to share their stories. These are incredible people who are fighting not only their disease but are also, unfortunately, fighting the system.

It is because of them and because of Dr. Kirsty Duncan that I have introduced this bill in the Senate. As I stated in this chamber last spring, nearly 75,000 people in Canada live with multiple sclerosis. Another 1,000 Canadians are diagnosed with the disease each year and, honourable senators, nearly 400 Canadians are dying from the disease each year.

Multiple sclerosis is a devastating disease. It is the most common neurological disease affecting young adults and is two to three times more prevalent in females than in males. The symptoms of MS can be anywhere from mild to debilitating. MS sufferers may experience vision problems, loss of balance, loss of coordination, extreme fatigue, speech or memory failure, muscle stiffness and paralysis.

The causes of multiple sclerosis are still unknown and there is no cure at this time. It is found that in MS patients there are high levels of iron deposits in the brain, and evidence shows that a possible link exists between these high levels and the deterioration of the patient.

Studies of MS patients by Dr. Zamboni have shown a high percentage of MS patients have a condition known as chronic cerebrospinal venous insufficiency, or CCSVI. CCSVI is a vascular abnormality which restricts the flow of blood from the brain and is potentially the cause of the high levels of iron found in the brain of MS patients.

In order to treat CCSVI, Dr. Zamboni began treating MS patients with an angioplasty procedure to correct the abnormality in veins to and from the brain. Many doctors around the world have begun administering the same procedure to treat CCSVI on

MS patients. What has been found in many of those patients who have undergone this procedure is that they often experience improvements to their MS symptoms. Some of these improvements are dramatic, some less so, but it is becoming increasingly evident that venous angioplasty can alleviate some symptoms and improve the quality of life of those living with MS who have CCSVI.

Dr. Sandy McDonald from Barrie, Ontario, was trained by Dr. Zamboni in the CCSVI diagnostic technique and has been sharing the technique with others. He has found almost 90 per cent of the MS patients he has seen have CCSVI.

Over the last several years the procedure has been offered and administered to MS patients in countries such Italy, Poland, Scotland, Japan, India, Mexico and the United States. However, as of today Canadian MS patients are prohibited from getting the treatment here in Canada.

Honourable senators, I applaud the government for the two recent announcements regarding MS: the announcement of an MS registry on March 23, 2011; and the announcement of clinical trials for CCSVI on June 29 of this year.

As much as these announcements provided MS patients and supporters in Canada with much needed hope and promise, there still remains much uncertainty. Unfortunately, there has been a real lack of information following these announcements.

With respect to the registry, we do not know what information will be collected. When will the collection of this information begin? Will this registry be designed to enable the long-term tracking of all MS patients, including those who have chosen to undergo treatment outside of Canada, or will it just simply track a sample of patients? What is the budget for the registry? Is there a budget for the registry?

• (1550)

This announcement was made over six months ago, and we still do not have any details or any timeline for its implementation.

With respect to clinical trials, the announcement was made three months ago and just as many questions are still left unanswered. What funding will be provided for the trials? How is the budget determined? Is there in fact a budget? When will the funding be available? What is the timeline? How many patients will be part of the clinical trials? Will there be multiple locations across Canada for the trials?

MS patients would like information. Families of those with MS would like information.

Honourable senators, clinical trials of this nature require outsourcing, which means contracting a qualified research organization. The process starts with the government tendering process. Two to three months are required for the request for proposals to be prepared, followed by a two-to-three-month response time with an additional month to review the bids and to select a successful bidder. A minimum of three months will be needed to write the protocol, followed by one to two months to receive sign-off by all participants and three months to submit and gain approval by the regulator.

Following the tendering process, the actual work will begin with ethics approvals, practitioner training and, eventually, patient enrolment. Depending on the sample size required, full patient accrual could take six months, with patients then being followed for a year or two. After that, six months will be needed to analyze the data, write the report and make a submission to the regulator.

If the process started today, a Phase III trial would not begin before the fall of 2014. This is the reality of clinical trials.

Honourable senators, time is important when dealing with MS. For MS patients, three months can mean the difference between mobility and lack of mobility, working and being unable to work.

The Canadian Institutes of Health Research is recommending a Phase I or Phase II clinical trial, but Dr. Duncan argues — and I agree — that there is no need for a Phase I trial, which is usually undertaken to assess safety, because angioplasty is an accepted standard of care practice. Angioplasty has been performed since 1977. Surely an Adaptive Phase II/III trial can be adopted.

