



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, May 8, 2012

The Honourable NOËL A. KINSELLA  
Speaker

## CONTENTS

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

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## THE SENATE

Tuesday, May 8, 2012

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

Prayers.

### SENATORS' STATEMENTS

#### NATIONAL CHILD AND YOUTH MENTAL HEALTH DAY

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, yesterday was National Child and Youth Mental Health Day, a fitting start to the sixty-first annual Mental Health Week.

The statistics are stark: 20 per cent of Canadian youth suffer from a mental disorder. Senator Ataullahjan gave a moving statement here last Thursday about young Canadians who commit suicide. As she pointed out, suicide is the second leading cause of death for young Canadians between the ages of 10 and 24. A recent study by a researcher at the Public Health Agency of Canada found that youth suicide rates are rising in Canada amongst young girls. Mental illness is a factor in most suicides in Canada.

The good news is that help can make a difference. Dr. Stan Kutcher, one of the leading experts in Canada, and indeed the world, on adolescent mental health, has said that about 70 per cent of all mental disorders can be diagnosed before the age of 25 years. Early identification and diagnosis of mental disorders can lead to effective treatments that can improve the lives of young people during their adolescent years and into the future.

The bad news is that only one in five Canadian children who need mental health care receives it. Senator Ataullahjan asked poignantly: "Are we failing our youth?" I think the answer is, yes.

It has been said that if heart disease affected 20 per cent of our young people, there would be cardiac units on every corner. For the mentally ill, there are long waiting lists — or no care at all. Our former colleague, the Honourable Michael Kirby, who was the first Chair of the Mental Health Commission of Canada, has said that the worst part of the mental health system is the children and youth system. He said that in most places in the country, families have to wait a year or more to get help.

Honourable senators, that is a horrific statistic.

Of course, you can only join a waiting list once you reach out for help. One of the most tragic aspects of mental illness is the stigma that still attaches and stops young people from speaking out, and friends and family from reaching out.

Honourable senators, as is so often the case, positive change begins with one small step by one person.

Keli Anderson is a mother in British Columbia who has a son with significant mental health challenges. In 2007, she and another mother had an idea: to set a day — one day — for

Canadians to come together on youth and mental health. They wanted to create an opportunity for people to connect, to break down that stigma of people feeling that they just cannot talk about their own or their child's mental illness. They wanted a day in early May. The year was 2007, so they picked May 7, 2007.

That first year, there was one small event in one city; but this was something so needed that resonated with families everywhere and the idea quickly spread. Last year, there were events in seven cities. This year, they received requests for event kits from 70 sites across the country.

To give you a small insight into how this event is helping, you should know that the 70 kits sent out this year were put together by a group of high school students in Abbotsford, British Columbia. They had lost a school friend to suicide, and they wanted to do something concrete that maybe would help another young person like their friend they missed so much.

Keli says so much starts by simply allowing people to say, "Hello, we are here. Help us. Join us. Acknowledge us." That is what National Child and Youth Mental Health Day is all about. Honourable senators, please join me in saluting the work of Keli Anderson and her organization, the Institute of Families for Child and Youth Mental Health. In particular, let us join together in order to work toward improving mental health for our young people.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of participants in the Parliamentary Officers' Study Program, who are here for a couple of weeks under the direction of the Clerk of the Senate.

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

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

[*Translation*]

Honourable senators, I also wish to draw your attention to the presence in the gallery of a group of people from the province of Quebec: Gisèle Verner and Jeannine and Aurèle Lamadeleine.

They are guests of the Honourable Senator Verner.

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

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

[*English*]

#### MENTAL HEALTH WEEK

**Hon. W. David Angus:** Honourable senators, one just cannot say enough about mental health; I think all would agree. Yesterday marked the beginning of Mental Health Week 2012

in Canada. I urge all honourable senators to devote special time this week to reflect upon the plight of those literally millions of Canadians who are afflicted with mental disorders or illness.

• (1410)

During their lifetime one out of every five Canadians — some 6.7 million people — will suffer directly from a mental health problem of one kind or another, and thousands more of their family members and loved ones will suffer indirectly. Mental illness costs the Canadian economy an estimated \$51 billion annually in health care and lost productivity.

Today the Canadian Mental Health Association is celebrating 61 years of its ongoing effort to improve Canadians' understanding and awareness of the special needs for services and support for those people suffering from mental disorders.

During Mental Health Week, Canadians from all walks of life, including senators, are being encouraged to learn, talk, reflect and engage with others on the wide range of issues relating to mental health. A particularly critical issue, as Senator Cowan has just pointed out, is the need to obviate the stigmatization and discrimination which still besets mentally afflicted Canadians on a totally unacceptable scale.

Despite the valiant efforts of hundreds of local mental health facilities and organizations across Canada, and of organizations like the Canadian Mental Health Association and its some 40,000 volunteers across the land, we are sadly still just scratching the surface in terms of transforming Canada's mental health system so that it can properly serve the pressing needs of citizens with mental disorders. I am sure honourable senators will agree that the status quo is simply unacceptable.

Honourable senators, I could stand here all day recounting one heart-wrenching story after another, including my own family's story, to highlight the deplorable circumstances which, even in 2012, still confront Canadians with mental health problems because of the critical lack of appropriate services and access to treatment and support. One striking example of this played out recently before members of the Standing Senate Committee on Legal and Constitutional Affairs. The committee examined and reviewed the package of so-called "crime bills" in Bill C-10. Senators on the committee were, to say the very least, deeply moved and distressed by the evidence they repeatedly heard respecting the appalling way persons with mental disorders are treated and dealt with in our criminal justice system.

Honourable senators, it bears repeating today that the legal committee, in reporting Bill C-10 back to the chamber, observed in part that:

One of the most consistent concerns heard throughout the committee's hearings was the difficulty that the correctional system faces in dealing effectively with the multitude of challenges posed by offenders who suffer from mental illness, especially severe mental illness, and the "revolving door" impact this has on costs to the justice system and society at large — police and courts, correctional facilities, victims of crime, and property damage. . . .

We urge the Correctional Service of Canada to urgently address this growing challenge . . .

Honourable senators, it is because of such distressing problems that we and all caring Canadians must take advantage of Mental Health Week to speak out and urge decision-makers at all levels to redouble their efforts to address such critical mental health issues as these. Passionate and enlightened leadership is urgently needed to make a difference. Let us find it and support it.

#### NATIONAL CHILD AND YOUTH MENTAL HEALTH DAY

**Hon. Jane Cordy:** Honourable senators, I am also pleased to recognize that this week is National Mental Health Awareness Week. Yesterday, May 7, was the sixth annual National Child and Youth Mental Health Day. One in five of all Canadians will experience poor mental health at some point in their lives, and 70 per cent of those mental health issues will initially appear before the age of 25.

Honourable senators, one in six children will experience a mental health problem that impacts their ability to function in school, at home and in their community. Mental disorders are the most common medical illness among teenagers and, sadly, as a result, suicide is the second leading cause of death among 10-year-olds to 19-year-olds. Prevention and early intervention efforts targeted to children, youth and their families are vital to reversing these numbers and for creating healthy Canadian communities. Early intervention can improve school readiness, health status and academic achievement.

Unfortunately, three out of every five children in Canada with poor mental health are not receiving any form of mental health service. This accounts for nearly 1.6 million children and youth who are not being treated.

Dr. Stan Kutcher, a professor at Dalhousie University, is the Sun Life Financial Chair in Adolescent Mental Health and he is the director of the World Health Organization Collaborating Centre in Mental Health. He is working hard to transform how we provide mental health care for children and youth in Canada. Through the Mental Health Commission of Canada, Dr. Kutcher is helping develop a national child and youth mental health framework to help provide guidance and a resource for provinces to share best practices when addressing mental health.

Dr. Kutcher has shown great leadership in school mental health policies through school curriculum and teacher training.

Nova Scotian schools are implementing a number of Dr. Kutcher's groundbreaking initiatives. Promoting student health and well-being has long been a goal of education policies in schools, with the focus on physical health, healthy eating habits, encouraging physical activity and the prevention of tobacco and substance use. However, in the past, mental health issues have sometimes been ignored. With the help of Dr. Kutcher's initiative, schools now provide an important vehicle through which mental health promotion, disorder prevention, case identification, triage and intervention can be realized. These initiatives will help to remove the stigma that has traditionally been associated with mental health issues. As

honourable senators know, the stigma attached to mental illness often means that Canadians are reluctant to seek help to improve their well-being.

Honourable senators, National Child and Youth Mental Health Day coincides with the Canadian Mental Association's Mental Health Week, which takes place this week. It is a time to encourage people from all walks of life to learn, talk, reflect and engage with others on all issues relating to mental health.

I would like to thank Dr. Kutcher for the work that he is doing in the field of child and youth mental health. I would also like to thank the champions of mental health who have told their personal stories, which will help eliminate the stigma attached to mental illness.

Senator Roméo Dallaire was a Champion of Mental Health Award winner in 2005. I would also like to congratulate Senator David Angus, who was presented a Champion of Mental Health Award at the award's dinner last evening.

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

**Senator Cordy:** David, you have done so much to help those with mental illness and your speech last night was very moving. Thank you for all that you are doing.

Honourable senators, let us work together to make things better for those Canadians who have poor mental health.

