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(HANSARD)

**Wednesday, February 11, 2004**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Wednesday, February 11, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

THE LATE RIGHT HONOURABLE  
ROBERT L. STANFIELD, P.C., Q.C.

**The Hon. the Speaker:** Honourable senators, I wish to advise that I have received, pursuant to our rules, a letter from the Honourable Senator Lynch-Staunton, Leader of the Opposition in the Senate, requesting that we provide for time this afternoon for tributes to the Right Honourable Robert L. Stanfield, P.C., Q.C.

[*Translation*]

Mr. Stanfield died on December 16, 2003. Tributes to the Honourable Robert Stanfield.

[*English*]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, there is nothing more revealing of the impact that Robert Stanfield and his legacy continue to have on Canadians than the fact that nearly a quarter of a century after leaving public life to retire to the most private of lives, he continues to be remembered so vividly and warmly.

One did not have to be long or often in his presence to recognize how uniquely privileged Canadians were to have in politics, where too often party and personal ambitions come before the public interest, a man who never hesitated to always put his country first, no matter how tempting it must have been to do the opposite, such as when the Pearson government was defeated on a budget bill in February 1968.

[*Translation*]

Despite fierce opposition within his own party, he never wavered in his complete support for the principle of bilingualism and the recognition of Quebec as a distinct society within Canada.

[*English*]

Robert Stanfield was fiscally conservative, socially progressive, and respectful of provincial jurisdiction. May those who aspire to follow in his traces not deviate from the path that so many continue to take because of his inspired and compassionate leadership.

**Hon. B. Alasdair Graham:** Honourable senators, it is sad but true that many Canadians often mistakenly think of the recently departed Robert Stanfield only as the man who lost three epic elections to the Trudeau Liberals.

I had the privilege and great pleasure of knowing Robert Stanfield for many years. His warmth and folksiness were legendary, as was the huge, compassionate heart of this independently wealthy Red Tory.

Today I want to reflect on the late Dalton Camp's oft-quoted comment that Robert Stanfield "may be too good for politics." That reflection was, with the greatest respect to Dalton, inaccurate.

Tough-minded, disciplined and possessed of remarkable intellectual flexibility, the man who became an icon in my province brought civility, honour and a new respect for the political playing field, yet he was also a gifted tactician and a masterful strategist in battle. There is a great deal of credence in the very worthy observation that Robert Stanfield bore a "Lincoln-like" persona. I can attest to that as I have personally witnessed the formidable combination of his down-home style and chivalrous, yet indomitable, command in the field.

I was a casualty of the 1958 federal election in Antigonish-Guysborough in which Mr. Stanfield campaigned personally for the Progressive Conservative candidate. As all honourable senators will remember — particularly those from Nova Scotia — teenagers were allowed to run in those days. Stanfield said I was not ready and too many people believed him. Even though the Right Honourable Lester Pearson came out to speak at a rally in support of my campaign, the historic tide of the Diefenbaker sweep plus the magic of Robert Stanfield and, of course, my own personal inadequacies ensured my defeat.

Stanfield would go on to win four majority governments in Nova Scotia. Later, in 1972, I was part of another army that fought the good fight under the leadership of Pierre Trudeau and barely squeaked by with a narrow victory over the man whom Dalton said was "too good for politics." That might have changed history in Canada; the margin of victory was two seats.

This complex figure in our history brought principles, grace and dignity to the national stage. The great bard once wrote, "He was a man, take him for all in all, I shall not look upon his like again."

How fitting a tribute to a fine Canadian and Nova Scotian whose example, dedication and high standards made politics a better place to be. To his wife Anne and their extended family, we extend our expression of profound gratitude and the deepest sympathy.

**Hon. John Buchanan:** Honourable senators, in May of 1967, I was honoured and privileged to run as a candidate in the provincial election as a "Stanfield man." Many here would recall those elections. We certainly were Progressive Conservative candidates, but our posters, labels and pins stated, "I'm a Stanfield man." Unfortunately, back then there were no women running for any political party in Nova Scotia. That has changed now, of course. In that election, our party won 40 of the 46 seats in Nova Scotia. I was fortunate to be one of the winners.

Mr. Stanfield was first elected as a MLA in 1949. He was instrumental in building the Progressive Conservative Party from two MLAs in that election to forming the provincial government in 1956. As Senator Graham mentioned, following that he won elections as premier in 1960, 1963 and 1967.

• (1340)

During my 19 years as leader of the party in Nova Scotia and 13 years as premier of Nova Scotia, I always cherished his wise advice. I had the opportunity, through the 1970s and the 1980s, to introduce Mr. Stanfield — RLS, as he was affectionately called — on many occasions throughout the province, and I always referred to him as “the greatest prime minister this country did not have.”

He will be remembered for years as one of the great Nova Scotians of the last half of the 20th century. He was honoured by many universities with honorary doctorate degrees. He was a man of great integrity and intelligence, and his life was committed to dedicated service to his province and his country.

His legacy will also be the sense of social consciousness he brought to this country, unparalleled until his time. He will be sorely missed in Nova Scotia and in the entire country. We extend our deepest sympathy to Anne and the family.

**Hon. Sharon Carstairs:** Honourable senators, I rise to pay tribute to the late Honourable Robert Stanfield — who I knew, I suspect, in different ways than others in this chamber. I remember him as the father of Sarah — who was my contemporary — Max, Judith and Mimi. I remember him as a proud gardener at his home on Gorsebrook Avenue in Halifax.

I remember one day entering the kitchen of our home and finding my mother in tears, as she had just learned that Mr. Stanfield’s first wife, Joyce, had been killed in a dreadful car accident. I also remember the day he married Mary Hall, and how very pleased my parents were that these two special people had found each other.

I do not know his wife, Anne, but I offer her my sincerest condolences.

Mr. Stanfield was in the Nova Scotia legislature at the same time as my father, from 1948 until my father came here in 1955. I knew Mr. Stanfield as the Leader of the Opposition. I remember the 1956 election when he became premier. As Senator Murray will know, that election evoked mixed reactions in my family.

Robert Stanfield served his native province and his country extremely well. We all have our political beliefs — I did not vote for him at either the provincial or federal levels — but that in no way influenced the enormous respect I had for this man, who reflected all of the very best characteristics of public service.

My nephew, Ted, who lives with me while going to the University of Ottawa, lives on Henry Street in Halifax, across the street from Mimi and her family. Therefore, the family connection continues to this day. Ted and I both wanted to go to the funeral, but we respected the notice I received in my office that it was to be

a private affair. We were there in spirit, and I wish to express our sincerest condolences to the extended family.

**Hon. Marjory LeBreton:** Honourable senators, I rise to pay tribute to the Honourable Robert Lorne Stanfield. As you know, I have been involved in the Conservative party for a long time. I met Mr. Stanfield at annual meetings in the early 1960s, and I got to know him well because I was one of four people who worked with him at the Chateau Laurier Hotel before he took his seat in Parliament. He won a by-election in November 1967, having won the leadership in September. His wife, Mary, was at the Chateau Laurier Hotel with him. The other three people who worked with him at the hotel were Senator Murray, Joe Clark, and Bernard Flynn, who is now a judge in Quebec. I managed his office until he took his seat in the House of Commons.

Never in my political life have I met another person of such honesty and decency as Robert Stanfield. It is true that he was the best prime minister we never had. I will never forget the 1972 election night, when the CBC had the colour blue at the top of the screen. It was one of the most exhilarating nights I had ever experienced in politics.

Mr. Stanfield had a tremendous sense of humour — although most people did not know that.

He was the right man at the wrong time. Canada was just emerging from the flower child era. Mr. Trudeau had just won the Liberal leadership, and Mr. Stanfield, in his thoughtful, pondering way, could not match the television image of Mr. Trudeau, which is indeed a pity.

As many people have mentioned, Mr. Stanfield was a tremendous gardener. He was particularly successful with roses, and I remember his rose gardens in Halifax. I can grow anything but a rose. Mr. Stanfield spent many hours trying to teach me soil composition, et cetera, but to this day I cannot keep roses alive in my garden.

Mr. Stanfield’s wife, Anne, was a wonderful soulmate to him for 25 years. His first wife, Joyce, was killed in a tragic automobile accident, and his second wife, Mary, died of cancer. We used to joke that he was a great believer in the institution of marriage, and he always seemed to marry his wife’s best friend. Anne Stanfield is a wonderful, loving mate, and I am sure that she kept him alive longer than he normally would have lived.

To his wife, Anne, and his children, Sarah, Max, Judy and Mimi, I express my sincere condolences. We will greatly miss him.

**Hon. Terry M. Mercer:** Honourable senators, it is rather ironic that my first speech in this chamber would be to honour Robert Lorne Stanfield. My first acquaintance with Mr. Stanfield was when I was a student in grade five. I went on a yearly visit to the Nova Scotia legislature and sat in the gallery and watched a very heated debate. I do not remember much of the actual words, but I do remember the subject, which was whether Nova Scotia should be allowed to use coloured margarine. I know that debate raged in other parts of the country as well. It was a rather funny debate, and I found myself siding with Mr. Stanfield’s argument, although my family doctor, who was a Liberal member at the time, chastised me later.

My main recollection of Mr. Stanfield, however, was through my father-in-law, who was a lifelong Progressive Conservative. I have converted the family since then. My father-in-law, who was a taxi driver in Halifax, spoke highly of Mr. Stanfield. He would tell me of seeing Mr. Stanfield walk to work daily, a testament to the fact that Mr. Stanfield was a simple, basic and good human being. When it would rain, my father-in-law would pick him up and drive him to the legislature — at no charge, of course, because my father-in-law was a Tory. After their conversations in the car, my father-in-law would relate how warm and caring Mr. Stanfield was.

The Stanfield legacy in Nova Scotia will be very hard to match by any premier, before or since. In Nova Scotia, there seem to be two great icons as premiers: Angus L. Macdonald, a Liberal, and Robert Stanfield, a Tory. We should all aspire to be remembered as well as Robert Stanfield is remembered today.

To his family, I offer my condolences.

**Hon. Norman K. Atkins:** Honourable senators, it is a privilege for me to join with colleagues on both sides of the chamber to celebrate the life and contribution to Canada of the Right Honourable Robert L. Stanfield. However, it would not be fitting to pay tribute to Bob Stanfield without calling to mind two others who, for me, played an integral role in his life and, therefore, mine, throughout our long association. Those two others, whose passing we have also marked in this place, are Dalton Camp and Finlay MacDonald. If there is a political heaven other than the Senate, and I devoutly hope there is, the discussions among these three would undoubtedly surpass any political talk show we have down here.

• (1350)

Senator Lowell Murray, in his eulogy at Mr. Stanfield's funeral, referred to him fittingly as a man of civility, humanity and integrity who adorned our national life in Canada. I agree.

Few people would know that as a young man RLS was an outstanding student and athlete, which set the stage for his strong principles and values — indeed, for his overall character. He was a person who valued his opponents and treated them with dignity. He had a tremendously dry sense of humour and wit, which he often utilized to defuse various situations.

I worked with him, or for him, in every electoral leadership campaign he undertook from 1953 in Nova Scotia to 1974 federally. I was fortunate to have him as a leader and a friend.

Perhaps more than anyone, RLS personified for me what it meant to be a member of the Progressive Conservative Party. His political philosophy was founded on sound fiscal management, a concern which gave birth to his wage and price controls policy in the 1974 federal election. Combined with that fiscal conservatism came a humanity that he derived from his roots in Nova Scotia. His concern for the plight of the poor, for the minorities, in particular the Black minorities in Nova Scotia, for the French

language minorities in Canada and the need to retain Quebec's place within Canada transcended all his thinking on social policy. He truly believed that it was the role of government to ensure equality of opportunity for all Canadians.

It is remarkable that this modest, self-effacing man has, without trying, left a legacy of integrity in public life, a legacy of leadership and of doing the right thing and not that which is most politically expedient.

I suppose one of his greatest disappointments came in the results of the two federal elections in 1972 and 1974. Even then his concern for others came through in his comments. In a letter to me in his own virtually indecipherable handwriting, written shortly after the 1972 election, he lamented that "the Grits were lucky the campaign did not last another week — we will have to do this job in two stages." When the results of the 1974 election were so disappointing and he decided, in 1976, to retire, he rejected my entreaties to remain as leader and wrote to me expressing concern about my feelings, putting his own disappointment behind him.

Honourable senators, Nova Scotia, Canada and our political system are richer because of his presence. He gave unselfishly of himself to this country, his province and those who knew him. I am indeed fortunate to have known him for over 50 years.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak to the memory of the Right Honourable Robert Lorne Stanfield.

Robert Stanfield was born on April 11, 1914, in Truro, Nova Scotia. His parents were Frank and Emma Stanfield. His dad was a dedicated public servant who himself was elected to the provincial legislature of Nova Scotia four times, as well as serving as Lieutenant-Governor of our province.

Robert Stanfield began his political career in 1948 when he was elected Leader of the Progressive Conservative Party of Nova Scotia. He was subsequently elected to the House of Assembly in 1949 and re-elected in the general elections of 1953, 1956, 1960, 1963 and 1967. When he took over the Progressive Conservative Party, it had no seats in the legislature. He led the party to power, serving 11 years as our premier. During that time, he also served as Minister of Education.

I attended Queen Elizabeth High School in Halifax where his daughter Sarah was a classmate of mine. While walking to school along Robie Street, one often encountered Mr. Stanfield walking to work. He was always cordial to the young people. He would turn right on University Avenue or Spring Garden Road and head downtown toward his office at Province House.

Mr. Stanfield perhaps enjoyed his best years as a politician in Nova Scotia. His contributions to the province, at a time when the economic outlook was anything but bright, included leaving our province with an industrial base, something which had, until that time, passed by Nova Scotia.

[ Senator Mercer ]

As Minister of Education, Premier Stanfield also left a lasting legacy. The education system was improved through offering Nova Scotia's students not only a better quality of education but also a better rounded one, serving the needs of all students.

Nearer to my heart, Robert Stanfield initiated the first provincial transfers to universities in Nova Scotia. He also initiated a program whereby the province would pay up to 90 per cent of the costs of university buildings, a great contribution to education and to the future of our province.

Mr. Stanfield's home at the very south end of Robie Street was called "The Oaks." Appropriately enough, it is now owned by an education institution, St. Mary's University, and houses my alma mater's Department of International Activities.

In 1967, Mr. Stanfield left Nova Scotia and contested the leadership of the federal Progressive Conservative Party at its convention. He was successful in this, as he defeated Duff Roblin on the strength of a dramatic fifth ballot victory.

Robert Stanfield's days in Ottawa were not as successful as those in Nova Scotia. The moment of ultimate national success narrowly missed his grasp.

It has been mentioned many times that Robert Stanfield might have been a more successful politician if he had been less considerate of other people and their opinions. I do not know what that says about other politicians, but I do know what it says about Mr. Stanfield. He was a person of outstanding quality who harboured strong personal values and was a man dedicated to his family, his province and his country. His family has my deepest sympathy.

**The Hon. the Speaker:** Honourable senators, there are approximately four minutes remaining in the time allotted for Senators' Statements. I have on my list the Honourable Senators Oliver, Di Nino, Banks and Rivest.

As well, there are tributes to be paid to Claude Ryan. I will allocate the remaining four minutes to those tributes.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, if His Honour canvassed the house, he would find unanimous consent for an extension of the time allotted for Senators' Statements.

**The Hon. the Speaker:** Honourable senators, the provisions of our rules are clear in that such a request can be made by the whip, which I will take from Senator Stratton. Unanimous consent is required.

Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** I will continue with those senators on my list who wish to pay tribute to Robert Stanfield.

**Hon. Donald H. Oliver:** Honourable senators, I first met Mr. Stanfield in 1957 in Wolfville where I was a student in history at Acadia University. For the decades that followed, I was

privileged to work with him and support him in a number and a variety of causes. If there is anything positive in any of the principles I exhibit in public life, I have no hesitation in attributing them to the influence Mr. Stanfield had on me.

