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(HANSARD)

Monday, February 23, 2004

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Monday, February 23, 2004

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

Prayers.

SENATORS' STATEMENTS

UNITED NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS—
CONGRATULATIONS TO JUSTICE LOUISE ARBOUR

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Canadians have been strong contributors and supporters of the United Nations' work in the area of international human rights promotion and protection. A distinguished member of the Supreme Court of Canada, Madam Justice Louise Arbour, has been named the United Nations High Commissioner for Human Rights. In this office, Justice Arbour will be joining a select group of Canadians who have played key roles in the ongoing human rights work of the United Nations. The group includes Professor John P. Humphrey, author of the first draft of the Universal Declaration of Human Rights and the first Director of the United Nations Human Rights Division, and Mr. Justice Walter S. Tarnopolsky, another Canadian who was so important in making the international covenants system of the United Nations work.

I am confident that Justice Arbour will continue the outstanding human rights work of these Canadians. I wish to extend to her the congratulations and encouragement of the Senate as she assumes the leadership of the human rights work of the United Nations.

Honourable senators, it might prove instructive and informative if the Standing Senate Committee on Human Rights were to arrange to meet with the new United Nations High Commissioner for Human Rights at the earliest opportunity.

[*Later*]

[*Translation*]

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to offer my heartiest congratulations to Madam Justice Louise Arbour of the Supreme Court of Canada, who has just been appointed United Nations High Commissioner for Human Rights.

Along with Louise Fréchette, second in command at the United Nations after Secretary General Kofi Annan, and Philippe Kirsch, President of the International Criminal Court, Madam Justice Arbour will be part of a formidable trio of Canadians heading international justice organizations.

Louise Arbour, a law graduate of the Université de Montréal and former professor at Osgoode Hall Law School in Toronto has had an outstanding career in the legal world, in criminal law and on the bench, particularly in the Court of Appeal for Ontario. She was the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and the International Tribunal for Rwanda and played a significant role in the indictment of Slobodan Milosevic by the International Criminal Tribunal. As the next step in her remarkable career, she was named to the Supreme Court of Canada in 1999.

In last week's Supreme Court decision on spanking, she dissented, and suggested eliminating corporal punishment for children. She dissented, and rightfully so, I believe.

She deserves the great honour bestowed on her and has all the qualifications needed to take up this position.

Our best wishes accompany this truly exceptional jurist in her new career with the United Nations.

[*English*]

PRINCE EDWARD ISLAND

FARMERS HELPING FARMERS

Hon. Catherine S. Callbeck: Honourable senators, I rise to recognize the achievements of Farmers Helping Farmers, an innovative Prince Edward Island group that has just completed a mission to Kenya to expand its economic development work with groups of smallhold farmers. Since its founding 25 years ago, Farmers Helping Farmers has brought hope and opportunity to at least 100,000 people in rural African communities.

The organization was established after an international conference held in Charlottetown in 1979. It is made up of community-minded Islanders with an agriculture background. Since then, Farmers Helping Farmers has carried out numerous development projects involving over $1 million in funding that has been raised through a combination of community donations and matching support from the Canadian International Development Agency.

The group's goal is to help African farmers become more self-reliant in agricultural food production. Their achievements have received widespread recognition. The group also works to build bonds of understanding between the two countries. During the 1990s, 12 exchanges of rural students took place and, currently, three P.E.I. schools are twinning with schools in Kenya to provide books and school supplies and to learn about each other's cultures and issues.

Honourable senators, the challenges of developing countries are daunting. Individuals may question what they can realistically do to help. Farmers Helping Farmers is a testament to what can be achieved when a small group of people marshals community support and sets out to make a difference. This group has done that through practical projects targeted at local needs and opportunities, founded on principles of partnership, learning, self-help, person-to-person interaction and mutual respect.

Please join with me in congratulating Farmers Helping Farmers on their progress thus far, and in wishing them well in their future work.

NOVA SCOTIA

HALIFAX SNOW STORM

Hon. Terry Mercer: Honourable senators, I rise today to commend the efforts of the Halifax Regional Municipality's employees, business community, all federal and provincial agencies and the many volunteers who devoted their time and efforts to make emergency relief operations possible over the past several days.

• (1410)

Still grappling with mountains of snow from Thursday's crippling blizzard, the citizens of Halifax have been steadfast in their efforts to return the city to normal operations.

In the wake of the most damaging blizzard in Nova Scotian history, a strong community spirit remains among those affected. It is often said that crisis can bring out the best in people. There are many shining examples throughout Halifax and, indeed, the entire province, of perseverance and the strong work ethic that characterizes so often the people of Nova Scotia.

As a former member of the Halifax Civic Workers Union CUPE Local 108, I understand the stress and responsibility that many city workers undergo in times of emergency. Tireless efforts to clear and remove snow from the hundreds of kilometres of roads and sidewalks are worthy of our praise, admiration and, certainly, our gratitude.

Honourable senators, I want to personally thank all the workers and volunteers in my proud Nova Scotian home who have stepped up during this hard time and have tried to bring back some normality to the lives of everyone affected.

To the vast group of city workers, every organization involved with the emergency relief efforts, and, most importantly, the dedicated Nova Scotians who have endured a constant state of upheaval over the past several days, I offer my profound congratulations on a job well done.

Hon. Senators: Hear, hear!

THE LATE ANGELA VECCHIO-OZMON

Hon. Ethel Cochrane: Honourable senators, I rise today to pay tribute to a great Canadian, Angela Vecchio-Ozmon, who passed away on Thursday at the age of 39. Diagnosed with breast cancer at just 34 years of age, the Nova Scotia mother of two allowed CBC *Newsworld* to document her fight against cancer. Thousands of Canadians from across this country followed her progress through surgeries, chemotherapy, radiation and the many unexpected ups and downs. However, hers was not the story of a cancer victim, rather the story of a young, vibrant woman living a full life despite cancer.

Her condition remained stable until last March, when test results showed that the cancer had spread. "How can I look good and be so sick?" she asked her doctor at that time. In a world of television stories with happy endings, it was the question on all of our minds. We shared her disbelief.

When pain and fear would stop most of us from living, Angela trudged on, never faltering in her resolve to beat the disease. Throughout it all, that unstoppable spirit remained. She refused to give in; she simply would not give up. Neither did she allow cancer to stop her from living life and enjoying ordinary exchanges with family and friends.

Her message was simple yet powerful. She ardently believed that early detection and intervention made a world of difference in the fight against cancer, and she was an advocate of regular breast examinations.

In a situation that would cause many of us to become bitter and ask why, somehow Angela was always uplifting. She recently told a friend, "You know how great it is when you stick your hand in a pocket and find money, like a $20 bill you didn't know was there? Well, that's how time has been for me lately." These were exactly her words. That statement was very typical of Angela's optimism and her sense of gratitude.

She once said, "If I can inspire somebody to make some sort of positive change in their lives, then I have accomplished my mission." Well, she has accomplished this and more in a measure that I am certain far exceeded her wildest dreams.

Honourable senators, my heart — and I know those of thousands of other Canadians who were touched by Angela's deeply personal story — goes out to her family and friends. To each of them, but especially to her two children, Emma and Griffin, I offer my sincere condolences. Like many Canadians, I feel fortunate to have been privy to her journey, and while we grieve her loss, we know she is finally at rest.

Honourable senators, I leave you with the words of Joel Jacobson from *The Chronicle-Herald*, who said it so well:

> Angela Vecchio-Ozmon will be missed terribly by her family but also by those of us who recognize how a spirited approach can make life better for us all.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FRENCH-LANGUAGE BROADCASTING IN FRANCOPHONE MINORITY COMMUNITIES

Hon. Jean-Robert Gauthier: I give notice that on Wednesday, February 25, 2004, I will move:

> That the Standing Senate Committee on Official Languages be authorized to examine and report by March 31, 2004, upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada, as set out in the Canadian Radio-television and Telecommunications Commission (CRTC) report entitled "Achieving a Better Balance".

SOCIO-ECONOMIC IMPLICATIONS OF DECREASING POPULATION

NOTICE OF INQUIRY

Hon. Marie-P. Poulin: Honourable senators, I give notice that, on Wednesday, February 25, 2004:

> I will call the attention of the Senate to the fact that the 2001 census results, published in 2003, show that the Canadian population is decreasing in many regions across Canada and that this trend has short- and long-term socio-economic implications.

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 chamber, a petition from 42 persons asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the linguistic duality of the country.

The petitioners ask Parliament to consider the following points:

> 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 government of Canada;
>
> 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, English or French;
>
> 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 ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

[*English*]

QUESTION PERIOD

TREASURY BOARD

STATE OF MINISTERIAL RESPONSIBILITY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on the weekend, the President of the Treasury Board reportedly stated that the hallowed doctrine of ministerial responsibility that Canada's parliamentary democracy is built upon is broken. Does the Leader of the Government in the Senate agree with his colleague?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sorry, but I did not see the statement.

• (1420)

[*Translation*]

SUPREME COURT

SELECTION PROCESS OF JUDGES

Hon. Gérald-A. Beaudoin: Honourable senators, following the appointment of Madam Justice Louise Arbour to the United Nations High Commission for Human Rights, the Prime Minister will have to appoint a judge to the Supreme Court of Canada. Such appointments are his responsibility under the Constitution. However, for some time now there has been talk of changing the process. Some are suggesting that Parliament should be involved, but there are other possibilities also.

My question is the following: Does the Government of Canada intend to involve the Senate or Parliament, as is the practice in the United States, or is it considering using a different process?

Former Justice Gérard LaForest, on his departure, suggested a new process. The Chief Justice of Quebec, Michel Robert, is also in favour of a different process. Is the Government of Canada interested in changing the process for filling such an important position?