### THE HONOURABLE W. DAVID ANGUS

#### RECIPIENT OF 2012 CHAMPION OF MENTAL HEALTH AWARD

**Hon. David Tkachuk:** Honourable senators, I would also like to join Senator Cordy in congratulating Senator Angus. Each year the Canadian Alliance on Mental Illness and Mental Health recognizes exceptional Canadians who have made outstanding contributions to the field of mental health and to the awareness of mental illness in Canada over the past year.

This year, on Monday, May 7, they recognized our colleague Senator David Angus as one of their 2012 Champions of Mental Health, in recognition of his lifelong devotion to this cause.

In his letter of nomination Ron Collett, president of the McGill University Health Centre Foundation wrote:

As the parent of a child with mental illness, he has been both a caregiver and advocate for better client care, teaching and research.

As Chairman of the Board of McGill University Health Centre, he was instrumental in the expansion and advancement of Mental Health facilities, services and research at MUHC.

He has demonstrated his personal leadership by contributing over \$1 million to establish new, modern advanced psychiatric care facilities.

He has also established a major endowed fund at the Montreal General Hospital Foundation — the Senator David Angus Award for Research in Major Psychiatric Diseases.

The letter of nomination concludes:

Because of his continuing leadership, Mental Health in Canada has been greatly advanced.

Honourable senators, please join me in congratulating Senator Angus, as well as the four other award winners: TSN broadcaster Michael Landsberg; Scott Chisholm, founder of the Collateral Damage Project; psychiatric researcher and advocate, Dr. Trang Dao; and the community organization Cardinal Newman Peer Mentors of Stoney Creek, Ontario.

David, your work in promoting research and access to support is greatly appreciated, as is the hard work of the many other individuals and local organizations active in this important cause.

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

### NATIONAL HOSPICE PALLIATIVE CARE WEEK

**Hon. Catherine S. Callbeck:** Honourable senators, I am pleased to rise today in recognition of National Hospice Palliative Care Week. This campaign hopes to raise awareness about hospice palliative care and also provides an opportunity to recognize and celebrate the volunteers across the country.

• (1420)

Of the more than 259,000 Canadians who die each year, fewer than 30 per cent will receive high-quality hospice palliative end-of-life care. As the population ages, the number of Canadians dying each year will increase. By 2036, there will be more than 425,000 deaths a year. The need for quality palliative care will only increase.

Our former colleague, Senator Sharon Carstairs, cast a shining light on the issue of hospice palliative care. As we all know, she dedicated herself to studying the gaps and also the progress that has been made on palliative and end-of-life care in Canada.

Over the years, she released two special reports on palliative care, most recently *Raising the Bar* in June 2010. She remains active in this area with speaking engagements and as a member of the Canadian Hospice Palliative Care Champion's Council. I would like to commend her for her ongoing commitment to improving palliative and end-of-life care for Canadians.

In my own province, like in other provinces, the Hospice Palliative Care Association provides care and support to those living with or dying from a life-threatening illness and to their families. About 250 trained and certified volunteers provide thousands of hours of care and support each year to more than 400 Island families. These volunteers support the tireless work of health care professionals to offer quality end-of-life care. I would

like to commend these volunteers, and all those across the country, for their compassion, their care and their comfort to individuals and families living with a life-threatening illness.

Honourable senators, it has been said that palliative and end-of-life care is not about dying; it is about living well until the very end. Everyone should have the right to die with dignity and without pain, surrounded by loved ones in a place they want to be. As policy-makers, we need to ensure that our health care system offers programs and services so that Canadians can do just that.

### MENTAL HEALTH CARE

**Hon. Judith Seidman:** Honourable senators, on March 27 of this year, the Standing Senate Committee on Social Affairs, Science and Technology tabled its report on the progress in implementing the 2004 10-Year Plan to Strengthen Health Care in Canada, titled *Time for Transformative Change: A Review of the 2004 Health Accord*.

Over 10 weeks, we heard from more than 50 witnesses and received countless written submissions. Testimony during this study revealed a health care system that prioritizes treatment over prevention, inhibits collaboration, and consistently overlooks the link between physical and mental health.

Health professionals emphasized that mental health was often neglected or undervalued. Physicians from the primary care sector advocated for collaboration between psychiatrists and family health teams. Representatives of the home care sector urged the adoption of early mental health assessments and training for home care providers. Psychiatrists and psychologists cautioned against over prescribing psychotropic drugs to compensate for a fragmented mental health system.

Witnesses also agreed that mental health services specifically targeted towards children and youth have a significant impact. In fact, witnesses stressed that targeted prevention programs, intervention services and supports had the highest success rates and greatest return on investment in this population. Witnesses recognized the complexity of working with this young population, noting that professionals in health, social services and education sectors should work coherently to coordinate care.

Furthermore, the lives of children and youth cross many domains: family, school, friendship groups, sports and recreation, cultural events and faith communities. As we move forward, approaches to mental health promotion, prevention, intervention and research also need to cross these domains and sectors.

In the report, a clear recommendation recognizes the importance of the use of research and ongoing data collection to better inform policy and program development for children and youth.

Honourable senators, May 6 to 12 is Mental Health Week. Yesterday, May 7, was National Child and Youth Mental Health Day, an opportunity to raise awareness about mental health

promotion and illness prevention. First, we must rethink the definition of “health” in Canada. We can begin with the holistic view of health championed in this report that calls for transformative change in the way we deliver health care.

### GLOBAL MATERNAL AND CHILD HEALTH

**Hon. Mobina S. B. Jaffer:** Honourable senators, as many of us celebrate Mother’s Day in Canada next weekend with our families, I rise today to speak of challenges mothers face in the developing world.

More than 350,000 women die annually from complications during pregnancy or childbirth, and 99 per cent of these women live in developing countries. Every year, more than 1 million children are left motherless. Children who have lost their mothers are up to 10 times more likely to die prematurely than those who have not.

In September 2000, Canada, along with 188 United Nations Member States, made a promise to come together and fight the extreme poverty that over 1 billion people in the world suffer from each and every day. By way of eight Millennium Development Goals, we as a country set targets and deadlines that would help fight hunger, reduce child mortality, combat diseases such as HIV/AIDS and malaria, and improve maternal health.

I have worked on this issue of maternal and childhood health for a number of years and have risen in this chamber on many occasions to share my experiences working with some of the world’s most marginalized populations. A few weeks ago, when I returned to Uganda to continue my work on maternal health and malaria, I had the pleasure of visiting a maternal health clinic that was recently built in a rural area located outside of the capital city. While at the clinic, I had the opportunity to talk to several nurses who worked at the clinic. They shared with me stories about how this clinic has helped so many women living in the surrounding villages.

One nurse brought me to a young woman named Rebecca, who was now the proud mother of three children. Having given birth twice before, Rebecca was confident that she would be able to give birth with little difficulty. Unfortunately, she was mistaken; her baby was positioned in a way that made it difficult for it to be released through the birth canal. Luckily, Rebecca was able to get to the clinic in time, where a doctor performed an emergency Caesarean section.

The nurse went on to explain that had this happened last year, before the clinic was established, Rebecca would likely have suffered a fistula, which is a childbirth injury that leaves women incontinent, isolated and ashamed. Being able to access the most basic natal care changed Rebecca’s and her children’s lives. They still have a full-time mother.

Honourable senators, since the Millennium Development Goals were established in 2000, we, as a country, have made great strides in improving maternal and childhood health for those living in the developing world. This is just one example of how we can make a difference in the lives of women and children living in the developing world. However, much progress still needs to be made before the 2015 deadline.

On September 18, 2000, Canada signed the United Nations Millennium Declaration, which stated:

We recognize that, in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable . . .

Now we must stay true to this promise.

[Translation]

## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2012-13

#### MAIN ESTIMATES—REPORTS ON PLANS AND PRIORITIES TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Reports on Plans and Priorities, Main Estimates, 2012-13.

### COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

#### SPRING 2012 REPORT AND ADDENDUM CONTAINING ENVIRONMENTAL PETITIONS RECEIVED UNDER THE AUDITOR GENERAL ACT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the spring 2012 report of the Commissioner of the Environment and Sustainable Development of Canada, and an addendum containing copies of environmental petitions received between July 1, 2011 and December 31, 2011.

• (1430)

### CANADA-EUROPE PARLIAMENTARY ASSOCIATION

#### MEETING OF THE STANDING COMMITTEE OF PARLIAMENTARIANS OF THE ARCTIC REGION, FEBRUARY 14, 2012—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 on the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Stockholm, Sweden, on February 14, 2012.

[ Senator Jaffer ]

[English]

## ABORIGINAL PEOPLES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER PAPERS AND EVIDENCE FROM PREVIOUS STUDY ON BILL S-11 DURING THIRD SESSION OF FORTIETH PARLIAMENT TO CURRENT STUDY ON BILL S-8

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

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during its study of Bill S-11, An Act respecting the safety of drinking water on First Nation lands, in the Third session of the Fortieth Parliament, be referred to the Committee for its study on Bill S-8, An Act respecting the safety of drinking water on First Nation lands (Safe Drinking Water for First Nations Act).

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER PAPERS AND EVIDENCE FROM STUDY ON BILL S-13 DURING THIRD SESSION OF FORTIETH PARLIAMENT TO CURRENT STUDY ON SUBJECT MATTER OF BILL C-38

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

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on National Security and Defence during its study of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, during the Third Session of the Fortieth Parliament, be referred to the committee for the purposes of its study on those elements contained in Division 12 of Part 4 of the subject-matter of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, during the current session.