There is a great deal that could be said about Mr. Stanfield, the statesman, the academic, the lawyer and the premier, but the quality that I think best exemplifies what he means to Canada was his sense of public duty. He personified what is great about people in public service. He always put the state and the people before himself. To him, public service was being able to provide the best that the state can offer to all people, irrespective of their age, race, religion, colour or geography.

Honourable senators, Robert Stanfield also had a common touch and never held himself out to be higher or better than any other Canadian. This is the mark of a true statesman and a great public servant.

**Hon. Consiglio Di Nino:** Honourable senators, I did not know Robert Stanfield as well as some of my other colleagues on both sides of this chamber, but in the last 10 years, I had a number of occasions to be with him and to get to know the man. I have scribbled down a few words concerning what this gentleman, one of Canada's greatest heroes, represented to me.

• (1400)

He had integrity at the highest level. He had compassion, undoubtedly. He was a visionary. He had a vision of Canada that was fair and balanced.

He was a very principled man, a man who I think will go down in history as someone who taught us, particularly in the political world, how to behave in our responsibilities as public servants.

I will tell honourable senators two tales about Robert Stanfield from my experiences with him. On two occasions in the last few years, I asked him to speak to small groups of young people in my office. He accepted graciously, and he left an impression that I believe will impact these young people in their future endeavours, particularly of what it means to be someone who serves the public.

The other story surrounds a by-election in Vanier, Ottawa. He and I were canvassing on behalf of the Conservative candidate at that time. It was a blustery night, with five to seven inches of snow. We were going down the street, he on one side and I on the other. I knocked on a door and a gentleman answered. Having done this before, I said, "I am canvassing with Mr. Stanfield on behalf of so and so, and Mr. Stanfield is on the other side of the street talking to your neighbours." The gentleman said, "Mr. Stanfield? Is he really here?" I said, "Yes. Look. He is over there on the other side." He ran out of his house and over the street to say hello to Mr. Stanfield. I said to him, "Sir! You have no shoes on." In his socks, in a snowstorm, he chased down Mr. Stanfield and stood to talk to him for a couple of minutes.

Honourable senators, this is the man that I knew briefly, not as well as others, and the man that I came to respect and love as a great Conservative and a great Canadian.

[*Translation*]

**Hon. Jean-Claude Rivest:** Honourable senators, it is the duty and responsibility of all Quebecers to pay special tribute to Mr. Stanfield. Unfortunately, I never had the pleasure of meeting him. It is rather surprising that two great Canadians, Mr. Stanfield and Mr. Ryan, should leave us in the space of a few short days. As we know, they were close and long-time friends. They saw each other often until just a few months ago.

In tribute to Mr. Stanfield, I would like to speak about his vision and his commitment to Canada's linguistic duality and the defence of minority rights. I would like to lay particular emphasis on his view that the presence of French-speaking Canadians is a significant part of Canada's unique identity.

As a Quebecer, I would also like to point out that Mr. Stanfield was one of the few Canadian political leaders in the 1960s and 1970s who — far from fearing the emergence of a distinct and unique Quebec identity across Canada — saw in the renewed vigour, the modernization and the explosion of values of Quebec and Quebecers a positive component in the building of the Canadian identity. Mr. Stanfield was never afraid of Quebecers standing up and claiming their place within the Canadian federation. On the contrary, in his speeches and in his attitudes, he was always receptive toward the emergence of Quebecers and Quebec society in a way that would enhance the cultural personality of Canada.

That vision, of course, was shared by all the leaders of the Progressive Conservative Party up to Mr. Clark. I hope that the new Conservative Party will take inspiration from Mr. Stanfield's vision.

[*English*]

**Hon. Gerald J. Comeau:** Honourable senators, I think most people who have wanted to serve the public in elected office have selected a model to follow during their career in politics. I will not hide mine. He was the Right Honourable Robert Stanfield. I was stamped early with Stanfield — I would almost call it “worship.” My dad took me to political rallies when I was a very young boy. He was trying early on to ensure that I would become a lifelong Tory, and he was quite successful. When I finally decided to put my name up for election, I was asked by the powers that be in Ottawa — Senators Atkins, Murray and LeBreton would probably remember this — who I wanted to campaign with me. In both the 1984 and 1988 elections, my choice was Robert Stanfield. In those campaigns, I was lucky enough to have Robert Stanfield as my principal campaigner. He was a delight to watch on the campaign trail. Anyone who campaigned with him was struck not by his bombast but by the way he related to people. He had a natural ability to interact with and to pick up the concerns of people. He was very genuine.

Earlier, Senator Carstairs indicated that she did not know his wife, Anne, but I had the opportunity to campaign with Anne because she accompanied him on my campaigns as well. I will

never forget the time we were tromping around fish plants in southwestern Nova Scotia. I advised Anne, “Look, you will be walking into a fish plant where lots of fish guts and water will be flowing around on the floor.” She still insisted on going into the plants. There was Anne Stanfield with fish guts flowing into her shoes. It was fun to watch. I still talk to her about it every once in a while.

Honourable senators, Bob Stanfield was a giant in many circles. Senator Rivest alluded to his respect for minorities, especially the Acadians in Nova Scotia. He was an inspiration to us at that time, when we were struggling to keep our language alive. Bob Stanfield was ready to back us up. He was a hero when I was a young boy, and he will always be a hero to me and a great model for all of us in elected office.

I wish to extend to Anne and her family my deepest condolences on their great loss, but we will always have the great memories.

[*Translation*]

#### THE LATE CLAUDE RYAN

**Hon. Serge Joyal:** Honourable senators, following the recent death of Mr. Claude Ryan, we want to express to his family and friends our most sincere condolences, as well as our appreciation and gratitude for his involvement and his determination in defending the Canadian option during one of the most critical times in the history of our country.

Mr. Ryan believed deeply in Canada and in its ability to evolve to ensure the broadest rights and freedoms to its citizens. However, he was also firmly convinced of the special needs of Quebec, and he defended them with a passion.

His involvement in Canadian affairs began in the 1960s, during the conference on the Canada of the future.

His greatest concern, and one he never lost sight of, was the foundations on which Canada is built, and how these foundations should be adapted to take into account the differences that characterize Quebec.

• (1410)

There has not yet been an objective and comprehensive study of the evolution of his constitutional views. However, for 40 years, Claude Ryan gave unstintingly of himself, taking a clear and rational position at all stages of the national debate, bringing his own credibility and uprightness to bear in the defence of his beliefs. Those 40 years saw the Victoria charter, in 1971; the Pépin-Robarts report; the beige paper published under his leadership when he became leader of the Quebec Liberal Party; his powerful speeches during the first referendum campaign, in 1980; the Yvettes movement, in which his wife Madeleine played an active role; the heartbreaking debate within the QLP when the Constitution was patriated; the Meech Lake Accord; the referendum on the Charlottetown Accord; the 1995 referendum; and, more recently, the social union agreement.



We must also pay tribute to Mr. Ryan's unique contribution to the quality of the public debate. He used the full range of his intellect, his great analytical talent, his extensive knowledge of the history of our country and his skills as a writer to explain to his fellow citizens why Canada remains the best option for the society that Quebec and Canada aspire to become.

Mr. Ryan made a remarkable contribution to the democratic life of our country by ensuring that our differences could be reconciled in civilized public debate, in compliance with the rules of ethics and in an atmosphere of respect. Quebec has lost a great patriot and Canada, a true friend. May his example serve as a guide to us in the years to come.

**Hon. Gérald-A. Beaudoin:** Honourable senators, we have lost a great man, one who has left his mark on religion; on journalism, through his years at *Le Devoir*; and on political life. His accomplishments were many. Intelligent, profound, and well-informed, he left no one indifferent.

On Monday, we heard a tribute on Radio-Canada to Mr. Ryan by 95-year-old Gérard Filion. In his estimation, Claude Ryan's career in journalism was where he was most productive. He praised Ryan's remarkable talent for analyzing ideas. He was, without a doubt, one of the great journalists of our time.

Lise Bissonnette described him as fair to a fault, and *Le Devoir* spoke of how he threw himself into every debate. Such was the measure of the man.

The Quiet Revolution in Quebec and the clash of Pierre Elliott Trudeau and René Lévesque in May of 1980 on the national stage had a profound impact. Claude Ryan lived during these times and he left his own indelible mark on them.

A man of faith, a free thinker with an open mind, a man who demanded a great deal of himself and of others, he brought about many changes and encouraged us to reflection. I will never forget our meetings in his office where we exchanged views on constitutional issues and on my numerous contributions on the topic to *Le Devoir* over the years. We had many a discussion on constitutional matters, and he always let me know exactly what he thought.

Claude Ryan left a huge body of written work, and it is perhaps his writings, his books, that will remain in our memory the longest. A man of courage and single-mindedness, of great depth and great talent which he put to good use.

Claude Ryan was a philosopher and a thinker and we thank him from the bottom of our hearts.

[English]

**Hon. Jeremiah S. Grafstein:** Honourable senators, I rise to pay tribute to the late Claude Ryan. Suddenly, Quebec and Canada have suffered an irretrievable loss: the resonating, meticulous, fair-minded voice of Claude Ryan, an unforgettable Canadian, a thoughtful advocate of Quebec's interests within Confederation and a staunch advocate of Canada.

When history of this era is written, it will paint a prominent portrait and clear a place for Claude Ryan. Many of us bore witness to that era and followed Claude Ryan's opinions with great care. Quebec produced a most remarkable generation, especially five powerful individuals who began as activists, critics and journalists and emerged as powerful political leaders. In the process, these five individuals changed the course of history: Pierre Trudeau, René Levesque, Jean Marchand, Gerald Pelletier and Claude Ryan. All could trace their affiliation to l'Action catholique canadienne and all were acquaintances, if not friends, and all became antagonists.

Each approached the idea of Canada in different ways. Their internal debate became our national debate, and each was a devout democrat. All five were deeply influenced by two great thinkers: Cardinal Newman, a well-known Catholic philosopher, and one unknown Canadian thinker, Fernand Cadieux.

Mr. Cadieux was born in New Brunswick, settled and worked in Montreal as a teacher, then came to Ottawa in 1968 as a resident thinker in the Trudeau government. Each Wednesday evening, at the bar in the Chateau Laurier, Cadieux would hold forth, with a drink and cigarette in hand and, like Socrates, talk and teach and dazzle his circle of acolytes. Cadieux deeply influenced each of these five famous men with his ideas, which, like Marshall McLuhan's, addressed the clash between the power of the media and the power of politics. The impact of television and radio lay at the heart of his ideas.

Cadieux died suddenly and tragically. Claude and I, as friends, attended his funeral in Ottawa. At the funeral, I asked Claude why French Canadians had not written about Fern and why Fern, who had not left a written record, was not noticed in the French press for his wide and pervasive influence. Ryan suggested that I write such a piece for *Le Devoir*. I told him that my French was not adequate and, therefore, I was not up to the task. "Not to worry," said Claude, "you write it in English, and I will translate it myself and publish it in *Le Devoir*," which he did several days later.

Claude Ryan was interested in and open to ideas but he was unbending in his analyses, unremitting in his opinions, always honest about the facts and always, always a democrat. Canada has lost a great mind and a great Canadian. I regret that we will never see the likes of him and his colleagues of that era again.

His passing marks the end of an era of great Canadian history. Canada will miss him and so will I.

**Hon. Lowell Murray:** Honourable senators, my most enduring memory of Mr. Claude Ryan — long before I had the opportunity to make his personal acquaintance — was of him travelling to the farthest reaches of this country for almost 20 years beginning in the 1960s. He visited university campuses, spoke to service clubs, and took part in countless panel discussions on television and radio to try to explain the Quiet Revolution, what was happening in Quebec, and what it meant for the country as a whole.

During this time, he endured questions and comments from his interlocutors that must have seemed astonishing to him, but he answered them directly and sincerely with the patience of a saint, with generosity, kindness and a wonderful sense of humour. In so doing, he made himself a wonderful Canadian interlocutor for the continued existence and harmony of this country.

[Translation]

As a result, he also acquired an in-depth knowledge of Canada in all its diversity. He became a great spokesperson for this country and for Canadian unity and harmony.

[English]

It was with great sadness that I learned of his death the other day.

A couple of months ago, on the occasion of Mr. Stanfield's passing, he sent me a message to be transmitted to the Stanfield family. It was a short but touching tribute in appreciation of Mr. Stanfield's life. A few moments later, there arrived another e-mail from him. He had found one word in the English translation of his note that had been poorly translated. He asked me to please put the original message aside and replace it with this new message. He was fastidious and scrupulous to the end about words and their meaning.

• (1420)

## ROUTINE PROCEEDINGS

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Tommy Banks:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 71.)

### AGRICULTURE AND FORESTRY

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Donald H. Oliver:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 73.)

[ Senator Murray ]

## TRANSPORT AND COMMUNICATIONS

### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Joan Fraser:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 74.)

## STATUTES REPEAL BILL

### FIRST READING

**Hon. Tommy Banks** presented Bill S-11, to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

Bill read first time.

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

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

## ABORIGINAL PEOPLES

### NOTICE OF MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE

**Hon. Nick G. Sibbeston:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the Thirty-seventh Parliament, be adopted and that pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skill Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health and Industry, and the Federal Interlocutor for Metis and Non-status Indians being identified as Ministers responsible for responding to the report.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CHAPTER 8 OF AUDITOR GENERAL'S NOVEMBER 2003 REPORT

**Hon. Pat Carney:** Honourable senators, I give notice that on Friday next, February 13, 2004, I will move:

That Chapter 8, entitled: *Indian Affairs and Northern Development Canada — Transferring Federal Responsibility to the North* of the November 2003 Report of the Auditor

*General of Canada to the House of Commons*, tabled in the Senate of Canada on February 10, 2004, Sessional Paper No. 3/37-18, be referred to the Standing Senate Committee on Aboriginal Peoples for consideration and report; and

That the Committee submit its final report no later than June 23, 2004.

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

### CONSTITUTION ACT, 1867

#### NOTICE OF MOTION TO AMEND SECTION 16

**Hon. Jean-Robert Gauthier:** Honourable senators, I give notice that on Friday, February 13, 2004, I will move that:

Whereas section 43 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Now therefore the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

#### SCHEDULE AMENDMENT TO THE CONSTITUTION OF CANADA

1. Section 16 of the *Constitution Act, 1867* is replaced by the following:

“16. (1) Until the Queen otherwise directs, the seat of government of Canada shall be Ottawa.

(2) In the seat of government of Canada, any member of the public has the right to communicate with, and to receive available services from, the government of Ontario and the City of Ottawa in English or in French.”

#### CITATION

2. This Amendment may be cited as the “Constitution Amendment, [year of proclamation] (Seat of government of Canada)”.

[*Translation*]

### OFFICIAL LANGUAGES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Maria Chaput:** Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Official Languages be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Maria Chaput:** Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[*English*]

### AGRICULTURE AND FORESTRY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY PRESENT STATE AND FUTURE  
OF AGRICULTURE AND FORESTRY

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada; and

That the Committee submit its final report no later than June 30, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO CONTINUE STUDY ON DEVELOPMENT AND  
MARKETING OF VALUE-ADDED AGRICULTURAL,  
AGRI-FOOD AND FOREST PRODUCTS

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the issues related to the development and marketing of value-added agriculture, agri-food and forest products, on the domestic and international markets;

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

That the Committee submit its final report to the Senate no later than June 30, 2004, and that the Committee retain, until July 31, 2004 all powers necessary to publicize its findings.

[Translation]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY CHAPTERS 1-4 OF THE NOVEMBER 2003  
REPORT OF THE AUDITOR GENERAL

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that on Friday, February 13, 2004, I shall move:

That Chapter 1, *Information Technology: Government On-Line*, Chapter 2, *Accountability and Ethics in Government*; Chapter 3, *The Sponsorship Program*; and

Chapter 4, *Advertising Activities*, of the November 2003 *Report of the Auditor General of Canada to the House of Commons*, tabled in the Senate of Canada on February 10, 2004, Sessional Paper No. 3/37-18, be referred to the Standing Senate Committee on National Finance for consideration and report; and

That the Committee submit its final report no later than June 23, 2004.