To those MS patients who are excited about the announcement and the promise it brings to the improvement of their quality of life, let us not wait for another year to pass before clinical trials commence. Let us begin the process now.

The membership of any expert advisory panel that is set up during the clinical trials should be comprised of actual experts in the field of diagnosis and treatment of CCSVI, something that seems to have been missing from previous government expert panels considering this issue. We need the most qualified and the most experienced persons leading this research.

Honourable senators, it is time to move away from government announcements and promises and move toward government action on the issue. The aim of this bill is to do just that — to legislate government action with a definitive timetable. MS patients in Canada deserve as much.

Bill S-204 is an act to establish a national strategy for chronic cerebrospinal venous insufficiency. It calls on the Minister of Health to convene a conference with provincial and territorial counterparts for the purpose of establishing a national strategy. This national strategy must ensure that clinical trials are started for the treatment of CCSVI and estimate and identify the appropriate source of funding required to undertake these trials. There must also be tracking of individual Canadians who have been treated for CCSVI outside of Canada.

It is imperative that the federal government take a leadership role in developing a national strategy for MS. Often when a treatment shows promise it is fast tracked. No one can deny that the CCSVI treatment on MS patients shows promise, yet many MS patients are still waiting for our health care system to act while 50 other countries are doing clinical trials. Canadians deserve better.

The lack of follow-up care is a missed opportunity for made-in-Canada care by our health care system to better serve Canadian MS patients and to better understand CCSVI and the possible relationship with MS. We in Canada are still not collecting data, despite the minister's announcement six months ago in March of

this year. Six months have passed since the minister's announcement of a registry. The promised registry of those Canadians who have undergone venous angioplasty would better track and collect data on the MS patients' progress. This data is extremely important, and the register should be started immediately so that we have Canadian data.

However, what is really needed in order to better study and understand the possible relationship between CCSVI and MS are clinical trials here in Canada. There is no better way for Canadian scientists and doctors to study the issue than by conducting our own clinical trials instead of relying on second-hand data. We need made-in-Canada scientific evidence to make the best decisions related to the treatment of patients with MS.

The minister obviously believes this since she made the announcement in June, three months ago. Now is the time to act.

We as Canadians need made-in-Canada scientific medical evidence. We deserve it. An end of this discrimination against MS patients must be our goal here.

It is a sad truth that the suicide rate for MS patients is seven times higher than the national average, a shocking statistic indicative of the hopelessness many MS sufferers feel toward finding relief from their symptoms.

This treatment is showing too much promise around the world to be ignored here in Canada. This is evident from the government's policy reversal and announcement that it is now supporting clinical trials — a stance the government was opposed to prior to the June 2011 announcement. I am very pleased that the government has listened and will now support clinical trials.

We owe it to Canadians diagnosed with MS and to their families to provide them with the best possible care. Canada is far behind on this issue, and it is inexcusable that we do not yet have clinical trials. As evident from the aggressive timetable set out in this bill, this is an issue of utmost importance for MS patients in Canada. My hope with this bill is that the Minister of Health will set a timetable as soon as possible to bring provincial and territorial counterparts together for the purpose of developing a national strategy on the treatment and follow-up care for Canadians living with MS.

Honourable senators, this is not a partisan issue. I am sure that most senators here today know courageous Canadians who are living with multiple sclerosis. I was extremely pleased to hear the health minister's announcement on June 29. The lack of public information since then has not been encouraging.

It is time to get started with clinical trials here in Canada. It is time to have a national strategy for MS patients. It is time to have an advisory panel of experts who are engaged in imaging and treating those with CCSVI. It is time to include those patients who have MS into Canada's health care system according to the Canada Health Act principles of universality and accessibility.

Honourable senators, I would ask that you talk to Canadians who have MS and to their family members. They have stories full of courage and some disappointments, but mainly they have stories of hope. Listen to the stories of people like Steve Garvie,

Jenny Powell, Christopher Alkenbrack, Edna Lee, Dr. Bill Code, Matthew Maltese or Tim Donovan. They will inspire you with their determination.