## QUESTION PERIOD

### FOREIGN AFFAIRS

#### SPAIN—DETENTION OF PHILIP HALLIDAY

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my office gave notice yesterday to the leader's office with respect to this question, so I hope she is in a position to provide some information.



Philip Halliday, a former fisherman from Digby, Nova Scotia, has been languishing in a Spanish jail awaiting trial since December 2009. He was part of a crew delivering a ship to a new owner in Spain. He is adamant, and his family and neighbours believe him, that he was caught up in a drug smuggling operation of which he had no knowledge.

He is anxious to go to trial to clear his name and to return home to his family in Nova Scotia, but it has been more than two years and there is still no trial date. According to a decision last December, it will be another two years before his case will be tried. Throughout all that time, as I say, he is in a Spanish jail.

His health is deteriorating. Thanks, in no small part, to the efforts by my colleague in the other place, Geoff Regan, the member for Halifax West, Mr. Halliday finally received surgery last year for one medical problem, but in the worlds of his wife who finally saw him recently, he “looks awful. It’s terrible . . . He’s like an old, old man.”

Honourable senators, his community of Digby has been strongly behind Mr. Halliday. There have been petitions and letter-writing campaigns, but they and the Hallidays feel abandoned by their government.

Two years after Mr. Halliday was sent to a Spanish jail, the leader’s colleague, the Minister of State of Foreign Affairs, finally wrote to the Spanish Prime Minister in January of this year. Minister of State Ablonczy asked that on compassionate and humanitarian grounds and due to serious health conditions Mr. Halliday receive a timely trial.

I should have thought that the time had long passed for a timely trial, but my question for the Leader of the Government in the Senate is what answer her government has received from the Spanish government. If none has been received, what action is being taken on Mr. Halliday’s behalf?

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

As he pointed out, this is very difficult for the Halliday family, going on as it has since December of 2009. All of us can truly appreciate the extreme difficulty this is creating for his family.

I can assure the honourable senator that the government is actively providing ongoing consular assistance and support to Mr. Halliday and his family. Minister Ablonczy has contacted the Spanish Minister of Foreign Affairs to advocate on Mr. Halliday’s behalf, as the honourable senator suggested. Our ambassador in Spain is fully engaged with local authorities as well.

The government, of course, as the honourable senator would know having dealt with cases like this in the past when he was in government, cannot exempt Canadians from legal processes nor interfere with the judicial proceedings of other countries.

However, the government in the person of our ambassador and the minister and the consular affairs officials continues to press the Spanish government for a timely — although I acknowledge “timely” seems to be a bit of a worn-out word — and transparent trial for Mr. Halliday. Of course, we will continue to seek to ensure that his medical needs are being addressed.

In addition to the efforts of Geoff Regan in the other place, I also want to commend the efforts of Greg Kerr, the member of Parliament for West Nova, who has constantly brought his concerns and the concerns of the family to Minister Ablonczy directly. He has also contacted Spain’s ambassador to Canada to request that the availability of time for a trial is addressed quickly and also to request that Mr. Halliday’s medical conditions continue to be closely monitored.

In view of the honourable senator’s notice to me and the response I received late yesterday, I am also asking on our behalf for further information, as it becomes available, from Minister of State Ablonczy.

**Senator Cowan:** I take it from the answer that there has not been a response to the letter. I understood the letter went to the Spanish Prime Minister, but the leader mentions the foreign minister. I am not sure which is correct, and perhaps it does not matter. I take it, however, that there has been no response to that letter which was written in January of this year.

We certainly would not want to interfere unduly in the legal affairs and proceedings of another country. As the leader points out, this is not asking the Canadian government to arrange for the release of someone or the short-circuiting of any legal process; it is simply that the process should apply. I think we would agree this is not a timely trial. I would urge the leader again to urge upon her colleagues, particularly Minister Ablonczy, that it is time for a follow-up letter if she has not received a reply to the first one.

The point is that this man simply must be brought to trial. He is facing charges that he denies, and that is what a trial is for: to determine whether or not his defence is valid. To have someone languishing for now two years, and late indications are it will be as much as four years before even coming to trial, seems completely inappropriate. I am sure the leader will urge further action on the part of her colleagues. I thank her for that.

**Senator LeBreton:** I actually am asking for further information as to whether the letter has been responded to and what the next actions of the minister are. I would be very happy to report to Senator Cowan as soon as she has reported back to me.

## INTERNATIONAL COOPERATION

### UNITED NATIONS MILLENNIUM DEVELOPMENT GOALS

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is to the Leader of the Government in the Senate. In 2001, the United Nations set out eight Millennium Development Goals. During the 2010 G8 and G20 summits, which Canada had the honour of hosting, we as a nation took a leadership role in championing maternal and childhood health.

Last week, while I was distributing malaria nets in a village in Uganda, I received further confirmation that by including malaria prevention programs in maternal health strategies we would be tackling three of these eight goals. With the 2015 deadline looming, I believe that we, as a country, have to put forward an honest effort into seeing that these goals are achieved.

• (1440)

What steps is Canada taking to ensure that the eight Millennium Development Goals set out by the United Nations are achieved by the 2015 deadline?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I put on the record last week, I believe, the government's work so far on the maternal and child health initiative. With respect to the honourable senator's specific question about the eight goals, I will have to take that as notice and provide a written response.

**Senator Jaffer:** Honourable senators, I have a supplementary question. Over the past few weeks, while I was in Uganda, I worked closely with a number of multilateral organizations, many of which influenced and helped develop the Millennium Development Goals I just mentioned. I observed with great admiration the great work these organizations do in the areas of health, human rights and humanitarian assistance.

How much money is Canada investing in these multilateral organizations to accomplish the Millennium Development Goals, and what funds are we giving to countries specifically to develop the Millennium Development Goals?

**Senator LeBreton:** I think I reported to honourable senators last week that we had invested \$1.1 billion in significant new resources for maternal and child health. I will also seek further clarification on how much has been expended, how much remains, and what the plans are for the future.

## FISHERIES AND OCEANS

### FISH HABITATS

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

I am deeply concerned about the government's proposed changes to the Fisheries Act and its regulatory policies toward fish habitats.

Fish habitats are some of our most ecologically sensitive, natural environments and have been protected under the act for more than 35 years. Two weeks ago, the minister announced that he would like to see the Fisheries Act amended so that some bodies of water would no longer be subject to environmental regulation and, moreover, only fisheries deemed to be of commercial, cultural or Aboriginal value will be protected.

As all waterways are interconnected, the health of our fishery depends on the health of the entire ecosystem. For example, in my home province of Prince Edward Island, with certain weather conditions, fish kills may occur from agricultural pesticide runoff. Fish habitats are sensitive and vulnerable to the impacts of industrial development.

Can the leader assure us that the government will not sacrifice our natural environment and the long-term sustainability of sensitive fish habitats and ecosystems in the name of corporate profits?

[ Senator Jaffer ]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I do believe there is a lot of misinformation flying around about the intent of the changes and the consultations that Minister Ashfield is undertaking.

With regard to the Fisheries Act, in terms of fish habitat, we are focusing our efforts on our fish and fish habitat protection rules in Canada's fisheries. We are not focusing on farmers or fields and, of course, that is part of the problem. Fields and ditches in the middle of the prairies are sometimes affected by sections of the old Fisheries Act.

For too long we have heard many stories — and I am sure the honourable senator has heard them as well — of the Department of Fisheries and Oceans protecting ditches, man-made reservoirs and flood plains when they should be protecting rivers, lakes and oceans that are actually home to the fishery and our fish.

When Minister Ashfield undertook to have a look at this, the President of the Federation of Canadian Municipalities applauded his initiative, saying:

These reforms will make it easier for governments to set clear, sensible priorities for protecting fish habitats. Currently the Fisheries Act applies the same protections to rivers and streams as municipal drains and farmers' irrigation canals. That doesn't make sense.

We agree with the Federation of Canadian Municipalities.

I wish to assure honourable senators that the Minister of Fisheries, Minister Ashfield, is very focused on protecting our fish and fish habitat but, at the same time, clearing away some of the regulations under the act that have absolutely nothing to do with fish or the fishery.

## FINANCE

### BUDGET IMPLEMENTATION BILL— COMMITTEE SCHEDULE

**Hon. Elizabeth Hubley:** Honourable senators, I would point out that all waterways are connected, whether they are small ditches or small streams. They will eventually end up within our waterways and within the water systems.

The trouble I am having with this is that these proposed changes that we are discussing are buried in the 420-page omnibus budget bill, Bill C-38, along with many other changes to environmental protection legislation. Why is the government ramming through these changes without adequate time for proper debate and discussion?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the budget bill is, of course, a very large bill. It is still over in the other place. The opposition, for whatever reason, when the budget was introduced at the end of March, chose not to debate it for too long a period of time.

Having said that, with respect to the Budget Implementation Act, as the Minister of Finance said yesterday in the other place, a large budget document begets a large budget implementation act. There will be ample time in the House of Commons to go over the various aspects of the bill.

Of course, as honourable senators know, here in the Senate the budget bill will be part of a pre-study in several committees of the Senate, including the Energy, the Environment and Natural Resources Committee. I am certain that all senators on those committees and witnesses who wish to appear will have that opportunity when the various parts of the Budget Implementation Act are before the relevant committees here in the Senate. It will also add to the time given to the budget over in the House of Commons. We will have ample time here in the Senate to ensure that the actions of the government, first in the budget and second in the Budget Implementation Act, actually do complement each other.