[*English*]

Hon. Jack Austin (Leader of the Government): Honourable senators, with respect to the vacancy on the Supreme Court of Canada, which is the subject of the honourable senator's inquiry, the government intends to ask parliamentary committees, both in the House of Commons and in the Senate, to consult with one another, either formally or informally, to consider what an appropriate process might be to permit a parliamentary discussion with a proposed candidate for appointment to the Supreme Court of Canada.

I shall answer the question in a slightly different way. First, we intend to go forward with a consultation process involving members of the appropriate committees in the House and in the Senate regarding an appropriate method of proceeding. Following that, the government will indicate its choices.

Clearly, it is not the intention of government — nor, I hope, parliamentarians — to make the process of nominating a person to become a judge of the Supreme Court of Canada into a partisan or political wrangle.

What should be the criteria for a consultation? It is recognized that an appointment to the Supreme Court of Canada is an important appointment. The person who is appointed will have a large influence over the development of the legal framework of Canada. Parliament's role in the choice of that person must be such that there is no attempt to blend the independence of the judiciary with the role of the legislator.

[*Translation*]

Senator Beaudoin: My question, of course, does not in any way imply that the new process ought to be more political. I think that we in Canada must retain a judiciary that is totally independent of the executive and legislative branches. Two judges as high-profile as Justices Gérard Laforest and Michel Robert have said publicly — a first in Canada's history — that our process ought perhaps to be changed. I hope it will not become more political or partisan. That, I believe, would be a terrible mistake. It is essential that we find a formula that respects the independence of the judiciary, the basis of our democracy and our system. All that I am asking is that consideration be given to a process involving others, but the decision must not be left to the legislative branch. I would rather not see an American-style system. In the U.S., if the Senate does not accept the president's choice, then that person is not appointed, and we know where that can lead. I believe that the government is prepared to give some thought to this when a judge leaves.

[*English*]

Senator Austin: Honourable senators, the members of the two parliamentary committees to which I referred have it within their scope of reference to recommend a process entirely outside Parliament, if they so wish. The process will be one in which they will be consulted as to the best format for an impartial and objective examination of the candidate.

Hon. Lowell Murray: Honourable senators, will the government leader exclude from consideration the possibility of bringing nominees to the Supreme Court of Canada before a parliamentary committee, thereby involving them in what could easily become something close to the circus that we have seen in another country?

Senator Prud'homme: Hear, hear!

Senator Murray: Will the Leader of the Government in the Senate not agree that under our system we should recognize that the executive has the right to appoint judges? The two elements that should be considered are as follows: First, the responsible minister, whether it is the Prime Minister or the Minister of Justice, should attend before the requisite parliamentary committees to elaborate on the qualifications of the person to be appointed and to defend the appointment before the committee; and second, either or both Houses of Parliament should be given an opportunity to express an opinion on the proposed appointment, if they see fit.

Senator Austin: Honourable senators, no method of review is excluded. I shall move Senator Murray's suggestion to the table of discussion.

Hon. Marcel Prud'homme: Honourable senators, I have a supplementary question.

[*Translation*]

Honourable senators, I think there are few other countries in the world who could be as proud of their system of appointing judges as we are of ours. We have an excellent system, one that has led us toward an independent judiciary. I cannot understand how, in the name of a so-called democratization of our institutions, anyone could attack a position as important as Supreme Court justice by throwing it out to a parliamentary committee. I am certain that the better elements, those who might well be considered for Supreme Court justices, would recuse themselves rather than take part in such a public spectacle, having to answer questions before even being faced with a situation they would have to judge.

We have always had an excellent judiciary system. All that we ask of appointees is that they possess good judgment. If they do not share my opinions, or those of Senator Rompkey, that is quite another thing. We do not owe anyone any apologies for the system we have at present, which has equipped us with an excellent judiciary system. I have concerns about our wanting, in the name of some sort of democracy, to pass off to another level, that is a parliamentary committee, possible judicial appointments.

The appointment of Madam Arbour is an international appointment.

[*English*]

An Hon. Senator: Question!

• (1430)

Senator Prud'homme: Some of you start saying "No preliminary" every time there is a long preamble, including Senator Angus.

In a nutshell, will the leader ensure that there will be more consultation and debate here in the Senate? I am sure Senator Beaudoin and I, and others, would join in such a debate in the Senate. Should we believe that there will be that kind of a debate? Could we also be assured that there will be ample discussion before such a decision is made? We know we are bound to have two nominations to the Supreme Court before Christmas of this year.

Senator Austin: Honourable senators, the whole process at the moment is one of consultation in which the Senate will be involved through, probably, the membership of the Standing Senate Committee on Legal and Constitutional Affairs. The model of the practice in the United States is not necessarily one that would almost automatically come to mind in the case of a parliamentary committee or joint committee, let us say, dealing with the nomination of a judge to the Supreme Court of Canada. I am a little less uncomfortable with the sense of responsibility that members of this Parliament would show. I believe they understand the dignity of the office with which they would be dealing and would focus on questions not of a partisan kind but questions that really deal with the nature of that high office, and of the individual who has been designated to be there.

On the other hand, as senators have noted in Question Period, it may not be the wish of parliamentarians to have a parliamentary process. Perhaps a peer group process would be more appropriate, or a group of citizens appointed particularly for that process. However, the neat point is that a consultation process is about to begin, and I cannot see a reason why, after the consultation process is underway, the Senate should not consider what the conclusions of that process are and whether they are satisfactory.

Hon. A. Raynell Andreychuk: Honourable senators, I am rather confused. The Prime Minister said that Parliament would be involved in the process of selecting judges. He then said no, and now the Leader of the Government is saying that there is such a process involving parliamentarians.

Would the Leader assure us that the process involving parliamentarians would be to discuss the best process, at arm's length, and the most independent way in which to choose judges, without bringing forward names to Parliament? You cannot expect Parliament to pass up a political debate. I hope and plead that that would be the process and the system.

Senator Austin: Honourable senators, Senator Andreychuk has said it in a very neat way. Her statement is what I was trying to say.

AUDITOR GENERAL

SPONSORSHIP PROGRAM— TIMING OF RELEASE OF REPORT

Hon. W. David Angus: Honourable senators, the Minister of Public Works acknowledged yesterday on national television that the executive branch of government was presented with the Auditor General's report back in mid-October 2003, which was perhaps two or three weeks before the prorogation of Parliament on November 12. Can the Leader of the Government in the Senate please tell us, first of all, the exact date that the Auditor General's report was made available — I notice on the front of that report that it has the date, November 2003 — the exact date that the government received the report, and the exact date that Mr. Martin's transition team was made aware of its contents? Finally, on what date officially did Mr. Martin, as Prime Minister, become aware, if he was not already aware by December 12, of the contents of that report?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will take notice of the question and try to provide an answer tomorrow.

TREASURY BOARD

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT OF HEADS OF CROWN AGENCIES

Hon. W. David Angus: If I may, honourable senators, I have a supplementary question. It appears that on the very first day that Mr. Martin became Prime Minister, the sponsorship program was terminated, which to me is pretty persuasive evidence that the Martin government and his people already knew about this terrible report and the allegations contained in it. A few days later, the honourable ambassador to Denmark, Mr. Gagliano, was recalled, and yet nothing was done with respect to the heads of the Crown corporations who, according to the press, are to be disciplined in some fashion that will be announced tomorrow.

Could the honourable Leader of the Government tell us why the Crown corporation leaders were not dealt with back in December in the same fashion as the others were?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have said in the chamber, in answer to a previous question, that the President of the Treasury Board was instructed by the Prime Minister to meet with the heads of the Crown corporations to discuss issues that were raised in the Auditor General's report with respect to the conduct of Crown corporations, and to report back to the Prime Minister. For that reason, up until today, no further steps have been taken. Whether further steps are warranted or may be taken is something we will have to leave to another time.

Senator Angus: Can the leader advise honourable senators what new information, if any, has come to light that would warrant dealing with this matter now rather than dealing with it earlier on when these other steps were taken?

Senator Austin: I have not received or been made aware of any part of the report of the President of the Treasury Board to the Prime Minister, if indeed such a report has already been made.

Senator Angus: Will the minister obtain that information for us?

Senator Austin: The honourable senator will probably read about it in the newspapers before I have the information.

Senator Angus: Or on the TV in the office.

NATIONAL DEFENCE

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

Hon. Douglas Roche: Honourable senators, I am sure the Leader of the Government in the Senate will have seen *The Globe and Mail* today, the main headline of which is "Canada may host U.S. missiles," and the subhead being, "Canada shifts on defence shield, willing to offer land instead of cash to Washington." The story quotes the Minister of Defence, Mr. Pratt, as saying that there are discussions with Washington underway to station on Canadian soil components of the missile defence system.

I would ask the minister what comment he has to make about this matter. Has the government considered that many Canadians will be outraged at the prospect of putting anti-missile sites on Canadian soil, thereby making Canada a target and making us directly complicit in the U.S. plans to put weapons in space. Such plans were confirmed, coincidentally, only a couple of days ago by the U.S. Air Force, which has unveiled its plan to put weapons into orbit and destroy the satellites of other countries as part of a strategy that views outer space as dominated by America and its allies?

I ask the minister, will the government finally understand that ballistic missile defence is about space, and for Canada to sign on to the initial ground-based system is to commit us to supporting weapons in space?

• (1440)

Hon. Jack Austin (Leader of the Government): Honourable senators, I have seen today's newspaper reports on comments made by the Minister of National Defence with respect to the land- and sea-based missile defence program that the United States is now discussing with Canada. I thought the Minister of National Defence was very cautious vis-à-vis making any commitment.

From what I could see, the minister was saying that, with respect to any establishment on Canadian soil, the matter was neither ruled out nor ruled in. Further, he was totally unambiguous about Canada playing any role in any proposed U.S. space-based missile program, saying that Canada would not do so and that Canadian government policy has not changed in any way in that respect.