Canadians have been left waiting too long for government action on this issue. With the passage of this bill, we have the opportunity to end the agonizing wait by Canadians with MS and their families. Honourable senators, I ask you to support this bill so that we can move forward with hope starting today.

**Hon. W. David Angus:** Would the honourable senator accept a question?

**Senator Cordy:** Yes.

**Senator Angus:** First, I think you are aware that I originally attempted to bring this entire tragic circumstance to the attention of honourable senators. I applaud the work that Senator Cordy has done and all of what she has said in her speech.

• (1600)

I wonder whether the honourable senator is fully up to speed, and I am not suggesting that I am. Lately it was announced that clinical trials are under way in Saskatchewan. On the other hand, there is a lengthy report out from very credible institutions, although I do not have the official names, that questions substantially the correlation between Dr. Zamboni's liberation process and this terrible disease.

Furthermore, the cases of at least half a dozen individuals have been brought to my attention in the last two or three months who have had the liberation treatment and have had serious adverse results. I have reached a stage as a fairly aggressive proponent of the kinds of things that the honourable senator is proposing, but caution has crept into my sense of the problem because of some of this new data. I want to make sure that the honourable senator is taking it all into consideration.

**Senator Cordy:** I recall Senator Angus's speech in the Senate on MS. I thank him for his interest and questions because those are the kinds of things we have to deal with.

Some provinces are starting clinical trials. The honourable senator mentioned Saskatchewan. Unfortunately, Saskatchewan has to send its MS patients to the United States to have the procedure done because it cannot be done in Canada, which is unfortunate. However, I applaud Saskatchewan for taking the initiative in this area.

Senator Angus talked about Dr. Zamboni's study of 64 people and said that there have been questions concerning it. This is the very essence of why I am bringing forward the bill. In Canada we pride ourselves on having an excellent health care system, which we have, but we should be making our decisions based on made-in-Canada scientific evidence. That is why I believe it is of utmost importance that we begin this immediately.

When the minister made her announcement in June, I was at home. I remember hearing it and doing a happy dance in my living room. I was thrilled. I thought that perhaps I might not have to go forward with my bill in the Senate in the fall. Unfortunately, honourable senators, I have heard nothing from

the minister. I said in my speech that three months is a long time for someone with MS, and the honourable senator knows that from the people he has spoken to. It is extremely important, I believe, that we have made-in-Canada scientific medical evidence to make the best decisions moving forward.

(On motion of Senator Andreychuk, debate adjourned.)

## STUDY ON CURRENT STATE AND FUTURE OF FOREST SECTOR

### SECOND REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Agriculture and Forestry entitled: *The Canadian Forest Sector: A Future Based on Innovation*, deposited with the Clerk of the Senate on July 5, 2011.

**Hon. Percy Mockler** moved the adoption of the report.

He said: Honourable senators, the report produced by the Standing Senate Committee on Agriculture and Forestry is entitled *The Canadian Forest Sector: A Future Based on Innovation*. I will begin by reading the letter received by the committee through the deputy chair, Senator Robichaud, and me from the Canadian Wood Council, which is across Canada from coast to coast to coast. The letter said:

On behalf of the CWC Board of Directors, Members, Industry representatives and Staff, I would like to extend a note of appreciation for your support to the forest products sector and help in advancing the ongoing efforts of CWC and its Wood *WORKS!* program to secure market access and growth.

The Standing Senate Committee on Agriculture and Forestry began an in-depth study of Canada's forest sector in the spring of 2009. The final report, published in July 2011, is based on the committee's public hearings held between April 2009 and December 2010. Honourable senators, unprecedented in Canada is the fact that the committee heard from a total of 180 witnesses from all over Canada. Visits to logging operations, sawmills, pulp and paper mills as well as engineered wood products operations and research and development facilities located throughout the country were also part of this great study. It should be noted that this represented the first total study of the forest sector by the Standing Senate Committee on Agriculture and Forestry since modern Canada.

[*Translation*]

Honourable senators, in recent years, the entire Canadian forestry industry has declined. The production of softwood and hardwood lumber has decreased significantly, together with the production of pulp and paper, wood veneers and plywood.

This decrease in production is mainly due to market forces that have exerted downward pressure on the demand for Canadian wood products. There was an immediate structural decline caused by lower demand for newsprint because of electronic and cyclical publications, as well as the depressed housing market in the United States.