• (1430)

[English]

CULTURE OF LIBERAL GOVERNMENT

NOTICE OF INQUIRY

**Hon. Marjory LeBreton:** Honourable senators, I give notice that on Friday next, February 13, 2004, I will call the attention of the Senate to the culture of corruption pervading the Liberal government currently headed by Prime Minister Paul Martin.

[Translation]

PRIME MINISTER'S TASK FORCE  
REPORT ON SENIOR CITIZENS

NOTICE OF INQUIRY

**Hon. Marisa Ferretti Barth:** Honourable senators, pursuant to rule 57(2), I give notice that, on Friday, February 13, 2004:

I shall call the attention of the Senate to the report of the Prime Minister's Caucus Task Force on Seniors.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—  
PRESENTATION OF PETITION

**Hon. Jean-Robert Gauthier:** Honourable senators, I am pleased to table a petition bearing 1,000 signatures, bringing the total to 23,834 calling for Ottawa, the capital of Canada, to be a bilingual city reflecting the linguistic duality of the country.

A petition is an official request addressed to the Canadian Parliament and must therefore be taken seriously. It is also an instrument that has an impact on the policies and laws of Parliament.

It is high time that the Senate adopted some rules and follow-up procedures to ensure that these petitions receive the serious attention they deserve.

[English]

## QUESTION PERIOD

### NATIONAL DEFENCE

#### AUDITOR GENERAL'S REPORT— PURCHASE OF EXECUTIVE AIRPLANES

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate and pertains to the Auditor General's revelations about the government's decision to bypass government regulations and procedures when it purchased two Challenger jets from Bombardier on a sole-source contract basis.

It is clear there was no need for the new aircraft in the VIP fleet. At the time of the \$101 million purchase, the existing VIP fleet was assessed as having a reliability and an availability rating of 99.1 per cent and 99.4 per cent respectively. The Department of National Defence said it had no plans to replace these aircraft until 2010. As the Auditor General stated in her report:

The decision to buy the two aircraft was not supported by the normal analysis and review usual for such a contract. Because of the lack of adequate analysis to support this acquisition, we concluded that the government was not able to demonstrate due regard for economy in this purchase.

The source of that quote is on page 15, chapter 10 of the Auditor General's report.

Why did this government demonstrate such arrogance and lack of due diligence for the rules when it bought the Challengers from Bombardier?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I want to begin by raising a question of privilege with respect to the inquiry just proposed. This is my first opportunity. The word "corruption" is unparliamentary, and I would ask that it be withdrawn.

**The Hon. the Speaker:** Senator Austin has risen on a question of privilege. Privilege is governed by our rules, and the first opportunity to deal with the matter will be tomorrow. The honourable senator should give written notice if he wishes to raise the matter as a question of privilege.

From time to time, requests are made by senators to withdraw. I would give Senator LeBreton the floor, and we will deal with the matter of privilege tomorrow in accordance with our rules and with the proper notice.

Does Senator LeBreton wish to respond? We are in Question Period, and it is her question.

**Senator LeBreton:** Honourable senators, I do not believe the word "corruption" is unparliamentary, and I would like an answer to my question.

**Senator Austin:** Honourable senators, the proper phrase should be "alleged," and there is no allegation and no proof. The Auditor General's report can be taken as it is read. The Auditor General raised very substantial issues that are now the subject of an inquiry and procedures in the other place. The RCMP is now dealing with some of the issues.

I gather that Senator LeBreton, by raising her inquiry, would like to defer questions with respect to the Auditor General until we hear the subject matter of the inquiry on Friday.

**Senator LeBreton:** Honourable senators, that was a nice try. The honourable senator will have to wait until he hears my speech, but that does not preclude him from answering my questions about a serious matter regarding how the government bought two aircraft when the Sea King helicopters are falling out of the sky. I would appreciate an answer to the question about who is the expert in the Privy Council Office who can overrule the Department of National Defence on specifications to buy aircraft.

**Senator Austin:** I believe the honourable senator would have read that part of the Auditor General's report and would be familiar with the views of the Auditor General and also with the response of the Privy Council Office. If she needs more, I will wait until Friday to hear what she needs.

**Senator LeBreton:** Honourable senators, in a radio interview this morning, the Auditor General questioned the \$100 million purchase of the aircraft. If the government can spend \$100 million without following due process, she wondered what ordinary, lower level public servants think when they deal with amounts like \$5,000.

I would like to know who in the Privy Council Office or in the Prime Minister's Office had the expertise to make the decision to buy two executive aircraft over the heads of the Department of National Defence, which was against this purchase?

**Senator Austin:** Honourable senators, I would like to inquire of Senator LeBreton whether her allegation of corruption relates to this particular issue.

**Senator LeBreton:** Honourable senators, I am not the government and therefore cannot answer the questions. With my inquiry, I intend to deal with many things, such as the treatment of François Beaudoin by the Business Development Bank of Canada, and Jean Carle being hired as the Executive Vice-President of the BDC — Mr. Beaudoin being told to hire Jean Carle, by the way, in a box at a hockey game. Pelletier orders Beaudoin to hire Carle. I have a great deal of material for my speech. It is not in relation to these aircraft.

It is a simple question: Who in the Prime Minister's Office or the Privy Council Office has the expertise to overrule the Department of National Defence when buying aircraft?

**Senator Austin:** Honourable senators, I am not prepared to answer an allegation of corruption unless Senator LeBreton withdraws that allegation with respect to the purchase of the two Challenger 604 aircraft. I would rather wait until I hear all of what she has to say in this chamber on Friday, and then we will deal with it comprehensively.

**Senator LeBreton:** Honourable senators, the words I used in my inquiry were “culture of corruption,” which are wide-ranging. It has nothing to do — although this is a questionable thing in the Auditor General’s report.

I just want a simple answer: How can the government spend \$100 million buying two jets it did not need because the Prime Minister had a frightening little experience when air pressure was lost over Sweden or somewhere? The contract was not tendered and the Department of National Defence was against the purchase. It is terrible that we are buying executive jets when our military personnel are flying around in Sea Kings that are unsafe.

**Senator Austin:** Honourable senators, I heard the honourable senator start a sentence and not finish it. She said, “it has nothing to do...” Would she mind finishing that sentence?

• (1440)

## THE SENATE

### LEADER OF THE GOVERNMENT— RESPONSES TO QUESTIONS

**Hon. Terry Stratton:** Honourable senators, is it the intention of Senator Austin to go through his short, two-month term as Leader of the Government obfuscating like that and refusing to answer questions? I should like to know now.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will take questions addressed to me as Leader of the Government in the Senate that do not carry with them allegations of some form of criminal behaviour. Honourable senators heard me speak to Senator St. Germain yesterday with regard to theft and stealing. This is not the other place. This is a place where I expect comity — not comedy. I expect serious questions, and I will answer serious questions, but not questions based on false premises.

**Hon. A. Raynell Andreychuk:** Honourable senators, I take the Leader of the Government’s point very seriously. However, somewhere in his response to Senator LeBreton, the government leader indicated that he could not answer because there are issues that are subject to inquiry.

If that is to be the case, that the public and this chamber cannot get at those facts because they are subject to an inquiry, will the government undertake not to use the other half of that process to indicate how they are improving the situation, how they are attacking the problem and dissociating themselves from the previous government?

Honourable senators, it cannot go both ways for the government. The government cannot, on the one hand, refuse to answer questions and say that the matter will be dealt with by an inquiry while, on the other, propose solutions that are to the Liberal’s advantage and not to the public’s advantage.

**Senator Austin:** Honourable senators, I believe Senator Andreychuk misunderstood my position. I am quite happy to answer questions.

I am not engaging in an either/or process — either questions or inquiries. I believe that both processes are important to the examination of the issues raised by the Auditor General. In answer to Senator LeBreton, I spoke about the process in the House of Commons, in which the Public Accounts Committee will, of course, be dealing with these issues.

My objection relates to one point only — that is, that I am not prepared to answer questions based on a premise that alleges corruption — “the corruption committed by.” If that is the position the other side is taking — alleging theft, stealing and corruption — then I believe it takes Question Period in the Senate to a very different plane — a highly adversarial one. I am waiting to see if that degree of adversarial character will be introduced to this chamber. I am happy to answer questions that are questions, not allegations of a criminal nature.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### AUDITOR GENERAL’S REPORT—SPONSORSHIP PROGRAM—FUNDING FOR POLITICAL POLLING

**Hon. David Tkachuk:** Honourable senators, the last people who should be the arbiters of what is a moral or responsible question in this place are members of the party opposite. The Leader of the Government is here to answer questions because, in a democratic society, we have the right to know. I was not the one who published the report; the Auditor General published it. It is clear from what she said that there was corruption, fraud and theft.

We are not responsible for what the Auditor General has uncovered; it is Liberals who are responsible. I do not have to put up with this. I will say exactly the same thing, and allege the same thing, as Senator LeBreton.

According to the Auditor General’s latest report, the government has also used public money to pay for political polling, including questions on voting intentions and the images of federal-provincial party leaders. While questions other than voting were involved, the total cost of the surveys purchased was in the range of half a million dollars. The departments included the Privy Council Office, the Canada Information Office, Canada Economic Development for Quebec Regions, Canadian Heritage, CIDA, Communications Canada, Justice, DND and Citizenship and Immigration Canada.

The guidelines clearly state that public funds should not be expended on public opinion research concerned with monitoring voting behaviour or party image. Why did the Government of Canada ignore these guidelines and pay for political polling?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, this government is acknowledging that rules were broken. This government is saying that an inquiry into who broke the rules and the motive for breaking those rules must be undertaken. We must get to the bottom of every issue in the Auditor General’s report, and that process of investigation will do so.

To the extent that the rules were not obeyed, there are people who will have to account for their behaviour. At this time, I cannot take you beyond the allegations or statements in the Auditor General's report on that particular subject, but I will take it further at my first opportunity.

**Senator Tkachuk:** Honourable senators, surely the questions would be asked by politicians. These would not be questions that CIDA would be interested in. These are questions that politicians are interested in. What the politicians have done is corrupted these offices, the offices of the federal government, by using their money to supply political information to the Liberal Party of Canada. Will the government take the necessary steps to recover the costs of the polls from the Liberal Party of Canada or the provincial parties that benefited from information?

**Senator Austin:** Honourable senators, we as yet do not know whether that information was polled for the purpose of advising politicians or for the purpose of advising public servants so that they could advise politicians.

The honourable senator is again making allegations for which he has no basis. He has the right to ask questions for facts, but he cannot allege, on the basis of anything in the Auditor General's report, that any politician directed that particular activity.

**Senator Tkachuk:** Honourable senators, is the Leader of the Government telling me that that his government then approves — and I am getting this information from the Auditor General's report — of government departments doing political polling for their own purposes, asking voter-intention questions and getting information on provincial premiers vis-à-vis their political images? Is it the government's policy that departments should be doing this kind of stuff?

**Senator Austin:** Honourable senators, the answer to that is, no, they should not be doing that kind of "stuff," as the honourable senator says, but the question that was asked was in terms of an allegation that it was directed by a politician. I have no evidence of that at this moment, and neither does the honourable senator.

**Senator Tkachuk:** Honourable senators, I do.

**Senator Austin:** Then name the politician.

## FOREIGN AFFAIRS

### AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RECALL OF AMBASSADOR TO DENMARK

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, my supplementary is in the form of a question that is based on a fact and not an allegation. The fact is that the Ambassador to Denmark has been recalled based on something in the Auditor General's report. I should like the government leader to tell us exactly what it is in the Auditor General's report that led to the dismissal of the Ambassador to Denmark.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, as is well known, people who hold diplomatic posts serve at the pleasure of the Governor in Council. That pleasure

has been withdrawn. The reason is the very serious allegations made by the Auditor General with respect to the activities of a group in the Department of Public Works at a time when Mr. Gagliano was the Minister of Public Works. The government has lost its pleasure in having him continue in the diplomatic service because he can no longer be effective as a diplomat when those questions have been raised in domestic polity. We have asked him to return. He is returning. He will be asked to provide his own evidence to the people of Canada at an appropriate time.

• (1450)

## AUDITOR GENERAL'S REPORT

### SPONSORSHIP PROGRAM— DISMISSAL OF OFFICIALS OF INVOLVED GOVERNMENT DEPARTMENTS AND AGENCIES

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, Mr. Gagliano is a victim of allegations, whereas here, if we bring up allegations, we are said to be "victimizing" the government. There is a little inconsistency here.

There are also allegations in the report against senior officials of various Crown corporations. Why have they not been dismissed?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would not call what is contained in the Auditor General's report with respect to unnamed senior people "allegations." I would say that there are references to the corporations that they head and to activities with respect to the flow of funds to those corporations. However, there are no allegations against any named person at this time. The responsibility for those events has not yet been defined.

**Senator Lynch-Staunton:** Honourable senators, there are allegations of the misuse of cash and what has been called "money laundering" against the RCMP. Why have officials involved in that not been dismissed?

**Senator Austin:** I give the same answer, honourable senators.

## SOLICITOR GENERAL

### AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT OF RCMP

**Hon. W. David Angus:** Honourable senators, I rise in the true spirit of comity, something to which the Leader of the Government has referred.

Yesterday, whilst I was returning to Canada from a brief trip abroad, the shocking fallout from the Auditor General's report was already having disturbing negative effects on Canada's once proud image as a nation of upstanding, honest and fully accountable governments. Indeed, as the order of magnitude of this deplorable scandal began to become manifest, frankly, my first emotion was one of shame and embarrassment for my country.

Today, honourable senators, it has become frighteningly clear that we are currently facing the worst and most deplorable political scandal in the history of our nation.

The Beauharnois, the Pacific, and the Petawawa scandals pale beside what we have before us. For me, one of the most troubling aspects of this mess is that even the integrity, the reliability, and the otherwise noble reputation of our once proud national police force has been called into question. The RCMP, the Royal Canadian Mounted Police, the men in crimson, have been impugned.

According to Auditor General Fraser, the RCMP is deeply involved in the scandalous activities surrounding the implementation and rampant abuse of the tainted sponsorship program. Major irregularities in the conduct of the RCMP are detailed in her report. There are even indications that the executive branch of government may well have been using our once proud national police force as a tool —

**The Hon. the Speaker:** Honourable senators, I ask for your indulgence for a moment.

Honourable senators, in my time at least, Question Period has been largely conducted without interventions by the Speaker. I would hope that can continue to be the case. However, there are rules, which I will not read but to which I will refer honourable senators, which indicate that a brief preamble to a question is in order, after which the question should be put. On the other side of the coin, the rules anticipate an answer that is in keeping with the same brevity of preamble and the same brevity of question.

Senator Angus, your question, please.

**Senator Angus:** Honourable senators, my question to the Leader of the Government in the Senate is this: What instructions were given to the Royal Canadian Mounted Police during September, October, and November of 2003 by the executive branch of government with respect to proceeding or not proceeding with prosecutions in the so-called Groulx matter?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the answer to that question is none.

With respect to the allegations that Senator Angus has made with regard to the RCMP and its involvement, those statements go far beyond the Auditor General's reference to the RCMP. I want to tell honourable senators that the Auditor General has made clear that while one operating group in the RCMP received funds for the Musical Ride, the investigatory branches of the RCMP are not in any way touched or tainted by the Auditor General's report.

I would ask Senator Angus to be very careful in the way he tries to spread his reasoning — if I may use the word loosely — on this subject.

**Senator Angus:** Honourable senators, on the advice of counsel, I will proceed.

I acknowledge that the RCMP has refused to acknowledge that there exists a serious problem with the transfer of funds referred to in the Auditor General's report.

The Auditor General must refer all questions concerning the legality of transactions involving the RCMP to the RCMP. In this regard, the Auditor General's report, as honourable senators well know, speaks for itself. In that report there is a serious question with regard to the bias of the RCMP investigating its own conduct. This is a clear and striking conflict of interest.

How does the government justify its apparent and ongoing approval of the authors of the allegedly grievous wrongdoings investigating themselves? Can the government assure us that the conduct of the RCMP will not be whitewashed?

**Senator Austin:** Honourable senators, the honourable senator's question is hard to take seriously. The government will whitewash no one in this entire inquiry. At the same time, the government has every confidence in the RCMP, unlike the Honourable Senator Angus, who seems to have serious criticisms of the RCMP, which I believe are unwarranted.