**Senator Hubley:** Could the honourable leader confirm for us if time allocation has been imposed on the discussions?

**Senator Mercer:** Exactly. So much for open debate.

**Senator LeBreton:** I would say that if honourable senators, through the pre-study process, take this seriously and use the opportunity on the various committees, time allocation would not be necessary if everyone does their work. Having said that, however, we cannot rule out any option.

## ENVIRONMENT

### CLIMATE CHANGE STRATEGY

**Hon. Grant Mitchell:** Honourable senators, it has not been a good day for the government's record on climate change initiatives. The Environment Commissioner reported today and reminded us that the government got out of Kyoto because they said the costs would be prohibitively high. Then he posited that one would think, if that were the case, the government would probably want to price the alternative they chose, and then he observed:

... Environment Canada has not conducted a comprehensive analysis to estimate the combined cost of the sector-by-sector approach to regulating GHG emissions.

They have runaway G20 costs and runaway record deficits. They cannot price the F-35 to save themselves, or they have two or three different prices. Now they cannot price their regulatory approach to greenhouse gas emission reduction.

Is anyone counting anything over there? Are there auditors or accountants left after all these layoffs?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I guess the question is, do we have any accountants left after all these layoffs. Those layoffs have not happened. Of course, there are many accountants left.

**Senator Mitchell:** Honourable senators, if the government has not actually priced their regulatory approach to greenhouse gas emissions, how does the government know that approach will be

more cost effective than a market-based approach — a carbon levy, a carbon tax, or a cap and trade — that even industry is begging to have brought in to get some certainty and focus on the future, so plans can be made for what needs to be done?

• (1450)

**Senator LeBreton:** First of all, honourable senators, the government has been very clear, up front and transparent about our intentions with regard to Kyoto. That is already a given.

With regard to the costing, as a government, we are seeking to maximize greenhouse gas reductions while minimizing the cost of compliance on Canadians and on Canadian industry. For example, our passenger vehicle regulations reduce real greenhouse gas emissions while saving Canadians money through fuel efficiency.

The commissioner recognized in his report that our government is currently negotiating with the provinces and industry to develop key sector-by-sector regulations. These regulations are not being created here in Ottawa in a vacuum. Costing is one of the elements of consultation with the provinces and with industry.

However, honourable senators, we should point out, and I want to be very clear about this, that this is the first government in Canada to create and follow through on a greenhouse gas reduction plan. It is the first government to follow through. The previous government, of course, as we all know, admitted that it did not even have a plan to reduce greenhouse gas emissions, let alone any idea of the cost of it.

**Senator Mitchell:** If they did not have a plan, what was it that the government cancelled when it took over? It cancelled every last single program that was actually going to get two thirds of the Kyoto obligation.

Of course, we cannot really believe what the government says. It can tell us that it is doing all this stuff, but then it told us that the F-35s would cost \$14.7 billion. Nothing it says can be believed.

Let me go on to something we can believe. We can believe the Environment Commissioner when he says there is no way the government will meet its 2020 reduction of 17 per cent of 2005 levels. There is no way the government will do it.

Is the government not worried about accounting for and costing exactly what it is trying to do because it does not really intend to do it, and would it care, either, if it did not?

**Senator LeBreton:** First, the honourable senator's government did not have a plan. It signed on to a plan, and the honourable senator's own people admitted almost immediately that it was optics, that their government had no intention of following through on Kyoto.

With regard to reaching targets, the figures being quoted are from the 2009 greenhouse gas emissions report based on earlier sets of data. The report did not take into account our regulatory plans. It could not have because, of course, they were not issued yet — for example, coal-fired electricity generation or heavy-duty vehicle regulations or our action on short-lived climate producers. All of those things we brought into place with regard to vehicles

and coal-fired electricity have not been taken into account in the report because it was 2009 data. The latest greenhouse gas emission reports that we presented in April clearly state that Canada's overall greenhouse gas emissions have decreased by 6.5 per cent from the 2005 levels and, together with the provinces, we are already a quarter of the way to reaching our 2020 target.

The honourable senator is basing his question on old data. We have done many things since then. I would suggest that he have a little faith because we are the only government that has ever addressed this issue.

**Senator Mitchell:** The one thing this government has done to reduce greenhouse gases is to preside over a massive recession that hit this country in 2008. That is why it reduced greenhouse gases, if at all. In fact, it is not an absolute reduction; it is a slight intensity reduction. Let us not take credit here, I would suggest, for a recession doing the government's job when it really has not done anything at all.

Back to the point of not accounting for the costs, much has been made by this government about the need to harmonize with the U.S. situation with respect to greenhouse gas emission reduction policy, but the Environment Commissioner points out that the government has done nothing to cost what that harmonization might amount to.

How is it that this government is proceeding down that road without any accounting on the cost of its regulations and the cost of harmonizing with the U.S., even if it is the best alternative?

**Senator LeBreton:** First, there was a worldwide economic downturn. In case the honourable senator did not notice, Canada weathered that economic storm extremely well. We created almost 700,000 net new jobs.

To say that the economic downturn was the reason for greenhouse gas emission reduction is rather disingenuous on the honourable senator's part and, of course, not true.

On the matter of costing, we do have a clear sector-by-sector plan on reducing greenhouse gas emissions, and we are working on this with our provincial and territorial partners, as well as with industry. Of course, we live on the northern half of the North American continent. Ninety per cent of our population lives within 100 miles of the United States border. It would make no sense to go forward with any plan to tackle greenhouse gas emission problems or any environmental problem without being in full harmonization with our neighbours to the South, who also happen to be our largest trading partner.

As a government, we are committed to meeting the targets that we agreed to in Copenhagen while also ensuring that the Canadian economy continues to grow and prosper.

**Senator Mitchell:** Again, we cannot believe a thing the honourable leader's government says. How would it know that it makes sense to harmonize with the U.S., which is our biggest trading partner, if it has never priced the approach? It has not priced the regulations; it has not priced what harmonization

would involve. How would the government know it would make sense to do that? Is it just making this up as it goes along, like it did with the F-35s or with the G8 or with the deficit or with its management of the recession?

**Senator LeBreton:** I have already answered the honourable senator's question on costing. I do try to answer Senator Mitchell's questions, but every time I do, he gets up and accuses me of being a liar, which I do not think is very appropriate.

Of course, this is what the government faces as we bring in our budgets and implement our various programs. If the opposition, particularly the third party in the House of Commons, does not like it, they accuse us of lying.

**Senator Mitchell:** I have not accused my honourable friend of being a liar. The only way I would assume she is not telling the truth is if what she read from those cards that are written for her is not telling the truth. I guess the PMO, though, were the ones that misled us about the F-35s. If they are writing her cards, I am assuming — I am just saying we cannot believe a thing this government says.

I know you guys do not like it, but it is true.

The Environment Commissioner says that the government should be more transparent about revealing costs and investments related to its climate change policies. Now that it has laid off the National Round Table on the Environment and the Economy and 1,700 people, I think, from the Department of the Environment, who exactly will do the assessment and the accounting, compile the data, and report in a transparent and accountable way?

**Senator LeBreton:** Honourable senators, I have answered this question before. Officials of the Department of the Environment and many agencies, including private sector agencies, work very closely with the government. We are the only government that has an environmental record. I know Senator Mitchell hates to admit that, but that happens to be a fact. It is not untrue.

The information that I provide here to honourable senators on behalf of the government is factual. I know Senator Mitchell does not want to agree with it. I know he disagrees with it, but he actually thought, perhaps, at one time he was going to be the premier of Alberta, and look what happened to that.

[*Translation*]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the response to an oral question raised by Senator Cordy on December 7, 2011, concerning human rights in Nigeria.

#### FOREIGN AFFAIRS

##### HUMAN RIGHTS IN NIGERIA

(*Response to question raised by Hon. Jane Cordy on December 7, 2011*)

**Will the Government of Canada cut off assistance to Nigeria to express Canada's support for dignity for all individuals?**

[ Senator LeBreton ]

CIDA manages Canada's assistance to Nigeria. In 2009-2010, total CIDA assistance to Nigeria amounted to \$60 million. CIDA does not provide assistance directly to the Nigerian government. Instead, assistance for various projects is provided to multilateral organizations, including UN bodies, and Canadian non-governmental organizations, which implement projects on the ground.

The Government of Canada, through the Muskoka Initiative, supports the Nigerian Government's commitment to improving maternal, newborn and child health. Canada's efforts in Nigeria are focused on strengthening primary health care delivery at the community level and preventing and treating the most prevalent illnesses and diseases that cause maternal and child mortality. To that effect, CIDA is planning to invest \$36 million over the 2010-2015 period to improve maternal, newborn and child health. High maternal and infant mortality rates are major impediments to the development of the country. In Nigeria, the maternal mortality rate is 840 deaths per 100,000 live births (global MDG target is 75/100,000). The country loses about one million under-five children annually, which is about 10 percent of the global child mortality figure.

The bilateral program focuses on Children & Youth and Sustainable Economic Growth and targets most of its investments in two States: Bauchi and Cross River. CIDA also supports a multi-donor funded initiative managed by the United Nations Development Program (UNDP) to improve key electoral institutions, foster stronger democratic accountability and build the foundation for strengthened democratic governance.

