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Monday, February 16, 2004



THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Monday, February 16, 2004

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

EAST COAST MUSIC AWARDS 2004

Hon. Ethel Cochrane: Honourable senators, I rise to applaud all those who were involved in the 2004 East Coast Music Association's conference and annual awards gala over the weekend. The festivities took place in St. John's, Newfoundland and Labrador. They began on Thursday and ended last night with an entertaining show hosted by comedians Shawn Majumder and Mark Critch.

The East Coast Music Awards were established in 1989 and have since provided the industry's annual showcase of Atlantic Canada's extensive music talent. As any one of the 5,400 people at Mile One Stadium — or those of us who watched the national broadcast on CBC — can attest, there is an amazing pool of talent in the region. We were treated to fine performances by the likes of Jimmy Rankin, Melanie Doane and Crush.

For the people of my province, this year was an astounding success because not only were the awards hosted on our shores but also 21 individuals and groups from my province received nominations. By the time the last award was handed out, 10 of the top honours had gone to people from the host province. The province's winners were rock band Crush, which was the night's biggest winner with five awards, including group of the year and entertainer of the year. Double award winners were Damhnait Doyle and Ron Hynes; and the Ennis Sisters took home one award. Perhaps the highlight of the evening was the long-awaited reunion of Ryan's Fancy. The band was honoured with the Dr. Helen Creighton Lifetime Achievement Award for their many years as champions of traditional Newfoundland music.

Honourable senators, I want to congratulate the artists, the organizers and the hosts of the 2004 ECMA's conference and awards gala. With this event, the association has created an unparalleled opportunity for business and professional development for those in the region's music industry. At the same time, with the awards show they have created one of the most entertaining and exciting evenings in the Canadian music calendar.

[Translation]

THE LATE GUY PROVOST, O.C., O.Q.

Hon. Viola Léger: Honourable senators, it is with admiration and respect that I pay tribute to one of our greatest stage actors, Guy Provost.

For more than sixty years, Guy Provost was a major figure in Quebec's cultural history. A great man of the theatre and a prolific stage actor, he gave memorable performances in hundreds of roles, bringing to life the universal characters created by Bertolt Brecht, Eugene O'Neil, Arthur Miller, John Steinbeck, Bernard Shaw, Michel Tremblay and Antonine Maillet. His deep voice and engaging presence were also familiar to Radio-Canada and Quebec television audiences, particularly in the well-known role of Alexis in the popular series *Les Belles Histoires des pays d'en haut*.

His magnetism, deep voice and great capacity for listening made him much sought after. I personally had the pleasure of appearing on stage and on screen with Guy Provost. Working and performing with Guy was always a privilege for me. He had such warmth, generosity and patience. His passing will leave a great void in the arts community.

Seen as a rock in cultural circles, he won numerous awards, including Knight of the Ordre national du Québec and Officer of the Order of Canada.

In closing, I want to recite to Guy the lines that Évangéline Deusse spoke to him, when he played the Breton and I played Évangéline. Évangéline said to her Breton:

You will know, when the time comes, that age has no age; that the most beautiful hand is the hand that has its life and country etched upon it; that the most beautiful eyes are those that have gazed upon the world for a lifetime; and that a person's soul never wrinkles or ages, nor will it ever die.

Thank you, Guy, and Adieu!

• (2010)

[English]

WESTMINSTER DOG SHOW

BEST IN SHOW AWARD CONFERRED ON
NEWFOUNDLAND

Hon. Francis William Mahovlich: Honourable senators, I wish to bring to your attention that, on the weekend, in New York City, at the Westminster Dog Show — a dog show that is more than 128 years old, almost as old as the Kentucky Derby — the 2004 Best in Show was awarded to a Newfoundland.

PARLIAMENTARY, GOVERNMENTAL AND BUREAUCRATIC RESPONSIBILITY

Hon. Douglas Roche: Honourable senators, it is evident that the government, in deep crisis over the abuses of the law and the squandering of millions of taxpayers' dollars in the sponsorship program, will try to find the guilty parties. The Public Accounts Committee and a judicial inquiry will undoubtedly probe deeply into this matter, one that has outraged Canadians. However, in my view, the system will not change until the attitude of all those in positions of responsibility changes.

The parliamentary, governmental and bureaucratic processes are not a private club. All those in the entire government system hold a trust. Canadians have entrusted to us their interests — their interests being good order in the country, proper security, attention to health and education needs, and a host of other subjects that make up the well-being of the nation.

Every dollar that is misspent on some scheme or other is a dollar that the health care system does not receive. Every dollar pocketed by some insider is a dollar the Armed Forces do not receive for proper equipment. Every dollar that is siphoned off for some self-enrichment is a dollar lost to education, to the environment, to the homeless, to child poverty and to other social services for the poorest amongst us.

The Ottawa system simply cannot operate without trust. It is impossible to have a foolproof policing system over every dollar in the federal budget. Yes, the regulations must be strengthened, but, in the end, we are left with the ethical responsibility each person in the Ottawa system must practice in order to safeguard taxpayers' money.

A code of conduct can be proclaimed, but it will come fully into play only when the attitude of everyone in responsible positions changes. The Ottawa system will recover the trust of the taxpayers only when it shows without fail that it deserves that trust.

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table in this House petitions from another 1,000 signatories, for a total of 26,840, asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality. The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada, be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[English]

QUESTION PERIOD

FINANCE

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM— RELEASE OF PUBLIC OPINION RESEARCH REPORTS

Hon. W. David Angus: Honourable senators, because of St. Valentine's Day, which fell on Saturday of this past weekend, we were all overcome with a feeling of love. However, my feeling of love was interfered with when I woke up to read that our current Prime Minister, while acting as Minister of Finance, was engaging in more secret deals with his friends, this time with the Earncliffe Group of Ottawa. The whispers and sweet nothings exchanged between these two partners have provided Canadians with nothing but hot air, it seems.

I refer to the Auditor General's report, in the chapter dealing with management of public opinion research, where it is indicated that not all public opinion research reports were released to the public. In particular, at paragraph 5.17, honourable senators, it says:

Communications Canada explained to us that it had been unable to release the results of a few research projects for the Department of Finance Canada because, according to the Department, it had received only verbal reports and had no written reports on these projects.

Honourable senators, given the number of dealings of this nature that have recently come to light with the sponsorship scandal, and the obvious devious deals made through these programs, can the Leader of the Government in the Senate explain why these reports for Finance Canada were conducted so much under the covers and whether it is the government's intention to make public the details of those secretive paperless dealings, especially in view of the Prime Minister's stated intention to bring everything out transparently for the people of Canada to see?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, let me reflect on Senator Angus' experience with love over the weekend. In listening to the honourable senator's questions, I am beginning to understand the meaning of the phrase "tough love."

As honourable senators know — and as has been explained by the government — the opinion research referred to in the Auditor General's report and conducted by Earncliffe was done on the basis of information collected by others and was the basis of a strategic analysis. That is to say, others collected the materials but the work received was the subject of verbal briefings to the Department of Finance and is, therefore, not available in the form of written reports.

• (2020)

Senator Angus: Honourable senators, I am not surprised at the answer of the Leader of the Government. As the Auditor General went on to say, Communications Canada explained to us that it had received only verbal reports and had no written reports on these projects.

Could the Leader of the Government please tell us whether the Department of Finance was the only department that had these secretive or paperless agreements? Were there other departments that also received only verbal reports and, if so, what are the details and the amounts of the contracts with those departments?

Senator Austin: Honourable senators, to the extent that I am able to obtain such information, I would be happy to disclose it. I am not certain whether the best forum for answering the honourable senator's question is Question Period, or whether it would be more appropriate if a written question were submitted. I could then forward that question to the appropriate departments.

Senator Angus: Honourable senators, I understand that the position of the leader and of the government is that there were never any written reports delivered to Earncliffe. I must ask, then, how would the dealings between the Department of Finance, under the leadership of the present Prime Minister, and the good folks at Earncliffe differ from the dealings between the government and Groupaction for their reports that were never delivered or work that was never done? What proof does the Canadian population have that any work was done for \$178,000? Perhaps that amount, in the view of the government, is trivial compared to the \$250 million.

Senator Austin: Honourable senators, the answer is so obvious that I am surprised the question is even being asked. In the case of the Department of Finance, the briefings were done, the strategic advice was given, and the department received value for its funds.

Senator Kinsella: How do we know that?

Senator Angus: Honourable senators, we have a new thing going on in Quebec at the moment. I am not sure whether everyone is familiar with this term yet, but they will become familiar with it: it is *Bougonmania*, after a new, hit television show in Quebec called *Les Bougon*. The characters in that show are pretty much deadbeats who spend their time figuring out ways to beat the Quebec government's system. Quebecers are just sitting back, loving every minute of this program, and the ratings have gone way up.

[Senator Austin]

This is my question to the Leader of the Government: Is it because of this program's great popularity surrounding devious dealings that the government intends to go to the Canadian people for an election in May?

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM—CONTRACTS WITH GOSSELIN COMMUNICATIONS

Hon. David Tkachuk: Honourable senators, continuing with the corruption scandal that has become a part of our culture, I have a question for the Leader of the Government. The Prime Minister is telling us that he will go after those Liberal advertising agencies that scammed the taxpayers out of a quarter-billion dollars and get some of that money back. One of those companies is Gosselin. Last year, Gosselin went to court to collect \$323,000 that it said this government still owed for services rendered. Like it or not, Gosselin won in court on December 9, under Jean Chrétien's watch. In January, under Paul Martin's watch, the government cut Gosselin a cheque. Could the Leader of the Government advise the Senate as to why the Martin government chose not to appeal this case?