I repeat that a small operating section of the RCMP received funds in ways that are not according to Treasury Board guidelines, as the Auditor General has made clear. However, the investigatory processes of the RCMP are untainted and unchanged and continue to be the same as they were under Mr. Mulroney's government and under any other government in modern times.

As the Honourable Senator Angus knows, and I say this with some emotion, such charges as he is insinuating are totally unfair and unwarranted.

## THE SENATE

### DISTRIBUTION OF COPIES OF ACTION PLAN FOR DEMOCRATIC REFORM

**Hon. Herbert O. Sparrow:** Honourable senators, I wish to address a question to the Leader of the Government in the Senate.

Last week, a report entitled, "Ethics, Responsibility, Accountability—An Action Plan for Democratic Reform," was tabled in the House of Commons. It was tabled in this chamber last week as well by the Deputy Leader of the Government. I think I saw the Deputy Leader take a copy of the brochure to the Leader of the Opposition in the Senate. Apart from that, senators did not receive a copy of the report.

When this report was tabled in the House of Commons, all members of the House of Commons received a copy of it. However, until this time, as far as I am aware, copies of the report have not been made available to members of the Senate. I ask why that is the case. The Senate is referred to in the report.

My office contacted the office of the Government Leader in the House of Commons, the minister who presented the report. They assured us it would be distributed. It was not distributed. I had to send someone from my office over to his office to obtain the only copy of the report I now have.

Somewhere, there is some type of contempt of the parliamentary process in that we have not been supplied with copies of this report.



• (1500)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I, of course, am operating under the impression that whenever a document is tabled, it is provided to senators immediately. I understand that some senators received it and some did not. I assure the honourable senator that there is no conspiracy to deprive him of documents tabled in this chamber. I will make inquiries with respect to the process of distribution to ensure that this does not happen again. It is the case that we did provide the Leader of the Opposition with a copy, as a matter of courtesy. Again, I can only say that I am truly sorry that the distribution system broke down.

**Senator Sparrow:** I thank the leader for that answer. When we made contact with the minister's office, they had said that it was not being distributed to senators, but that they would see that it was. In turn, it was not distributed, and we had to send over for a copy ourselves.

**Senator Austin:** Honourable senators, I had personally asked the house leader in the other place to ensure that all senators received a copy. I will follow the matter.

**The Hon. the Speaker:** Senator Di Nino.

**Senator Carney:** You forgot me.

**Senator Di Nino:** You are on the list, like the rest of us.

**Senator Prud'homme:** Oh, my God.

**Senator Carney:** I have a point of order.

**The Hon. the Speaker:** Points of order cannot be raised during Routine Proceedings, but if you have a point of order, raise it just before Orders of the Day.

#### AUDITOR GENERAL'S REPORT

##### SPONSORSHIP PROGRAM— INVOLVEMENT OF PRIME MINISTER

**Hon. Consiglio Di Nino:** Honourable senators, to the Leader of the Government in the Senate, the words "corruption" and "fraud" are contained in the Auditor General's report — in some areas more often than in others. I think it would be irresponsible — and certainly we would be shirking our responsibility as parliamentarians — if we did not question the choice of words in the Auditor General's report. I certainly would hope that the leader will be prepared to answer the questions, even if they are "touchy"—I cannot think of a better word. We have to do our job. In doing our job, we are referring to the report.

My question deals with the Auditor General's report. I would like to deal with it a little differently. The sponsorship program started in 1997. The man in charge of finances, the government's purse strings, at that time was Mr. Martin. In the spring of 2002, the sponsorship program scandal became public. I believe that

was in May of 2002. Nearly two years ago, this issue came up as a scandal. Again, the minister in charge at that time was Prime Minister Martin.

The *National Post* today says:

The current Prime Minister's personal reputation lies under a black cloud: As minister of finance he either knew that the Canadian taxpayers' money was being wrongfully used and did nothing about it, in which case he was complicit; or he knew nothing about it, in which case he was incompetent.

Surely you are not expecting us to believe that Mr. Martin had had no idea whatsoever, particularly since 2002, when this report came to the fore? Would the leader please answer that question?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, indeed I will. I thank the Honourable Senator Di Nino for the style of the question. The reality is that the Prime Minister knew nothing of this issue when he was Minister of Finance, nor would anyone expect —

**Senator Stratton:** So he is incompetent.

**Senator Austin:** — the Minister of Finance or most ministers to know about this issue.

**Senator Lynch-Staunton:** He knew nothing.

**Senator Austin:** The Minister of Finance deals in macroeconomics. The Minister of Finance deals with the allocation of funds. The Minister of Finance is not the comptroller of any department.

**Senator Stratton:** The Minister of Finance was incompetent.

**Senator Austin:** The Minister of Finance, like all the other ministers, is the victim of what appears to be a rogue group in the Department of Public Works —

**Some Hon. Senators:** Shame!

**Senator Austin:** — operating under their own rules and seeking to deny information, and, as the Auditor General has said, operating in a way which left no paper trail and no record, operating in a way that was in breach of every rule made by government for proper procedures.

**Senator LeBreton:** They got their orders from someone.

**Senator Austin:** To be extremely clear about this, no Minister of Finance could be expected to have knowledge in any event but particularly when a group is operating in a way to deny the entire government knowledge of its activities.

**Senator Lynch-Staunton:** You have to be kidding.

**The Hon. the Speaker:** Honourable senators, I regret to advise that the time for Question Period has expired.

**Hon. Lorna Milne:** Point of order, Your Honour.

**The Hon. the Speaker:** Points of order are not to be raised until we are finished with our Routine Proceedings. I have one point of order from Senator Carney. I will take the honourable senator's and maybe others.

The time for Question Period has expired. Is the honourable senator asking for leave to extend?

**Senator Di Nino:** I have a brief supplementary. Could I have leave?

**The Hon. the Speaker:** I am looking to see whether or not there is leave to extend Question Period.

**Senator Austin:** I apologize to Senator Di Nino, but I have a cabinet committee meeting starting at 3 o'clock. I will be happy to hear his question tomorrow.

**Senator Di Nino:** Thank you.

### POINTS OF ORDER

**Hon. Pat Carney:** My point of order deals with the conduct of Question Period. When I rose with a supplementary to a question asked of the Leader of the Government in the Senate, someone in the chamber said, "Get on the list like the rest of us." My point of order is that it has not been the custom in Question Period to limit questions, particularly supplementary questions, to just those who are "on the list." I would like to have that point clarified. If it is to be only the people who are "on the list," then the rest of us have very little interest in participating in Question Period and asking supplementary questions on points where we have some personal knowledge.

**The Hon. the Speaker:** I think I can deal with this, Senator Carney. The understanding of the Chair was that you wanted to put a question. I did not appreciate that you were rising to put a supplementary question. You are quite correct. The practice has been, where possible — that is, where, sitting in the Chair, it can be determined that a senator is rising on a supplementary question — to allow that supplementary question to follow the question that it is supplementary to. In the case of what happened today, I assumed you were rising to put a question and not a supplementary question.

**Hon. Lorna Milne:** Honourable senators, I rise on a point of order. I believe that the motion made by Senator LeBreton must be struck from the record of this place. I believe that the language used was unparliamentary. It was meant as an insult, and it was meant as a personal attack.

I quote from page 525 of Marleau and Montpetit:

... the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscene language or words are not in order.

This was definitely provocative. It was definitely an insult. I believe that it must be struck from the record.

The words "corrupt" and "corruption" are not normally defined. It is very difficult to define what words can be used and what is unparliamentary language, but I believe that the method in which this motion was raised was very definitely provocative, and it was an insult.

**Senator Lynch-Staunton:** Good. It is a good motion, then. If it is provocative, it is good.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, there is no point of order here whatsoever.

**Senator Lynch-Staunton:** If the shoe fits.

• (1510)

**Senator Kinsella:** The phrase "culture of corruption" is a perfectly acceptable expression. If the offensive part of the expression, in the minds of some honourable senators, were the term "corruption," I would remind honourable senators that the word "corruption" means, "that which is irregular."

I am looking at the summary document of the Auditor General's report, which was printed in November. On page 1, we find Ms. Fraser uses the word "wrongdoing."

**Senator Lynch-Staunton:** Shocking!

**Senator Kinsella:** Ms. Fraser wrote that Government Services Canada "failed to meet its obligation." Throughout her report, she speaks of "irregularity," which means, "that which is irregular." "That which is defeating the norm" is the meaning of "corruption." It is a perfectly acceptable term in its ordinary and plain use and, clearly, anyone who knows anything about etymology would recognize the same. Perhaps one is truly dealing with the recognition of the systemic nature of this legacy that is touching very close.

**Hon. Sharon Carstairs:** Honourable senators, in respect of the point of order raised by the Honourable Senator Milne, she has taken great exception, as we all should, to a term that has criminal implication. When one is accused of corruption, then one is accused of engaging in criminal activity. There is nothing in the report of the Auditor General — and that is why she was extremely careful in her use of words such as "wrongdoing" — to indicate that there was corruption. To the best of her knowledge, and because she is not a prosecutor, she did not indicate that there was a corruption. Therefore, the words used in this notice of inquiry are, in fact, out of order.

**The Hon. the Speaker:** Honourable senators, I assume that we are closing the matter and I will go to Senator Milne.

**Senator Milne:** I would just point out, honourable senators, —

**The Hon. the Speaker:** Honourable senators, I interrupt Senator Milne, who will be the final intervenor, because Senator Cools has requested the floor.

**Hon. Anne C. Cools:** Unfortunately, honourable senators, my hearing device has been impaired. I have had it replaced but I have missed portions of the exchange.

I too have been shocked and a little disconcerted by the forcefulness of the language. I could not help but think that the opposition has been overstating its cause or somewhat exaggerating its position, and I understand the reasons for this.

However, in terms of providing guidance to His Honour, the words “corrupt” and “corruption” are not unparliamentary. A term frequently used in parliamentary language that is in the parliamentary lexicon is a “corrupt proceeding.” For example, if we were to discover that this particular proceeding had an inherent imperfection or defect, it could be described as “corrupt.” That is acceptable.

However, the issue that Senator Austin and Senator Milne are speaking to is the imputation and the underlying motivations being attributed to unnamed individuals. That, Your Honour, is highly undesirable and unwarranted.

In this case, the language is in parliamentary order but is being used to ascribe less than honourable actions and motivation. I have a deep problem with that. It is unparliamentary to make charges that are not supported by evidence. When charges are supported by evidence, then that evidence must be put before the house.

Senators on the other side are being a little hot-headed, very unkind and not very magnanimous. However, lack of magnanimity and kindness do not amount to that which is unparliamentary.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, I find that the language used earlier in a notice of inquiry was offensive in its reference to a culture of corruption. It is highly offensive to be accused of corruption, and therefore these words are offensive and provocative. Such language ought not to be allowed in this chamber.

[English]

**Hon. Consiglio Di Nino:** I think all honourable senators understand the sensitivity of this inquiry. The fact remains, however, that the words “fraud” and “corruption” are used in the Auditor General’s report. If we have been listening, we know that these words have been used rather often, especially in the last day or two in the other place. I believe that the actual term “culture of corruption” was used in the other place.

We may agree that, for the other side, we would find this uncomfortable and sensitive, but to call it “unparliamentary” is incorrect. Certainly the other place has heard that statement and, I believe, more than just once.

**Senator Milne:** Honourable senators, the Auditor General was very careful in her remarks to not refer to the Martin government, as Senator LeBreton made reference. The words “corrupt” and “corruption” may not in themselves be unparliamentary but

I would suggest that honourable senators read the Oxford English Dictionary, which defines “corrupt” as “morally depraved, wicked, influenced by using bribery or fraudulent activity.” I also refer honourable senators to —

**Senator Angus:** That is far more powerful.

**Senator Milne:** Once the opposition calms down, I will point out that in the *Rules of the Senate*, rule 51 states: “All personal, sharp or taxing speeches are forbidden.”

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

**The Hon. the Speaker:** I thank Senator Milne and other senators for intervening on this point of order. I would like to bring the attention of honourable senators to rule 64, which states:

A notice containing unbecoming expressions or offending against any rule or order of the Senate shall not be allowed by the Speaker to appear on the *Order Paper*.

I have listened carefully to the interventions and there are some precedents that I would like to examine before I rule on this matter, which is in respect of a notice. It will, therefore, not come up until the notice time has passed in two days. Were it otherwise, I might try to rule from the Chair. I believe I have two days in this case to bring back a ruling based on my review of what has been said, on the rules and on those precedents.

• (1520)

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(4th day of resuming debate).

**Hon. David Tkachuk:** Honourable senators, the Speech from the Throne can best be described by quoting a few lines from it:

...Canadians deserve the best public service possible...

Democratic renewal means that government programs deliver on objectives, that they deliver what matters in people’s lives.

— and one of my favourites —

...the government is launching an ongoing process of expenditure review, overseen by a new Committee of Cabinet.

Exciting. Forward-looking. It makes one wonder what the government was doing for the last 10 years when Mr. Martin was the Minister of Finance. It makes one wonder what he will be doing after this Speech from the Throne; maybe launching an ongoing process of expenditures and, perhaps, a review of the ongoing process with the cabinet committee on the best public service possible? There may be a third committee to figure out what matters in peoples' lives as the government delivers these ongoing programs. This is from a politician who has been preparing for this all his life, fulfilling the dream that his father never achieved — becoming Prime Minister of Canada.

The other day I was watching CBC news — more in order to acquaint myself on what the left was thinking rather than to learn anything — when I was confronted with a new crisis in Canada: the demise of our cities. Here were the mayors of Toronto and Winnipeg and Vancouver complaining about the plight of the large cities and how the federal government must come to the table, as they have in the United States since the time of Reagan, with a new cost-sharing program to repair neglected infrastructure.

Was that not the policy of Jean Chrétien in 1993, to get our country back to work? Was that not what I have heard in every federal budget for the last 10 years: huge infrastructure programs? I was thinking to myself, where has all the money gone?

Back in the Department of Defence — which is but a former shell of itself, fat and bloated with bureaucrats, with no money for soldiers and equipment like helicopters and trucks and artillery and machine guns and ammunition — was it not the Liberals who cancelled the helicopter project to save money? Where has all the money gone?

The Department of Indian Affairs and Northern Development gets over \$10 billion a year, yet conditions for the average Indian have not improved. Where has all the money gone? The one minister who tried to bring accountability to the band process is gone, isolated to the backbench. Mr. Nault can barely see over the curtain.

Honourable senators, our Coast Guard is neglected, health care is in crisis and tuition fees are going through the roof. Where has all the money gone?

Mr. Martin is trying to have the federal government intrude into areas such as cities and childcare and education and volunteerism and something called “not-for-profit entrepreneurialism.”

The Speech from the Throne mentioned big programs for Aboriginal affairs:

In order to support governance capacity in Aboriginal communities —

Who writes this stuff?

— and to enhance effective dialogue, the Government will, in co-operation with First Nations, establish an independent Centre for First Nations Government.

The Government will also focus on education and skills development —

Do Indians not go to school?

...this is a prerequisite to individual opportunity and full participation. To pursue this goal, the Government will work with...Aboriginal partners in a renewed Aboriginal Human Resources Development Strategy.

Remember: These are the same people who run the Department of Defence; the same people who run the Department of Public Works; the same people who run the Department of Indian Affairs and Northern Development. These are the same Liberals who have caused our problems and they are not the ones to fix them, judging from their record in areas of federal responsibility. They are the last ones who should be talking about any of these policy areas.

While Mr. Martin worries about volunteerism — by the way, I come from the province with the greatest number of volunteers per population of anywhere in Canada, accomplished so far without government help — I have some advice for the cities and for volunteers and for children and for municipalities and for educators: Take the money and run. Entering into a partnership with the Liberals is like the Hotel California; once you are in, you cannot get out.

The Speech from the Throne expressed newness by using the word “new” at every opportunity. As a matter of fact, Andrew Coyne talked about this. According to his computer, the word “new” appears 36 times in a 6,200 word speech. That is about once every 170 words. If you discard every “the” and “for,” the word “new” pops up as the most common word in the speech, after the obligatory “government” and “Canadians.”