The conclusion that being a participant in land- and sea-based missile defence in some form that is far from being defined would lead inevitably, necessarily and without exception to participation in a space-based missile program is not accepted by the Government of Canada.

Senator Roche: Honourable senators, the problem is that the plans to move a ballistic missile defence system into space are solid plans by the United States. As I pointed out to the government leader last week, there are sufficient occurrences on this subject to merit a full debate in the Senate. The House of Commons debated this issue twice last week — an indication of its importance — once on a government-sponsored motion and once on an opposition motion. Nevertheless, the Senate, an integral part of Parliament, is to date still deprived of debating this extremely important subject.

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—AUTHENTICITY OF POLLS

Hon. Douglas Roche: Honourable senators, this is my day for quoting from newspapers. I quoted from *The Globe and Mail* a moment ago. I now wish to quote from the *National Post*, not usually a newspaper from which I quote.

A few days ago, the *National Post* carried a story stating that, according to a poll, 64 per cent of Canadians supported Canada's participation in missile defence. This poll was conducted by POLLARA. Mr. Michael Marzolini, the Chairman and CEO of POLLARA, informed me that there was no such question on the POLLARA poll. Rather, there was a question that asked this: Do you agree that Canada should fully participate in the new military command structure, NORTHCOM, to look after the security of all North America? That question is completely separate from missile defence, which is not even mentioned in the question. Nevertheless, this erroneous information about a so-called poll has been quoted around the country.

My question for the Leader of the Government in the Senate is this: Will he look into this matter and give us his view as to the authenticity of this poll and, perhaps, others about which he might be aware?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not know that there is any validity in my chasing polls. However, I shall try to find out the facts from the Department of National Defence.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF LAFLEUR COMMUNICATIONS MARKETING

Hon. Marjory LeBreton: Honourable senators, in the report on the sponsorship scandal, the Auditor General details how the RCMP received sponsorship money. On pages 19 and 20 of Chapter 3 of her report, the Auditor General outlines how the Communication Coordination Services Branch paid Lafleur Communications Marketing almost $200,000 for work contracted to a company called Publicité Dézert. The subcontract was given without a competition and CCSB never questioned the relationship between the two companies.

Can the Leader of the Government in the Senate confirm that Publicité Dézert is headed by Eric Lafleur, son of Jean Lafleur, then president of Lafleur Communications Marketing? Will the public inquiry be able to discover if there are other family business deals associated with the sponsorship program?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information on that specific question. However, I would imagine that whatever is in the Auditor General's report is based on fact. The investigations that are underway in the Public Accounts Committee can go where they will, subject only to the laws of privacy of Canada.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVESTIGATION OF COMPLAINTS DISMISSED BY ETHICS COUNSELLOR

Hon. Marjory LeBreton: Honourable senators, in January 2002, Jon Grant, the former President of Canada Lands Company Limited, complained that former minister Alfonso Gagliano pressured him to hire friends and Liberal organizers of Crown corporations. Ethics Counsellor Howard Wilson dismissed the complaints because the current guidelines overseeing cabinet ministers and Crown corporations were not in place at the time.

This is not the first time Mr. Wilson absolved Mr. Gagliano. He also dismissed complaints that Groupaction and Groupe Everest had subcontracted federal contracts without competition to a printing business that employed Mr. Gagliano's son.

Can the Leader of the Government tell us if the public inquiry will also investigate these complaints that were so quickly dismissed by the Ethics Counsellor?

Hon. Jack Austin (Leader of the Government): Honourable senators, the public inquiry will go where the public inquiry wants to go.

NATIONAL REVENUE

NOVA SCOTIA—WINTER SNOW STORM—DELAY IN FILING FOR REGISTERED RETIREMENT SAVINGS PLANS

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate. As my colleagues are well aware, over the last few days, Nova Scotia, in particular the city of Halifax, has been hit heavily with a tremendous winter storm, receiving some 95 centimetres of snow — a record — and winds of 100 kilometres per hour. As a result, honourable senators, commercial transacting in Halifax has ground to a halt.

Halifax is the commercial hub of activity in the Atlantic Provinces. As the government leader knows, the Registered Retirement Savings Plan season is upon us. Given that a number of people normally wait to the last week to do their transacting, would the government leader ask his cabinet colleague, the Minister of National Revenue, to extend to Friday, March 5, 2004, the time for Nova Scotians to make contributions to their RRSPs?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will do so.

TREASURY BOARD

PROTECTION OF WHISTLE-BLOWERS

Hon. Jean-Robert Gauthier: Honourable senators, my question is directed to the Leader of the Government in the Senate. It deals with whistle-blowing, an issue that has been before us for some time now.

Recently, in the other place, the Public Accounts Committee was told that it is the President of the Treasury Board who spoke for whistle-blowers in the public service and that he was ready to extend protection to public servants who would break the rules or were knowledgeable in that matter.

In January of this year, we were told that there was a report tabled by a working group to the President of the Privy Council concerning whistle-blowers, that the president was working on some legislation at that time and that he would present a draft bill to this house before March 30. Who is speaking for this issue of whistle-blowing in the public service? Is it Treasury Board or Privy Council? It is important because the distinction had to be made in the Official Languages Committee about a month ago when there was the same confusion. Can the minister explain, please?

Hon. Jack Austin (Leader of the Government): Honourable senators, with respect to process, until the time that the legislation is dealt with by Parliament, it will be the President of the Treasury Board who will speak with respect to the practice of protecting so-called whistle-blowers who have evidence to give with respect to the breach of the Financial Administration Act or other rules and regulations of government or any other malfeasance.

Indeed, the President of the Privy Council is responsible for preparing the legislation. As to who will be responsible for the administration of the legislation when and if Parliament finally enacts it, I cannot currently advise.

• (1450)

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—POINT OF ORDER

On Order No. 5:

Second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order concerning the calling of Bill C-4. The bill must be returned to the other place for appropriate corrections or amendments before this chamber can consider them. This chamber received the bill on February 11, 2004, when it was given first reading. The cover of the bill — if honourable senators will take their copy from their bill loose-leaf in their desks — states clearly that the bill is a reprint of a corresponding bill in the previous session. In this case, that bill was Bill C-34. The box on the front cover of Bill C-4 reads:

> Reprint of Bill C-34 of the Second Session of the Thirty-seventh Parliament, as adopted by the House of Commons at Third Reading on October 1, 2003.

Honourable senators, the problem is that this bill is not a reprint of Bill C-34. Why is it not a reprint, as erroneously indicated on the cover page? It is because one of the clauses has been changed in Bill C-4, and I call the attention of honourable senators to clause 12. Clause 12 in the older bill, Bill C-34, reads as follows:

> 19(2) In addition to any method of service permitted by the law of a province, service of documents on the Senate, House of Commons, Library of Parliament, office of the Ethics Commissioner or office of the Ethics Commissioner under subsection (1) may be effected by registered mail, whether within or outside the province, or by any other method prescribed.

That is the wording, word for word, in Bill C-34, and we are told that Bill C-4, now before us, is an exact copy.

If honourable senators look at clause 12 of Bill C-4, it reads:

> 19(2) In addition to any method of service permitted by the law of a province, service of documents on the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer or office of the Ethics Commissioner under subsection (1) may be effected by registered mail, whether within or outside the province, or by any other method prescribed.

Honourable senators, we note that in Bill C-34 "office of the Ethics Commissioner" was repeated twice, while in Bill C-4 the phrase "office of the Senate Ethics Officer" was substituted.

As well, honourable senators, if one looks at the electronic versions of Bill C-4, we will see further confusion. The HTML version of Bill C-4 appears exactly as Bill C-34 as passed by the House of Commons. However, in the PDF version, which looks like the printed copy of the bill, the substituted words of "office of the Senate Ethics Officer" appear.

My point, honourable senators, is that this bill before us is not a reprint of Bill C-34. Rather, it has been amended by someone and not amended by the House of Commons because the House of Commons passed the bill in all stages in one fell swoop. Members of Parliament did not see the bill printed before it was sent to the Senate because they used the reinstatement method and they just swished it over here. They tell us that Bill C-4 is a reprint. It is not a reprint. Someone has amended it.

I point out to honourable senators that the house leader in the other place, Mr. Saada, stated in the chamber the following:

> Mr. Speaker, pursuant to the special order made previously, I would like to inform the House that this bill is in the same form as Bill C-34 was in the previous session at the time of prorogation.

Honourable senators, it would appear that that is not exactly the situation. At any rate, by sending us a bill that states it is a reprint of a bill already passed is not accurate, and I would assert that this bill must be returned to the other place.

If one looks to the parliamentary literature in relation to these matters, I draw the attention of honourable senators to citation 633 of Beauchesne's sixth edition, page 194, which, under the heading "Marginal Notes," states:

> (1) The marginal notes, short titles of clauses and the headings of parts of a bill do not form part of the bill and, therefore, are not open to amendment.
>
> (2) The Law Clerk and Parliamentary Counsel is responsible for marginal notes and headings, pursuant to Standing Order 156.

If the note on the cover of the bill is in effect a marginal note, I would suggest that the remedy is to return the bill to the other place for correction.

On the other hand, it is possible that the note on the cover of the bill is in the nature of an explanatory note. Turning once again to Beauchesne's sixth edition, on the same page, at citation 632, we read the following:

> Explanatory notes, though technically not part of the bill, are printed on the page opposite to the relevant clause. A Member may prepare explanatory notes which should be brief and contain nothing of an argumentative character of the contents and objects of the bill.

If the note on the cover is an explanatory note, it does contain something of an argumentative character, and that is the claim that the bill is a reprint, because clearly it is not.

To recapitulate my point of order, the bill before us claims to be a reprint. It is not, in light of the amendments made to it. I have questions about all of this. The remedy I commend to honourable senators and to His Honour is simple and straightforward, namely, to return the bill to the other place to have the offending words replaced with something that more accurately reflects the true state of affairs, or even to simply remove them.