Hon. Jack Austin (Leader of the Government): Honourable senators, of course I could make inquiries of the Department of Justice to find out their reasons. However, that decision would not be taken at the political level. It would be taken by the legal advisers in the Department of Justice.

Clearly, if the courts have found an obligation owing, it does not matter whether it is under the Mulroney regime, the Chrétien regime or the current government. If the funds are owed and if the courts say they are owed, then I am sure Senator Tkachuk, if he thought about it, would ultimately come to the conclusion that the court's decision should be obeyed.

Senator Tkachuk: Honourable senators, was this \$323,000 part of the \$142,000 that the government paid to Gosselin as its 12 per cent cut for moving money from the sponsorship program to the production company L'Information essentielle for the Maurice Richard series? Was it part of the \$141,000 that Gosselin got as a 12 per cent cut for its role in moving money to the RCMP? Was it part of the \$114,000 that Gosselin took for production costs associated with the government sponsorship of the RCMP?

Senator Austin: Why not let the processes of the Public Accounts Committee in the other place and the judicial investigation provide the answers to those questions?

SPONSORSHIP PROGRAM—CONTRACTS WITH LAFLEUR COMMUNICATION MARKETING

Hon. David Tkachuk: Honourable senators, the government is also being sued by another Liberal advertising firm, Lafleur Communication Marketing, for some \$211,000. Could the Leader of the Government advise the Senate if this has anything to do with Lafleur's 12 per cent cut for moving money to various Crown corporations? Does it concern the \$142,000 it also got as 12 per cent for moving money to the Maurice Richard series? Does it concern the \$30,000 that Lafleur got for moving money to

Le Canada du Millénaire series? Does it concern the \$180,000 that Lafleur got for buying a giant screen for the Old Port of Montreal?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would provide the honourable senator with the same clear and succinct answer as I gave to the last question.

Senator Tkachuk: Which was what?

Senator Austin: If the honourable senator cannot remember that far back, I will repeat the answer: The processes in the Public Accounts Committee in the other place and at the judicial inquiry are available to provide the answers to those questions and no doubt will, in due course.

Senator Tkachuk: We were merely asking —

Senator Austin: Why would you not be courteous? That is not a courteous response.

Senator Tkachuk: This matter has been in the newspapers for the last couple of weeks. Actually, when you think about it, this matter has been in the newspapers for the last couple of years. The Auditor General has talked about this matter in previous accounts, and it has been raised in Question Period in the other place. The Auditor General has now organized her findings on this matter in the report which she tabled last week, so that all Canadians can understand it. Yet you are telling me that, after all this time, none of your ministers, no one else in any department, nor yourself know anything about any of this subject-matter, nor has anyone bothered to investigate any of it so that a report could be made to the House of Commons, where it belongs?

Senator Austin: Honourable senators, my respectful response to Senator Tkachuk is that he is obviously better informed on these issues than others in this chamber. I would tell him that the best information will eventually come from the processes I have previously mentioned.

PARLIAMENT

CONFIDENCE IN INSTITUTIONS OF GOVERNMENT

Hon. Laurier L. LaPierre: Honourable senators, mine is not a political question; it is a question about the profound interest and concern of the Canadian people. Democracy in this country is becoming sick. One of the reasons it is becoming sick is lack of participation. There is no capacity to influence. Also, every day, a scandal of some sort erupts and becomes a dominating factor in the newspapers. Such scandals influence the public to think poorly of those who serve here in this house and in the other place. Honourable senators, at some point, a way must be found to reintroduce the confidence of the Canadian people in the institutions that they elect or which govern them.

• (2030)

I say to the leader of the government, of my party, in the Senate, and as a member of the government of my country, which I support, that the time has come for us to think seriously about what we can do to address this deficiency of confidence. I therefore suggest to the government leader, very humbly and

kindly, following my return from England, with its magnificence of royalty —

The Hon. the Speaker: I would remind honourable senators to keep the preamble to questions brief, as well as the questions and responses.

Senator LaPierre, your question.

Senator LaPierre: I would note that some Conservatives also ask immensely long questions.

My question is this: How can we deal with this issue and what can we do to rekindle the confidence of Canadians in what constitutes their institutions of government?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator LaPierre points to a fundamental issue: Trust and confidence underlie the entire working of our governance system. In the circumstance we are now experiencing, where it would appear that there have been abuses of the rules of government with respect to contracting and expenditure of funds, it is essential that government be open and aggressive in getting to the bottom of the problem. The way we are seeking to do that is to show the people through judicial parliamentary inquiry that all the facts must come out, that every line of inquiry must be pursued, even those of Senator Tkachuk. We want to know it all, and the public of Canada wants to know it all.

Prime Minister Martin has said that those who are responsible and that those who have committed a crime will pay the appropriate penalty for their misbehaviour.

AUDITOR GENERAL

REPORT ON SPONSORSHIP PROGRAM— INVOLVEMENT OF CROWN CORPORATIONS

Hon. Lowell Murray: Honourable senators, the Prime Minister has been critical — and properly so — of the response of certain Crown corporations to the report of the Auditor General. The facts as to the involvement of those Crown corporations in this matter have been laid out in considerable detail in the Auditor General's report, which gives rise to this question: Is the government considering any changes in the top management of those corporations, or is that to await the report of the judicial inquiry?

Put another way, the Parliament and the country have a right to know whether the top management of VIA Rail and Canada Post still enjoy the confidence of the government. What is the answer to that question?

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer is that, at this moment, they remain in office because nothing has been established in terms of facts to determine any other course of action.

The Auditor General has made reports. The responses of the Crown corporations have not been heard except insofar as they are disclosed in the Auditor General's report. The President of the Treasury Board, on behalf of the government, has made it clear that he will engage in discussions and pursue lines of inquiry with those Crown corporations.

Once those discussions have taken place, the government may or may not have something further to advise.

FOREIGN AFFAIRS

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

Hon. John Lynch-Staunton (Leader of the Opposition): I appreciate the consideration given to the heads of the Crown corporations, to await their version, and it is quite right to do it that way. Why was the same consideration not given to Ambassador Gagliano?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have answered that question repeatedly in the sense —

Senator Lynch-Staunton: No, you have not.

Senator Austin: — that the ambassador serves at the pleasure of the Crown, and, given the allegations in the Auditor General's report which, while not referring to Mr. Gagliano by name, refer to him by office, it seemed appropriate for the government to withdraw its pleasure. Mr. Gagliano simply could not be effective as an ambassador of Canada while under pressure from domestic allegations. Therefore, he was recalled.

Senator Lynch-Staunton: The same allegations against Mr. Gagliano were made before his appointment. How was he qualified to serve under allegations similar to those that he has now been found unfit to serve under? I do not understand the rationale here.

Senator Austin: Honourable senators, I cannot speak to the reason Ambassador Gagliano was appointed to be ambassador to Denmark. That appointment was not made by this government, nor was I a member of that ministry. I have given the answer as to why he was brought back.

PARLIAMENT

GUN REGISTRY PROGRAM—POSSIBILITY OF FREE VOTE ON ESTIMATES AND FUTURE

Hon. Gerald J. Comeau: Honourable senators, yesterday the Prime Minister told listeners on CBC's *Cross Country Checkup* that the real problem with the sponsorship program was that Parliament had lost the ability to scrutinize government spending. The Prime Minister said that parliamentarians should have the ability to question every line of spending.

My question to the Leader of the Government in the Senate is this: Will this new openness apply to the gun registry estimates? Will members of Parliament be able to question and vote on gun registry estimates without a whip on the vote? In other words, will there be a free vote in the future on the gun registry estimates?

Hon. Jack Austin (Leader of the Government): Would the honourable senator specify as to whether he is inquiring into procedures in the other place?

[Senator Austin]

Senator Comeau: I am.

Senator Austin: Honourable senators, I am not in a position to answer at this time with respect to what procedures in the other place may be.

Senator Comeau: Let me turn it around, honourable senators. Will honourable senators in this chamber be allowed to vote on the gun registry estimates without a whip, in a free vote, if and when estimates do come before this house?

Senator Austin: Honourable senators, the answer to that will require me to consult with my colleagues on this side.

Senator Comeau: Honourable senators, I raise this question because the Prime Minister has gone to great lengths to indicate that it is no longer business as usual. I listened carefully to his comments yesterday about our being, supposedly, in a new era. This is a brand new government — I see the same old faces across the way, but I will give it the benefit of the doubt. A new team has taken over and indicated that it will not be business as usual.

We also learned, as a result of the Hession report, of an extra \$400 million that had been spent on the gun registry that did not make it into the figures. This was for the computer software programs that I think the Prime Minister was referring to yesterday as sunk costs.

A CBC program that aired last week, I believe, indicated that the gun registry program is now at \$2 billion and counting. Does that not mean that Canadians would now want us to act, in this supposed new spirit of cooperation and new parliamentary atmosphere, as parliamentarians who will now be able to vote down the registering of firearms and place those hard-earned dollars where Canadians need them, for example, in health care and other issues vital to Canadians?

Senator Austin: Honourable senators, let me first say that I have no idea where the \$2 billion referred to in the newspaper comes from, because the —

Senator Comeau: CBC.

Senator Austin: I still have no idea what that figure is based on.

• (2040)

Senator Lynch-Staunton: Can you deny it?

Senator Tkachuk: Deny it or resign.