I guess it must be true then: This is not the same government with the same policies that has ruled for the last 10 years. It is new, new, new. Andrew Coyne asks the question: Why does it feel so old?

I could not have put it better. I look at the cabinet. We have been told new, new. How new is this government? I wanted to look at who is new, but it is better to look at who is old. Here is the front bench of the Paul Martin government. Of course, there is Paul Martin himself. He would like to consider himself new, but he has been around since 1993 — 11 years. Then there is David Anderson, Ralph Goodale, Anne McLellan, Lucienne Robillard, Pierre Pettigrew, James Scott Peterson, Andrew Mitchell, Claudette Bradshaw, Denis Coderre, Rey Pagtakhan, John McCallum, Stephen Owen and William Graham. This is the new government? This is the old government. It is the same old, tired Liberal gang that has been in government since 1993. The results of that government were shown in the Auditor General's report yesterday, which is as good and as bad a report card as any government has seen in its history.

I have never in my life heard an Auditor General speak in those words, provincially or federally, and neither have any of you. There has never been an indictment of a government like what happened yesterday afternoon. Then we had to listen to this Speech from the Throne about how the government will help volunteers and children — keep away from my children, please — and municipalities and educators.

In the Department of Indian Affairs and Northern Development, there was to be a study and a new agency formed — as if we do not have enough of those already. We have spent \$10 billion per year over the last 10 years — some say it is more, that it could be as high as \$13 billion, but we will take the conservative figure of \$10 billion per year — for approximately 600,000 Aboriginals in Canada. Over the 10 years, that is a potential windfall of \$664,000 for an Aboriginal family of four. Yet our Aboriginals have hardly seen a windfall, never mind any financial benefit. The one minister who tried to bring accountability to the band process is gone, isolated to the backbench.

• (1530)

I am a member of the Standing Senate Committee on Aboriginal Peoples, and I have heard testimony that the money being thrown at the problem is not getting there. It sounds as though the same thing will happen with cities and infrastructure, which is what has happened over the last 10 years. Instead of building sewers and helping the infrastructure of the cities, we have had decorative pieces and fountains put in the Prime Minister's riding.

I have only one more problem with the Speech from the Throne. I come from Western Canada, where we have been experiencing the same thing. The Prime Minister comes to Saskatchewan and says, "My government will be a failure if I do not turn agriculture around in Regina." It is the same old stuff we have heard from Liberals for years.

We have the BSE crisis, falling grain prices, bankrupt farms and people leaving the land, putting up "for sale" signs all over the province of Saskatchewan to get out of the business. We have a forestry industry in trouble because it cannot sell softwood lumber.

There was not a word about Western Canada in the Speech from the Throne, except for two lines on agriculture — nothing about energy, lumber, grain prices, the Wheat Board and the ordinary things that Western Canadians care about. There was not one thing.

Then the Prime Minister says that he will consider his government a failure if he does not turn things around in agriculture. Paul Martin would not know a combine if he saw one, and he does not know how to solve the problem of softwood lumber or any of the problems in agriculture. That is why this government should be defeated in the upcoming election in April or May or June, if he still has the guts to call it.

In fact, the cost of delivering agricultural assistance in Canada is not borne equally by all the provinces, although overall the provinces are carrying a greater proportion of the burden, up to 40 per cent now, up by 25 per cent. In agriculture, the money

farmers receive from their product declined by 4 per cent while the money paid for expenses increased by 10 per cent. Transportation costs have gone up since Paul Martin and Jean Chrétien abandoned the Crow Benefit subsidy in 1995, increasing farmers' transportation costs by \$560 million a year.

The average provincial funding requirement per capita in Saskatchewan is \$127, compared to the \$15 countrywide average. The response of the Martin-Chrétien government to the BSE-related trade bans has been weak and ineffective, reflecting a loss of stature on the negotiation of international trade.

Honourable senators, our Coast Guard is neglected on the West Coast. Health care continues to stagger from one crisis to the other, such as SARS, and yesterday on the news we heard how the country is unprepared for an epidemic. Tuition fees are going through the roof. Where has all the money gone?

The Prime Minister of Canada, Paul Martin, has been caught up in his own irrational exuberance at finally being Prime Minister, demonstrating that while he looked good on paper for the job, he has no plans for the challenges of the future, no plans for the future of the West and no plans for the future of Canada.

**The Hon. the Speaker:** Honourable senators, before recognizing the next speaker, and because our rules indicate that these matters should be dealt with at the next opportunity, I would like to read messages that we have received from the other place.

Debate suspended.

## PARLIAMENT OF CANADA ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other acts in consequence.

Bill read first time.

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

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

[Translation]

## REPRESENTATION ORDER 2003 BILL

### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-5, respecting the effective date of the representation order of 2003.

Bill read first time.

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

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

[English]

## ASSISTED HUMAN REPRODUCTION BILL

### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-6, respecting assisted human reproduction and related research.

Bill read first time.

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

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

[Translation]

## PUBLIC SAFETY BILL 2002

### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Bill read first time.

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

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

[English]

## LIBRARY AND ARCHIVES OF CANADA BILL

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-8, to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain acts in consequence.

Bill read first time.

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

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

• (1540)

[Translation]

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(4th day of resuming debate).

**Hon. Lise Bacon:** Honourable senators, I have a few remarks to make about the Speech from the Throne given on February 2. Its purpose is to outline the government's major priorities and certain measures of particular interest. It provides an opportunity to assess the government's general attitude, its concerns, its priorities and the kind of leadership it wants to exercise.

The present government is motivated by a desire for renewal and a desire to deploy both energy and leadership. In my view, we must not be afraid to show that we have ambitions for our country. We must encourage Canadians to excel, to take up challenges, and to go as far as their dreams will take them. We want to enter the 21st century and build a better country, one that is more prosperous and more caring. We have not forgotten the historical values underlying Canadian liberalism; solidarity, justice and equity, equality of opportunity, tolerance and integration are all part of our road map.

In a country like Canada, known for its diversity, the need for a constant dialogue and close cooperation with the provinces and territories is undeniable. The jurisdictions of each level of government must be scrupulously respected. The new team in government wants to work with the provinces on initiatives that affect their fields of jurisdiction. This is a very good signal to give, if the will to launch a new era in federal-provincial relations is really a priority. The federal government can certainly play a leadership role without losing sight of the autonomy and individual priorities of each province.

Prosperity and the welfare of the whole population depend on a balance between two key factors: social justice, which ensures equality of opportunity and allows everyone to develop fully, and economic development, which generates employment and wealth. These two factors are not contradictory but complementary. The success of Liberalism in Canada can be explained by the historical sensitivity of Liberals to these two facets of reality. The new government wishes to embody the balance between equality and prosperity and in so doing follows in the line of the Liberal tradition in Canada.

There is no denying that Canada is a land of opportunity, a welcoming and open country where promises are realized and dreams come true. We believe in the potential of each individual and we want to give everyone the tools to succeed. If we are bold enough to invest in the latest technology, innovation and top-level research, then we are preparing Canada for the future. When we decide to help children and students, we are ensuring that each person starts off with the same opportunities. We must be bold enough to bet on those who represent our future in order to ensure our prosperity. That is what we are betting on in Canada and it is a winning bet.

It all starts with our communities, large and small. The municipality is our hub, where our families and schools take root and our cultural and social life takes shape. More than ever, our cities must have the means to attain their ambitions and the tools to fully assume their responsibilities. The new deal for cities will help sustain them on the road to success. The full GST rebate and the possibility of a partial gasoline tax rebate are solid commitments that will provide financial resources for local communities to meet their urgent needs, and the needs are real with respect to water, transportation, highways, infrastructure, housing, and so forth. We needed to take action to guarantee a better quality of life and more growth.

As well, we must not forget that our big cities are a door on the world of tomorrow, a springboard to investment and technological innovation, and the perfect place for cultural development. The skill and dedication of local administrations must be acknowledged. They alone can bring about the appropriate changes by assuming the necessary leadership. It is therefore my hope that our municipalities will be even more dynamic and enterprising than before.

In Canada, the First Nations are a source of pride and an integral part of our cultural heritage. They are experiencing difficulties which governments are trying to address. The objective of enhanced governance within the Aboriginal communities is a key one, but it will not be attained through speeches alone. Translating words into action can be difficult and the problems faced by Aboriginal peoples are complex. There is no quick fix. An independent Centre for First Nations Government and an Aboriginal Human Resources Development Strategy are praiseworthy initiatives, and undeniably steps in the right direction. Partnership and full collaboration with the Aboriginal communities must become the norm. Canada is proud of its First Nations, and that pride must always be reflected in the government's attitude and choices.

[English]

Children are our future and the face of tomorrow's society. Ensuring that every one of them has the best opportunities starting out in life is the greatest example of the principle of equality of opportunity. Facilitating better access to daycare services and learning means taking the necessary precautions to ensure that the first years of life are lived in good conditions. Childhood is a decisive period in an individual's development. Our personality is formed very early on, and the environment in which we grow up has an undeniable impact and can influence the rest of our lives.

Another key moment in life comes when we must acquire training that will enable us to fulfil our potential and earn a living. Access to high-quality training, regardless of financial resources, is a pillar of social justice. No one should be prevented by money from getting an education. Motivation and talent must be the only barriers. If we want our best and brightest to emerge and those who want to surpass themselves to succeed, we must take steps to remove all financial barriers to their success.

Canada has already done a great deal for students, but we must be sensitive to increases in the cost of education and the cost of living while students are studying. Problems for those from modest backgrounds are more numerous than generally believed. We must ensure that young people do not start out in life with high debt levels. We must ensure that we catch the wave of the knowledge economy and enable our young people to develop their knowledge so that they are thoroughly ready to live in an increasingly complex world.

The world of tomorrow will require people to speak more than one language. In Canada, we have two official languages, and our level of bilingualism is still too low. Greater value must be attached to learning a second language. In that area, the Action Plan for Official Languages, released last year, will help, as will the efforts of our Commissioner of Official Languages, who must continue her work to increase awareness.

Much remains to be done in the area of linguistic duality and bilingualism in Canada. We must not rest on our laurels. Our challenge will be to convince Canadians of the benefits and advantages of bilingualism.

We must continue our efforts on the environmental protection front as well. We are prepared to meet the challenge of implementing the provisions of the Kyoto Protocol on climate change. This is a crucial commitment for the environment, the implementation of which will require the cooperation of all Canadians. It is our responsibility to do our part individually to protect our environment. We must not hesitate to release the necessary funds, such as the \$3.5 billion to decontaminate sites and \$500 million to restore them. When we introduced stricter air- and water-quality guidelines, we emphasized our desire to preserve our natural environment.

• (1550)

A few years ago, environmental protection and sustainable development were much in the news. We may have let our guard down on the environment, somewhat, but the fight to protect the environment will require more attention and efforts in the years to come. Soon, we will have to allocate even more resources to achieve pure air and clean water, to fight greenhouse gas emissions and to make the public more aware of the choices it must make to protect our resources.

[Translation]

I would now like to say a few words on democracy in Canada and on our place in the world.

No one can deny that Canada is a democracy that is respected and admired throughout the world. We are the envy of many countries that admire our legal system, our parliamentary tradition and our commitment to protect minorities and individual freedoms. We can be proud of our democratic institutions, but we also recognize that the Canadian parliamentary system is not always conducive to the free play of democracy.

A parliamentarian who is restricted in his or her options by a strict party line becomes a voting machine for government bills without being able to give his own personal views. We must try to give more freedom to parliamentarians and to value their independence. This would definitely increase public trust in our institutions. However, it seems to me that it is necessary to get the Senate involved in the proposed reform and to find a way for it to make a contribution to the reflection on the transformation of parliamentary democracy in Canada.

We all agree that Canada must have greater influence at the international level. Our country can and must play a proactive role in promoting peace, cooperation between nations and multilateral dialogue. We must be a key player in the reform of the United Nations because we have always believed in the importance of and need for that institution.

We recently undertook a comprehensive review of our international policies. Therefore, this is an appropriate time to reflect on tomorrow's priorities, our diplomatic needs, our approach to development assistance, our international trade strategy, and our security and defence policy. We need an ambitious foreign policy that will allow Canada to regain its position of influence in the world.

Our friendship with our main partner and ally south of the border, namely the United States, is of critical importance. It is essential for us to have a friendly and open relationship with our neighbour. However, this does not prevent us from being independent and from making choices that reflect our values and traditions. We have a duty to promote our values at the international level. Canada must promote freedom, the rule of law, equality, justice and tolerance abroad. I am convinced that our country can serve as a model and a source of inspiration all over the world.

This is the dawn of a new era for Canada. We are facing challenges and must rise to meet them. In these early years of the new millennium, let us be motivated and optimistic, for the future holds much promise. We have the potential, in a country this vast, of immeasurable riches and remarkable human resources. We must take advantage of this and multiply our opportunities. The time has come to roll up our sleeves and work together to move Canada quickly into the 21st century.

[English]

**Hon. W. David Angus:** Honourable senators, Canadians all across this land have been observing with great interest the early days of the new Paul Martin Liberal government. As this new session of Parliament begins, it appears at first glance that very

little remains from the last session. We have a new Prime Minister, a new cabinet and a new political landscape. However, the program laid out in the Speech from the Throne designed to mark the start of a new government, a new agenda, a new way of working will certainly have a difficult road ahead. I say this, honourable senators, because it has already become manifest that one cannot in fact distinguish the present government from the preceding one.

This is particularly unfortunate, honourable senators, when considered in the light of the passages we find at pages 4 and 5 of the Speech from the Throne under the heading, "Restoring Trust and Accountability." I refer in particular to the following words at page 4:

Democratic renewal must also restore trust. Too many Canadians are alienated from their governments. This must be reversed.

On page 5, it states:

Democratic renewal means that government programs deliver on objectives, that they deliver what matters in people's lives. Canadians expect government to respect their tax dollars. They want to have the confidence that public money — their money — is wisely spent.

With the release of the Auditor General's report yesterday, a swipe of this still wet coat of paint has been wiped right off. It is no surprise that we find the same rusty, hole-ridden and rotten vehicle underneath. Sadly, we find that almost half of the members occupying the front bench are the same faces we saw last session, all part of the old regime. We find the same tired party sputtering the same exacerbated empty promises. We find no new substantial legislation proposed by the government in the Speech from the Throne that was not introduced in the last session.

We see the former Finance Minister, the man who held the power of this country's chequebook for nine of the last 12 years, getting comfortable one chair away from his last front row seat. Most notably, the present government carries with it the stench of scandal and spurious irregularities and abuses of power that tainted its predecessor.

Honourable senators, the issue that is now at the top of the minds and at the tip of the tongues of all Canadians, judging from today's national press, both print and electronic, is the sponsorship scandal that has plagued the Liberal regime for three full years now. Canadians' memories are not short when it comes to this sort of abuse. It is now clear and evident from the Auditor General's report that the sponsorship program was little more than an ingenious filtration system designed to filter funds into the decanters of eager Liberal cronies and supporters.

Over \$250 million of taxpayers' money went into this program. Over one third of these funds — almost \$100 million — went to unnecessary middlemen, communications agencies, in the form of fees and commissions, using unusual methods, and I quote from chapter 3 of the November 2003 report:

[ Senator Bacon ]



...that appear designed to provide significant commissions to communications agencies, while hiding the source of funds and the true nature of the transactions.

As I said, honourable senators, this was in the November 2003 report of the Auditor General and was elaborated on in much greater detail in yesterday's report. I quote again from the November report:

Those responsible for managing the program broke the government's own rules in the way they selected communications agencies and awarded contracts to them.

Further down on the same page, the report reads as follows:

Oversight mechanisms and essential controls at Public Works and Government Services Canada failed to detect, prevent, or report violations.

The Sponsorship Program was purported to be implemented with the intention of raising the federal government's profile in Quebec post-referendum — and they certainly have achieved that, but not in the positive light that was proposed. Instead, we now have an entire nation that cannot and does not trust its government, and with every good reason.