• (1500)

Insisting now upon our right to have an accurate statement on the face of the bill ought to ensure that a repetition of this situation will not occur in the future. For greater certainty, or for the precise change, I would direct the focus of honourable senators to clause 12 of the bill.

Hon. Jack Austin (Leader of the Government): Honourable senators, I invite the Honourable Senator Carstairs to rise on the point of order because she was the Leader of the Government when this bill was originally introduced. It is my understanding that this was a technical matter that was corrected by the officers of both Houses, and that this is entirely within the scope of normal procedure. There is no substantive matter requiring change in this instance and both Houses corrected the bill in the course of its examination.

I cannot imagine that this is anything other than an attempt to stall at second reading. It is truly quite surprising that the opposition and Senator Kinsella are not willing to proceed with the establishment of a Senate ethics officer. I am curious to know whether they have concern about the question of ethics, especially given the questions they have been asking in Question Period. It seems to me that there is an enormous difference in attitudes.

Senator Stratton: You are ethical? You are calling yourself ethical?

Senator Austin: On the technical point of order, I say to honourable senators that there is no issue of any kind or substance that the bill is as reprinted, and that the change made was of a minor character that is well within the purview and province of Senate and House practice.

Some Hon. Senators: Hear, hear!

Hon. Lorna Milne: Honourable senators, I would point out that this error was noticed when the bill came before the Rules Committee in the previous session of this Parliament. It was considered to be a parchment error, and we had testimony from the Law Clerk of the Senate that it was indeed a parchment error. We also had written agreement from the Law Clerk of the House of Commons that the error should be corrected. The law clerks were instructed to correct this error in the normal course of events. This was recognized as a parchment error and was properly corrected.

Hon. Sharon Carstairs: Honourable senators, I rise on this point of order because I do not think it is a point of order.

Honourable senators, the other side would have a legitimate point if there were a material change in the bill that was presented last week in this place to the bill that was presented in the previous session. However, the members of the Rules Committee unanimously agreed that this was not a substantive or material change. As honourable senators are aware, throughout the bill one name is the ethics officer and the other is the ethics commissioner. In this particular section of the bill, the incorrect word has been used in respect of the Senate ethics officer. To argue at this stage that the bill is improper in its appearance before us is specious, and is not a legitimate point of order.

Hon. Joan Fraser: Honourable senators, I agree with honourable senators on this side that this is not a point of order. I would observe that when parchment errors have been detected, the Table Officers put them through a rigorous screening. Once the Table Officers of both chambers have concluded that a parchment error exists, they correct it and it never comes back to either chamber for a vote. That is why there is such rigorous screening of it in the first place — to ensure that it is truly a misprint that can be corrected without in any way affecting the intent of the bill. They never come back to the chambers. Most of us have been in committees where parchment errors were discovered, although they do not happen frequently. They never have to be referred back to either chamber for validation. The Table does correct the error and that is it. In my opinion, this is not a legitimate point of order.

Senator Austin: Honourable senators, the point is that the House of Commons told the Senate that they have passed Bill C-4. I do not believe that this chamber has the right to question the procedure of the House of Commons, any more than they have the right to question our procedure. We must take the bill as it is represented.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, if I may, briefly, this has nothing to do with parchment errors, technical errors or honest mistakes. Rather, this has to do with the fact that the House of Commons has informed us that Bill C-4 is an exact replica of Bill C-34, and yet we have found an instance where it is not an exact replica. There may be other areas of the bill that are not exact replicas of the former bill. The question is that simple. There are inaccuracies because Bill C-4 is not, word-for-word, the same as Bill C-34 was. It has nothing to do with parchment errors or a word used by mistake.

While I am on my feet, to challenge a bill on a technicality is not a questioning of one's ethics. If the Leader of the Government wants to challenge my ethics, he might also want to turn to senators on his own side and ask the 20 of them who voted against Bill C-34 last fall just what their ethics are about.

The Hon. the Speaker: Honourable senators, does any other senator wish to intervene?

The concluding comment is Senator Kinsella's.

Senator Kinsella: Honourable senators, the point is that —

Senator Robichaud: The point is that there is no point!

Senator Kinsella: — we have before us a reprint that has nothing to do with the issue of parchment errors. I am well aware of the practice of dealing with parchment errors, when they occur. This is not a parchment error.

In this instance, we are told that this is a reprint of Bill C-34 of the Second Session, and I am saying that it is not a reprint but something else. I agree with Senator Austin that the way in which they conduct their affairs in the other place is their business. However, we cannot ignore the fact that the Bill C-4 that is before this house was reinstated under a special provision, and the other place fast-tracked it through. The House of Commons did not even look at the bill but simply passed it and sent it to the Senate, saying that it is a reprint of Bill C-34. We have a problem with the word "reprint." The error is there for all to see. It is a prima facie case, and this matter will have to be dealt with so that the bill may be properly debated and honourable senators may take judgment upon it. Otherwise, there is no knowing what this chamber is dealing with.

Had this been a parchment error, that would have been one thing, but it is more than that — it is a serious reprint error. We have been told something that is not true and we cannot ignore the fact that this bill was reinstated in the other place and sent to this chamber. They did not look at it at all.

The Hon. the Speaker: Honourable senators, there have been citations and we should be certain that we are proceeding in accordance with our rules and practices. I will leave the Chair and Senator Pépin, the Hon. the Speaker *pro tempore*, will take the Chair while I consider this matter. I will return with a ruling today or tomorrow.

• (1510)

Hon. Bill Rompkey (Deputy Leader of the Government): If Your Honour needs time, perhaps we could have a short suspension while you deliberate on your decision. However, it would be preferable, for our part, to go ahead with the debate today once you have made your ruling.

The Hon. the Speaker: Well, perhaps that can be accommodated. It is now 3:10 p.m., and we have a vote at 5:30 p.m. It is up to honourable senators. If a request is made that we suspend the sitting —

Senator Milne: Suspend.

The Hon. the Speaker: — I can do so as Speaker. However, I would want to be sure that I had general agreement. If it is not objected to, then I will suspend the sitting and I will see what I can do with this ruling.

In any event, I will be returning to the Chair at a given time so that we are not wondering when to come back to the chamber. I certainly can make a decision on whether or not I can rule today within half an hour, so I will suspend the ruling, then, for approximately 30 minutes, to 3:45 p.m., if that is in order.

Senator Kinsella: I am afraid I do not think it is in order. If Your Honour is not ready to rule and wishes to take the matter under consideration, then you do so and we move on. However, if Your Honour decides that you want to leave the Chair and have the Hon. the Speaker *pro tempore* relieve you, that, too, is fine, but we will be moving on with the house business.

Senator Milne: Suspend.

Senator Rompkey: This is our house business, Your Honour, and we want to move on with this house business.

Some Hon. Senators: Hear, hear!

Senator Rompkey: We would ask you to give us a ruling so that we can move on with our house business.

The Hon. the Speaker: As I said, my interpretation of the rules is that, as Speaker, I can suspend the sitting. It is normally done in cases of disorder, I think, but I see no reason why the rule does not apply to this situation.

Whether the ruling can be done today or not, I do not know. As I indicated, I can be sure that I will know one way or the other by 3:45 p.m., so I will suspend the sitting until then. I will be back at 3:45 p.m.

Senator Kinsella: I would respectfully request of the Chair to indicate of us the rule under which Your Honour is operating.

The Hon. the Speaker: All right. Perhaps I could get some help from the Table — it would save a bit of time — to direct me to the appropriate rule. Is it number 18?

Senator Kinsella is right. It is only in cases of grave disorder where I am entitled to suspend the sitting. Having had that pointed out, I think, then, that it is clear that the best way for me to proceed is to ask Senator Pépin to take the Chair. I will see what I can do.

THE SENATE

MOTION TO EFFECT WEDNESDAY ADJOURNMENTS ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 18, 2004, moved:

> That**,** for the remainder of the current session, when the Senate sits on a Wednesday it do adjourn no later than 4 p.m.; and
>
> That, should a vote be deferred on a Wednesday until 5:30 p.m. the same day, the Speaker shall interrupt the proceedings at 4 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and during that intervening period committees may meet.

He said: Honourable senators, with leave, I would like to modify the motion standing in my name, for which I gave notice on Wednesday.

The modifications are minor, and make the motion clearer and more precise. I would like to read the motion now as follows:

> That, for the remainder of the current session, when the Senate sits on a Wednesday, it do adjourn no later than 4 p.m.; and

That, should there be a vote deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings at 4 p.m., prior to the adjournment, to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and during that intervening period committees may meet.

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

Hon. Senators: Agreed.

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

Motion agreed to.

[*Translation*]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Committee of Selection (membership change on Human Rights Committee), presented in the Senate on February 19, 2004.

Hon. Rose-Marie Losier-Cool moved that the report be adopted.

Motion agreed to and report adopted.

[*English*]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

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. Terry Stratton: Honourable senators, I would stand this Item No. 5. I want to review it with our caucus tomorrow morning, and I have said to Senator Gauthier — not directly, but indirectly — that there would be action taken in this regard this week.

Order stands.

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Gill, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Stratton*).

Hon. Serge Joyal: On a point of order, Your Honour. I know that this bill has stood under the name of Senator Stratton for about three weeks now. Of course, I do know the interest of Senator Stratton in this bill, since he spoke when it was introduced in the previous session.

May I, as we say in the language of the court, respectfully ask Senator Stratton when we may profit from his enlightenment on the debate of Bill S-9?

Hon. Terry Stratton: Honourable senators, I have two or three bills on my plate right now, as the honourable senator may or may not be aware. In the normal course of events in this chamber, we allow 15 days to respond. I would like to get some of those bills off my plate, and I will deal with this matter before the end of the 15th day, likely within the next week or so.