[*English*]

The drop in demand is also attributable to stronger competition from Asian countries in the secondary processing sector and from Brazil in pulp production. Other factors that have contributed to the current difficulties in the industry include the strong Canadian dollar, high energy costs, poor access to credit, and U.S. subsidies to its lumber industry.

The forest sector crisis has had considerable economic, social and ecological implications. The falling demand for Canadian wood products has led to mill closures and massive layoffs. Between 2005 and 2010, the gross domestic product generated by the forest industry in Canada fell by almost 30 per cent. The forest industry's contribution to the Canadian GDP decreased from 2.7 per cent in 2005 to 1.8 per cent in 2010. Similarly, the number of jobs in the Canadian forest sector decreased from 340,000 in 2005 to 220,000 in 2010 — a decrease of 35 per cent. However, it is important to note that the forest industry is still a much larger employer in Canada than is the automobile industry. The highest level of employment that the automobile industry has ever reached in Canada was 160,000 in 2001, which is still much lower than the current level of employment in the Canadian forest sector, estimated at 220,000 people.

Honourable senators, about 200 communities from coast to coast to coast in Canada rely heavily on the forest industry. Downward pressures on wood prices and profit margins turning negative have had an impact on forest management activities. Given the situation of the industry, the committee's final report focused on solutions. Although forest resources fall under provincial jurisdiction, the federal government has played a growing role in the forestry sector since Confederation.

• (1610)

Honourable senators, the federal government plays a role in research and development, sustainable development, ecosystem management and climate change, regional and community development, and market and trade development.

[*Translation*]

However, it must be understood that the government alone cannot tackle all the causes of the forestry crisis. For example, it cannot revive demand for newsprint in North America or revitalize the U.S. housing market. Therefore, the committee decided to concentrate on pragmatic and realistic solutions, such as looking for new markets for wood fibre by promoting different uses of Canadian wood products.

Honourable senators, there are interesting possibilities for the use of wood in the construction of non-residential and multi-storey buildings. The forestry sector could increase its market share in value-added segments. It could thus attain two objectives: reduce its dependence on conventional commodities such as 2x4s and decrease its vulnerability to fluctuations in the U.S. housing market.

[*English*]

We believe that all stakeholders can play a role in reducing or eliminating barriers by ensuring that architects and engineers across Canada have appropriate training to work with wood materials and by making the National Building Code more flexible.

[ Senator Mockler ]

Honourable senators, stronger marketing activities must also be a key part of the strategy to increase the market share for wood. We must encourage projects such as North American Wood First, Wood WORKS!, and Canada Wood. I want to be clear in saying that there is a role for all building materials in the right place.

Energy production is also a promising market for sawmill by-products, low-quality wood and forest residues. A national fund for green energy and energy efficiency, as suggested by the forest industry, warrants careful consideration by the government.

Honourable senators, it is all about developing a culture of continuous innovation. Any government policy to increase the use of wood in new market niches would be in vain unless the industry and all stakeholders make a major shift toward innovation.

The committee is therefore taking the approach that the industry must be committed to ongoing renewal. It must determine what the forest industry of the future will be like. It is essential that the industry as a whole make rapid strides in innovation. Research and development may require scientific or technical expertise, but innovation is open to anyone. It is needed throughout the Canadian forest industry value chain for the markets of tomorrow.

Honourable senators, innovation must be recognized within the economic process where new ways of doing things and ambition make it possible to create new outlets for our products. All forest stakeholders must participate in this process, from loggers, forest operators and employees in the mills to the CEOs in corporate offices.

Honourable senators, the committee has also learned that the use of engineered wood such as we see in Europe, especially in the Scandinavian countries, is quite common. In Canada, we are only beginning to realize the full potential of such materials, and we have a long way to go to catch up to Europe in this regard. The ideal would be to inculcate into Canadians a "culture of wood" in the non-residential construction sector while continuing to innovate constantly in the residential sector.

[*Translation*]

There are examples throughout Canada of remarkable achievements in the construction of non-residential wood structures, such as the Olympic Oval in Richmond, B.C., a LEED-certified structure composed of impressive beams of engineered wood, and the six-storey Fonds d'action québécois building, which is also LEED-certified and made entirely of wood.