Senator Lynch-Staunton: He was not a member of that government either.

Senator Austin: With respect to the rest of the question, honourable senators will know that Prime Minister Martin has appointed a Minister of State, the Honourable Albina Guarneri, to review the entire gun registry program and to bring her advice back to the government.

JUSTICE

REVIEW OF GUN REGISTRY PROGRAM

Hon. Gerald J. Comeau: My understanding is that the Prime Minister indicated to her that she could conduct the study with one proviso: the question of examining the continuation of the registry would be off the table. She can look at everything else except abandoning the registry. She can study it until she is blue in the face. The Prime Minister referred to it yesterday as “sunk costs.” Those costs are gone. If the question of continuing the registry is not on the table for her to examine, what kind of study is she doing? It is worthless.

Hon. Jack Austin (Leader of the Government): On the contrary, honourable senators, the majority of Canadians want to maintain a gun registry. This has been demonstrated in poll after poll done in Canada.

Within that context, one could probably ask thousands of questions about how the registry should work, what it should cover, what kind of information should be reported, what access the police should have to it, and, of course, the more conceptual questions about how effective it is in preventing crime or, alternatively, in discovering the people who commit crimes.

I believe that the study is extremely valuable. My particular concern is that it will take more time than I would like it to take because of the nature of the study and the number of questions. I believe Canadians would like answers fairly soon to some of the critical questions.

Hon. Herbert O. Sparrow: Honourable senators, I do not think that we have received an answer as to whether the \$2 billion figure is correct. It has been reported by the CBC, from Access to Information, that nearly \$2 billion has either been spent on or committed to the federal program since it was introduced in the mid-1990s. There is a big difference between the \$2 million that was considered the cost when the registration began. We were faced with \$1 billion, and now we are faced with \$2 billion. I would like to know if that figure of \$2 billion is realistic. Can the Leader of the Government in the Senate advise this house whether it is realistic or not? Can he find that answer if he does not have it tonight?

Senator Austin: Honourable senators, I do not have it tonight. I saw the story, and I am skeptical that a figure of \$2 billion was either spent or committed. However, I will undertake to make inquiries and to provide that information to the Senate.

Hon. Pat Carney: Honourable senators, in view of the answer to undertake to make that information available, would the minister consider sending that reference immediately to the Standing Senate Committee on National Finance chaired by the inestimable Senator Lowell Murray?

Senator Austin: Honourable senators, I will take that request under advisement. I am not sure now what the answer is or how it is made up or whether the Senate as a whole is interested in a reference of that kind.

Senator Carney: Come on. We are interested.

[*Translation*]

FEDERAL COURT RULING ON CASE
BROUGHT BY MAYORS OF ACADIAN PENINSULA—
APPEAL BY GOVERNMENT

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. I gave him notice of this question.

On September 8, 2003, Mr. Justice Pierre Blais of the Federal Court found in favour of the Forum des maires de la péninsule acadienne, who were objecting to the transfer of four inspector positions from the north to the south of the Acadian peninsula by the Canadian Food Inspection Agency.

The official languages communities were pleased with this decision. It was one of the rare occasions when a Federal Court judge had generously interpreted the meaning of section 41 of Part VII of the Official Languages Act. Many people have argued that section 41 is executory rather than declaratory, as the government claims.

All of the senators know that for several years I have been introducing a bill in the Senate that would clarify section 41 of Part VII of the Official Languages Act in order to make it executory.

Now the government has appealed this decision. At the same time, the Commissioner of Official Languages has asked the Federal Court for intervener status in this case. The members of the Senate Standing Committee on Official Languages support this request.

The question is simple: Does the government intend to go back on its decision, assuming all responsibility for implementation of Part VII of the Official Languages Act in order to protect and promote the development of official languages communities and work toward the equality and full recognition of French and English in Canadian society?

[*English*]

Hon. Jack Austin (Leader of the Government): I thank Senator Gauthier for sending me written notice of this question. I received it toward the end of the afternoon today. I have not had the opportunity to make inquiries of the Department of Justice to have their reasons for an appeal. I will pursue the more specific questions that Senator Gauthier has raised and endeavour to answer him at a very early time.

HERITAGE

AUDITOR GENERAL'S REPORT—
STATE OF HISTORIC SITES, DOCUMENTS
AND ARTIFACTS

Hon. Brenda M. Robertson: Honourable senators, it is unfortunate that, in the furor over the sponsorship scandal, other parts of the Auditor General's report have not received much attention.

The cultural heritage audit, one of the first of its kind in the world, yielded very poor results. It found that over two thirds of our historic sites are in poor to fair condition and some of them may be lost forever if not repaired within the next few years. The report stated that federal funding for cultural heritage for the fiscal year 2001 was \$14 million less than it was in 1990-91 during the previous Conservative government. Apparently, the federal government believes there is plenty of money for Liberal-friendly advertising companies but not enough to save our crumbling historic sites and buildings.

Could the Leader of the Government in the Senate tell us what the government plans to do in response to the Auditor General's warnings that our historic sites are rapidly deteriorating?

Hon. Jack Austin (Leader of the Government): Honourable senators, I share the concern of the Honourable Senator Robertson with respect to the portion of the Auditor General's report that deals with heritage sites. I have been advised that work is underway to do an assessment of the evaluation of the Auditor General's report. I know that representations are being made to the Minister of Finance with respect to the upcoming budget, and I certainly hope they are successful.

There are sites here in Ottawa, quite familiar to Canadians, that are in urgent need of repair. Unfortunately, I am referring to 24 Sussex, which in my opinion is in a state —

Senator Tkachuk: Have you been there?

Senator Austin: I have been there, yes, and I am speaking from a personal view.

Senator Angus: Enjoy it while you can.

Senator Austin: It is in a state that desperately needs assistance to preserve the site, and many other sites in Canada are in the same situation. I am certainly supportive of the concern expressed by the Honourable Senator Robertson.

Senator Robertson: Honourable senators, our historic documents and artifacts are also in danger, according to the Auditor General's report. Over 90 per cent of the National Library's collection is stored in buildings that do not meet space, temperature or humidity standards for such documents. There is a considerable backlog in processing archival materials, including ministerial records dating back 35 years.

Could the Leader of the Government in the Senate tell us if the federal government intends for Canada's archives to fall into the same state of neglect and disrepair as our historic sites are in now, or will money be forthcoming to help correct this grave problem?

• (2050)

Senator Austin: Honourable senators, the Auditor General has done Canadians a great service by pointing out the state of repair or disrepair of Canadian heritage and historic sites. The result of the Auditor General's report is that serious consideration is being given to the problem she has raised, and it is to be hoped that that

has given rise not only to Senator Robertson's representations but to many others, so that the government will focus on ameliorative action.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a delayed answer to an oral question posed by the Honourable Senator Beaudoin on February 10, 2004, concerning the Quebec EI parental case.

HUMAN RESOURCES DEVELOPMENT

QUEBEC COURT OF APPEAL RULING THAT FEDERAL PARENTAL AND MATERNITY LEAVE PROGRAMS ARE UNCONSTITUTIONAL

(Response to question raised by Hon. Gérald-A. Beaudoin on February 10, 2004)

The Government of Canada is carefully reviewing the Court's decision in this reference case, its implications and is assessing options.

The federal government has 30 days from the date the Court released its decision to launch an appeal, i.e. until February 26.

We have initiated a dialogue with the province of Quebec on this issue.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, concerning delayed answers, perhaps I could ask the Deputy Leader of the Government when we might have an answer to the question that was asked by Senator Angus of the government leader on Friday last?

Senator Rompkey: We are working on our answers to oral questions as expeditiously as we possibly can.

ORDERS OF THE DAY

REPRESENTATION ORDER 2003 BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

Some Hon. Senators: Question!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Stand.

[Senator Robertson]

The Hon. the Speaker: Stand? Is this matter to stand?

Senator Kinsella: Why are we here tonight?

Senator Austin: To hear from Senator Lynch-Staunton.

Senator Rompkey: Stand.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I beg your pardon: I rise on a point of order. Senator Austin has just said that we came back tonight to hear from Senator Lynch-Staunton. I would like an apology on that one. I would remind the honourable leader that he is not here to listen to me; he is here to run the government's business. I never said that I would speak tonight on anything. I was never consulted. I was never asked. I was never approached, and to say out loud, "We are here to hear from Senator Lynch-Staunton tonight and that is the only reason" is absolutely false, and I want an apology.

Hon. Jack Austin (Leader of the Government): Let us tell the rest of the story. Senator Kinsella asked why we were here tonight and I said that we were here to hear Senator Lynch-Staunton speak because his name is on the Order Paper. He took the adjournment of the debate on Bill C-5, and I was not told by anyone that he was not speaking tonight. I thought my honourable colleagues on the opposite side were eager to get on with the debate on this particular topic.

Senator Lynch-Staunton: That is absolute rubbish. We are not anxious to get on with government business. What is this? What is the Leader of the Government talking about? We are being faulted for not rushing through government business? I was not even asked to speak tonight. I was in Halifax all day and I told the deputy leader that, in case anyone asked, I was not ready to speak tonight because I had yet to read Senator Smith's remarks when he introduced the bill. I hoped to be ready tomorrow, but after that insult I think I may wait a little longer.

Senator Kinsella: Honourable senators, on this point of order, let us be perfectly clear: This is a matter of government business. When it is adjourned, it is not adjourned in any other senator's name; it is adjourned in the name of the government. Perhaps the Honourable Leader of the Government would want to get that one down pat: government business stands in the name of the government.