On motion of Senator Stratton, debate adjourned.

• (1520)

[*Translation*]

HAZARDOUS PRODUCTS ACT

BILL TO AMEND—SECOND READING

Hon. Yves Morin moved the second reading of Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes).

He said: Honourable senators, I have the honour of introducing Bill C-260, to amend the Hazardous Products Act, and having to do with fire-safe cigarettes.

This remarkable legislation will, if you adopt it, have an immediate impact on the health of Canadians, especially the least fortunate.

[*English*]

Bill C-260 will lead to the introduction in Canada of low-ignition-propensity cigarettes, also known as fire-safe cigarettes.

Honourable senators, I cannot think of another bill that will have such an immediate impact on the health and well-being of Canadians. It will save lives, prevent injuries and protect property.

Every year, 100 Canadians die in fires caused by cigarettes and more than 300 are seriously injured. The financial cost of cigarette fires in Canada is estimated to exceed $100 million a year. Few injuries cause as much pain, disfigurement and handicaps as burns from these fires. Young children and older people who are less able to escape from the fire are among those most hurt by cigarette fires.

It is not surprising that fires started by cigarettes incur proportionately more fatalities than other fires such as those started by cooking equipment. The reason lies in the way that cigarette fires begin. When cigarettes come into contact with flammable products such as mattresses, bedding or upholstered furniture, they start smouldering and can continue undetected for some time before violently bursting into flames. Smoke and toxic gases from the smouldering material can render people unconscious, putting them at even greater risk of injury or death.

In 1998, the Ragoonan family of Brampton, Ontario lost three children in such a fire. Devastated by their loss, they approached their Member of Parliament, John McKay. Mr. McKay researched the subject and introduced, in 1999 — now five years ago — a private members bill to replace standard cigarettes with fire-safe cigarettes. At the time, this technology was not well known and there was widespread opposition to the bill. Mr. McKay doggedly kept his bill alive through successive sessions of Parliament.

This afternoon, it is fitting to pay tribute to our colleague, John McKay. For me, this is the perfect example of what a private member's bill should be. Mr. McKay's efforts exemplify the potential for a member of Parliament to make a real difference. Fortunately, Mr. McKay's refusal to give up paid off. Times have changed and opposition to fire-safe cigarettes has diminished, sadly because of continued deaths from cigarette fires.

In New York, for instance, a cigarette-induced fire in 1998 was responsible for the deaths of three firefighters — members of the Ladder Company 170 in Brooklyn. Legislation similar to that of Bill C-260 was passed in the state legislature and by June 24, 2004, all cigarettes sold in New York will have reduced ignition propensity.

We now face the same opportunity to prevent deaths and injuries in Canada. At the last session of Parliament, this bill was unanimously passed in the other place. The Minister of Health supports the bill. Health Canada has nearly completed its work on the technical aspects of the bill. Even some members of the tobacco industry are now supportive of the process.

There are many techniques available to significantly reduce cigarettes' ignition propensity. They do not change the taste of the cigarette nor do they increase toxicity. One cigarette of this type has been on the market for some time, namely, the Merit brand, manufactured by Philip Morris in the United States. These cigarettes have concentric bands of ultra thin paper applied on top of traditional paper. These bands act as speed bumps to slow down the rate at which a cigarette burns. Other manufacturers are currently using other techniques.

Nonetheless, some members of the tobacco industry continue to oppose the legislation. Imperial Tobacco, the largest cigarette manufacturer in this country, has serious reservations concerning testing methods and the possibility of increased smuggling after passage of the bill.

I have reviewed the company's arguments carefully. I sincerely believe that they do not hold merit when compared to the prevention of death and injury that will result from the passage of the bill.

A number of methods have now been developed to test the relative ignition propensity of cigarettes. Health Canada has done a review of these techniques and has chosen the same test as New York — the ASTM standard E21 187-02B. Health Canada has tested 62 brands sold in Canada and only one — the More menthol brand — has passed the test. Health Canada has also been working on regulations prescribing the method and flammability standard to be used to test cigarettes. These regulations have now been completed.

Honourable senators, there is absolutely no reason to delay this bill any longer. Every week that passes while we are considering this legislation will see two more Canadians die from cigarette-induced fires. This is not the first time that we have seen this bill. It was introduced in the Senate on November 4, 2003, only to die on the Order Paper. Honourable senators, we must not let any more time pass. We must act quickly and decisively to move this bill to committee. Canadians expect no less from us.

Hon. Mira Spivak: Honourable senators, I am pleased to support this very sensible and practical bill. If we must have cigarettes, let them be fire-safe cigarettes.

This bill is dealing with the accidents that can be caused by cigarettes. In the Standing Senate Committee on Energy, the Environment and Natural Resources, we studied extensively and in great detail the harm that cigarettes do when used as directed.

I thank Senator Morin for his efforts and his very complete summary of why we should support this bill.

I move that the bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to participate in the debate on Bill C-260. I will not need the eight days that it has been on the Order Paper. I hope to speak to this matter, if not by the end of this week then at the beginning of next week.

POINT OF ORDER

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, on a point of order, I thought there was a motion before the house.

The Hon. the Speaker: If I could ask for patience from honourable senators. Unfortunately I have been out of the chamber. I am not sure where we are on the Order Paper. Let me just clarify that before I hear the point of order made by the Honourable Senator Rompkey.

I have Senator Kinsella moving the adjournment of the debate. It is not a debatable motion, but Senator Rompkey is rising on a point of order.

• (1530)

Senator Rompkey: I thought I had heard Senator Spivak make a motion that Bill C-260 be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources. If that is so, then there is a motion on the floor.

Senator Kinsella: There is already a motion on the floor.

The Hon. the Speaker: For there to be a motion on the floor, the motion must be put. Was the honourable senator speaking, or was she commenting on Senator Morin's speech?

Senator Spivak: I was speaking.

The Hon. the Speaker: I did not put the motion. Senator Kinsella rose to move adjournment of the debate, which is entirely in accordance with our practice.

Senator Kinsella's motion is the one that is on the floor. The reason we pause when motions are put is to ensure that we are not denying a senator the right to speak. Senator Kinsella's motion to adjourn may be turned down — I am not sure. In any event, that is consistent with the past practice.

It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that further debate be adjourned to the next sitting of the Senate.

Are senators ready for the question? Those in favour of the motion please say "yea."

Some Hon Senators: Yea.

The Hon. the Speaker: Those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it, honourable senators.

Do you wish a standing vote? No. The motion is defeated.

Resuming debate. Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: I will put the question: It was moved by the Honourable Senator Morin, seconded by the Honourable Senator Gauthier, that this bill be read the second time.

Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Morin, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—
POINT OF ORDER—SPEAKER'S RULING

On Order No. 5:

> Second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

The Hon. the Speaker: Honourable senators, I was asked to make a ruling on Bill C-4. I left the chair and gave consideration to the questions that were raised by Senator Kinsella as to the orderliness of proceeding. I thank him and other honourable senators for their interventions.

I have considered the point of order. The conclusion that I have come to is that the note on the face of the bill which was quoted in full by Senator Kinsella, namely, as to the reprint of the bill, does not constitute a marginal note; rather, it is something on the face of the bill, I can only conclude, telling us what the House of Commons considers the document to be, namely, a reprint of Bill C-34 as adopted.

The question then comes forward in the point of order that the reprint of the bill contains what was treated as a parchment error in the previous disposition of the bill. The question is whether that would require the matter to be treated again as a parchment error or whether the bill should be referred back to the House of Commons for further deliberation and returned to this place.

My conclusion, in accordance with the interventions, is this: What the other place does is up to the other place, and they, in their deliberations, have decided to characterize the bill as they have, and it is within their purview to do so. Accordingly, it is in order to continue with debate on this bill.

Hon. Jack Austin (Leader of the Government): Honourable senators, I move second reading of the bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): We are well beyond Government Business. We would need to have unanimous consent to revert to Government Business.

Hon. Bill Rompkey (Deputy Leader of the Government): It is my understanding that Bill C-4 was neither stood nor adjourned, and I would ask now that we revert to the second reading of Bill C-4.

The Hon. the Speaker: Let me confirm where we are on the Order Paper. I believe we have, as indicated, gone past Government Business. If we were on Government Business and the matter were still before us, you could call it. If we have gone past Government Business, then it is no longer an option under our rules for the Deputy Leader of the Government or the Leader of the Government to call an item of Government Business.

I believe we have gone past Government Business; accordingly, we must proceed with the Order Paper.

Hon. Lorna Milne: A point of order: I would point out that, according to the common procedure within this place, every single item that is on the Order Paper must be disposed of each day. This item has not been disposed of; therefore, I suggest we should go back to it.

Senator Kinsella: Where is the rule?

Senator Lynch-Staunton: That is the Milne rule.

The Hon. the Speaker: Does anyone else wish to intervene on this?

I have, in effect, already ruled on this, before the point of order. Because I now have a formal request for a ruling, I am making that formal ruling. We have moved past Government Business. Having moved past Government Business, opportunity under the rule that would allow the government side, namely, the leader or the deputy leader, to call a government item has passed in terms of the proceedings of the day.

Senator Rompkey: I ask for leave to revert to second reading of Bill C-4.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I have to deal with the request for leave first. According, honourable senators, is leave granted to revert to second reading of Bill C-4?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Lynch-Staunton: We have to abide by the rules. That is what the deputy leader said on Friday.

SCRUTINY OF REGULATIONS

REPORT OF JOINT COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Furey, for the adoption of the first report of the Standing Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re rule 104) presented in the Senate on February 19, 2004.—(*Honourable Senator Lynch-Staunton*).

Hon. John Lynch-Staunton (Leader of the Opposition): I have a question for the co-chair of this committee, Senator Hervieux-Payettte.