[*English*]

In the pulp and paper sector, which has been impacted by the structural decline in the demand for newsprint, there are innovative markets to be developed. We heard witness after witness share their ideas and visions. There are opportunities in food packaging, recycled fibre, pulp for use in the manufacture of textiles, and the development of bio-energy.

On the subject of biomaterials and bio-products, during our hearings we heard from Ford, Mitsubishi and Toyota, leaders in R&D using biomaterials made from agricultural and forestry wastes.

I say to all stakeholders that I believe the committee's report would not be complete without addressing these aspects. In order to mitigate the social effects, investment must be made in educational initiatives. It is about changing our culture. It is about educational initiatives to create jobs and economic growth, community forest projects, and initiatives to enhance capacity building in Aboriginal communities with regard to forest development. We can learn.

Honourable senators, times are still challenging, but there is light at the end of the tunnel. The light will shine brightest where innovative new products and processes have flourished. For example, there was a 13 per cent increase in new investment in the forest industry in Canada in 2010. Of course, this is relative to 2009, a very low base indeed, but it might, nevertheless, represent a silver lining among the clouds for Canadians.

To ensure that the progress we have made does not flounder, we need to create the right conditions for innovation, and we can do that. They include promoting a wood culture in education, practice, codes and standards; providing a financial context that allows intelligent risk taking; acknowledging the role of forest and wood products in environmental sustainability; and ensuring that communities have the capacity to be part of, and that forest ecosystems have the capacity to contribute to, a future that is based on innovation in the Canadian way.

(On motion of Senator Robichaud, debate adjourned.)

- (1620)

## ABORIGINAL CHILDREN IN CARE IN MANITOBA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the alarming number of aboriginal children in care in the Province of Manitoba and my concerns that the group think that brought about the residential schools and the sixties scoop may be at play again.

**Hon. Donald Neil Plett:** Honourable senators, I rise today to speak on Senator Carstairs' inquiry into the number of Aboriginal children in care in Manitoba. The honourable senator asks why so many Aboriginal children are being placed with non-Aboriginal families, adding, "Are we still convinced that Whites know better what Aboriginal children need?"

Let me point out to the senator that the purpose of the Manitoba Adoption Act is "to provide for new and permanent family ties through adoption, giving paramount consideration in every respect to the child's best interests." This is not about White versus Aboriginal; this is giving paramount consideration in every

respect to the child's best interests. One of these best interests that the Manitoba Adoption Act takes into consideration is "the child's cultural, linguistic, racial and religious heritage." However, this is not the only consideration that does and should take place.

According to the Manitoba Adoption Act, relevant factors that are considered in determining the child's best interests include the safety of the child; the child's opportunity to have a parent-child relationship as a wanted and needed member of a family; the child's mental, emotional, physical and educational needs, and the appropriate care or treatment, or both, to meet such needs; the child's mental, emotional and physical stage of development; the child's sense of continuity and need for permanency with the least possible disruption; the child's cultural, linguistic, racial and religious heritage; the views and preferences of the child where they can reasonably be ascertained; and the effect upon the child of any delay in the final disposition of the proceedings.

I would like to point out to the senator the 1983 court case, *Racine v. Woods*, in which the Supreme Court of Canada reversed the decision of the Manitoba Court of Appeal and granted adoption of a First Nations child to her Metis foster parents. The court rejected the argument of the biological mother that adoption by non-First Nations parents would hinder the child's exposure to her First Nations heritage. The court ruled:

... when the test to be met is the best interests of the child, the significance of cultural background and heritage as opposed to bonding abates over time. The closer the bond that develops with the prospective adoptive parents the less important the racial element becomes.

The safety of children should always be the first priority of child and family services.

The honourable senator also tries to make this a cultural issue, when that is simply not the case. This is about safety and welfare of children.

The senator has erroneously stated to this chamber that:

Manitoba and Canada entered into an agreement with no consultation or agreement with these First Nations. This, unfortunately, has become the habit of both levels of government: little or no discussion and/or agreement with the very people to be affected.

This is simply not true. I would like to bring the senator's attention to the memorandum of understanding that was signed between the Manitoba Keewatinowi Okimakanak, as represented by the Grand Chief; and Her Majesty the Queen in right of Manitoba, as represented by the Minister of Family Services and Housing; and the Minister of Aboriginal and Northern Affairs, in the year 2000.