Senator Austin: I am not sure I understand what the point of order is, honourable senators, but the adjournment on Bill C-5 was taken in the name of Senator Lynch-Staunton. The courtesy on this side was to allow him every opportunity to proceed. I did not hear that he was not proceeding tonight. That is not the only reason we are sitting this evening, but it is one of the feature reasons why I thought we should be sitting.

Senator Lynch-Staunton: I will make this a question of privilege tomorrow because the record will show that the Leader of the Government has said that we are here tonight to hear from Senator Lynch-Staunton.

Senator Austin: Indeed we are.

Senator Lynch-Staunton: If he does not apologize for that tonight, I will raise a question of privilege tomorrow.

The Hon. the Speaker: I think perhaps that is the best way to proceed, honourable senators.

Sometimes the microphone is not turned on when we are seated, and I do not hear the word "stand." We will just have to slow down a bit so that I do hear. I want to be sure.

Is this order to stand?

Senator Rompkey: Stand.

Order stands.

LIBRARY AND ARCHIVES OF CANADA BILL

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Laurier L. LaPierre moved the second reading of Bill C-8, to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence.

He said: Honourable senators, section 8(2) of Bill C-8 proposes to amend the Copyright Act to allow the librarian and archivist to collect a representative sample of documentary material available to the public without restriction on the Internet for the purposes of preservation.

Essentially, what we are about here tonight is a bill to unite the two institutions that constitute the memory of the Canadian people: those are the National Archives of Canada and the National Library of Canada. I understand this bill is called Bill C-8.

The National Archives of Canada, established in 1872, is one of Canada's oldest cultural institutions. From its inception it has had a broad cultural mandate rather than a limited administrative one, and it has played a key role in developing the historical study of Canada.

The National Library of Canada was established in 1953, responding to recommendations in the Royal Commission of National Development in the Arts, Letters and Sciences, and to post-war concerns about the preservation of the "collective memory" of Canada and the need to strengthen Canadian cultural resources. The core of the collection of the new National Library, which was created in 1953, was to deposit copies of Canadian publications accumulated under Canadian copyright law by the Library of Parliament. A single head led the National Library, together with the National Archives, until 1968.

In the 2002 Speech from the Throne, the government announced its intention to create a new kind of knowledge institution, called Library and Archives Canada, to better serve Canadians in the 21st century. Library and Archives Canada is an innovative knowledge institution with a broad mandate to preserve, make known and provide easy and integrated access to Canada's documentary heritage. As a historian, I value this exceedingly.

This was also, to a certain degree, a recommendation of the John English report, which was published a few years ago, but the matter was never given any follow-up.

[*Translation*]

Honourable senators, it is a pleasure for me to speak on Bill C-8, to establish the Library and Archives of Canada. As a historian and a Canadian, I am very proud that this is one of the first bills to be introduced in this honourable chamber — proud because it will establish an institution of learning from which many generations of Canadians to come will benefit and proud, because this is a bill which will help protect the history and culture we all share, the very foundation of our national identity.

This bill could not come at a better time, after what we have learned from the Auditor General's report.

• (2100)

[*English*]

The Auditor General addressed many important matters in her excellent report beyond those matters that we read about in the headlines. One of them was the troubling state of the nation's cultural heritage. I take great delight in speaking about the cultural heritage in Canada because, unfortunately, there is no standing committee in the Senate that deals with the soul of our country, its heritage and culture. Those subjects are addressed as an annex to another committee. Consequently, it is very important to say that the time has come to do something about this situation. That is why the Auditor General did not sugar-coat her words.

According to the statement made public on Tuesday:

...documents of historic value, and book collections under federal control will be lost to future generations unless action to protect them is undertaken soon...

The Auditor General continued:

More than 90 percent of the collections of the National Library of Canada are housed in buildings that do not meet current standards for temperature and humidity.

Honourable senators, 90 per cent of our whole documentary heritage is at risk. What does this mean, in particular, in practical terms? The report spells that out. We are told that since 1988 the National Library has experienced 116 environmental incidents. About 60 of these are the result of floods and excessive heat that has damaged about 30,000 documents in the library's vast collections.

The library estimated the minimum cost of repairing or replacing the damaged documents at \$4.5 million. The library does not know the exact number of documents that have been lost irrevocably for history.

[Senator LaPierre]

This damage is not the whole story. Some collections of the National Library are overcrowded. According to an internal library study from 1999, the newspaper collection is deteriorating rapidly. Unless it is digitized and put on film or some other mechanism of some sort, it will completely disappear. The expected lifetime of these newspapers, which are really an image of history as it is unfolding important records of our life together as a people, is very limited.

What is happening is nothing less than our collective memory being erased. As we lose our history, we also lose our identity. This chamber has seen so much of history unfold. Look about at the murals that enfold us; yet over 90 per cent of Canadians do not know what the panels mean or represent because they have no sense of the history of this country.

I travel the length and breadth of this country almost every week. I find that young people do not know their history. They are not taught their history. Humble as I am, people have created extracurricular programs to bring our youth into contact with their heritage, through heritage fairs and Historica YouthLinks. This enables them to come together and to understand and discuss the history of their country. They have no other source. There are no institutions. There is no capacity to be able to come to know who they are and where they have come from.

Canada is the refuge of mankind. Over 150 different religions, languages and nationalities are represented in this country. There is no parallel to Canada in the history of the world; yet we do not know enough about who we are as a people.

The greatest crime, honourable senators, is that we do not teach our children who we are.

[*Translation*]

How will our children know about our efforts and our successes if they cannot read about them? How will they be able to build the future if they know nothing about the past?

[*English*]

The past is the door to the future. If one does not know the past, one will not know what to do once the door is open and might not be able to know how to open the door.

[*Translation*]

Honourable senators, we know that this alone cannot solve all the problems raised by the Auditor General, nor can it ensure the preservation of a single document. In fact, as the Auditor General recommends, additional resources will be needed.

Let us not underestimate the importance of Bill C-8 to those who work in the publishing and archival fields to collect and preserve our heritage. This bill offers a solid basis on which to build an important institution from which all Canadians will benefit, one which will help advance the knowledge of our society.

[English]

Honourable senators, I urge you to join me in giving this bill speedy passage. Already this bill has been subjected to numerous delays both here and in the other place. The only section of the former Bill C-36 that provoked debate is now obsolete. With the start of the new year, the affected works are now in the public domain. Therefore, the amendments proposed to section 21 of the Copyright Act are no longer applicable and will now be dropped.

Let us return to the purpose of Bill C-8, which is to create a new institution, the Library and Archives of Canada, and to ensure it will give us the tools we need to protect the rich treasure trove of knowledge that has been accumulated over the century.

At the same time, this proposed legislation will give Canadians the opportunity to satisfy our thirst for knowledge about the many facets of our country. By bringing together the vast collections and expertise of the National Library of Canada and the National Archives of Canada to create the new Library and Archives of Canada, the government is ensuring that we derive even more value from our documentary heritage.

The proposed legislation sets the stage for a true 21st-century knowledge institution, a source of enduring knowledge, accessible to all, that contributes to the cultural, social and economic advancement of Canada as a free and democratic society.

By uniting the library and archives, we will welcome Canadians and those interested in Canada to visit and share the richness of our documentary heritage.

What is new in the proposed legislation is the explicit mandate to make known the documentary heritage of Canada to all Canadians and those interested in Canada. The Library and Archives of Canada will make enhanced use of the latest developments in information technology and the Internet to reach everyone using those modern tools.

I have been dealing with these matters longer than most honourable senators have been born, and I have always been frustrated. I have taught history at all levels across this country. I have often conducted seminars across the country, attempting to reach young people and helping them to grasp what this country is all about.

Honourable senators, Canada is the most magnificent country on the planet. It is, above all, the most important country on the planet. It is the only country in the world devoted entirely to the maintenance, the sustenance, the appreciation and the living of cultural diversity.

Ours is one of three countries in the world that allows immigrants to become citizens, and we do so in three years, rather than 15 or 20 years thereafter or one generation thereafter. We invite the world to come to us. We invite them to enrich us.

We are already enriched by the presence of the Aboriginal people who have contributed more to this country than the millions and millions of people who will come or who have already come. We have a diversity of culture, multiculturalism and democratic institutions. We are the essence of what it is that the world needs to know and understand in order to live in harmony.

• (2110)

We no longer teach Canadian history; rather, we teach “social sciences,” which is a hodgepodge of this and that. It has nothing to do with the core of who we are as a people. Through heritage fairs and Historica YouthLinks, we encourage the young to talk together about this country. As well, through the Web, we encourage them to talk about Canada to the children of the planet, and we do that very well. However, we are missing the definitive willingness of adults to do their part.

Honourable senators, how many times have you sat down with your grandchild to tell a story of Canada? Statistics show that 95 to 96 per cent of Canadians do not do that. How will the children learn about the historical atrocities committed against the first peoples of our country, which we must correct within the next generation if we are to endure? How will the children know what it is to live in a country with two languages? How will they know what it is to live in a country that values multiculturalism, pluralism and assent to diversity as the cornerstones of a democratic society? How will they know all of that if we, the adults, do not make it possible for them to know?

The federal government has nothing to do with the teaching of history because education is a provincial responsibility. However, the federal government can, through citizenship and other areas of legislation, contribute immensely to the development of instruments of knowledge and interest.