• (1540)

[*Translation*]

It concerns your report. Did you move a motion to adopt the report? If you wish to do so, I shall ask a question and we can settle it all now. Move a motion to adopt your report.

In the report, it says that the committee seeks permission to sit at the same time as the Senate. It is in your report. I wonder if you are seeking a blank cheque or only making a recommendation, since it has been our practice that when a committee sits at the same time as the Senate, it requests special permission. But your report appears to say that if the report is adopted, we are giving you carte blanche to sit any time you choose.

Hon. Céline Hervieux-Payette: Honourable senators, in fact, we did not discuss this matter in depth. We begin meeting at 8:30 a.m. and generally finish around 10 a.m. I do not see how that can interfere with the business of the Senate. We never sit while the Senate is sitting.

Perhaps it was a standard clause added by the Clerk. We have never sat at any other time; we have always sat outside the time when the Senate sits. Is the honourable senator satisfied with my answer?

Senator Lynch-Staunton: I was surprised by this request. In order to avoid any confusion, you could suggest removing those words.

Senator Hervieux-Payette: Honourable senators, I have no problem with withdrawing the paragraph that mentions that the committee can sit at the same time as the Senate, since it has never happened. If the honourable senator is satisfied with this, and is ready to approve my report, I have no problem removing that clause.

[*English*]

The Hon. the Speaker: The mover of the motion was the Honourable Senator Moore. We could, through him, ask for consent to change, but he is not here.

Hon. Bill Rompkey (Deputy Leader of the Government): I will move the motion standing in Senator Moore's name.

The Hon. the Speaker: The motion has been moved. A question has been put and, as I understand the exchange Senator Hervieux-Payette has had with Senator Lynch-Staunton, Senator Hervieux-Payette has expressed agreement to a variation in the motion.

I am pointing out that, under our rules, a mover of a motion can request, with unanimous consent, leave to vary the wording of a motion. When I looked a moment ago, the Honourable Senator Moore was not here. He is here now.

Does Senator Moore wish to respond to this request for a variation in the motion? Perhaps Honourable Senator Hervieux-Payette can inform Senator Moore of where we are in our discussion of this item.

Senator Hervieux-Payette: Honourable senators, the report states, in part:

> Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

I must confess that we did not discuss this paragraph in particular during the meeting. We discussed technical matters such as quorum. I do not mind removing that paragraph, if honourable senators agree to such a modification of our report.

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

Hon. Senators: Agreed.

The Hon. the Speaker: The variation to the motion is agreed to.

Are honourable senators ready for question?

Hon. Senators: Question!

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

Motion agreed to and report, as modified, adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ON STUDY ON EMERGING ISSUES RELATED TO MANDATE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues related to its mandate) presented in the Senate on February 19, 2004.—(*Honourable Senator Banks*).

Hon. Mira Spivak, for Senator Banks, moved the adoption of the report.

Motion agreed to and report adopted.

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

MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

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 Thirty-seventh Parliament, and adopted on October 28, 2003.

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.

[*Translation*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE—MOTION TO WITHDRAW—ORDER STANDS

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."

Hon. Jean-Robert Gauthier: Honourable senators, with the unanimous consent of honourable senators, I would like to withdraw this motion from the Order Paper. Let me explain. On February 10, I moved a motion asking the Standing Committee on Rules, Procedures and the Rights of Parliament to examine, for the purpose of reporting, all Senate procedure related to the tabling of petitions in this camber, and also certain standards. We all know that, currently, there is no follow-up on the petitions tabled in the Senate. The motion asked that the committee report to the Senate by March 1, 2004.

I truly believed, when I moved the motion on February 10, that there was enough time for a committee to review this issue since we had already examined it in 2002. The Senate Standing Committee on Rules, Procedures and the Rights of Parliament had even looked into the issue and tabled a fourteenth report in which a number of provisions had been proposed to ensure not only that there would be a procedure with respect to petitions in this house but that there would be follow-up. That is why I moved the motion.

Honestly, I thought there would be no resistance, but there has been. During the debate, Senator Corbin put forward an amendment. The amendment removed all the wording of my substantive motion and replaced it with other wording. This was difficult to accept because I did not think the new wording was clear. The Speaker took this under advisement and in his decision said the motion lacked clarity.

In order not to annoy anyone in this house, I will withdraw my motion. I am seeking unanimous consent to withdraw it because it is impossible for a committee to consider the issue seriously in one week and report to this house.

Since the date given is March 1, I withdraw my motion, if possible.

Hon. Eymard G. Corbin: Honourable senators, I believe I am entitled to speak on the proposed amendment following the ruling the other day as to whether or not my motion in amendment was in order. The ruling suggested that there be a date for the production of the history I requested in my motion in amendment.

• (1550)

I do not see how Senator Gauthier can ask that his motion be withdrawn when we are dealing with a motion in amendment. I adjourned debate on my motion in amendment to comply with His Honour's advice. Senator Gauthier is violating the rules in asking that his motion be withdrawn. It is no longer his motion, nor is it mine; this is a motion in amendment before the Senate. I intend to follow His Honour's advice and come back to this matter at a later date to amend, as he has recommended, the wording of the amendment as it appears in today's Order Paper.

I think that Senator Gauthier has completely missed the point in asking that his motion be withdrawn. All that remains of his motion is the word "That". The motion in amendment before us asks for the wording to be changed with the unanimous consent of the Senate. This cannot be done any other way. I do not need to present a new motion in amendment to the motion I presented. We could do this with unanimous consent.

I want to add that I could do this immediately, but the other day, Senator Gauthier reproached me for having presented my motion in amendment in just one language — French, my mother tongue. The *Rules of the Senate* permit me to do this, but since he is so sensitive about matters relating to the official languages, I will present a new motion, at the next sitting of the Senate, but without changing the substance of the amendment. I will do so in both official languages to please him, although this is unnecessary.

[*English*]

The Hon. the Speaker: Honourable senators, the request of Senator Gauthier for consent to withdraw his motion is not agreed to unanimously. Honourable Senator Corbin does not agree.

Senator Corbin, I do not know whether you had spoken before, whether you were speaking or whether you were commenting on the matter of leave. I believe you were commenting on the matter of leave.

Senator Corbin: I should have indicated at the outset.

[*Translation*]

I rose on a point of order. Senator Gauthier is not in order, because what we have before us is a motion in amendment and he addressed the motion in general, not the amendment.

[*English*]

The Hon. the Speaker: That may be. In any event, I do not need to go that far because leave was not granted even for the first stage of consent.

Is it agreed that the matter stand, honourable senators?

[*Translation*]

Senator Gauthier: Honourable senators, I would like to set the facts straight. First of all, I did not speak about the motion by Senator Corbin being defective. Senator Kinsella is the one who adjourned debate because the motion was in a single language. It was not I, Senator Corbin.

Second, I have always maintained that the amendment in question was irregular and unacceptable. You have told me that this was correct, on the procedural level. That I accept. But regardless of whether the main motion is withdrawn, or anyone moves that it be withdrawn, it will lapse next week at the beginning of March. It is impossible for the committee to meet and do what it needs to do within such a short period of time. If Senator Corbin wants to oppose, let him do so.

Senator Corbin: Honourable senators, I would not want what I said to be misinterpreted. As I said initially when I presented my motion in amendment, I am not opposed to this initiative. I merely want the Senate and the honourable senators to know what they are getting into when they change the *Rules of the Senate*. That is all. I was never opposed and I maintain that I have the right to speak in the language of my choice in the Senate, and that you have no say in that, Senator Gauthier.

[*English*]

The Hon. the Speaker: Honourable senators, I need go no further than to say that unanimous agreement was not forthcoming for Senator Gauthier's request. Is it agreed that this matter stand?

Hon. Senators: Agreed.

Order stands.

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.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wonder if I have understood this motion correctly. I understand the motion requires us to do two things: first, that our attention be drawn to the sixth report of the Standing Senate Committee on Aboriginal Peoples tabled in the Senate in October of last year; and, second, that we adopt it. In adopting this motion, we would be asking the government for a comprehensive reply.

I like the second half of the motion, but, in principle, once the Senate adopts reports, the government should be asked to reply. Some senators, while wanting to embrace that part of the motion, may have questions about the report.

Honourable senators, I simply point out that there are two issues. If Your Honour hears "yea" in answer to both parts of the motion, there is not a problem. However, those who say "nay" to one but "yea" to the other may be in a conflict.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, in the absence of Honourable Senator Sibbeston, perhaps we could stand this item.

Hon. Eymard G. Corbin: Honourable senators, I believe Honourable Senator Kinsella was rising on a point of procedure or order, I do not know which. The matter relates more to procedure.

In my opinion, we can do in one shot what Honourable Senator Kinsella is suggesting we do in two steps.

Rule 131(2) of the *Rules of the Senate* states:

> The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate if either the report or the motion adopting the report contains such a request...

In this case, contrary to the previous instance, the report does make that request; it asks for a government response. That is part of the text of the motion before us. Therefore, if we say "yea" to the motion before us, we concurrently adopt the report and at the same time make the request. That is how I read 131(2).

The Hon. the Speaker: Honourable senators, that is right and is subject to a ruling, as well.

• (1600)

The Deputy Leader of the Government has suggested that because it is Senator Sibbeston's motion, we should deal with it when he is in the Senate. Senator Kinsella has clarified the issue and correctly so, as has Senator Corbin.

Is it agreed, honourable senators, that we stand the motion until Senator Sibbeston is present in the chamber?

Hon. Senators: Agreed.

Order stands.

[*Translation*]

PRIME MINISTER'S TASK FORCE REPORT ON SENIOR CITIZENS

INQUIRY—DEBATE ADJOURNED

Hon. Marisa Ferretti Barth rose pursuant to notice of February 11, 2004:

> That she will call the attention of the Senate to the report of the Prime Minister's Caucus Task Force on Seniors.