The Government of Canada does not believe that cutting development assistance to Nigeria is an effective or appropriate response to the ongoing debate in Nigeria. Canada is engaged in Nigeria in recognition of the major development issues it faces. Suspending development assistance to Nigeria would reduce availability of and access to health services currently served by CIDA-funded program. CIDA will continue to advocate for equal treatment for all people during its interactions with the Government of Nigeria.

**What forceful terms can Canada use to pressure Nigeria to not pass the legislation?**

The High Commission of Canada in Abuja will continue to engage with key Nigerian stakeholders to reinforce messages that this bill is in conflict with existing international obligations and domestic law on human rights.

Canadian officials also interact with Nigerian officials in multilateral fora, where the issue may be raised. Given the recent appointment of Senator Segal as the Special Envoy for Commonwealth Renewal and the election of Canada to the Commonwealth Ministerial Action Group (CMAG), the Commonwealth will be an important venue to discuss the proposed legislation with Nigerian officials.

The Minister of Foreign Affairs gave a speech at the Royal Commonwealth Society on January 23, 2012, which specifically mentioned the protection for homosexuals in

Commonwealth countries including Nigeria and further reinforced Canada's position on protecting human rights for all people.

**Will Canada follow the lead of Prime Minister Cameron of the UK?**

British Prime Minister David Cameron indicated at the Commonwealth summit in October 2011 that the UK could withhold aid from governments that criminalize homosexuality. This strategy would not be applicable in the case of Nigeria as Canada does not provide aid directly to the Nigerian government.

Call for Proposals:

<http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/ANN-111145457-Q7E>

Projects:

<http://www.acdi-cida.gc.ca/CIDAWEB/cpo.nsf/vWebProjSearchEn/A6581A7BE26E22FF8525785D00371917>

<http://www.acdi-cida.gc.ca/CIDAWEB/cpo.nsf/vWebCSAZEn/53372ECCDE0BD808525786200371750>

<http://www.acdi-cida.gc.ca/CIDAWEB/cpo.nsf/vWebCSAZEn/E7C8E6A0C8C2F77E8525783F003CA1FA>

Press Releases:

<http://pm.gc.ca/eng/media.asp?category=1&featureId=6&pageId=26&id=3479>

<http://www.international.gc.ca/media/aff/news-communicues/2012/01/25a.aspx?lang=eng&view=d>

**ANSWERS TO ORDER PAPER QUESTIONS TABLED**

INTERNATIONAL TRADE—TRADE NEGOTIATION

**Hon. Claude Carignan (Deputy Leader of the Government)** tabled the answer to Question No. 18 on the Order Paper by Senator Downe.

ENVIRONMENT—GREENHOUSE GAS EMISSIONS

**Hon. Claude Carignan (Deputy Leader of the Government)** tabled the answer to Question No. 23 on the Order Paper by Senator Mitchell.

• (1500)

[English]

## ORDERS OF THE DAY

### CHARTER OF RIGHTS AND FREEDOMS

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

**Hon. Jim Munson:** Honourable senators, first, I would like to say that I will adjourn this inquiry in the name of Senator Andreychuk, out of courtesy.

Honourable senators, I stand today in support of Senator Cowan's inquiry to draw attention to the thirtieth anniversary of the Charter of Rights and Freedoms. Like millions of Canadians, I am tremendously proud of the Charter as a reflection of our national identity. This is an excellent inquiry.

Senator Cowan and other honourable senators who have spoken so eloquently about the Charter have inspired me to give fresh thought to what is great about this country.

I am pleased to keep the celebration going with my own reflections on the rights and freedoms enshrined within our Constitution, in particular, freedom of the press.

**Senator Mercer:** Hear, hear!

**Senator Munson:** As a reporter stationed in China in the 1980s and early 1990s, I encountered situations that could never take place here. Since I was the president of the Foreign Correspondents' Club, which the Chinese referred to as an "outlawed" organization, the foreign ministry periodically called me in on the carpet for my own stories, as well as those produced by my American colleagues.

Many of my stories were about political dissidence, but they were hardly a threat to the Chinese government. Chinese citizens never actually saw any of these stories, even though they were accounts of events and issues impacting them directly. I was allowed to send my work outside Chinese borders, but no one in China ever saw it. It was like straddling the realities of two worlds. In one, freedom of the press was a value; in the other, free expression could land you in prison for a long time.

During those awful, tense days leading up to the massacre of students in Tiananmen Square in 1989, the Chinese government declared martial law. Under force, China Central Television reverted to being the propaganda arm of the government. The *People's Daily* and other papers that hinted at any sympathy for students' causes were effectively gagged. To ensure that the world

would bear witness to what was happening, foreign correspondents had to sneak stories out of China with tourists or business people travelling to Hong Kong and Tokyo.

Freedom of the press did not exist in China then, nor does it exist in China today.

In Canada we take our freedom of the press for granted. We should not. Our own history tells us it has been a difficult struggle, with lives ruined along the way. Freedom of the press is a necessary instrument for government accountability and social change. It matters today; it has mattered throughout Canadian history, even before Confederation.

In 1835, Joseph Howe published a letter in *The Nova Scotian* accusing Halifax politicians and police of pocketing public money. Nova Scotian politicians were outraged and charged him with libel. In those days, publishing a letter could lead to a serious criminal charge; yet truth was not a defence.

There are times when the absence of justice can bring out the advocate in a person. This was one of those times. For more than six hours, Howe stood before a jury, citing case after case of government corruption, all building toward a plea for freedom of the press. His concluding request to jurors was this: "To leave an unshackled press as a legacy to our children."

Though Joseph Howe was found guilty, the jury voted shortly thereafter to acquit him.

**An Hon. Senator:** Hear, hear.

**Senator Munson:** In the 1970s, with my career as a reporter just beginning, I was alerted to the examples set by journalists I admired. Though she lived and wrote her outspoken editorials for British Columbia's *Bridge River Lillooet News* before I was even born, Ma Murray was one such journalist: rough, forthright and honest in her editorials. She empowered readers with information on politics and other issues of the day.

Bruce Hutchison, the former editor of the *Victoria Times*, was another journalist I have long admired. In 1960, he testified before a royal commission on the vital role of the periodical press in strengthening our national identity. He argued that by offering balanced, detailed coverage of national issues, periodicals played a crucial role in preventing this country from being overwhelmed by U.S. pressures. He said:

The Canadian people are not getting softer but if anything harder in their distinct identity. The best proof of this fact is the present general state of alarm about the nation's future — an alarm which I consider the most healthy sign in Canada today.

Social justice, individual and civil liberties, communities and civic engagement — these are among the *Toronto Star's* long-time guiding principles. It is fitting that the likes of the late George Bain and my good friend, the late Jim Travers, were once columnists and editors there. They too are, for me, iconic defenders of press freedom.

In undemocratic, corrupt countries around the world, journalists are killed and made to suffer for seeking and exposing truths about their leaders and governments. Freedom of the press is recognized

by all sides as the precursor to democracy. To the rulers of these countries, it is a threat to the status quo. For citizens who are poor and lacking a voice in how their countries are run, it is an aspiration.

In Ethiopia, two Swedish journalists were recently sentenced to 11 years in jail for allegedly entering the country and supporting terrorism. According to Rona Peligal, the deputy director of Human Rights Watch in Africa, the supporting terrorism clause in the country's anti-terrorism law was deliberately worded so as to suppress the legitimate work of the media.

PEN International has offices throughout the world that celebrate writers and journalists and promote freedom of expression. PEN Mexico recently held PEN Protesta! to bring together writers from all corners of the world, to lift their voices against violence and its threat to freedom and the country's democracy. Jennifer Clement, PEN Mexico's president, has described the dehumanizing effects of censorship, punishment and persecution on Mexican citizens: "If out of fear we no longer publish the news, we lose not only our democracy and freedom, but our history."

• (1510)

Honourable senators, did any of you notice that on the very day Senator Cowan launched his inquiry on the Charter of Rights and Freedoms, Senator Fraser stood, as she annually does, to bear witness to the journalists and media workers who died last year because they were journalists? There were more than 50 journalists in 2011. In Senator Fraser's words, "Every one of them died in the service of bringing the truth to the rest of us."

Last month, Ryerson University in Toronto hosted a conference called "Press Freedom in Canada." Journalists, lawyers, scholars, students and members of the public assembled to assess the state of freedom in the press. The consensus was that it is in pretty bad shape, reduced by a mix of factors. In a *Toronto Star* editorial entitled "Canadian Charter of Rights: What is the status of press freedom in Canada?," Kathy English warned journalists and Canadians in general to resist being smug and taking for granted this fundamental freedom. She said:

In Canada, judges still impose too many publication bans that stop journalists from reporting on public court proceedings; bureaucrats routinely block requests for public information; control-mad governments shut down access and politicians refuse to speak to journalists, who seek to hold them to account on the public's behalf.

Just a few days ago — and I hope they do not get too upset on the other side — the Harper government won the Canadian Association of Journalists' Code of Silence Award for keeping facts on files out of public hands, avoiding questions at media events, and restricting public and media access to contentious information.

**Some Hon. Senators:** Shame!

**Senator Munson:** Bans, restrictions and secrecy hold a lot of responsibility for the weak state of press freedom, but there are also a number of other factors to blame. The situation is made worse by profit-driven changes in the media and communications

industry; media empires squeezing out smaller, alternative outlets; fewer and fewer journalists to cover more and more information; the eclipse of objective coverage by opinion pieces and social media content. Exacerbating the situation still more are the journalists themselves. They are simply not trying hard enough and, as the *Toronto Star's* Michael Cooke observes, "are far too knee-bending to political and judicial elites . . ."