At the archives, there has been created a magnificent genealogy program through which kids from all over the country can learn about their great-grandfathers who fought in the First World War. It is easily done, within a matter of seconds, because children master the machinery of the Web so easily. They take pride in that. They go into the books to find the place where their great-grandfather may have died or been wounded. They come to share a love of this country. Above all, they come to share a link with it that will remain forever. We need an institution to do that.

We cannot be scattered all over the planet. We have magnificent museums across the country. For years, we have been trying to join them together so that, with one push of a button, the kids will be connected and can access information from every museum across Canada. If I have my way, they will be able to connect to a museum in Peru with the push of a button.

Honourable senators, we want our children to be able to access the world through the eyes of this magnificent, beautiful country. To do that, we need the library and the archives to be one institution, rather than having the library catalogue their books in one way and the archives catalogue them in another way. We do not want that nonsense.

I find so much ignorance. It is not a question of heroes; I do not care about heroes. I care about ordinary Canadians fighting and living their lives.

I once went to a school in the Yukon where they told me that the Yukon had no experience in the First World War. I said that is wrong. On a per capita basis, the largest number of soldiers in the First World War came from the Yukon. The children there did not know that native people from the Yukon were heroes scattered all across the plains of France, Flanders and other places in Europe. They did not know that their people created an enormous society capable of understanding what this country is all about.

I beg of you: Unite the archives and the library. Give us an instrument that will be easily accessible and will end the fight between the librarians and the archivists. Then the children will be able to access their history and, above all, will be able to teach it to their parents. After all, a child is a teacher of man. This is inevitable. Consequently, a father is a teacher; a teacher is a father; a teacher is a mother; a mother is a teacher. These concepts are from ancient times.

What is important, honourable senators, is that you are concerned about bringing the knowledge of Canada to the young people of our country. Please do it quickly. Do not send this bill to a committee where it might spend 300 days. Accept it now. I have moved second reading; someone will second it. Second reading will be given tonight; third reading will be given tonight; and, tomorrow, we will have a national instrument of astonishing importance so that our children, our grandchildren and we will come to know and, through that knowledge, come to love our magnificent, glorious country.

On motion of Senator LeBreton, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator 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.—(7th day of resuming debate)

Hon. B. Alasdair Graham: Honourable senators, at the time of the opening of the new session of Parliament, I reflected in this place on the fact that the date coincided with the one-hundred-and-fifty-sixth anniversary of the achievement of responsible government in the then United Canadas — Quebec and Ontario — and, a few weeks earlier, in my home province of Nova Scotia.

Allow me to reflect a little on the foundations of our wonderful country during my reply to the Speech from the Throne. This,

incidentally, will be my last, as I retire from this historic chamber later this year. Senator Lynch-Staunton noted that he was in Halifax today. Undoubtedly he heard that there is no shortage of applicants for my seat.

Senator John Connolly, a former Leader of the Government in this place, once called the Senate of Canada the custodian of our basic freedoms. As someone who has had the privilege of serving my province and my country for over 30 years in this chamber, I have had the wonderful opportunity to be part of this remarkable assembly of talented people — all of you — from all regions of the country and from all walks of life across this great nation of ours.

• (2120)

Along with many honourable senators, I have had the opportunity to study this country inside and out, to examine closely our challenges and our strengths. I have had the very good fortune to personally experience the real power of the Canadian model, both at home and abroad.

Honourable senators will know that yesterday was Flag Day. I went for a skate on what was, even for Ottawa, an extremely cold day. I might add that it was a happy coincidence to be able to take in the glorious sight of the red Maple Leaf as it unfurled against the brilliant blue of a Canadian winter sky. I suppose I had my own private Flag Day ceremony in that beautiful place on the rink. A potent symbol of our proud northern Canadian nation. I thought of the power of our flag as a symbol of tolerance, of social equality, of freedom and democracy to people across this planet — to the dispossessed, to the marginalized and to all of those looking for a better life for themselves and their children. I reflected on the fact that Canada was conceived as a leap of the imagination, as a vision, as a dream and, yes, as an idea whose time had come. Leaders such as Robert Baldwin, Louis-Hippolyte Lafontaine and Joseph Howe set out to build a rich, civil society rooted in the public good. However, they were not just believers or strugglers for ideals; rather, they were strategists of the first order.

As we mark the two-hundredth anniversary of Joseph Howe's birth this year, it is of interest to remember what he said back in 1850. His comment relates well to the comments of Senator LaPierre just moments ago when he reflected on the content of Bill C-8, which is so important to our country. Joseph Howe said:

It is the first duty of government to take the front rank in every noble enterprise, to be in advance of the social, political, and industrial energies, which they have undertaken to lead.

No matter what period in our country's history we look at, it has been the first duty of government to take the front rank in building a better country and a better world. That is why the Speech from the Throne concentrated first on the re-engagement of citizens in Canada's political life and forms of democratic renewal that restore trust in the political process. That renewal will bring new vigour to citizens caught up in the throes of transformation and transition all around them. The government's re-engineering of hope and commitment is particularly important

[Senator LaPierre]

in the lives of our young people. As someone who has spent a significant part of my life in democratic development in various parts of the world, I particularly welcome the Prime Minister's commitment to the idea of the Canada Corp. He has understood the tremendous potential involved in harnessing the dynamism and the talent of young Canadians and in bringing the full force of their commitment and their dedication to service in developing countries.

Honourable senators, the world needs more Canadas, as is so often said. The world needs our understanding of pluralistic democracy, of federalism, of justice and of human rights. However, the deepening of democracy at home is the first step. As our rich, civil society evolves and matures, Canadians will experience again the real magic and adventure of this country. In this rich, civil society, to quote from the Speech from the Throne:

...Canadians do not go about their daily lives worried about which jurisdiction does this or does that...that their governments will co-operate in common purpose for the common good — each working from its strength.

This kind of partnership, honourable senators, will nurture a political culture in which people have the heart for what is right, the spirit for what is just, and minds dedicated to the public good.

We will need those strengths to rise to the challenges set out in the Speech from the Throne, many of which centre on a bold program of social reform. As someone who was fortunate enough to be part of the political process in the early 1960s, I witnessed, at close hand, Mr. Pearson as he presided over a remarkable period of social-economic legislation that reshaped the nation and anchored the welfare state. It has probably been best described in the writings of one of the principal architects of the system, my long-time friend Tom Kent, who, at the age of 80, is still hard at work delivering policy papers on the growth and development of the social safety net.

Honourable senators, I believe that the finest hours were spent hammering out the system of medicare, which was part of the infrastructure for a compassionate society, the values of which anchor our national identity and the *sine qua non* of our citizenship. Our friend Allan MacEachen led the struggle for the comprehensive, universal access to health care soon after his appointment as Minister of Health and Welfare in 1966. Those were heady and exciting days. When I think back, I realize that the 1960s were a time and place when the right political leadership coincided with the right window of opportunity, as Jim Coutts reflected recently.

Honourable senators, that same fortuitous coincidence of leadership and opportunity is with us now in the dawn of this new Parliament and this new government. Prime Minister Martin has shown in the Speech from the Throne that he is a leader who intends not only to continue with but also to broaden and reshape

the wonderful process that is so central to the Pearsonian tradition. The traditional principles of the Canada Health Act have been reaffirmed. Early childhood development has become a national priority of first instance. Canadians with disabilities will find new hope through workplace supports. The Government of Canada will work with First Nations to develop real quality of life in the economy, in education and in governance.

Of the greatest importance to me as a Cape Bretoner is the emphasis in the Speech from the Throne on the imperative of working with communities to help themselves. I have always taken the greatest pride in community economic development at the local level in Cape Breton and throughout the province. I can only applaud the new national emphasis on a self-help model that goes back in time to the teachings of Monsignor Moses Coady and the famous Antigonish movement, now known worldwide as the Coady International Institute, located at my alma mater, St. Francis Xavier University.

The self-help model, which is at the core of the recent Throne Speech, builds on the kind of powerful, conventional wisdom that brings confidence and hope to people in our present era of globalization, an era that has turned much conventional thinking upside down. It is also clear that as our regions, communities and cities pursue their own local paths to the world marketplace, government must act in partnership with Canadians across the country to liberate their energies at home and internationally.

• (2130)

The GST break will be a tremendous benefit to all the municipalities of all our provinces. In my province of Nova Scotia, we think immediately of communities like Halifax and Sydney, but also of Antigonish and Shelburne, of Kentville and Truro. They also have much to gain, now having tax relief that will translate to better services for all our people.

As one of the many Cape Bretoners who have fought over the years for the Sydney tar ponds clean-up, I celebrate the beginning of the end of this tragic chapter in the life and times of the beautiful island of my birth. The tar ponds need healing of the sort that only a large cash injection to pierce the wound of North America's worst environmental disaster can provide. The Government of Canada, which has made an unequivocal commitment to the Kyoto agreement, now ensures that the healing process can begin.

Earlier, I referred to the tremendous period of social reform of the 1960s. By that time, multilateralism had become the heart and soul of our foreign policy. The Speech from the Throne indicates that the government will revitalize the special Canadian compact with multilateralism, in many ways the engine of our foreign policy. The commitment to new equipment for the military is an important signal of an activist government positioned for dramatically changed global realities. I am pleased, in particular, honourable senators, with the immediate investments in armoured vehicles and the long overdue replacements for the Sea King helicopters.

We must remember together, however, that the defence of Canada means a global engagement. It is not just about more spending on the military, as important as that is in itself. The defence of Canada is about much more than smart borders or emergency preparedness, as vitally important as these commitments are in a post-9/11 world. The defence of Canada is also about the hearts and minds of its citizens, about the strength and conviction which is the glue of our talented civil society, a society that can rise to the challenges of, in many ways, a fearful and horrifyingly inequitable world.