She said: Honourable senators, on September 17, 2003, the former Prime Minister of Canada, the Right Honourable Jean Chrétien, announced the creation of a Liberal task force on seniors. This task force was established with the goal of studying a number of socio-economic issues related to the aging of Canada's population. In carrying out this study, the task force travelled across Canada to meet with seniors and stakeholders.

As a member of this task force, I had the opportunity to organize a round table in Montreal that brought together some 30 experts. It was a very stimulating day and we received many recommendations.

In the report, which was made public on February 11, the task force on seniors examined the major issues concerning quality of life for seniors, and formulated seven recommendations for policy-makers to examine. With your leave, I will list these recommendations.

First, the task force recommends that the Prime Minister appoint a minister of state for seniors.

Second, the task force recommends that the federal government reinstate the New Horizons program. I am very familiar with that program. Through it, I was able to create a number of seniors' clubs in various communities, including the first Chinese seniors' club, which was formed in 1977.

This program offering grants to seniors enjoyed enormous success in the past. Many people from coast to coast have called for the return of this program. One of the biggest worries among seniors is loneliness. Isolation can be as dangerous as illness.

On February 5, 2004, an article appeared in *La Presse* about the increased rate of suicide among seniors. This is a well-known problem, but no one is doing anything about it. The situation is all the more worrisome, according to Michel Préville, a researcher at the Sherbrooke Geriatric University Institute, because suicide in seniors is incorrectly thought of as a normal phenomenon of aging.

We can see that this is a societal ill. Today, community support is almost non-existent. Recruiting new volunteers is increasingly difficult; yet volunteers are essential for improving the quality of life of our seniors.

The reinstatement of the New Horizons Program will help create a network of trained volunteers in order to overcome the isolation and loneliness felt by seniors. The New Horizons Program could also improve life for older recent immigrants, who have great difficulty adjusting to their new country and too often do not receive the services to which they are entitled.

Third, the task force recommends that the government review income support programs for seniors. The income of seniors has increased over the past 20 years. Nonetheless, some groups, including single older women, disabled persons, and Aboriginals, seem more vulnerable and some programs should be reviewed to take these groups of individuals into consideration because, like us, they are good Canadians.

Fourth, the task force recommends that the federal government, the provinces and the territories get together to establish national standards for home care.

Fifth, the task force recommends that the federal government draw its inspiration from the Veterans Independence Program, which is a home support program. Seniors want only one thing: to stay in their homes for as long as possible. To do so, they need assistance appropriate to their state of health. The time has come for the government to consider implementing a home support program for seniors.

Sixth, the task force recommends that the federal government raise awareness about issues related to senior citizens by creating a national public education program on problems such as loneliness, staying at home and abuse.

The most recent volume of *Expression*, published quarterly by the National Advisory Council on Aging, wants to increase public awareness of the abuse of older persons. Even today, this is a taboo social problem in our society.

A national campaign must be implemented to put an end to these serious problems.

Finally, the task force recommends that the federal government study the issue of mandatory retirement.

In closing, honourable senators, I hope that the decision-makers will closely examine the report by the caucus task force and that the various levels of governments will champion many of its recommendations. We must not forget that these problems may already be or may one day become our problems too.

Hon. Marcel Prud'homme: Honourable senators, I sincerely hope that this motion will not die on the Order Paper. With the permission of the Senate, I move that this debate be adjourned in my name, for future debate, so that this important motion will not disappear from the Order Paper.

On motion of Senator Rompkey, debate adjourned.

RECOGNITION OF WRONGS DONE TO ACADIAN PEOPLE

INQUIRY—DEBATE ADJOURNED

Hon. Gerald J. Comeau rose pursuant to notice of February 17, 2004:

> That he will call the attention of the Senate to the *House of Commons Debates* of February 11, 2004; specifically the concerns caused by Bloc Québécois Stéphane Bergeron's Motion M-382 in which he is seeking:

> That a humble Address be presented to Her Excellency praying that, following the steps already taken by the Société Nationale de l'Acadie, she will intercede with Her Majesty to cause the British Crown to recognize officially the wrongs done to the Acadian people in its name between 1755 and 1763.

He said: Honourable senators, I want to draw your attention to the House of Commons debates of February 11, 2004, specifically the concerns caused by Bloc Québécois Stéphane Bergeron's motion, under private members' business, which reads as follows:

> That a humble Address be presented to Her Excellency praying that, following the steps already taken by the Société Nationale de l'Acadie, she will intercede with Her Majesty to cause the British Crown to recognize officially the wrongs done to the Acadian people in its name between 1755 and 1763.

• (1610)

Honourable senators will remember that, in December 2003, Her Excellency the Governor General of Canada signed a proclamation to the effect that the deportation did indeed take place and that the Acadian people of the time suffered from it. Mr. Bergeron's motion goes further by pointing out that the deportation was harmful to the Acadian people.

I would like to congratulate the Société nationale de l'Acadie — the SNA — for its work regarding the proclamation designating July 28 of each year as a day of commemoration. I am sure that the Société nationale de l'Acadie asked that the wrongs done to the Acadian people by the deportation be recognized, but that the Société also appreciates what the government proposed to it.

Let us get back to Mr. Bergeron's motion. There is nothing wrong with admitting that ethnic cleansing is unacceptable, regardless of whether it took place 250 years ago or yesterday. Contrary to what some people are suggesting, Mr. Bergeron's motion does not ask for the recognition of personal guilt or for an apology, because, after all, the victims and the guilty parties are all dead. It should be noted that, today, Acadians do not see themselves as victims and they hold no grudge; nor do they keep dwelling on past injustices.

Madeleine Leblanc, an Acadian heroine during the deportation, is known for having said: "Enough crying. We must now build us a shelter for the night." Today's Acadians envision the future with optimism and confidence. Like all Canadians, they are proud to build a better future for all. Perseverance and confidence are essential qualities that we have inherited from our ancestors. However, this does not mean that the deportation should be erased from Canadian history. Nor does it mean, as some warped minds are insinuating, that our ancestors asked for it and got what they deserved. It is a historical fact that the Great Upheaval occurred, and the December proclamation recognizes it. Mr. Bergeron's motion goes further by saying that ethnic cleansing was already taking place in the 18th century. The motion does not attempt to change or rewrite history, as claimed by some.

That said, I am disappointed that Mr. Bergeron does not understand the disappointment the House of Commons caused by voting against a motion denouncing the wrongs done by the deportation. By so doing, it leads people to believe the deportation was justified. This is recorded henceforth in the record and the history of the House of Commons. Mr. Bergeron sponsored this motion. With such an outcome, one might have thought he had done enough for the Acadians, but no, he introduced an identical motion, M-382, on December 18, 2003. When will he stop overwhelming us with his good intentions? Mr. Bergeron has been here for some years and ought to know that a motion such as this is not to be introduced unless it has a good chance of being adopted. If he had spoken with the Acadians beforehand, tried to get to know us better, he would not have introduced his motion unless it had a good chance of being successful. Being an Acadian means more than suddenly discovering Acadian ancestry. Those who live in our communities and are well aware of our struggle to preserve our language and our heritage would never have precipitated such a vote, nor would they now be turning the other cheek. There may have been good intentions but, as far as I know, no one asked them to set off on a crusade on behalf of the Acadians. It is disgraceful to use the history of our ancestors for political gain. It is getting harder and harder to give Mr. Bergeron the benefit of the doubt. He may simply be naïve, but there are some who believe that what he really wants is to incite Acadian Liberal MPs to vote against his motion and against the history of their ancestors. If that is the case, he succeeded the first time; the Liberals did vote against the motion. Is he trying to set the same trap a second time?

I know that ignorance is no excuse, but some federal members of Parliament from other regions of Canada may not really know the history of Acadia. Nevertheless, I am very disappointed to see that my Liberal colleagues in the House of Commons were easily fooled during the first motion.

Unlike the other members, they have no excuse for their vote against the motion. The result was that this unpleasant motion of the House of Commons has been written into the records and it may possibly be written there a second time, if the motion is accepted as is.

I would like to point out that the Member of Parliament for Acadie—Bathurst, Mr. Yvon Godin, supported the initial motion and supports the current motion. I thank him for not opposing the motion.

I will not dwell on the motion that was initially debated; I shall look at the motion of February 11, 2004. Permit me to contradict my friend, the Honourable Robert Thibault, who said that the Royal Proclamation designating July 28 of each year as A Day of Commemoration of the Great Upheaval brought the history of the Acadians to a happy ending. He also said that the Acadians said they were happy with the result. End of story.

As an Acadian, I am not happy that the records of the House of Commons contain a motion that might lead people to think that the deportation of our ancestors was just. I am unhappy that their memory is being dishonoured in this way. Robert Thibault suggested that we should focus our energy on the challenges of the future, and on the history we are living today. He said that he and his colleagues were concerned with the future of all Acadians and all Canadians. I do not oppose this positive attitude, but I believe that it is possible to look to the future while respecting, honouring and remembering the heritage of our ancestors and the suffering they went through on our behalf.

I must also contradict another Member of Parliament, Mr. Scott Reid, member for Lanark—Carleton, who did the research and wrote the speech read by Ms. Lynne Yelich, Conservative Member for Blackstrap, a riding in Saskatchewan. In contrast to the Acadians who know more about the subject, Mr. Reid revealed in his history that he knows nothing about Mr. Bergeron's motion or about Acadian history. I cannot correct all his erroneous statements. I shall settle for rectifying some of his most flagrant errors.

Mr. Reid feels that collective guilt is inappropriate, and this guilt must not be handed down from one generation to the next. This is nowhere in the motion. In his opinion, the motion lays the blame on the wrong people. However, Mr. Bergeron worded his motion carefully so as to blame no one, not even the Crown. He mentions only that wrongs were committed in the name of the British Crown.