The Auditor General found that senior civil servants “broke every rule in the book” in the running of the Sponsorship Program. She found that the programs were “mismanaged” and “failed to comply with contracting policies and regulations.” There was, she said, a lack of transparency in decision-making, little regard for Parliament and for value for money. How can we expect Canadians to trust their federal government when it shows such disregard for its own rules and regulations, its own institution, and especially such disrespect for taxpayers and their hard-earned money?

• (1600)

Now, honourable senators, this government expects Canadians to forget that the same people who turned a blind eye to these reprehensible oversights, omissions and abuses still sit on the government side. Canadians will not forget. This is not an aroma of pollution that can so easily be dispersed.

This so-called “new” government is stigmatized with the shady hue of the past. This is not a problem that any number of public inquiries, statements of disgust or demonstrations of explanations can fix. Not recalling Mr. Gagliano, not appointing Judge Gomery, not appointing Mr. André Gauthier, not amending the regulations, not making changes in the system — none of these things can obviate these abuses.

Honourable senators, although the Speech from the Throne states that this is “the start of a new government, a new agenda, and a new way of working,” the reality is that it is not. On the

contrary, the Paul Martin Liberal government simply cannot escape the indiscretions of its past and its ongoing approval of high-handed behaviour.

It seems to me, honourable senators, that the only new part of this third session of the Thirty-seventh Parliament is the brand new official opposition, the government-in-waiting: the Conservative Party of Canada.

**Hon. Shirley Maheu:** Honourable senators, it is my great pleasure to extend my warmest and best wishes to our colleagues who have been chosen recently to assume positions of leadership in this chamber during the new session of Parliament, as well as congratulations to our new colleagues who have been summoned here since we last met.

Most of you know I am a proud daughter of Montreal. I was born there. I attended school there. I was in business there. My background is anglophone, and I married a francophone. I raised a family there, and I have had the great privilege of being elected to the other place twice by my fellow citizens in Montreal.

My hometown has changed since I was a child. In fact, the change has been enormous. Sixty years ago, the population of Montreal was just over 1 million; now, it is approaching quickly about 3.75 million. There has been an increase of 500,000 in the last 25 years. On balance, most of us would agree that much of the change has been positive and welcome.

Change, however, brings new challenges. The latest Speech from the Throne does address some of these challenges that our great metropolitan centres face. The Speech from the Throne, however, leaves us wanting even more renewal and more initiatives. Canadians seek an urban agenda that goes beyond tinkering. In fact, Canadians want solutions to be fast-tracked, solutions that will lead to real results now.

The Speech from the Throne outline has the mayors of our great municipalities from coast to coast being a little giddy with delight at what they view as a major change of direction in the nature of federal-municipal relations. This has not been an unwelcome response. However, our long-term task will be to convince the municipal governments, and Canadians in general, that our financing initiatives for changing the direction of urban policy will amount to more than mere scraps from the table.

Eighty per cent of Canadians live in urban areas. We now have 30 urban regions bursting with populations of more than 100,000. Urbanization in Canada is galloping ahead currently at an increase of almost 6 per cent every five years. By 2030, more than 60 per cent of the earth's population will live in cities. In just 11 years, by the year 2015, there will be 26 mega-cities on the planet with more than 10 million residents.

In Canada, the urban economy is driving the country. For example, currently 49 per cent of the gross domestic product of the province of Quebec comes from the Montreal urban community. Urban policy must sustain and nurture together this reality.

We should applaud the prospect of the GST rebate as a meaningful shot of adrenalin for cash-short municipal funding, but it is only a shot. Activating the adrenalin in this way is only a short-term solution. The total GST rebate is a measure of relief that is expected to be a mere \$580 million. Canadians are pleased that it will likely be retroactive to the beginning of this calendar year. In the new budget expected shortly, this will be probably the single largest item. However, to stimulate national urban renewal in the broader context of the current multibillion dollar reality of budgets for Canada's major cities there will have to be much more to our government's urban strategy, and soon.

[*Translation*]

Canadians are also delighted at indications of talks being held with other levels of government that could result in gasoline tax revenue being shared with the municipalities.

Let us hope it is not too little, too late and urge the future participants in these discussions to take action on this now, because Canadians are looking for results.

[*English*]

Honourable senators, the government has also indicated that a \$3 billion fund previously set aside over 10 years for infrastructure development will be negotiated quickly with cities and provinces. We Montrealers have not forgotten that in 2002 thousands of our fellow citizens were without water for days due to a major pipe burst. Canadian cities have arrived at a crisis point of infrastructure renewal.

This \$3 billion fund is the basis for cities to shop for financial support from the banks. It is the essential precursor for the planning and production of big-ticket items in our municipalities. Arguably, most of the essential infrastructure in Canada's urban centres is more than 30 years old. Renewal is urgent. Our booming urban economy requires a sound, physical infrastructure. It is the ultimate basis for the creation of employment and the sustaining of confidence.

More than a year ago, the Prime Minister's task force on urban issues conducted a sweeping investigation of the challenges of urban renewal. Among the recommendations was the call for more policy action in the area of affordable housing. Rental vacancy rates for urban areas are very low. Recently, Montreal has been running around a vacancy level of 1.5 per cent. A level that low is a sure recipe for rising rents. It is estimated that close to three quarters of a million Canadian families pay in excess of 50 per cent of their income on physical space for living. This is a figure of 20 to 25 per cent more than the acceptable yardstick. This high level of accommodation cost is simply not reasonable in a society like ours, where there is abundant wealth.

• (1610)

When you are at the poverty level, paying more than 50 per cent for shelter, what is left for clothing, transportation, and personal necessities, to say nothing of food? Add to this picture the plight of seniors — those who absolutely must live

[ Senator Maheu ]

close to retail outlets and in comfortable and safe neighbourhoods with accessible support services. The Speech from the Throne is silent on the issue of affordable housing. It is also silent on childcare, the homeless and the unemployed. All of these issues speak to the resilience and viability of our cities or the lack thereof.

[*Translation*]

In Canada, statistics show that the poor are much more likely to live in urban areas than anywhere else. Add to that the additional problems faced by disabled people, single parent families, women, immigrants in general, and refugees in particular, and, of course, the problems we are all aware of involving Aboriginals living in urban areas.

[*English*]

Canadian cities are in direct competition with the great cities of the planet. The creation of a nation's wealth is now a city-centred phenomenon. We are rapidly moving from resource-based wealth to knowledge-based wealth. This is our new reality. Nations will continue to compete with other nations, notwithstanding international trade agreements and a multi-state monetary policy. Not only is it the responsibility of our federal government to provide at least an even playing field for this competition by strengthening our cities, but also it is a real and urgent responsibility.

[*Translation*]

Our cities have to be safe. Currently, a large number of urban centres do not have enough police officers to properly protect the public.

[*English*]

Our cities need renewed recreational facilities to channel youth activity, to enhance quality leisure time and to provide stimulation for our rapidly aging population. In 1999, Canadian fertility hit a record low of 1.52 children per woman. It will likely continue to decline. The implications are enormous. Our urban agenda must reflect this trend.

Our cities must be helped to hold down the cost of mass transportation use while at the same time pursuing imaginative renewal. We recognize that our car-oriented culture is the least time- and space-efficient way to get people about. Changing people's established commuting is no easy task for governments. Failure to set in motion new and efficient patterns for commuting will derail the ability of our urban regions to be productive and competitive.

An important aspect of the strength and viability of our cities is what urban planners euphemistically call the "bohemian index." Our cities must be places of vibrant activity. They must be welcoming centres for our artists, musicians, writers, fashion designers and other cultural creators. It is well known that high-tech experts — that very mobile group of innovators — gravitate to centres of stimulation and comfort. Will our cities become

biotechnical learning centres that attract large numbers of the world's leading scientists who will eventually make Canada their permanent home? Will our cities meet the challenges of accommodating all these elements? If they do not and do not address these challenges in partnership with other levels of government, the innovators, in every aspect of human endeavour, will gravitate to cities that do provide whatever is necessary to attract them to cities and to sustain them. We must be certain that our cities attract the best of those from every skill set, from every profession and from every endeavour.

[*Translation*]

Moreover, honourable senators, the federal government must strengthen and improve its relations with the various cultural communities in order for our cities to become more dynamic, productive and competitive.

[*English*]

I believe that the strength of our country is directly proportional to our ability to turn our urban regions into centres of learning and knowledge and to provide a world-class urban atmosphere that attracts professionals and enhances the atmosphere for research and development.

At the beginning of this new century, the United Nations classified 56 cities of our planet as "world class." Only two of these are Canadian cities — Toronto and Montreal. If we are to expand our wealth and to compete successfully internationally, the urban engine that drives our prosperity must have all the tools to do the job. How many Canadian cities will be on the United Nations' world-class list 20 years from now? Will Montreal and Toronto be able to keep their world-class status? As they say, the jury is still out. We are not there yet in our determination to make it happen. We have much work to do to get there and to thrive. There are some indications in the Speech from the Throne that we may yet get it right.

[*Translation*]

The division of power between the various levels of government under the Constitution is very often an obstacle to progress. In all honesty, Canadians are not interested in which level of government is responsible for a particular issue. What Canadians want are results.

[*English*]

Honourable senators, I hope that our new government will consider seriously the prospect of a full-fledged department of the cities. How can we be well served otherwise? How can these challenges be coordinated properly by any other means? The Prime Minister's Caucus Task Force on Urban Issues did a thorough study of this question in 2002. It urged the government of the day to review how the Government of Canada could organize all the divergent elements that must be brought together in an overarching policy framework to protect a successful urban strategy. Canadians are still waiting for such an approach. Canadians hope that our current government will move very quickly in that direction.

**Hon. Leonard J. Gustafson:** Honourable senators, would the honourable senator answer a question?

**Senator Maheu:** It would be my pleasure.

**Senator Gustafson:** The honourable senator lays the problems of the urban centres —

**The Hon. the Speaker pro tempore:** Honourable senators, Senator Maheu's time for speaking has expired.

Is the Honourable Senator Gustafson asking for leave to continue?

**Senator Gustafson:** Honourable senators, I would ask leave to continue.

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

**Some Hon. Senators:** Agreed.

**Senator Maheu:** No. Time has expired and I understand that we have to stop now.

**The Hon. the Speaker pro tempore:** Leave is not granted.

**Hon. Wilbert J. Keon:** Honourable senators, I congratulate the honourable senator on some novel ideas about urban renewal.

On motion of Senator Keon, debate adjourned.

[*Translation*]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Massicotte, for the second reading of Bill S-6, to amend the Criminal Code (lottery schemes).—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I would like to support this bill. I agree with this bill in principle because the bill is returning in exactly the same form as in the previous session. It was presented then by Senator Lapointe and referred to committee. I examined the bill yesterday and it is exactly the same as it was before Christmas.

• (1620)

I would like to add a few words based on the situation in our little province of New Brunswick. We also have been able to observe the very negative effects on families of every kind resulting from this social, cultural and economic failure. The problem of slot machines is not found in only one sector but throughout society. It is particularly sad to see the effects on families from the less advantaged socio-economic groups. These

machines are found in little corner stores. Often a father can be seen spending his whole paycheque on these machines in the space of a weekend, and going home with only small change left. This is a social problem as well as a psychological problem.

Some jurisdictions have made efforts to fight the problem. For example, the minister of Health and Wellness has established very special programs to help people with a dependence on these machines.

The bill before us is certainly a step in the right direction in fighting this problem. For these reasons, I support this bill.

**The Hon. the Speaker:** It was moved by the Honourable Senator Lapointe, seconded by the Honourable Senator Massicotte, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** When shall this bill be read the third time?

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

[*English*]

#### BILL RESPECTING THE EFFECTIVE DATE OF THE REPRESENTATION ORDER 2003

SECOND READING—DEBATE ADJOURNED

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition)** moved the second reading of Bill S-7, respecting the effective date of the representation order of 2003.—(*Honourable Senator Kinsella*).

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

**Some Hon. Senators:** No.

**Senator Kinsella:** What was the vote?

**The Hon. the Speaker:** When I asked, I heard “no” to the question of adopting the motion. Does the Honourable Senator Kinsella wish to speak to the motion?

**Senator Kinsella:** What was the result of the vote?

**The Hon. the Speaker:** There has been no vote.

**Senator Lynch-Staunton:** It was an expression of approval.

**The Hon. the Speaker:** I heard from the voices that there was not to be an adoption of the motion, but now that the honourable senator is questioning the procedure, I will proceed in a more formal way, as I do from time to time.

Are honourable senators ready for the question?

[ Senator Kinsella ]

**Some Hon. Senators:** No.

On motion of Senator Rompkey, debate adjourned.

#### SPAM CONTROL BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Donald H. Oliver** moved the second reading of Bill S-2, to prevent unsolicited messages on the Internet.—(*Honourable Senator Oliver*).

He said: Honourable senators, September last, I spoke about the need for legislation to deal with spam because spam is a major problem both in Canada and, indeed, around the world. It is basically the practice of sending unsolicited e-mails in large numbers to individuals who do not want to receive them. Oftentimes these messages are sent repeatedly to individuals with whom the sender had no previous contact.

Another way of looking at the scourge is the following: Spam generally means the repeated mass mailing of unsolicited commercial messages by a sender who disguises or forges his or her identity. In preparation for these remarks, I decided to turn on my computer and found unsolicited e-mails dealing with such things as prescription drugs, advertisements for Viagra and getting cheap loans, and promotions in relation to obesity, fraud and pornography.

An analysis of some of the characteristics of spam is as follows: Spam messages are sent in an untargeted and indiscriminate manner. They include or promote illegal or offensive content. Their purpose is fraudulent or otherwise deceptive. They collect or use personal information in breach of the Privacy Act. They are sent in a manner that disguises the originator. They do not offer a valid and functional address to which recipients may send messages opting out of receiving further unsolicited messages.

Here are some of the background facts. More and more people in the world are using the Internet as a means of communication. One database estimates that there are about 700 million electronic mail boxes in the world today and that the number will grow by 1.2 billion by 2005. It is estimated that there were about 31 billion messages sent over the Internet in 2002 and that the number will surpass 60 billion by 2006.

With the growth of Internet and e-mails, there has been a corresponding growth in bulk, unsolicited electronic messages. One statistic indicates that as of July 2003, unsolicited bulk mail volumes accounted for 50 per cent of all e-mail traffic on the Internet, up from just 8 per cent of the traffic in mid-2001.

Last year, close to 60 per cent of all e-mails sent and received were spam. Spam is a problem not only for personal e-mail accounts but for corporate accounts in particular. America on Line, AOL, an Internet service provider, blocked 2.37 billion spam messages per day in April of 2003 — per day.

Why should this be an issue to public policy makers? One reason is the cost. Not only is spam a nuisance, but it uses scarce resources of users and service providers without compensation or approval. It consumes network and computer resources and a great deal of the time of e-mail administrators and help desk personnel. Most of all, it reduces workers' productivity because they have to spend so many hours a week deleting spam.

• (1630)

Honourable senators, a number of research reports are available in which scientists have tracked how much time is lost in spam. Let us say on a weekend that a company receives 100 e-mails of which 60 per cent are spam, and there are 1,000 employees who all take two to three seconds to open it up and look at it. Once they realize it is spam, they have to press delete, and then open up again to go to the next message. They say it takes eight seconds for each of those. They compute the amount of hours per day, per person, per week, per month, per year that a company loses on spam. In Canada, we are now accumulating over \$1 billion in lost productivity just to delete spam.

Many companies around the world have tried to estimate the actual cost in dollars. No particular figure is 100 per cent accurate, but here are some estimates for the consideration of honourable senators. A European Union study estimates that the worldwide cost of Internet subscriptions of spam is in the vicinity of 10 billion euros a year. Other estimates indicate that spam is costing U.S. corporations alone more than \$8 billion a year.

One group predicts that e-mail spam will cost companies \$20.5 billion in 2003 and nearly 10 times that amount, or US \$198 billion by 2007.

Honourable senators, this is a very serious problem. Not only is it a problem for large corporations and individual Internet users, it is also a tremendous cost to ISPs, or Internet service providers. Here is an example of some of the ways it can become a financial burden for ISPs, both large and small.