The objective of this memorandum of understanding was to acknowledge that "First Nations shall be responsible for the delivery of the full range of services under *The Child and Family Services Act*, as well as adoption services under *The Adoption Act* to First Nations members residing on- and off- reserve in Manitoba."

The memorandum of understanding also states that both parties "acknowledge that the delivery of child and family services and programs to First Nations people must occur in a manner

which respects their unique status, as well as their cultural and linguistic heritage.”

The memorandum of understanding goes on to state that both signing parties “acknowledge that the First Nations people have a right to control the delivery of child and family services and programs for their respective First Nations members.”

In her statement to this house, the senator states, “. . . the group think that brought about the residential schools and the sixties scoop may be at play again.” Her gross hyperbole takes away from the problem at hand. The “sixties scoop” refers to thousands of Aboriginal children who were taken from their homes and communities by provincial child welfare authorities, to be placed in non-Aboriginal foster homes for adoption in Manitoba between the 1960s and 1981. In 1982, the Manitoba government ordered a moratorium on out-of-province adoptions and appointed Judge Edwin Kimmelman to lead an inquiry into the province’s child welfare system and its effect on Aboriginal peoples.

Subsequently, in 1986, the Child and Family Services Act passed, which required the approval of the Director of Child and Family Services for any adoptions outside the province and the approval of cabinet for any adoptions outside of Canada. These provisions are currently maintained in Manitoba’s adoption act. In 1999, the Legislative Assembly of Manitoba also adopted a resolution, “affirming its opposition to adoptions of Aboriginal and First Nations children out of province except in extreme circumstances.”

In her speech, the senator almost completely fails to differentiate child services between on- and off-reserve Aboriginal children. Off-reserve children fall under the care of the Province of Manitoba. However, on-reserve children involves devolved authority to the First Nations child and family agencies, most of which are directed and operated by the First Nations senior staff, directors and social workers.

This was as a result of a devolution process in 2003 that was applied to Manitoba’s child welfare agencies and split family services into four new authorities: Aboriginal children in northern and southern areas of the province, Metis children, and a general authority for all other children. This change was aimed at creating a system in which First Nations would be able to control the delivery of their own family services with the intent to help more kids retain cultural and familial ties. However, this devolution is now being called into question after multiple unnecessary deaths of Aboriginal children in care, as child safety seems to be taking a back seat to familial and cultural reunification.

I ask the honourable senator this: Is not the most important thing, first and foremost, that children are placed in loving and caring homes to ensure their healthy and happy development? In fact, placing the cultural and familial ties ahead of child safety has directly resulted in the deaths of numerous children in care in Manitoba, in some cases where children were actually pulled from loving foster families because they were non-Aboriginal, and returned to abusive families.

Let me draw all honourable senators’ attention to three recent horrific cases in Manitoba.

Gage Guimond was born July 21, 2005. He was abandoned by his teenage mother before his first birthday. A safe Metis foster family was found for Gage, but, unfortunately, child services workers soon turned Gage over to his paternal grandmother, a former criminal and suspected alcoholic. The First Nations-run child services, Sagkeeng Child and Family Services, in charge of Gage Guimond’s case, did not want him raised outside of the boy’s family.

• (1630)

This reunification with family was the result of the Province of Manitoba devolving child welfare services in 2003 to Aboriginal agencies, with the idea that First Nations case workers better understand the unique needs of Aboriginal children and protect native culture by prioritizing family reunification.

It was this unfortunate prioritization of reunification over safety that led to the unnecessary, tragic death of Gage Guimond.

According to documents from child services obtained by the *Winnipeg Free Press*, child services workers visiting the grandmother’s home found that she had left Gage with “an older gentleman and someone sleeping on the floor.”

Three months later, in a subsequent child services visit, Gage was found covered in lice in the “aftermath of a drinking party,” with “people sleeping in the living room and other areas in the home.”

Child services also found that, instead of being cared for by his grandmother, Gage was left in the care of his 15-year-old uncle. Following this visit from child services, custody of Gage was given to his great-aunt, Shirley Guimond, despite the fact that she had previously been convicted for car theft and assault and, further, that she did not want to care for him.

Shirley Guimond frequently slapped, punched and kicked Gage and his younger sister, who had also been placed in her care. Two desperate phone calls made by Shirley Guimond to child services asking for help to deal with the children were left ignored. A month later, the day after his second birthday, July 22, 2007, Gage Guimond died after falling down a flight of stairs. Child services workers subsequently rescued Gage’s sister from the same home, covered in bruises.