Honourable senators, the Speech from the Throne makes it clear that the Government of Canada understands that our people want their country to play a distinctive and independent role in making the world more secure, more peaceful and more open. It is rooted in the fine traditions created by erudite diplomats such as John Holmes and Escott Reid, who brought the values and the traditions of Canada to the world community. Reid once observed that Canadians have a special facility for tinkering with world government. Indeed, the mechanics of world government are their special concern.

Prime Minister Martin fits the mould of these fine internationalists. The machinery of world government really is his special concern. Global government is an issue that has consumed his attention and fascinated him ever since he chaired the G20 financial group. We can expect his energy in the service of engineering multilateral institutions that work to bring real excitement to Canadians in the days and months to come.

Honourable senators, as I said earlier, over 150 years ago, a small group of reformers brought imaginative ideas about freedom, about tolerance and about the ideal of the common good to the legislatures of the United Canadas and my own province of Nova Scotia. Strategists of the first order, they helped create something new — a laboratory for social change. To paraphrase Joseph Howe, they believed that it was the first duty of government to be in the advance of the social, political and industrial energies they had undertaken to lead.

In conclusion, when we think about them in the dawn of this new session of Parliament, those are simple words with a profound and humbling meaning. This beautiful chamber is a place that was, is, and must always be the proud and ever-vigilant custodian of the rights and the freedoms of the people we are so privileged to serve. We must remember that, no matter what twists and turns of the road lie ahead, the miracle of opportunity and the power to make change happen, honourable senators, belong to all of us.

Hon. Senators: Hear, hear!

Hon. Norman K. Atkins: Honourable senators, as I rise today to take part in the Speech from the Throne debate, I must begin by congratulating Senator Austin on his appointment as Leader of the Government in the Senate. Senator Austin brings to his new task a sense of the history of this place and the need to ensure its relevance in our parliamentary system. I believe he brings a sense of fairness to his new role and, being from British Columbia,

a sense of the vastness of this country and the need for all of its regions to be adequately represented in Parliament.

I also want to congratulate the senator from the other coast, the Honourable Senator Rompkey, on his appointment as Deputy Leader of the Government, and the Honourable Senator Losier-Cool, on her appointment to, perhaps, one of the toughest jobs in the Senate, namely, that of the whip.

In preparing to speak this evening, I did not realize that Senator Graham was to speak before me. He reminded us that this is the last Speech from the Throne he will address. Senator Graham has brought great pride not only to this chamber and this institution, but also to his province and his country. It is hard to believe that he is on the verge of retirement. Senator Graham told us that he skated on the Rideau Canal last weekend. It makes one wonder whether, in the 1960s, when 75 was decided upon as the age of retirement for senators, it was a good decision. We can all be proud of what Senator Graham has done for this country over the last quarter of a century.

Hon. Senators: Hear, hear!

Senator Atkins: Honourable senators, before I begin my response to the Speech from the Throne, I wish to identify myself with the remarks of the Honourable Senator John Lynch-Staunton, who led off the debate for the opposition. I believe he hit the right tone when he said the following: The main purpose of the speech is to continue the myth that a new Prime Minister means a new government.

I must admit that, when I listened to the Speech from the Throne delivered in this chamber, I was somewhat pleased with its content and direction. However, as I read and reread the context, I came to realize that there was really nothing there of substance for the Canadian people. There were a lot of generalizations and bait for setting the stage for a general election.

While the cities are happy about getting a GST rebate, what does that do? It is a small down payment against their real needs — needs that deal with crumbling infrastructure, needs that must be dealt with in a concrete, substantive fashion, not just a band-aid approach.

There is something fundamentally wrong with the financial, economic, taxation structure of this country when virtually all provinces, save Alberta, are either running or close to running deficits while the federal government continues to run a surplus, always much larger than originally estimated. We now hear it may be as large as \$5 billion this fiscal year.

That fundamental problem affects the delivery and accessibility of health care, education and social services. The provinces should have some guarantee that there is a longer-term plan and a commitment in place, and they should be part of that plan. The provinces are in the front lines. They are responsible for the delivery of health care, for schools and post-secondary institutions, and for addressing social conditions that in many cases are quite different from one part of Canada to the other.

[Senator Graham]

• (2140)

The 10 years adrift that are the legacy of the Chrétien-Martin years have profoundly hurt this country. Canada's international competitiveness is now affected by a lack of government ethics and scandal. Its reputation in foreign affairs is declining. Where once the nations of the world looked up to us — for taking a position of principle in South Africa, for helping refugees from Vietnam, Cambodia and Somalia — our foreign policy is now unprincipled and a source of confusion to Canadians as well as to our international partners.

Our military lacks the capital equipment necessary to carry out the tasks given to it by the government. At home, long waiting lines and recurring shortages of personnel characterize our cash-strapped health care system. Our post-secondary students are struggling under mounting debt loads. Our taxation system remains less competitive in relation to the United States and most OECD countries. We need a competitive corporate tax system to attract foreign investment and industry, which is the creator of jobs.

Liberals sometimes forget that government itself does not generate revenue; its only revenue comes from taxpayers. If there are no jobs, no corporations creating jobs, then revenue fails and our social programs suffer.

With all of this as background, as I said earlier, I listened attentively to the Speech from the Throne. I must admit I felt at least some of the problems that we were concerned about might have been addressed. Unfortunately, this so-called new Liberal administration, like the old Liberal government in which the Prime Minister played such a pivotal role, offers no immediate solutions to the problems that they have ignored for years.

Let us go through the list: There is no announcement of immediate tax relief for the working poor or to attract business investment in Canada; no help for the students who are presently overwhelmed by student debt loads. Many suggestions have been advanced in this place by others and by myself; all are ignored: tax deductibility of loan payments; a moratorium of two years upon graduation before payments are to be made; forgiveness of loans in return for community service; and eliminating tax on bursaries and scholarships.

Health care will be the subject of more federal-provincial discussions. The Kirby-LeBreton committee presented the blueprint for health care reform two years ago in the Senate. The challenge is implementation.

Our military finally received a commitment to address some of its capital needs — “some” of its capital needs — in the future, but what of the present? Can we not take a two-track approach to capital renewal? Can we not buy off the shelf to address immediate needs while we put into play our long-term purchasing programs?

This government needs to immediately undertake a cohesive review of foreign and defence policy that will outline the role our military will play in the future and then fund them properly. This

should happen without delay. Parliament and the appropriate parliamentary committees, including Senate committees, must be given the first opportunity to examine and pronounce on this review.

The aid given to Canadian cities is but a band-aid approach for real reform. If the cities are to benefit from the GST, why not our universities, school boards, libraries, hospitals and other institutions? What makes these institutions, which are provincial creations, different from cities and less worthy of help?

There is, as always, no coherent plan. This is simply a grab bag of clichés, not unlike Red Book I or the subsequent Red Books. The author is the same and the promises are not new. Many parts of the original Red Book can be seen in this speech and they remain unfulfilled.

We wait anxiously to see how the Prime Minister deals with the real deficit that affects his government — the ethical deficit. Will there be a truly independent ethics commissioner, or will we have more of the same neglect that hurts our international relations, our military, our seniors, our students and our poor?

The Speech from the Throne is a speech whose promises will not have to be implemented before the next election if that election is called in April, as we all suspect. I believe Mr. Martin should wait, govern for a few months and demonstrate to Canadians why he believes he is a break from the past Chrétien administration. Let him deal with the issues I have raised here today and demonstrate that real change has occurred. If he does not, we will only have witnessed yet again a list of Liberal promises that remain unfulfilled.

Hon. Douglas Roche: Honourable senators, I have a point of order. I would inquire of the Deputy Leader of the Government if he is prepared to extend this debate, which is now in its seventh day, beyond the eighth day so that senators who so desire could speak a few days from now?

The Hon. the Speaker: I take it that is really a point of information.

Senator Rompkey, do you wish to respond?

Hon. Bill Rompkey (Deputy Leader of the Government): We had hoped to conclude the debate tomorrow. Of course, there is opportunity tonight and tomorrow for senators to speak. We tried to accommodate all senators who want to speak; we have heard from quite a few people. We would hope to conclude the debate tomorrow.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the motion to which Senator Roche is referring has never been presented to the house, so we are not under any eight-day limit. Should the government decide to introduce such a motion, then the clock would start ticking from the day that motion is passed. As it stands now, there are as many days as we require, plus eight days should the other side bring in closure on the debate on the Address in reply to the Speech from the Throne.

On motion of Senator LeBreton, debate adjourned.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill, for the second reading of Bill S-4, to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Stratton*)

Hon. Marie-P. Poulin: Honourable senators, this debate was adjourned by Senator Stratton. We spoke to each other on Thursday and he generously agreed to let me say a few words this evening, before him. Do I have the consent of my colleagues?

Hon. Senators: Agreed.

Senator Poulin: Honourable senators, Bill S-4 amends the Official Languages Act to clarify section 41 of Part VII of this act to make it enforceable. This is the third bill that Senator Gauthier has presented to the Senate on this issue in the past three parliamentary sessions. Following consultations, comments and proposals, each one of these bills has been improved.

• (2150)

As we all know, Bill S-32 was considered by the Standing Senate Committee on Legal and Constitutional Affairs. After eight meetings were held and 32 witnesses heard from, the bill unfortunately died on the Order Paper. Bill S-11 was introduced and placed on the Order Paper. It went through the stages of first reading, second reading and referral to committee. The committee prepared and adopted a report. The bill was returned to the House, but, again, it died on the Order Paper.