The costs include network bandwidth, data storage, staff time, phone line availability, processing costs incurred accommodating and routing excess incoming mail, investments made in filtering technology and legal fees incurred in fighting spammers in court.

As honourable senators can well imagine, if an ISP decides it has found a new piece of software that can block unwanted commercial e-mail, band filters put in place by ISPs may erroneously block no-spam messages, resulting in inconvenience to their customers who may switch providers.

Honourable senators, since I started speaking about spam publicly, I have received hundreds of positive e-mails encouraging me to proceed, saying such things as the following: "Finally someone is taking this on. It is a problem. I am happy to see you are raising the public awareness and that something might be done about it."

According to Ferris Research, the spam costs of U.S. and European service providers are estimated at US \$500 million a year. Other research indicates that the costs to ISPs are 10 per cent of the overhead cost of providing Internet access, which is included in the monthly charge to customers. If they have to spend 10 per cent on costs associated with spam, that does not leave much room for a profit margin.

With this very brief outline of what spam is and how it affects us negatively, what measures are in place around the world to combat it? There are basically four solutions: The first is a technical solution with the use of filters; the second is education and awareness; the third is self-regulatory approaches; and the fourth is legal and regulatory approaches of some countries.

As honourable senators can well imagine, a number of spam reduction measures have been put in place by government, ISPs, ESPs, e-mail marketers, businesses, anti-spam organizations, consumer protection associations, anti-spam solution providers and many others.

Let me first deal with education and awareness. When I met with officials of Industry Canada, they indicated that they were not disappointed with the fact I had introduced a private member's bill because it was having the effect of increasing the users' awareness of the spam problem.

Here is what is behind their assertion: Consumer education and awareness, accompanied by other solutions, may have an important impact on alleviating spam. Not only could awareness turn numerous spam victims who knowingly disseminate their address on public spaces to spammers into spam-free users, but it may also increase e-mail address collection costs for spammers, making spam less profitable.

Education is also a solution that spans geographical borders. Legislation is limited in its ability to protect the user from a foreign spammer, but steps taken by an informed user will help regardless of where the spammer is located.

Honourable senators, Canada now needs a new legal and regulatory approach. There are two kinds of legal and regulatory approaches currently adopted by democratic countries to address spam.

The first approach involves the application of existing laws and regulations, which, though not specific to spam, may nevertheless be implicated by some aspect of spam. For example, laws to protect consumers from deceptive marketing or to prevent the distribution of pornographic images may be applied to spam messages. Likewise, data protection laws of general application could be implicated by spam practices.

The second approach involves the amendment of existing laws and regulations or the creation of new regulations to specifically address spam, and that is the approach that I prefer. That is why I introduced Bill S-23 originally and now Bill S-2.

Honourable senators, it is my opinion that it is time for the Government of Canada to step up and introduce tough legislation designed to protect citizens and ensure that they enjoy the privacy and control over messages that they receive through their e-mail. With this goal in mind, I was prompted to reintroduce Bill S-2.

An increasing number of countries are in the process of introducing and enforcing spam legislation. These countries include South Korea, Australia, England, the United States, Italy and member countries of the European Union. In the Organization of Economic Co-operation and Development, 30 nations have tabled guidelines for international cooperation in protecting consumers against spam sent from other countries.

Canada, on the other hand, does not have laws, rules or regulations in place specifically designed to cut down or at least track the source of unwanted commercial messages. Fortunately, this does not mean that Canadians are left completely vulnerable to attack. Part XI, section 430 of the Criminal Code of Canada provides legislation to charge people with mischief if they are caught sending large volumes of spam that interfere with critical computer systems. If convicted on this charge, a person may be sentenced to a maximum of 10 years in prison. However, many of the fraudulent e-mails sent over the Internet emanate from other countries, rendering the investigation and prosecution of these cases very difficult.

Recent jurisprudence may be of assistance. In an Australian appeals case that came before the Supreme Court of Victoria in October in 2000, a New Jersey-based Internet publisher was sued in Australia, not in the United States, for publishing defamatory remarks in his online magazine. The Australian court ruled that the remarks were made within the Australian jurisdiction because that is where the message was downloaded. The ruling recognized that the publication of an e-mail took place at the location it was accessed, even though the sender did not have that place in mind. When the presiding judge came to this decision, the appeal by the New Jersey company was dismissed. This ruling, I believe, is a precedent that makes Canada a forum of convenience. I have a clause such as that in the bill before honourable senators.

With those brief opening remarks, I would like to see this bill go to committee so that a number of witnesses who have indicated they would like to make remarks about the problem of spam have an opportunity to be heard.

On motion of Senator Rompkey, debate adjourned.

• (1640)

## PERSONAL WATERCRAFT BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Mira Spivak** moved the second reading of Bill S-8, concerning personal watercraft in navigable waters. —(*Honourable Senator Spivak*).

She said: Honourable senators, the Personal Watercraft Bill, Bill S-8, is the same bill — clause for clause, line for line — as

Bill S-10 that was given third reading in this chamber on November 4, 2003, and was introduced in the House of Commons the following week. In light of that, I shall be mercifully short, so as not to bore everyone to tears.

It is virtually the same bill that honourable senators considered in the First Session of the Thirty-seventh Parliament. Bill S-26 was first read on May 2, 2001, almost three years ago. It was then referred to the Standing Senate Committee on Transport and Communications, where it was the subject of two meetings before it died when Parliament was prorogued.

In its second incarnation, this bill was thoroughly examined by our Standing Senate Committee on Energy, the Environment and Natural Resources in six meetings, assisted by the appearance of 19 witnesses. At no time, in almost three years of very public debate, has anyone proposed amendments to this bill — either informally or in formal presentations to your committees. That is not to say that people did not oppose it. There was, of course, opposition, but not amendments. When it came to a vote in committee, members gave it their unanimous approval, for which I am grateful.

This bill also has the demonstrated support of some 78 associations across the country, representing property owners, canoeists, wildlife advocates and others. More than 3,000 Canadians have petitioned the Senate and 2,000 signed petitions to the other place urging its passage. Another 574 took the time to write individual letters and e-mails saying why they need this bill.

This chamber voted in November to send it on for consideration in the other place. It will please you to know that many Canadians have since sent their thanks, including Sheila Riley from Shuswap Lake, B.C., who wrote: “I sometimes wondered in the past why we have a Senate in Canada — and now I know why.”

As Senator Gauthier very recently pointed out, however, unlike the House of Commons, we do not have rules or procedures to restore bills that die on the Order Paper to their place in previous sessions of Parliament, and so we return a third time to second reading of a bill that has already been thoroughly examined and debated.

It is not my intent to reiterate what has been said twice. In fact, it is my hope that honourable senators will agree that it would be a needless use of the limited, valuable time we have in this chamber and in committees to debate it further; that is, it may be debated on second reading but I hope it would not go to committee. I hope we can proceed expeditiously to return it to the House of Commons.

Briefly, I should like to say again that this is a housekeeping bill — a housekeeping bill with important implications for safety on our waterways, for environmental protection and for restoring, in practice, the federal authority over navigation enshrined in our Constitution.

It concerns personal watercraft, also known as Sea-Doos or Jet Skis, and presents a reasonable, measured solution to problems these craft have created on waterways throughout our country for some 15 years or more.

[ Senator Oliver ]

The solution proposed in this bill is consistent with the Canadian approach to regulating what happens on our lakes and rivers. It allows local knowledge of waterways and the local choice of cottage owners to be factors in setting limits. It allows municipal officials and local law enforcement officials to be part of the process. It allows these people to have a say in deciding where personal watercraft can be used safely and where they are a safety risk or a threat to the environment.

Perhaps equally important, it recognizes that constitutionally, the federal government has sole jurisdiction over navigation and only the federal government can set limits. It allows local communities to have input into setting those limits, just as they now have input — through the boating restriction regulations of the Canada Shipping Act — into setting other limits. For decades, communities have been able to request that the government restrict water-skiing where it is too dangerous or to require permits for boating regattas on quiet little lakes. Bill S-8 sets out a similar process for personal watercraft.

Canadians need this bill and we need this bill. In its absence, provinces and municipalities have grown weary of federal inaction and have passed their own laws to deal with the problems — laws that may not stand on constitutional grounds. If anyone wanted to challenge them, they would not stand. The municipality of Whistler, for example, a site for the 2010 Winter Olympics, just last week added personal watercraft to its noise bylaws. They cannot have Jet Skis there, I believe. Our duty to ensure that the constitutional division of powers is respected in this country is alone sufficient reason for us to pass the bill — a bill that gives local communities a way to deal with their problems while upholding the Constitution.

I am happy to end now. Given the thorough examination this bill has already received in the Senate, and with due regard for the value of everyone's time in this chamber and in its committee, I respectfully suggest, unless there is someone who wishes to speak, that we consider giving Bill S-8 second reading now and that we proceed immediately to third reading, and return this bill to the Commons.

On motion of Senator Rompkey, for Senator Hervieux-Payette, debate adjourned.

## USER FEES BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Mercer, for the second reading of Bill C-212, respecting user fees.—(*Honourable Senator Carstairs, P.C.*)

**Hon. Sharon Carstairs:** Honourable senators, one of the good things about not occupying my previous job is that I now get the opportunity to speak on private members' bills.

This is a bill, honourable senators, that I believe is about transparency and accountability. However, I have serious concerns as to whether this bill actually meets the test that I think the author of the bill had in mind.

Let me begin with a criticism that was raised by Senator Comeau that this bill, of course, contains absolutely no role for the Senate of Canada; it only indicates a role for the House of Commons. I suppose that that would allow us to amend the bill so that we as a chamber have our due and appropriate constitutional role. However, the author of this bill has known about the lack of constitutionality, in my view, for some time. I do not quite know why it was not amended in the other place. If it is a reflection of the fact that they do not understand this chamber in the other place, it seems to me it is about time they did.

I will not, obviously, block the bill from going to committee on that basis alone. I would expect honourable senators to amend it to include the Senate. However, I would suggest that there will be a point in time when we will have to educate members of the other place not to send us legislation that does not include a role for this chamber.

However, that and that alone is not my only concern with respect to this piece of legislation. One of the articles of the bill, clause 4(c), asks for an impact assessment to be conducted each time there is a fee to be raised. I want to know what the cost of that will be. If, for example, the fee that is to be imposed bears a close relationship to cost of living, then does it make sense to have public servants do an impact assessment study that could, in fact, end up costing more than the increased revenue that will be generated by this user fee?

• (1650)

Therefore, I hope the committee will study carefully just what the cost of these impact assessments will be and whether there should be an amendment to provide for a fee that bears some relationship to the cost of living, if such a fee were allowed to go forward without all the restrictions that are placed in this particular piece of proposed legislation.

Another aspect of Bill C-212 that I wish to speak to deals with clause 4(3). This was another issue raised by Senator Comeau. It is one that I think requires a great deal of further study. Clause 4(3) reads as follows:

If the amount of user fee being proposed by the Minister pursuant to subsection (2) is higher than that existing in a country that is one of Canada's major trading partners, the Minister must as part of the proposal being made give reasons for the difference.

Honourable senators, I have a problem with that. I do not think we make policy in this country based necessarily on what our trading partners are doing. I think we make policy in this country based on what is in the best interests of Canadians. If it is in the best interests of Canadians not to have fees that are out of sync with fees imposed by other trading partners, then so be it. However, to make it a part of the proposed legislation gives me cause for concern.

If we were to take that kind of attitude, would we say about our health care policy, “We will compare it with what our major trading partners do, and we will adopt the system that is used in the United States of America”? I hope not.

To have a clause of this bill specifically deal with that issue causes me a great deal of concern. Quite frankly, I simply do not consider it the Canadian way.

In terms of the basic tenet of the bill, how can one argue with the concepts of transparency and accountability? How can one argue that departments on occasion propose user fees that are disproportionate? How can we argue that the House of Commons and the Senate should have an opportunity to look at user fees? However, perhaps one should examine this piece of legislation with the idea of a disproportionate user fee.

The department responsible for parks did not impose additional user fees in Banff National Park, for example, for years and years. When they were imposed, there was no relationship between the services an individual was receiving and the fee the person was paying. It ended up being so disproportionate that it was an unfair burden. If that is what this bill is attempting to address, then I say good for this particular piece of legislation. However, if the only thing it serves to do is add to the bureaucracy, which, frankly, is already overburdened with some of these concepts and ideas, then, no, I do not think it is a good idea.

I know that the National Finance Committee has had this proposed legislation before. I know the committee has heard witnesses. I encourage the committee to continue in that regard. I certainly do not wish to stall the bill at second reading stage.

**Senator Kinsella:** Question!

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

## CRIMINAL CODE

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Cools*).

**Hon. Tommy Banks:** Honourable senators, the legislation proposed by this bill is long overdue. I do not think any honourable senator would demur from the opinion that legislation must be put in place that will protect persons from persecution, abuse, discrimination or any other scurrilous thing on account of their sexual orientation.

I want to call the attention of honourable senators, however, to a concern I have with respect to the section of the Criminal Code under which this proposed inclusion would be made. It is section 318 of the Criminal Code. Section 318 of the Criminal Code deals with genocide and says so in its title.

Section 319 of the Criminal Code also deals with crimes of violence, not necessarily related to genocide. While I unequivocally support a Criminal Code provision that would make it an offence to harm or discriminate against any identifiable group, very much including a group identifiable by its sexual orientation, we should give consideration to this matter being dealt with in section 319 rather than section 318 of the Criminal Code.

I am not a lawyer, as I think I make evident from time to time; however, I can read English. It seems to me, in reading sections 318 and 319 of the Criminal Code — which, unlike other sections, are quite simple — that if a person were charged with having committed an offence against victims identifiable by their sexual orientation, and if that person were to be prosecuted under section 318, as is proposed in this bill, that prosecution would be more difficult.

I say that because it is possible, I think, that that section, since it deals with the advocacy of acts that would lead to genocide, would make such a prosecution more difficult. Successful prosecution would require proof beyond reasonable doubt that the advocacy that led to the charge was of acts that would result in the killing of members of that identifiable group, or of the infliction of conditions calculated to bring about the physical destruction of that group. Those are the words — in paraphrased form — found in section 318 of the Criminal Code.

I believe that most harassment, discrimination and crimes of violence against persons of identifiable sexual orientation fall short, at least in many cases, of being proved to meet that test. When actions get into capital crimes, the sexual orientation or other identifiable feature of the victim becomes beside the point.

On the other hand, section 319 of the Criminal Code covers the incitement of hatred, including that which would likely lead to a breach of the peace, which includes violent crime of any kind. I believe that that level and burden of proof and threshold, if I can put it that way, is what is necessary to provide the protection of persons of various sexual orientations. Harassment and other scurrilous acts, including violence, could more likely be successfully prosecuted under section 319 absent the connection with genocide than they could be in section 318 with the onus of genocide. Section 319 more cogently relates to the offences which are most often and most likely to be visited upon persons on account of their sexual orientation, because it requires only that the incitement of hatred would be likely to lead to a breach of the peace without the connection of genocide.



• (1700)

Since section 319 defines “identifiable group” as having the same meaning as in section 318, and since this proposed bill would amend the Criminal Code by adding sexual orientation to the definition of identifiable group in section 318, I believe that we, along with the committee to which I presume this bill will be sent for study, ought to consider an amendment to the bill that would restate the definition in its entirety in section 319, rather than referring to the list of identifiable groups in section 318, with the addition to the list of sexual orientation. I believe that that simple addition to that list in section 319 would bring about the desired result, the desired protection and the existence and creation of the desired offence. I hope that senators will, in our deliberations, consider that view.

**Hon. David Tkachuk:** Honourable senators, I have a question. What the honourable senator said was interesting. Would pedophilia be a hate crime? Should it be placed under section 319? Would pedophiliacs be considered a group that would be identifiable?

**Senator Banks:** I have no idea whether pedophilia is regarded as sexual orientation. I have not ever considered that question. However, both sections 318 and 319, as I understand the intent of this legislation, do not intend to make any sexual orientation a crime. What is addressed is the incitement of hatred against persons of an identifiable group.