Answering a challenge to conference-goers to explain why freedom of the press matters, the University of King's College Professor David Swick wrote an editorial in the *Halifax's Chronicle-Herald* saying:

You care about press freedom, because you care about many things. Food, animals, education, crime, the Internet, water, war: Important decisions on all of these things are being made by a government (or corporation, or NGO) near you. If that government can keep you in the dark, and do whatever it likes, it might.

Deeper in his editorial, Mr. Swick makes a particularly compelling remark:

. . . consider that the obvious is often easy to ignore.

Ignoring the obvious — that is how I would explain the failure of many in the media to take to task a government that decides it would be inappropriate to celebrate the thirtieth anniversary of our Charter of Rights and Freedoms. That is also how I would explain the lack of public debate and discussion around the decision and the reasons for it. A celebration would be insensitive to the concerns of people in Quebec: This is what our Prime Minister tells us. Are you kidding me?

With CROP poll results from 2011 showing overwhelming support for the Charter across the country, including Quebec, this is what our Prime Minister tells us. Not to mention that the government puts out one of the smallest, most uninteresting news releases I have ever seen; almost as long as the lead paragraph, the release title reads:

Statement by the Honourable James Moore, Minister of Canadian Heritage and Official Languages, and the Honourable Bob Nicholson, Minister of Justice and Attorney General of Canada, on the 30th Anniversary of the Proclamation of the Constitution Act of 1892.

All those words, and the title does not even refer to the Charter.

A meaningless news release — that was it; nothing more. A Charter that is viewed as a beacon of rights around the world; a Charter that is worth more than a one-day news release; a Charter that no government can ever, ever ignore. You cannot erase history.

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

**Senator Munson:** In a piece published in March by the *Toronto Star*, Irwin Cotler describes the Charter as "one of the most important advances in the promotion and protection of human rights both domestically and abroad."

In Canada, this is a widely shared belief, and it is a source of pride and inspiration for millions of people around the world. Leaders of democratic countries and rights advocates from all corners of the world also share this admiration and respect for our Charter.

In the universal context of the Charter's great influence on human rights, the only voices I have heard speaking disparagingly about it come from within our government. It shows flagrant disregard for the interests of the majority of Canadians. It is an absurdity — typical of our government's leadership approach. It has rendered our society baffled and apathetic and has immobilized our journalists, leaving them at loose ends over just what freedom of the press actually means. Not so long ago there was one person who knew what freedom of the press meant.

An experienced reporter, editor and politician, Grattan O'Leary was clear-sighted in his assessment of why press freedom matters. This is the same Conservative senator, Grattan O'Leary, who was appointed to the Senate in 1962 by our Bill of Rights Prime Minister, John Diefenbaker. O'Leary's words, taken from a speech he delivered in 1937, provide timely and much-needed wisdom to us now. I met this man in the middle 1970s. I admired him so much. Here is what he said:

There are newspaper publishers and editors in this country, apparently, who think that the freedom of the press was won for the sake of the press. Well, it wasn't. The freedom of the press was won for the sake of the people, and if the newspapers of this country are not prepared now to put aside party considerations and fight for that greater thing, the freedom of the individual, freedom for the ordinary man, then the day will come when the ordinary man will not fight for the freedom of the press.

Grattan O'Leary in 1937 — words that are even more relevant today.

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

**Senator Munson:** In all times and in all circumstances, the public has a right to know — to know about the workings of their government, about issues and events in their country, about their world. No law, no barrier and no lie can keep the citizens of Canada from this right.

I began this speech talking about China and the lack of press freedom when I was there in the 1980s and early 1990s and its continued absence today. I think a lot about Tiananmen Square, the sacrifice of young people who hungered for individual expression. Running into the square with my camera crew, I will never forget the voices of one couple pleading to me, "Please tell the world what is happening. We want our voices heard." It was a mad scene of injustice, and I was but one of many Western journalists who witnessed it.

I had a voice then, as I have a voice now. Seven years before Tiananmen I also witnessed that historic day on Parliament Hill, April 17, 1982, the repatriation of our Constitution and the proclamation of our Charter of Rights and Freedoms, and that includes freedom of the press.

[ Senator Munson ]

I have said it before and I will say it again: Freedom of the press is a necessary instrument to keep governments accountable, society informed and freedoms in the hands of the ordinary men and women in this country.

Long live the Charter! *Vive le Canada!*

**The Hon. the Speaker pro tempore:** Honourable Senator Munson, will you accept a question from Honourable Senator Brown?

**Senator Munson:** I believe in free speech; yes.

**Hon. Bert Brown:** I thank Senator Munson for the discussion about the Charter and the freedoms that he so eloquently espoused.

I wonder if the seventeenth amendment of the American Constitution, adopted on May 31, 1913, was somewhat like the freedom that the people of Canada might use — the same freedoms to allow votes to bring more senators to this chamber. Three more were elected a week ago in Alberta.

It is interesting that our two countries are almost exactly one century apart in establishing election for senators. Oregon was the first state to hold illegal and unconstitutional elections for the people to vote for their senators. Alberta was the first province to call for elections in Canada. It appears to be a coincidence or otherwise, the same kind of freedom, the right to vote.

Would the honourable senator agree with these kinds of freedoms that may be used in Canada?

• (1520)

**The Hon. the Speaker pro tempore:** Honourable Senator Munson, before you begin, the table has just advised me that your 15 minutes of speaking time has expired. Are you prepared to ask the chamber for more time?

**Senator Munson:** Yes.

**The Hon. the Speaker pro tempore:** Is more time granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Munson:** The first thing I believe in, honourable senators, is our Constitution. Governments can change and constitutions can evolve. The example of the United States is an interesting one, but I would rather focus on the idea that no government should go through the back door to try to change what it cannot do through the front door.

What is wrong with talking to the people? What is wrong with referring it to the Supreme Court of Canada? What is wrong with explaining it and talking to the provinces to try to get their agreement? We already have the Quebec court being informed by the Quebec government that it is going to challenge what is happening here.



Why can this government not embrace Canadians in this debate as opposed to doing back door politics by holding elections where no other party is really involved?

**Senator Brown:** I can assure the Honourable Senator Munson that the government is talking to the people about Senate elections.

Personally, I have been involved for the last 20 years with that issue. I assure the honourable senator that we are going through the front door. The front door to the Constitution in this country is to have seven provinces out of ten representing 50 per cent of the population to agree to a stand-alone constitutional amendment. We are very close to that now.

**Senator Munson:** Good for you.

I was reading a newspaper article which stated that when Senator Brown retires next year, his will be big shoes to fill. I respect him for what he stands for. That is why we are having this debate in this chamber.

I happen to believe — and this is based on a bit of history — that there was a time in this country when prime ministers, including Brian Mulroney, Joe Clark, Pierre Trudeau, Jean Chrétien and Paul Martin, actually sat down publicly —

**Senator Mercer:** No!

**Senator Munson:** — with first ministers to discuss and debate this issue.

**Senator Mercer:** Do you have any pictures of that?

**Senator Munson:** I think that this is something in our history that we should pay attention to, when we can have those kinds of discussions, then and only then. This is not about one government. This is not about one prime minister. This is about Canada.

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

**Senator Brown:** I can assure the Honourable Senator Munson that this conversation is going on with the House of Commons right now and will continue until it comes to this chamber.

I wish to remind the honourable senator about one thing with respect to the Constitution of this country: When it comes to a change in the Senate, it has a suspensive veto of only 180 days. It does not have any impact on the Senate. After that, it goes through. He can check on that in the Constitution, if he wants.

**Senator Munson:** I think I will do the same thing that happens in the House of Commons in terms of the answer to that question. I will do the same thing that ministers do in the House of Commons. I will not answer the question. I will just talk about what I want to talk about, which is Canada and how we can move forward as a nation, how we can take a look at ourselves as a nation, and how we can talk to each other as a nation.

I want to emphasize again that April 17, 1982, was an incredibly historic day in this country and your government did nothing — absolutely nothing — to celebrate that day, where millions of people around the world and millions of Canadians respect —

**Senator Mercer:** Shame on them.

**Senator Munson:** Our rule of law is being used because of that Charter of Rights and Freedoms, and that is what Senator Brown should pay attention to.

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

(On motion of Senator Munson, for Senator Andreychuk, debate adjourned.)

## THE SENATE

### MOTION TO URGE GOVERNMENT TO MAKE SPORTING FACILITIES AVAILABLE ONE DAY ANNUALLY AT A REDUCED OR COMPLIMENTARY RATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Wallin:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes, forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunity to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities;
- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;
- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and

(f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

**Hon. Daniel Lang:** Honourable senators, I would like to add my voice to the motion that has been presented to us by our colleague, Senator Nancy Greene Raine.

As honourable senators know, it calls on the Government of Canada to encourage local governments from coast to coast to collaborate in choosing one day annually to make their health and recreational sports and fitness facilities available to their citizens at a reduced or complimentary rate.

Honourable senators, I come from a part of the country where it takes me 12 hours to get home, door-to-door, when I leave from this place. I want to say that I am lucky and fortunate to live in a place like Yukon. We are surrounded by natural areas that allow us to go jogging, hiking and cycling. We have all the winter sports that one could want to have on any given day, whether it be cross-country skiing, downhill skiing, snowmobiling or other activities.