Shirley Guimond pleaded guilty to assault causing bodily harm for injuries that both Gage and his sister sustained from her slapping and punching them, and for failing to provide Gage with the necessities of life. For these acts, Shirley Guimond was given a mere 18-month conditional sentence, for which she served just 68 days after receiving double credit for time served.

As *Winnipeg Free Press* reporter Lindor Reynolds stated on Gage Guimond:

He was killed, first by the neglect of an aunt who didn’t want him and next by a child welfare system that put cultural reunification ahead of a child’s safety.

Phoenix Sinclair was a ward of child services for most of her life but was returned to her mother Samantha Kematch’s custody in 2004. In her short life, Phoenix was routinely beaten by mother, Samantha Kematch, and stepfather, Karl Wesley McKay, with

their fists, feet and metal bars and was routinely forced to eat her own vomit. Phoenix was kept in a makeshift wooden pen in the cold basement where she was often choked until she passed out. She was also frequently shot with a pellet gun.

Phoenix Sinclair died in June of 2005 at the hands of her mother Samantha Kematch and stepfather Karl Wesley McKay after she was thrown onto the basement floor of their home, hitting her head on the concrete.

Phoenix's death was not discovered by police until 10 months later when McKay's teenage son told his mother about what had happened to Phoenix.

In March of 2006 her body was found dumped as if she were trash, wrapped in plastic in a shallow grave near a garbage dump at the Fisher River Indian Reserve.

Her mother, Samantha Kematch, continued to collect social welfare cheques for Phoenix after her death and tried to pass off another child as Phoenix to a child welfare worker.

Even though a tip was received by child services just prior to Phoenix's death, no one followed up to determine that she was being tortured and beaten and was clearly at risk. When a CFS worker had checked on the family in early 2005, they never saw Phoenix, but they never bothered to follow up on the case.

Both Samantha Kematch and Karl Wesley McKay were convicted of the first-degree murder of Phoenix and are not eligible for parole for 25 years. However, this does not provide justice for young Phoenix's life, as she should never have been in their care in the first place. An inquiry into Phoenix's death and the involvement of child welfare workers started earlier this year.

Tracia Owen committed suicide at the age of 14 by hanging herself at a Victor Street garage. Tracia was placed into child service care at just two months old and was moved more than 65 times, including being returned to her parents 17 times even though they were known addicts and alcoholics and were clearly not fit to care for her.

One time Tracia's father, Leonard Bushie, was found by social workers passed out and lying on top of his infant son, nearly suffocating him to death. Shortly before her suicide, Tracia also revealed a history of sexual abuse at the hands of an older sibling. Southeast Child and Family Services, in charge of Tracia's case, put familial reunification ahead of her safety.

Two senior officials at the Aboriginal child welfare agency testified at the inquest that was opened on her death that they do

everything possible to avoid separating a child from his or her family, community and culture, because they believe this damages children.

**The Hon. the Speaker *pro tempore*:** Is the honourable senator asking for more time?

**Senator Plett:** Yes.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is more time granted?

**Hon. Senators:** Agreed.

**Senator Plett:** As Jonathan Kay, a reporter at the *National Post*, states:

Is a healthy, happy future something to be disdained simply because it's provided to a child by a family with the wrong-coloured skin?

Assimilation can be a wrenching, painful process. But at least life goes on. Perhaps that is the modest goal we should be working toward — protecting life itself — rather than grander sociological projects.

Thank you.

**The Hon. the Speaker *pro tempore*:** Senator Plett, would you accept a question from Senator Duffy?

**Senator Plett:** Certainly.

**Hon. Michael Duffy:** I think, honourable senators, we should be gratified that Senator Plett has brought forward this very distressing story.

Does the senator know whether it was always the policy of the Manitoba government to adopt this reunification policy, or has that occurred in recent years? What government was responsible for this change, if indeed it was a change?

**Senator Plett:** If you bear with me one second, I can give you the date of some changes. I believe this change was adopted in 1983.

**Senator Duffy:** Do you know which party was in power?

(On motion of Senator Fraser, debate adjourned.)

(The Senate adjourned Thursday, September 29, at 2 p.m.)

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