My off-the-cuff response to the question is that I think that persons, for example, of homosexual orientation can be reasonably described as an identifiable group. I doubt very much, however, that pedophilia could be identified as a sexual orientation.

**Senator Tkachuk:** Would the advocacy of pedophilia be considered in the same way as the advocacy against homosexuality?

**Senator Banks:** This bill does not talk about advocacy of anything except the incitement of hatred against people. That is the intent of this bill. It is the incitement of hatred that this bill seeks to make a crime. I absolutely agree that the incitement of hatred against identifiable groups ought to be made a crime. This bill has nothing to do with advocating anything.

I hope the honourable senator opposite is not suggesting that homosexuals are pedophiles. Please.

**Senator Tkachuk:** No. I was drawing a comparison. I was asking if you advocate hatred against pedophiles. We have this problem of pedophiles being released into communities after they have completed their sentence. They are a group of people. There are a lot of people who do not want them to live in their community and who want to chase them out, even though they have paid — according to them — their dues. Should they be put in the Criminal Code as a protected group as well?

**Senator Banks:** If someone were prepared to bring a bill suggesting that the incitement of hatred against pedophiles should be included as a crime under the Criminal Code, then it would be up to Parliament to decide whether or not that would be proper. I doubt very much that such a bill would succeed, however.

**Senator Tkachuk:** Tell me what the difference is, then.

**Senator Banks:** The difference is that pedophiles are not an identifiable group.

**Hon. Joan Fraser:** Honourable senators, I have a supplementary on this point. Would you agree with my quick analysis here that the previous discussion confused categories? Homosexuality is sexual orientation. Every human being has a sexual orientation. Basically you are homosexual or heterosexual.

**Senator Banks:** Or neuter.

**Senator Fraser:** Or maybe neuter.

We are basically talking about universal types of categories. Pedophilia is an illness, like paranoia or schizophrenia or kleptomania.

**Senator Banks:** It is also a crime.

**Senator Fraser:** Indeed, as is stealing, and as is murder, which some schizophrenics or people who suffer from an illness may commit. Do you think I am drawing an appropriate distinction here in setting it up that way and, therefore, in saying that it is irrelevant to talk about inciting hatred against people who have a mental illness? It is a whole separate argument and nothing to do with the content of this bill.

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

**Senator Banks:** In answer to the question, I think that the distinctions between pedophilia on the one hand and homosexual or any other sexual orientation on the other would fill an encyclopaedia.

**Hon. Lowell Murray:** Honourable senators, I have one question. To come back to the main point of my friend’s speech, I do not have subsections 318 and 319 of the Criminal Code in front of me, but is the honourable senator suggesting that this bill would place sexual orientation on a different plane, in terms of the protection, than gender and race and the other identifiable groups?

**Senator Banks:** No. I am suggesting that in the Criminal Code, as it presently exists, the list of identifiable groups to which the present bill seeks to add the term “sexual orientation” exists only in section 318. Section 319 — and I made in my speech what I think is the distinction between those two — says that in this section, identifiable group means the same thing as it does in section 318.

My suggestion was that rather than adding sexual orientation to the list in section 318, which deals, if I read it correctly, with the incitement of crimes which would lead to acts of genocide, that section 319, which deals with incitement of hatred which would lead to breaches of the peace — which could include any number of things, could more effectively — in respect of the likelihood of the success of prosecution, which would then be absent the onus of genocide, be achieved by restating the list of identifiable groups. In other words, sexual orientation would be on the same list as purple with green polka dots and grey hair, and race, gender, et cetera.

• (1710)

**Hon. Sharon Carstairs:** Honourable senators, I want to put a few words on the record in respect of this proposed legislation. I do not agree with my colleague that the amendment should be moved from section 318 to section 319. I think section 318 is the appropriate place for this amendment and for the list of other groups included in it.

As many honourable senators know, in my earlier life I spent 20 years teaching at the high school level. It is one of the saddest occasions to hear voices calling from the back of a classroom, “fag, homo, lesbo.” So often, I discovered, the accusations were made without any understanding of the words. Sometimes the young people to whom the words were directed could not possibly have been part of the target group. In some cases, they were young people simply struggling with who they were. On occasion, they were young people who had already determined their sexual orientation.

In my view, it is a hate crime to discriminate against one of our fellow human beings because of their sexual orientation. People are what they are. That is as much the essence of what they are as any other of their characteristics. Over the years we have listened to so-called experts who say that a young person, or an elderly person for that matter, can change his or her sexual orientation; but they cannot change because it is part of what they are. We have heard experts from churches say, “If they would just pray a little harder, that would work.” It does not work because it is what they are.

Honourable senators, Bill C-250 is long overdue. I would urge the house to send it to committee for the examination of what Senator Banks has placed before us. Just because I do not agree does not mean that others do not agree. Some senators may believe that Senator Banks’ proposal would be a good thing, but let us not delay any further. Let us send it to committee. Let us debate this issue. Let us bring equality to all Canadians.

**Senator Banks:** Would the senator accept a question?

**Senator Carstairs:** Yes.

**Senator Banks:** We are talking about creating crimes out of these hideous and scurrilous actions. They should be crimes and they should be prosecuted. Does the honourable senator think that there would be any fewer hate crimes by the prohibition of them or if the creation of an offence to commit them were in

section 319 rather than in section 318, both of which deal with incitement of hatred?

I restate, before the honourable senator answers, that I agree with everything she said. It is a hate crime. I believe that the likelihood of success in prosecution is greater for a hate crime described in section 319 than for one described in section 318. Is there a difference between the level of hate that would be seen in section 318 and section 319?

**Senator Carstairs:** Senator Banks, section 318 is the stronger of the two sections. That is most important in this instance. Obviously, crimes should be prosecuted to the extent of the wording in that particular section. I want this particular hate crime, as with other hate crimes, to be given the full weight of the law. I think that could happen only if they are applied to section 318.

**Hon. Anne C. Cools:** Honourable senators, I was listening with some care to Senator Carstairs’ description of how painful it was to hear children using cruel expressions and describing others as “lesbo” or “fag.” I believe that insensitivity and cruelty are undesirable and never to be countenanced. I would ask Senator Carstairs if she was suggesting that children who use such language should be prosecuted and that the force of the Criminal Code should be used against them?

**Senator Carstairs:** No. As the honourable senator knows, I am a strong believer in the young offenders legislation, and I do not believe that young people should have full prosecutorial law used against them. I believe that when dealing with a young offender, we should do so with the goal of education rather than punishment.

However, it has been my experience — perhaps not shared by others — that this behaviour begins in childhood with such actions as name-calling, which then escalates into bullying, which then becomes violent action when they reach adulthood.

**Senator Cools:** Honourable senators, I was talking about the force of the Criminal Code being used to discipline people and children who may be insensitive and who may be sometimes cruel in their use of speech.

It is my understanding of Bill C-250 that the mere use of those terms in any insensitive way does not constitute a hate crime. My reading of the bill is quite different. In point of fact, hate crimes are very rare. I know the history of these hate crime sections, sections 318 and 319. They are intended to deal with situations such as Senator Banks mentioned when he likened them to serious matters of inciting hate and violence against a group of people.

Could Senator Carstairs come back to the schoolyard-bullying phenomenon or to the schoolyard insensitivity situation? If Bill C-250 were to be used as Senator Carstairs is hinting — as a force against children — then we had better think about this seriously. Children do silly and insensitive things. I do not believe that the intention of Bill C-250 is to capture minor actions. It is my understanding that the bill is in respect of the mistreatment or

homicide of groups, groups facing mass hatred and hurtful actions, and that the bill is to include sexual orientation in those groups in the crimes of genocide and hate crimes. I am shocked at what I have heard, although I have heard it said before when Senator LaPierre spoke to this issue at another time. It must be clarified today whether Bill C-250 is intended as a wicked force against children.

• (1720)

Senator Carstairs has made enormous claims. Could the honourable senator give us some evidence for some of her claims?

**Senator Carstairs:** I think the honourable senator, with the greatest respect, has put words into my mouth.

Let me reiterate what I said just a few minutes ago. Children learn, unfortunately, from adults. They begin to practice, unfortunately, the language that they learn and the attitudes that they learn, often through the use of unacceptable vocabulary, in my view. No one is suggesting that the full force of the law will be used against someone who makes that kind of accusation. However, I would hope that, by amending section 318, adults might learn the unacceptability of violent acts and that, through their punishment, children would learn the unacceptability of violent acts — because this is what we are talking about here. Also, because they learned that such an act was violent, they might also learn a little bit about what they speak when they make those kinds of accusations and use that kind of language in school situations.

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

**Senator Robichaud:** Question!

**Senator Tkachuk:** I move the adjournment of the debate.

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

**Some Hon. Senators:** No.

**Hon. Terry Stratton:** Your Honour, may I say a few words? I know of three or four individuals on our side who should like to speak to the bill. We have heard the speeches of Senator Banks and Senator Carstairs. Surely to goodness, you would allow this side to have a response. Why would you not allow that? Tell me why.

[*Translation*]

**Hon. Fernand Robichaud:** Honourable senators, it is not a question of preventing anyone from speaking. We need to keep in mind that we had this bill before us during the previous session, and it was on the Order Paper for some time, thereby allowing any honourable senators wishing to speak on it to do so. If, however, we are to accept adjournment today, we would have to expect all those wishing to speak to do so within a reasonable

length of time so that this will not be used as a means of deferring the bill and preventing it from being considered before this session is prorogued.

[*English*]

**Senator Cools:** Honourable senators, since it seems to me that we have an alternative leader in our midst, I am wondering if I could have an explanation in respect of Senator Robichaud's statements. Who are the "we" of whom he speaks? My clear understanding was that this bill was a private bill. In this chamber, "we" and "they" usually refer to the government and to the opposition. I am trying to find out exactly the role that Senator Robichaud is playing here.

I observe that Senator Robichaud has not spoken to the bill and has not said that he intends to speak to the bill. It is clear that he has not adopted a position on the bill yet. However, he is acting as some sort of pseudo-leader in terms of guiding the debate. Could I get that clarified, Your Honour?

**The Hon. the Speaker:** Before we proceed further, we had a motion. As I was about to put the motion in a formal way, Senator Stratton rose, I thought, to deal with a matter of house business. It is a bit unusual for a senator other than the deputy leader or whip to participate in that way. I let it proceed because I thought Senator Robichaud wanted to have something to say. However, in the strict adherence to our practices in these areas — which are not really covered by our rules — such an exchange is probably not in keeping. Senator Robichaud was probably not entirely in order in dealing with the house business in response to someone who is traditionally involved in such matters, namely the whip.

At this point, if there were other interventions by house leaders or whips, I would hear them. Otherwise, I am obliged to go to the question.

**Senator Cools:** Honourable senators, since my house leader is not speaking for people on this side who wish to speak to the bill — and I really do not understand this rather peculiar situation — and if Senator Robichaud wants to speak to the bill, I would love to hear him. However, what I would like to say, honourable senators, is perhaps our house leader could clarify whether there are other senators on this side who wish to speak —

**The Hon. the Speaker:** Honourable Senator Cools is right. We find ourselves in a peculiar situation. As presiding officer, I allowed us to get into that situation and, as presiding officer, I have an obligation to see that we do not get into an even more peculiar situation. That is why I intervene to say that we must deal with the question, subject to a brief intervention by those responsible for house business if they wish to intervene.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Your Honour, this is not a government bill. There is no onus on the government side. This is a private member's bill. The proper procedure would be for those who are sponsoring the bill in the Senate to take some action.

Your Honour, you have called the question. My position is that the chamber should decide the question. This is not a government piece of legislation. It is a private member's piece of legislation; therefore, it must be dealt with as such and not as government business. That is why, Your Honour, I did not intervene. It is up to the chamber to decide what to do in this case. You have called the question. I suggest that the question be put and let the senators decide.

**The Hon. the Speaker:** Honourable Senator Rompkey is quite right. I think that ends it, Senator Stratton. There is no desire on the part of the house leadership, even beyond this private member's bill, to discuss it as house business. That is the only exception we have. I will now put the question.

**Senator Stratton:** May I speak, Your Honour?

**The Hon. the Speaker:** No, I am sorry. I have been chastised quite properly for allowing this to go too far. I will put the question.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Would those in favour of the adjournment motion put by Senator Tkachuk please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Would those opposed to the motion please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** It is a one-hour bell.

Call in the senators.

**Senator Rompkey:** Your Honour, would it be possible to defer the vote until tomorrow?

**The Hon. the Speaker:** Honourable senators, we have put a vote. We have a division on the vote. Our procedures are that we now divide. The time for senators to come to the chamber under our rules is one hour. The bells are ringing.

[ Senator Rompkey ]

• (1830)

Motion agreed to on the following division:

YEAS  
THE HONOURABLE SENATORS

Adams	Gustafson
Atkins	Johnson
Banks	Keon
Beaudoin	Kinsella
Buchanan	Lavigne
Christensen	LeBreton
Cochrane	Lynch-Staunton
Comeau	Merchant
Cools	Murray
Corbin	Phalen
Cordy	Sibbeston
Day	Sparrow
Downe	Stratton
Ferretti Barth	Tkachuk
Finnerty	Trenholme Counsell
Fraser	Watt—32

NAYS  
THE HONOURABLE SENATORS

Bacon	Losier-Cool
Baker	Maheu
Biron	Mahovlich
Carstairs	Mercer
Chaput	Milne
Cook	Moore
Fairbairn	Morin
Furey	Munson
Graham	Nolin
Harb	Pearson
Jaffer	Pépin
Joyal	Ringuette
Kirby	Robichaud
Kroft	Rompkey
Lapointe	Smith—31
Léger	

ABSTENTIONS  
THE HONOURABLE SENATORS

Gill—1

BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, our rules are clear that when a vote is in process and the process ends between 6 o'clock and 8 o'clock, it is in order. However, we now must agree unanimously to see or not to see the clock.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I think there might be general agreement that we not see the clock.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** There may be an objection. Senator Cools?

**Hon. Anne C. Cools:** Honourable senators, I would like to know what business we have before us. Perhaps the deputy leader could tell us.

**Senator Rompkey:** Honourable senators, if we sought consent for the standing committees to sit while the Senate sits, we might find consent.

**The Hon. the Speaker:** Is it agreed that committees are authorized to sit notwithstanding that the Senate is now sitting?

**Hon. Senators:** Agreed.

**Hon. Herbert O. Sparrow:** Honourable senators, why are we not seeing the clock? Is there some business to be undertaken?

**Senator Kinsella:** We have to stand the remaining items on the Order Paper.

**Senator Rompkey:** Your Honour, I think you might find agreement to stand all the other items on the Order Paper until tomorrow.

**Senator Sparrow:** Honourable senators, I did not hear that. Are all items being adjourned? We might as well see the clock then.

**The Hon. the Speaker:** The first matter we must deal with is that we are out of order if we proceed to deal with items between 6 o'clock and 8 o'clock, unless there is agreement not to see the clock. I asked if there was agreement, and I heard there was. Senator Cools rose, and I was wondering if she rose to withhold unanimous consent not to see the clock. She is shaking her head.

**Senator Cools:** I was rising to inquire from the deputy leader how long we will not be seeing the clock.

**The Hon. the Speaker:** First of all, it is agreed that we not see the clock, honourable senators.

We are now back to business. We will return to where we were. Perhaps Senator Rompkey could rise and make his suggestions.

**Senator Rompkey:** I think we could get consent to stand all the remaining items on the Order Paper until tomorrow.

**The Hon. the Speaker:** Is it agreed, honourable senators, that all the items on the Order Paper stand in their place and stand adjourned until tomorrow?

**Some Hon. Senators:** Agreed.

**Senator Cools:** Honourable senators, I understood Senator Rompkey to say he would move a motion that committees be allowed to sit. It is done? I did not vote on it.

**The Hon. the Speaker:** It is no longer necessary to move such a motion because if the Senate is not sitting, the committees can sit.

Is it agreed honourable senators, as I said a moment ago, that we stand all remaining items in their place on the Order Paper until the next sitting and that we adjourn?

**Hon. Senators:** Agreed.

The Senate adjourned until Thursday, February 12, 2004, at 1:30 p.m.

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