Honourable senators, we also are fortunate that our capital city of Whitehorse hosted the Canada Winter Games a number of years ago. We probably have one of the nicest, if not the nicest, world-class fitness centres in Canada. It took a lot of planning, effort, time and money. When it was in the process of being built, a good part of our community was quite concerned about the cost of running this facility once the Canada Winter Games concluded. For those that were not there, I want to say that the Canada Winter Games were a great success for Canada and a great success for us.

Since that time, we have used our complex. I am very pleased to say to all senators here that we can afford this complex. It is used day and night, seven days a week, 365 days a year. The Government of Canada, in respect to its promotion of the Canada Games, provided us with a wonderful legacy.

Our capital city, through that complex, meets some of the objectives of the honourable senator's motion. Throughout the year, days are set aside to attract new people to use the swimming pool of the facility and the arena at no cost. Staggered over the course of the year, we try to increase our population's utilization of the facility.

It is not just for the facility but also for the other aspects of this motion. The principle of the motion is that we believe in a healthier community. How do we get to be a healthier community? We get people out. The first step toward being part of a community is recreation. In our part of the world, we are making steps forward. It is not every day that there is an increase in the number of people utilizing these facilities, but over the course of a year, one can look back and say, "Look at how many new people came in to use that walking track."

To give honourable senators an example of the magnitude of this facility, there is a walking track above the open part of the arena and the gym. It is frequented, not only by runners in the winter, but also by senior citizens who come in to do their fitness activities. Then they sit down and become part of the community

by visiting. It has turned into a gathering place for all in our community — young and old — and has been a good step forward.

• (1530)

We have to count our many blessings in this country. In nearly all of the smaller communities in the area that I represent, we have a recreation facility, some bigger than others because of the size of the community. They are well used and we are promoting their use. That is not to say that we cannot promote the use of those facilities by those who are not using them, which is the principle of the motion we are debating.

A couple of years ago, Senator Nancy Greene Raine brought forward an inquiry on how the Olympics affected health and fitness in Canada. We spoke at that time about the concern on both sides of the chamber about obesity becoming so prevalent in our country. The more we speak in our legislatures about the need for fitness, the more the message will get out to those who need help. They may think that if society wants to help them, then perhaps they should take the first steps to help themselves and use the walking trails.

Honourable senators, a motion like this is symbolic and it has an effect. It is important for the federal government and the provinces to encourage our young people to take part. We have a wonderful country and I think that some young people do not realize how truly fortunate they are compared to people in other parts of the world.

I want to thank Senator Nancy Greene Raine for bringing this motion forward. It is important that other senators speak to the motion. We want the people of our country to be healthy.

**Hon. Jim Munson:** Would the honourable senator accept a question?

**Senator Lang:** Yes.

**Senator Munson:** Honourable senators, I will speak in support of this motion next week, because I think it is extremely important. At one time we had the ParticipACTION initiative in this country. I think I still have a T-shirt with a pink running shoe on it somewhere. It galvanized the nation.

Does the honourable senator think that we could extend this idea to more than just one day in June and that we could have it happen in every municipality in the country in the hopes that it will catch fire?

**Senator Lang:** The honourable senator raises a good point. The reality is, however, as we all know, that these facilities cost money to run and the communities have to pay for them in one way or another.

I, too, remember ParticipACTION and I felt it was a successful program. Maybe we should be looking at such a program in conjunction with the provinces. I can think of other areas we should be looking at, especially in remote and small communities. Perhaps, in conjunction with the provinces, or the provinces on

their own, we could bring physical fitness equipment into classrooms so that the kids can get some exercise prior to class. It has been proven that those types of initiatives work, not only for physical fitness but also for learning.

There is a multitude of things that we can and should be doing. The other day I read about an initiative in Guelph, which is becoming the running centre of Canada and perhaps North America. A running coach who has been there for 10 years has made this a successful program for the community. One of his first instructions to his running team was that when they are running through the town and run by someone they should say "hi." Over a period of time, the community was galvanized by those friendly runners and wanted to join them.

When one goes for a run on some of our beautiful trails, as I am sure the honourable senator does, many people are withdrawn. When you say "hi," they look at you as though you might be planning to assault them. We should try to change that attitude, because when you are having fun and you feel good about yourself, people want to be part of it.

I agree with the honourable senator that we can and should be taking more initiatives throughout the entire country.

**Senator Munson:** I thank the honourable senator for that answer.

Senator Lang invited Senator Demers and me to Whitehorse for a Special Olympics event. That galvanized interest in the Special Olympics and the athletes who participated in them. We enjoyed playing soccer with them and had a banquet afterwards. The community paid attention, as small towns do.

I am still playing hockey. The honourable senator said he has just retired from the game. Perhaps he could organize a shootout in Whitehorse between him and me in an attempt to galvanize the city of Whitehorse, and the Yukon territory in general, to participate.

**Senator Mercer:** Would this be like Brazeau and Trudeau?

**Senator Munson:** This would be a little closer.

It could be a Senate-led initiative. We could have young, middle-aged and older senators participating in such events.

**Senator Day:** I think you should let Senator Raine play as well. It is her motion.

**Senator Lang:** Honourable senators, I would like to take up that personal challenge of my colleague, but he did say that he is still playing hockey and I am in retirement. I know that he does not want to take advantage of someone who is past his prime.

However, there are many other initiatives. The sponsor of this motion in the other place, John Weston, who, as honourable senators know, is a great advocate of fitness who not only talks

the talk, but also runs the run, and bikes the bike, has organized a bike ride for tomorrow at four o'clock. I believe it starts on the Hill. Those who want to participate are welcome to do so. If the Honourable Senator Munson has his bike available and can find the time, we would like to see him there.

**Hon. Yonah Martin:** Honourable senators, will the honourable senator accept another question?

**Senator Lang:** Yes.

**Senator Martin:** Honourable senators, I, too, will be speaking in favour of the motion. Our colleagues have expressed the importance of health literacy, health education and health awareness.

When I was in Whitehorse last summer, I saw the wonderful complex the honourable senator described. It is very well used. It is very important when community stakeholders all work together. Has the ministry of education made that a focus in Whitehorse for active participation and health for youth?

I was dismayed to see an article today or yesterday in the *National Post* about two teenagers wanting to bring junk food back into the schools. The Coquitlam school district, where I taught, did not serve pop and junk food. There is always that battle in trying to present healthier choices for kids. The provincial ministry of education must be at the table and make it a priority, along with federal leadership on the issue.

• (1540)

I thank Senator Lang for presenting the great example of the Canada Games Centre in Whitehorse, which is so well utilized. I hope to return there and use it in the future.

My question is about the role of educators and what happens in the schools and how important that is to the overall health of the students.

**Senator Lang:** I do not think there is any question that the role of the departments of education, not just in Whitehorse and the territory but throughout the provinces, is key in conjunction with parents to get kids involved in various athletic events. In our case, they are actively involved with the municipality and with non-governmental organizations that make use of this particular facility. That is what happens throughout the territory and, I would think, in many cases across the provinces.

Once again, when that centre was built, there was a lot of trepidation in the community as to whether it would be used enough and whether we could afford it. However, if you build it, they will come. That has been the case in Whitehorse.

(On motion of Senator Lang, for Senator Munson, debate adjourned.)

## NATIONAL FINANCE

### COMMITTEE AUTHORIZED TO STUDY TAX CONSEQUENCES OF VARIOUS PUBLIC AND PRIVATE ADVOCACY ACTIVITIES UNDERTAKEN BY CHARITABLE AND NON-CHARITABLE ENTITIES—DEBATE ADJOURNED

**Hon. James S. Cowan (Leader of the Opposition)**, pursuant to notice of April 26, 2012, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report on the tax consequences of various public and private advocacy activities undertaken by charitable and non-charitable entities in Canada and abroad;

That, in conducting such a study, the Committee take particular note of:

- (a) Charitable entities that receive funding from foreign sources;
- (b) Corporate entities that claim business deductions against Canadian taxes owing for their advocacy activities, both in Canada and abroad; and
- (c) Educational entities that utilize their charitable status to advocate on behalf of the interests of private entities; and

That the Committee submit its final report to the Senate no later than June 30, 2013, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

He said: Honourable senators, this motion arises out of my speech of April 5, 2012. On that day, I noted that the government, through its members here, had generated a certain amount of controversy concerning, in the words of the inquiry, the “interference of foreign foundations in Canada’s domestic affairs.” In particular, serious accusations were levied at a number of Canadian charitable organizations — accusations that many Canadians believe to be unwarranted. This was followed by special attention in the budget and proposed measures in Bill C-38, the budget bill, which is currently in the other place.

I do not propose to repeat what I said on April 5, but I urge honourable senators to read the debate from that day and from previous sittings on this inquiry. The purpose of my motion today is to enable us to determine whether in fact there is any merit to the allegations made against charitable organizations in this country and, at the same time, to provide a forum particularly for those organizations that have been attacked in this chamber to answer the very serious charges that have been made.

I said at the time that the privileges enjoyed by honourable senators in this place should never be used as a shield for a drive-by smear campaign. I am sure all of us agree on that and that we would therefore be anxious to invite those organizations to provide them with an opportunity to defend themselves.

That is only fair.