Honourable senators, I think we are all well prepared to study Bill S-4. It specifies the imperative character of the commitment set out in Part VII of the Official Languages Act. Bill S-4 takes into account most of the recommendations made by the Commissioner of Official Languages and several of the witnesses.

I therefore invite you, honourable senators, to read the speech given by Senator Gauthier in this House on Thursday, February 5, 2004. His arguments are clear and his examples from court decisions consistent. I urge you to support Bill S-4, which calls on us to accept our constitutional mandate to protect minorities and to represent our regions.

On motion of Senator Kinsella, for Senator Stratton, debate adjourned.

[English]

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 Tkachuk*).

Hon. David Tkachuk: Honourable senators, the other day we had a vote because some honourable senators did not wish to allow the adjournment of the debate on this item, a motion that I had moved. To those honourable senators who defended the tradition of adjournment as a way for an honourable senator who decides to speak and gather his thoughts, I thank you for that.

The number of senators who believed that my adjournment meant some kind of delaying tactic surprised me. This behaviour only strengthened my belief that the politics of this bill is sometimes unsavoury.

Two honourable senators had spoken — they had both spoken in the last Parliament — and in this Parliament they raised new issues. Surely, two, five or ten people, if they wished, should be allowed to speak, since the first two speakers raised new issues. This is, after all, an amendment to the Criminal Code.

Contrary to what many believe, our most important function in this place is not committee study. As the highest court of the land, Parliament's most important function is the passing of judgment on the law, that governs our people.

I ask that the committee assigned to the study of this bill do so carefully and not be rushed by the gay lobby because the government may call an early election. Whenever I hear that this is just a simple amendment — and we have heard that before about other bills — I know that we are in trouble. To rush to include new participants is demeaning to the people whom this section of the Criminal Code protects.

The reason I wish to speak to this matter is that honourable senators speaking in favour of the bill raised the issue that homosexuality cannot be helped, alluding to the principle that there is a homosexual gene and that homosexuals are “born that way.” That is a myth, as near as I can tell. There is no gay gene, and there is no respectable researcher who says that there is or has proven that there is. Social and environmental factors are at work here.

Do the words “sexual orientation,” therefore, best describe what the proponents of this bill are trying to do, or can it be literally interpreted or liberally interpreted, therefore causing problems in a particular part of the Criminal Code that is very important to other groups? If it is left in an unclear state, that is, if we do not do our job as parliamentarians to ensure that it is clear and if we thereby cause problems for judges in interpreting the Charter of Rights and Freedoms, I can see people's fear that interpretation may be too liberal and may interfere with freedom of speech.

The committee should also investigate the claims of hate crimes being committed in Canada today. American gay groups have been known to exaggerate the number of incidents to suit political purposes. I believe that Canadians who want this bill would do the same.

I refer now to an organization called the Independent Gay Forum, whose Web site honourable senators may access on the Internet, if they so wish. It has as contributors some of the most respected gay writers in North America and probably the world. They discuss what happened in the United States following the dreadful death of Matthew Shepard.

Andrew Sullivan, writing for the above-mentioned Web site, which is an intellectual and academic forum for homosexuals, writes about the death of Shepard. Shepard is the man who was killed, and the gay lobby took it upon themselves to turn him into a martyr for their legislative agenda. Andrew Sullivan writes the following:

... if Shepard's fate proved the ubiquity of anti-gay murders, then his elevation to totemic status might also make sense. But, again, the evidence shows that Shepard is representative of very few gay Americans. According to the FBI, in 1997, the year before Shepard was killed, a total of three hate-crime murders of homosexuals were recorded in the entire United States. This number is not a fiction. Murders are the least underreported of crimes, because bodies have to be accounted for, and the FBI's number is the total reported by some 10,000 reporting agencies across the country. But let's assume that the FBI understates gay hate-crime murders by a factor of five. That makes 15 anti-gay murders a year. Further assume that around five per cent of the population is gay. —

His number is high, but lower than what the political gay movement would have you believe.

That means that the chance of a gay American meeting the same fate as Matthew Shepard is about one in a million. Or about the same as being hit by a railroad train.

I ask honourable senators to study this amendment carefully and not be hurried by some agenda that will do the common man harm, damage free speech and denigrate the very power of the section that protects other groups that require that protection.

I will go back to the Independent Gay Forum because, on December 10, 2001, Peter McKnight wrote an article in the *Ottawa Citizen*, "The Last Word on Hate Crimes," and it appears on the Independent Gay Forum Web site as well. He fears that the bill that we are considering here is a bill that may hurt the gay community more than it helps them. I will quote him:

The Canadian government has enacted a law that criminalizes hate propaganda on matters such as race. A leading Canadian gay rights group has called for this law to be extended to include speech about sexual orientation. Yet gays are among those with the most to lose once we abandon the principle that free expression should apply even to ideas we loathe.

• (2200)

He talks about NDP Member of Parliament Svend Robinson and his lobbying groups. He also talks about how gays were the people who fought for free speech. Honourable senators will remember Little Sisters, a Vancouver gay and lesbian bookstore, challenging the right of Canada's Customs officials to seize books under Canada's obscenity laws. After a 15-year battle, the Supreme Court of Canada upheld that law.

Peter McKnight begins his article in an interesting way. He writes: "Gay men have done everything in their power to be seen as sex-obsessed party animals." At the end of the article, McKnight writes:

I'm not the author of my opening statement equating gay men with sex-obsessed animals. Nor is it the product of an evangelical preacher. It's a paraphrase of National Journal columnist Jonathon Rauch's review of *Out for Good*, a history of the gay movement by Dudley Clendinen and Adam Nagourney. If Robinson and EGALE are successful in their efforts to limit speech, eloquent writers like Rauch may be the first to fall.

Thank you, honourable senators.

On motion of Senator LaPierre, debate adjourned.

FOREIGN AFFAIRS

BUDGET REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Banks, for the adoption of the Second Report of the Standing Senate Committee on Foreign Affairs (budget—study on Canada-United States and Canada-Mexico trade relationship), presented in the Senate on February 12, 2004.—(*Honourable Senator Rompkey, P.C.*)

Hon. Peter A. Stollery: Honourable senators, I think, having consulted, that there is consent in the chamber to adopt this motion. I am prepared to take any questions, of course.

The Hon. the Speaker: Honourable senators, I advise that this is a substantive motion. If Senator Stollery speaks now, his speech will have the effect of closing the debate.

Senator Stollery: Honourable senators, as I said, I believe there is agreement to adopt the report.

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

Hon. Senators: Question!

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

Motion agreed to and report adopted.

**STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT
AND RELEVANT REGULATIONS,
DIRECTIVES AND REPORTS**

MOTION REQUESTING GOVERNMENT RESPONSE—
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That, pursuant to rule 131(2), the Senate ask the Government to table a detailed and comprehensive response to the fourth report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the 37th Parliament, and adopted on October 28, 2003.—(*Speaker's Ruling*).

The Hon. the Speaker: This item should stand, awaiting my ruling.

Order stands.

**RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT**

MOTION TO AUTHORIZE COMMITTEE
TO STUDY CERTIFICATION
OF PETITIONS TABLED IN THE SENATE—
MOTION IN AMENDMENT—POINT OF ORDER

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the Rules of the Senate,

And on the motion in amendment of the Honourable Senator Corbin, seconded by the Honourable Senator Maheu, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"the history of the practice in both the Senate and the House of Commons relating to petitions other than petitions for private bills, as well as the customs,

conventions and practices of the two Houses at Westminster, be tabled in the Senate and distributed to the honourable senators before being referred to the Standing Committee on Rules, Procedures and the Rights of Parliament."—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I think this motion is ready to be put to the chamber.

The Hon. the Speaker: Senator Gauthier has requested the floor, to make a point of order.

Hon. Jean-Robert Gauthier: Honourable senators, I rise on a point of order.

[*Translation*]

Honourable senators, there was no debate on the motion that was introduced in only one official language by Senator Corbin. The debate was adjourned until today in the name of Senator Kinsella, so that the motion could be read in both official languages.

Having reread Senator Corbin's motion to amend this morning, I have serious reservations about the wording of the proposed amendment. The amendment does not make changes in the substance of the motion; it deletes the entire text of my motion of February 10, 2004, and replaces it with a different text. In so doing, Senator Corbin eliminates the substantive motion. What he has created is a superseding motion. According to 559(2)(b) of *Beauchesne's Parliamentary Rules and Forms*, this is a dilatory motion. This kind of motion short-circuits the rules, eliminates the substantive question and proposes a new formula, which is unacceptable in parliamentary procedure.

After consulting Beauchesne, Marleau and Montpetit, and Erskine May, I found they all agree that it is irregular and unacceptable to introduce a superseding motion.

Senator Corbin's motion may have some merit, but 24-hour notice must be given to suggest a different procedure.

It is difficult to justify the Senate not having an appropriate and serious procedure for dealing with petitions. For all practical purposes, this heading in the Senate Order Paper allows Canadians to present petitions, but the *Rules of the Senate* provide for no follow-up, which is regrettable.

Senator Corbin has stated that it was not his intention to prevent the Senate from adopting serious measures to give proper treatment to the petitions tabled in the Senate. He added that he has rarely heard complaints about the way petitions are dealt with in this chamber. He has never found it appropriate to suggest procedures, rules or a serious follow-up to petitions. The lack of a rule does not appear to worry him.