Indeed, the charges made by this government against Canadian charities did not end here in the Senate. Environment Minister Peter Kent has twice publicly suggested that charitable organizations in this country are engaged in money laundering. When pressed whether he was suggesting criminal activity, the minister did not disagree. These are very serious charges, honourable senators. They cannot be allowed to stand without providing a fair, impartial forum for those so accused to defend themselves.

**An Hon. Senator:** Hear, hear.

**Senator Cowan:** *The Globe and Mail* was so shocked by these statements, their lead editorial yesterday was headed, “Money Laundering: Wildly uncharitable accusations.” They noted: “The Environment Minister has accused unnamed environmental charities of criminal activity, and yet provides no specifics, except to point to the work of Conservative Senator Nicole Eaton.” As I said in my speech on April 5, honourable senators, we have entered a kind of echo chamber.

*The Globe and Mail* reviewed Senator Eaton’s charges of “political manipulation,” “influence peddling” and others and then said: “There is paranoia, there is partisanship, there are wild allegations. But evidence? No.” The article ended: “If there is anything nefarious here, it is hard to see what it is. The only nefarious thing in sight at the moment is a government bent on quashing a legitimate debate.”

Honourable senators, that is my conclusion as well. If there is evidence, let it come out, and let the respected, honourable organizations address the charges, fully and in public. A Senate committee can provide an excellent forum for a full and fair hearing of the evidence on both sides.

Of course, the issue here is not focused on one sector — environmental organizations. We deal here with matters of principle, and so our inquiry must look at foreign involvement in charities generally — who is funding the Fraser Institute, for example, as well as the Suzuki Foundation.

**An Hon. Senator:** Good question.

**Senator Cowan:** Frankly, since the controversy seems to revolve primarily around the tax consequences of political advocacy by organizations, I believe that we should not confine ourselves to charitable organizations but look at all political advocacy. As I said on April 5, there are no tax consequences that flow from the activities complained of by Senator Eaton and others opposite; foreign donations would not receive any taxpayer-subsidized benefit under Canadian law as no charitable receipt can be issued for Canadian tax purposes unless there is Canadian income for it to be deducted against. However, there are significant taxpayer-subsidized benefits given to corporations, such as big oil companies, which under our tax laws are able to deduct the cost of their advocacy and lobbying, including large fees paid to powerful lobbyists and lawyers as business expenses.

We cannot in good conscience look at one side — charitable organizations — without looking at the other side — the corporate lobbying deductions — in particular when one, the charitable side, has no taxpayer-subsidized element while the other, the corporate side, does.

Honourable senators, as we know, the issues raised in the inquiry have been followed with considerable interest and concern by thousands and thousands of Canadians. Canadians have noted the inherent problem of looking at only one side of the issue.

• (1550)

On April 27, a letter to the editor appeared in the *Toronto Star* from Mr. Gary Dale of West Hill, in Toronto, who pointed out the “fatal flaw,” as he put it, of looking only at lobbying by charitable organizations. He said that misses what he called “the larger context.” In his words:

What about taxpayer-funded corporate lobbying and public relations campaigns? These are business expenses that can be written off at tax time by corporations. Why should corporations get bigger breaks on their lobbying efforts than citizens? Indeed, why should corporations get any incentive to influence public policy if citizens aren't afforded the same privilege?

It is important that we address all sides of this issue, honourable senators.

Many Canadians were also surprised to learn that their tax dollars had subsidized the establishment of at least one centre at a university that apparently has been engaged in political advocacy on behalf of private business interests. Again, it is only right that we would include that within our study as well.

Honourable senators, making speeches in the chamber is important, but I am sure we would all agree that where the Senate really shines is in the quality of its committee study of important public policy issues. That is the motivation for my motion. The serious issue raised by Senator Eaton and other senators on both sides of the aisle deserves this attention.

Honourable senators, I have been brief because I would like this motion to be adopted as quickly as possible so that our committee can begin this important work. Very serious issues were raised in the course of Senator Eaton's inquiry, which deserve full and complete study by our National Finance Committee. Indeed, Minister Kent, in his remarks the other day, suggested that our National Finance Committee is already investigating these issues and that interested Canadians should follow the committee's hearings. His parliamentary secretary, Michelle Rempel, was very clear on “Power and Politics” last Thursday. She said, “The Finance Committee in the Senate is studying some of these issues right now.”

In the circumstances, I urge all honourable senators on both sides to agree to pass this motion quickly and proceed to the study that the minister and his parliamentary secretary think is already well advanced.

**Hon. Daniel Lang:** Honourable senators, I was waiting to hear what the sponsor of the motion was going to say with respect to the issue before us. I appreciate the thought he has put into his remarks. I think we should all take some time to review exactly why he brought the motion forward and to examine what he said. We should also look at how events have moved forward with respect to the references to the National Finance Committee. It is something we would have to consider as well, in view of the context of the motion.

(On motion of Senator Lang, debate adjourned.)

(The Senate adjourned until Wednesday, May 9, 2012, at 1:30 p.m.)

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## CONTENTS

Tuesday, May 8, 2012

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>QUESTION PERIOD</b>	
<b>National Child and Youth Mental Health Day</b>		<b>Foreign Affairs</b>	
Hon. James S. Cowan . . . . .	1760	Spain—Detention of Philip Halliday.	
		Hon. James S. Cowan . . . . .	1764
<b>Visitors in the Gallery</b>		Hon. Marjory LeBreton . . . . .	1765
The Hon. the Speaker . . . . .	1760	<b>International Cooperation</b>	
<b>Mental Health Week</b>		United Nations Millennium Development Goals.	
Hon. W. David Angus . . . . .	1760	Hon. Mobina S. B. Jaffer . . . . .	1765
		Hon. Marjory LeBreton . . . . .	1766
<b>National Child and Youth Mental Health Day</b>		<b>Fisheries and Oceans</b>	
Hon. Jane Cordy . . . . .	1761	Fish Habitats.	
		Hon. Elizabeth Hubley . . . . .	1766
<b>The Honourable W. David Angus</b>		Hon. Marjory LeBreton . . . . .	1766
Recipient of 2012 Champion of Mental Health Award.		<b>Finance</b>	
Hon. David Tkachuk . . . . .	1762	Budget Implementation Bill—Committee Schedule.	
		Hon. Elizabeth Hubley . . . . .	1766
<b>National Hospice Palliative Care Week</b>		Hon. Marjory LeBreton . . . . .	1766
Hon. Catherine S. Callbeck . . . . .	1762	<b>Environment</b>	
<b>Mental Health Care</b>		Climate Change Strategy.	
Hon. Judith Seidman . . . . .	1763	Hon. Grant Mitchell . . . . .	1767
		Hon. Marjory LeBreton . . . . .	1767
<b>Global Maternal and Child Health</b>		<b>Delayed Answer to Oral Question</b>	
Hon. Mobina S. B. Jaffer . . . . .	1763	Hon. Claude Carignan . . . . .	1768
<hr/>		<b>Foreign Affairs</b>	
<b>ROUTINE PROCEEDINGS</b>		Human Rights in Nigeria.	
		Question by Senator Cordy.	
<b>The Estimates, 2012-13</b>		Hon. Claude Carignan (Delayed Answer) . . . . .	1768
Main Estimates—Reports on Plans and Priorities Tabled.		<b>Answers to Order Paper Questions Tabled</b>	
Hon. Claude Carignan . . . . .	1764	International Trade—Trade Negotiation.	
		Hon. Claude Carignan . . . . .	1769
<b>Commissioner of the Environment and Sustainable Development</b>		Environment—Greenhouse Gas Emissions.	
Spring 2012 Report and Addendum Containing Environmental		Hon. Claude Carignan . . . . .	1769
Petitions Received under the Auditor General Act Tabled . . . . .	1764	<hr/>	
		<b>ORDERS OF THE DAY</b>	
<b>Canada-Europe Parliamentary Association</b>		<b>Charter of Rights and Freedoms</b>	
Meeting of the Standing Committee of Parliamentarians		Inquiry—Debate Continued.	
of the Arctic Region, February 14, 2012—Report Tabled.		Hon. Jim Munson . . . . .	1770
Hon. Consiglio Di Nino . . . . .	1764	Hon. Bert Brown . . . . .	1772
<b>Aboriginal Peoples</b>		<b>The Senate</b>	
Notice of Motion to Authorize Committee to Refer Papers and		Motion to Urge Government to Make Sporting Facilities	
Evidence from Previous Study on Bill S-11 during Third Session		Available One Day Annually at a Reduced	
of Fortieth Parliament to Current Study on Bill S-8.		or Complimentary Rate—Debate Continued.	
Hon. Gerry St. Germain . . . . .	1764	Hon. Daniel Lang . . . . .	1774
		Hon. Jim Munson . . . . .	1774
<b>National Security and Defence</b>		Hon. Yonah Martin . . . . .	1775
Notice of Motion to Authorize Committee to Refer Papers		<b>National Finance</b>	
and Evidence from Study on Bill S-13 during Third Session		Committee Authorized to Study Tax Consequences of Various	
of Fortieth Parliament to Current Study on Subject Matter		Public and Private Advocacy Activities Undertaken by Charitable	
of Bill C-38.		and Non-charitable Entities—Debate Adjourned.	
Hon. Pamela Wallin . . . . .	1764	Hon. James S. Cowan . . . . .	1776
		Hon. Daniel Lang . . . . .	1777





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