In his comments, Senator Corbin recognized that petitions receive no follow-up once they are placed on the Clerk's table. They are filed in a Clerk's office and forgotten. That is not a serious procedure.

It is time for a change. Our procedures must be modernized and this matter of petitions settled. It must not be put off until later, as Senator Corbin is proposing.

For more than four years now, I have been making suggestions to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. When I was a member of that committee, I had suggested that it examine the matter of petitions in order to propose a procedure to address their form, content and a serious follow-up, as is the practice in other legislative chambers in Canada and elsewhere.

The committee held a number of meetings under the chairmanship of Senator Austin and reported on June 11, 2002. The committee members did their job seriously. The research was intense, the discussions interesting and productive. Unfortunately, the chambers were prorogued and the report forgotten.

Some of the proposals of the fourteenth report of that committee were adopted by the Senate, specifically relating to the procedure allowing the government to be asked to provide a comprehensive response to a report from the Senate once that report had been adopted by the Senate. The matter of petitions is still pending because the report was never adopted in its entirety.

Recently, the committee clerk issued a notice to all members indicating that it was of interest to resume discussion on petitions in order to continue this debate.

For some reason unknown to me, I was excluded from the committee last year. As a result, I can no longer make suggestions to the committee on petitions.

Last fall, I promoted a constitutional amendment aimed at declaring Ottawa, the capital of this country, a bilingual city. A large number of petitions have been tabled in support of this. I have tabled under "Petitions" over 25,000 of these so far, calling upon the Senate in Parliament assembled to affirm in the Constitution of Canada that Ottawa, the capital of Canada, be declared a bilingual city under the Constitution by virtue of section 16 of the Constitution Act of 1867 and 1982. The motion in question is Number 28 on the Order Paper.

• (2210)

The objective is clear and precise, and I am certain the 25,000 petitioners expect serious follow-up by the Senate.

The Senate must deliberate this matter and adopt, as soon as possible, a serious and effective procedure and a follow-up worthy of the Canadians making the request. This must be done in order to improve access to municipal and provincial services in the nation's capital, in Canada's two official languages and in a fair and impartial manner.

The honourable senators could read Chapter C of the fourteenth report tabled by Senator Austin nearly two years ago. The procedure is simple. Everything from rules to suggestions and proposals is covered. It is not productive to ask that we look into the history of everything that is being done elsewhere. I could cite authors on procedure such as Beauchesne or Marleau and Montpetit, who support the fact that petitions are serious and require a follow-up.

All I want is to see the Committee on Rules, Procedures and the Rights of Parliament take this matter under consideration and table a report as soon as possible so we can settle this.

Hon. Senators: Hear, hear!

Hon. Eymard G. Corbin: Honourable senators, I would have preferred it if Senator Gauthier had not personalized the matter in his point of order. I introduced a motion in amendment and it was not Senator Corbin's motion.

There is no point in crying over spilt milk. Senator Gauthier may be right, but it is absolutely incorrect to jump from that to claiming my intention was dilatory. I am concerned about the way changes are made to the *Rules of the Senate*.

People rarely take time to carry out a historical overview in order to try to understand why the rules are worded in such a way, and why they are sometimes so strictly applied. That is what the proposed amendment calls for, not rejection of Senator Gauthier's proposal. In my opinion, rules that have been in existence for 130 years must certainly exist for a reason. I will say no more. It is simple, and there is no need to look for a motive.

[*English*]

The Hon. the Speaker: I believe I followed Senator Gauthier's point of order very well, and Senator Corbin's response, but I would like to take a look at the authorities. Accordingly, I will take the matter under consideration and bring back a ruling as soon as possible.

ABORIGINAL PEOPLES

MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

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 37th 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 Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Métis and Non-status Indians being identified as Ministers responsible for responding to the report.—(*Speaker's Ruling*).

The Hon. the Speaker: This ruling is not ready. I will rule as soon as possible.

[*English*]

Order stands.

[*Translation*]

CULTURE OF LIBERAL GOVERNMENT

NOTICE OF INQUIRY—SPEAKER'S RULING

On the Order:

That she will call the attention of the Senate to the culture of corruption pervading the Liberal government currently headed by Prime Minister Paul Martin.

The Hon. the Speaker: Honourable senators, on Wednesday, February 11, Senator LeBreton gave notice of an inquiry, the purpose of which was to call the attention of the Senate to "the culture of corruption pervading the Liberal government currently headed by Prime Minister Paul Martin." Prior to Orders of the Day, Senator Milne rose on a point of order to object to the language of the notice. Citing *Marleau and Montpetit*, the parliamentary authority of the other place, Senator Milne asserted that the language of the inquiry was unparliamentary and she requested that I rule it out of order.

[*English*]

Several other senators offered their views on the merits of the point of order. Senator Carstairs noted the criminal implications in using the word corruption. Senator Cools also noted the imputation and underlying motivations being attributed to unnamed individuals. Senator Robichaud, for his part, found the use of the phrase "culture of corruption" both offensive and provocative. Senator Kinsella, on the other hand, citing supportive references from the Auditor General's report on the activities of Government Services Canada, found the word "corruption" perfectly acceptable. This view was shared by Senator Di Nino, who noted the phrase "culture of corruption" was being used in the other place with apparent impunity.

Following final remarks by Senator Milne, I agreed to review the arguments that had been made relative to the merits of the point of order. I also indicated that I would look at any precedents and authorities that might assist me in reaching a decision. I have done this and I am now prepared to make my ruling.

[*Translation*]

In considering this point of order, I am mindful of the role I have as Speaker. My task, as I see it, is to assist the members of this Chamber in the pursuit of their parliamentary duties by permitting the greatest possible latitude in debate. At the same time, however, I am obliged by the *Rules of the Senate* to maintain order and decorum in this place. Without this order, which is essential to the proper conduct and dispatch of business, it would be much more difficult for all senators to exchange views and reach decisions.

Without exception, every parliamentary institution, whether the other place or assemblies and legislatures across the country and throughout the Commonwealth, must deal with the matter of orderly debate and unparliamentary language. In the Senate, rule 51 prohibits "all personal, sharp or taxing speeches." This rule has been part of our practice since 1867. In addition, as a pre-emptive measure, rule 64 provides that 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.

The sixth edition of *Beauchesne Parliamentary Rules & Forms*, a standard Canadian authority for many years, provides a list of words or expressions which involved an intervention by the Speaker of the other place because they were considered by some members to be intemperate or unparliamentary. Among the words listed on page 149 is the word "corrupt." In reviewing Beauchesne's further, I found, as a cautionary note, a passage indicating that "no language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore is unparliamentary." This then is one guide I have used in sorting out the merits of this point of order.

Last May, an event occurred in the Senate that relates in some measure to what the Senate is confronting now. During its study of code of conduct, the Standing Committee on Rules, Procedures and the Rights of Parliament heard from a witness who made a reference to the public perception of corruption in government and in Parliament. Senator Carstairs, then the Leader of the Government, made a reference to these remarks which led to numerous exchanges between the senator and others in this chamber including Senator Lynch-Staunton, the Leader of the Opposition. While no one sought the retraction of the word on the basis of its unparliamentary nature, it clearly offended many and led to numerous pointed exchanges. My purpose in mentioning this incident is that the word "corruption" does convey a charged meaning and should only be used with caution.

• (2220)

The Senate has a tradition of being generous in the opportunities it allows members to present motions and inquiries for debate. In this respect, the Senate remains true to its early history and its fundamental purpose. It is easy for senators to initiate debate on virtually any topic of concern to them. Given this liberty, I would suggest that senators have a responsibility to draft their motions and inquiries in such a way that would not likely provoke unnecessary disorder. This is not to deny the right of all senators to a vigorous debate with contending views and exchanges strongly expressed. Rather, it is an admonition to avoid rancour and bitterness that are clearly counterproductive to the healthy exercise of free expression.

[*Translation*]

Even though I have the authority as Speaker under rule 64 to disallow the inquiry that was proposed by Senator LeBreton, I do not feel it would be in keeping with the traditions of the Senate to actually exercise this authority in this case. Instead, I will rely on the good judgment of senators who choose to participate in this debate to refrain from using any language that is unparliamentary in its context.

[*English*]

It is my ruling, therefore, that the inquiry proposed by Senator LeBreton is in order.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

Hon. Donald H. Oliver, pursuant to notice of February 11, 2004, moved:

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;

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

Motion agreed to.

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

Hon. Donald H. Oliver, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the issues related to the development and marketing of value-added agricultural, 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.

Motion agreed to.

NATIONAL FINANCE

BILL C-212—COMMITTEE AUTHORIZED TO REFER DOCUMENTATION FROM SECOND SESSION

Hon. Lowell Murray, pursuant to notice of February 13, 2004, moved:

That the Standing Senate Committee on National Finance to which was referred Bill C-212 on February 11, 2004, be also referred the papers and evidence received and taken on the subject and the work accomplished by the Committee during the Second Session of the Thirty-seventh Parliament.

Motion agreed to.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO RECEIVE PAPERS AND EVIDENCE

Hon. Tommy Banks, pursuant to notice of February 13, 2004, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Transport and Communications during its study of Bill S-26, concerning personal watercraft in navigable waters, in the First Session of the Thirty-seventh Parliament and the papers and evidence received and taken during the Second Session of the Thirty-seventh Parliament during the study of Bill S-10, concerning personal watercraft in navigable waters, be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-8, concerning personal watercraft in navigable waters.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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