Mr. Reid begins with the declaration that the Acadians settled on British territory. In reality, the Acadians settled on French territory during the first half of the 17th century. The British Crown later acquired this territory and was co-owner at the time of the expulsion. Mr. Reid goes on to say that some of these people were shipped to England, others to Louisiana and still others to France.

We can ignore his mistake in saying that the Acadians were deported to Louisiana. But I cannot stay silent with regard to his erroneous comment that the Acadians were sent back to France. The Acadians were not French citizens. They were British subjects, born in Acadia, whose parents, grandparents and other ancestors had lived in Acadia. They were descendants of the first settlers in Canada, after the First Nations. They could not have been sent back to France, since they had never lived there. They were not tourists, whose visas had suddenly expired.

Mr. Reid goes on to say that Governors Lawrence and Shirley bear the ultimate responsibility and that the British Crown had not taken part in planning the expulsion of the Acadians.

• (1620)

You will forgive me if I do not congratulate the member for Lanark Carleton for his conclusions on an issue that has been the subject of fruitless research for 250 years. Later Mr. Reid suggests that the first collective apology to the Acadians should come from the government. I do not know how he came to that conclusion, but it seems to have become customary to blame bureaucrats or others rather than apologize for the suffering that we may have caused.

Mr. Reid says that Mr. Bergeron's motion asks specifically for an apology for this past wrong. Once again, if we read the motion carefully, we see that this is false. After this initial sophism, the rest of his moralistic presentation leaves me indifferent. He talks about excuses, collective or hereditary guilt, institutional guilt, the similarity to the apology to Canadians of Japanese descent, and so on. Like Mr. Thibeault, Mr. Reid says that the proclamation of December 11, 2003 suits him perfectly. The case is closed; end of discussion.

Very few elements of Mr. Reid's speech earned my admiration. I did, however, detect a glimmer of hope in it, and I quote:

> As moral actors, we need to recognize the existence of these past wrongs, to identify them to our fellow citizens and to do all we can to ensure that no modern version of this wrong can occur.

He continues:

> As such, I would like to applaud the sincere efforts of the honourable member for Verchères—Les-Patriotes to ensure that this episode in our history is not forgotten.

I can only ask the members of the other place, our elected representatives, to pay attention to how they treat and discuss issues that are important in the eyes of minorities. They should avoid dragging minorities into their partisan battles; they should ask their opinion before reacting and speaking out. I suggest that in the future, the members work with the Société nationale de l'Acadie and seek advice before launching into controversial issues and becoming entangled in them.

Finally, they should try to find a way to delete from the records of the Second Session of the Thirty-seventh Parliament the motion suggesting that it was not immoral to deport the Acadians.

Hon. Eymard G. Corbin: Honourable senators, on the one hand, I do not wish to detract from the substance and the good intentions of the speech just made by Senator Comeau before this chamber, but on the other hand, all senators have an obligation to point out any deviation from the *Rules of the Senate*. Rule 46 reads as follows:

> The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

It is not clear to me whether Senator Comeau was quoting from a speech made in the House of Commons during this session or the last. In the latter case, this would be fully allowed, but the rule strikes me as clearly stating that what has been said by members of the House of Commons during the current session cannot be quoted.

No penalty is associated with rule 46 but it is worthwhile refreshing one's memory occasionally.

Senator Comeau: I accept what Senator Corbin says. All of us ought to occasionally reread the *Rules of the Senate* in order to make sure we adhere not only to the letter of them but the spirit in which they were prepared. There are good reasons behind them and I thank you for this point of order.

Hon. Marcel Prud'homme: Honourable senators, I would like to comment on Senator Comeau's speech before we call for adjournment.

[*English*]

The Hon. the Speaker: Senator Corbin's intervention is not a debatable matter. It is simply a matter of whether we are proceeding in an orderly way.

On the matter of order, I have listened to Senator Corbin's point and Senator Comeau's response. Contained within the collective comments of the two senators was the answer to the issue raised by Senator Corbin, quite properly referring to rule 46 and quotes of the speeches from the other place.

I said that I would see Senator Losier-Cool to adjourn the debate, but does the Honourable Senator Prud'homme wish to speak?

Senator Prud'homme: Yes, honourable senators, I certainly will speak. Before Senator Losier-Cool adjourns debate, if there are questions to the honourable senator who just spoke, it would be our last opportunity to make direct comments. I do not want to speak now; I will speak after Senator Losier-Cool and Senator Léger.

[*Translation*]

I would like to thank Senator Comeau for bringing this debate in the other House to our attention. In his speech, which is well-balanced — at the beginning I was a bit worried; I thought it would be a partisan speech directed against Liberal members of Parliament — he informed us of the comments made by our colleagues in the other House, from a party other than the one in power.

I would like to thank him for this balanced approach, which is now going to send any one of us who wants to participate in a debate to reread the *Debates of the House of Commons*. I am thinking of what Senator Corbin said, whether it was in the current Parliament or a previous one. Thanks to this debate we have a much better idea of what we need to do. I thank him.

On motion of Senator Losier-Cool, debate adjourned.

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-20, to change the names of certain electoral districts.

Bill read first time.

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

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

[*English*]

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I wanted to make a comment before His Honour proceeded. I was on my feet. I would ask Senator Rompkey, before he proceeds, how many times and until when will bills of this nature keep coming from the other place? Soon we will have a motion to change the names of every electoral district in Canada, which would be contrary to the principle of the law.

The Hon. the Speaker: Honourable senators, we are at first reading and the matter will come up in two days for debate. It is not in order to start that debate now.

• (1630)

[*Translation*]

CONSTITUTION ACT, 1867

MOTION TO AMEND SECTION 16— DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice given February 11, 2004, moved:

> Whereas section 43 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;
>
> Now therefore the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

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

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

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

CITATION

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

He said: Honourable senators, section 16 of the *Constitution Act, 1867*, reads as follows:

Until the Queen otherwise directs, the seat of government of Canada shall be Ottawa.

This is the only city mentioned in the Canadian Constitution.

My amendment is based on section 43 of the Constitution of 1982, which states that the Constitution of Canada may be amended:

...by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

In this case, my province, Ontario.

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

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

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

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

This Amendment may be cited as the ''Constitution Amendment, 2004".

The municipalities are created by the provinces. In the beginning, the municipality of Ottawa was called Bytown. As the years went on, the province changed its name, and now it is Ottawa.

There is no bilingual municipality in Ontario at the present time.

When Bill 8 was enacted in 1986, it excluded the municipalities from the scope of the law, which designated 23 regions of this province where provincial services could be obtained in both official languages.

If my proposal is adopted, Ottawa will be the only city in Ontario where linguistic duality will be respected. A number of municipalities in other provinces have that status, in New Brunswick for example.

In Quebec, there are 93 municipal bodies providing services in both official languages. A Government of Quebec listing titled "Organismes reconnus en vertu de l'article 29.1" was provided to me recently. Surprisingly, it listed 93 municipalities with recognition under section 29.1 of their legislation on the Office de la langue française.

The purpose of my constitutional amendment is to clarify in the Constitution 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 Canada.

Declaring Ottawa a bilingual city will allow all Canadians to obtain services from municipal authorities in French or English. This constitutional reality confirms that English and French are the two official languages of our country. It will be clear to everyone that Ottawa, bilingual city and capital of Canada, would henceforth be respectful, welcoming and generous in Canada's two official languages.

In my proposal, it is not a question of asking the Province of Ontario to declare the city of Ottawa officially bilingual. I know enough about official languages to know that the word "official" irritates some people, who see in it all sorts of impositions, obligations and costs. It is not my intention to impose such constraints on anyone. My proposal simply asks for equality for the two official languages.

The word "official" is not in my proposal. I am not trying to irritate anyone or provoke any negative reactions.

Making Ottawa a bilingual city has nothing to do with federal policy on official languages in Canada. This is not about institutional or individual bilingualism. Moreover, the term "bilingual" does not appear in the Constitution of Canada. There is simply a formal commitment to respect linguistic duality, namely, English and French.

The term "linguistic duality", part of common speech for the past few years, is an expression that is more inclusive and respectful of every Canadian. I do not like the term "bilingual" because it irritates some unilingual people. There are some 19 million unilingual anglophones who do not like to be excluded by the term "bilingual". There are also some 4 million French Canadians who do not like being told they are not full-fledged Canadian because they are not bilingual.

It is my intention to recognize that in the nation's capital everyone has the right to be served in the official language of their choice. All Canadians must feel welcome in the capital of Canada. All visitors, including foreigners, must also feel welcome in the capital of Canada.

Tourism is a major industry and, from an economic point of view, it generates significant employment and investments in the national capital.

Recently, a complete restructuring of municipalities took place in Ontario. In the Ottawa region, the 12 municipalities were merged to create a single city. The Province of Ontario launched this initiative and set up a commission chaired by Claude Bennett. Therefore, the province has the authority to change the municipality's geographical boundaries.

A document entitled "Local Government Reform in the Regional Municipality of Ottawa-Carleton" was prepared by the special advisor to the provincial government on restructuring, Glen Shortliffe. In his report, Mr. Shortliffe recommended that the new City of Ottawa be designated a bilingual city in the act, and that services be available in French where warranted. Mr. Shortliffe also recommended that the City of Ottawa follow the linguistic policy in effect under the former municipality.

Ottawa has been providing services in both official languages for years. The new board elected in 2000 passed a resolution in May 2001. That resolution asked the Province of Ontario to recognize the long-standing practice of serving the region in both official languages. Mr. Shortliffe based his recommendation on the policy of the former municipality.

The Ottawa city council held a vote and the resolution was passed with 17 in favour and 5 opposed. The municipality twice asked the province to recognize bilingualism in this city. Unfortunately, the province did not follow up on that request from the City of Ottawa.

On February 1, 2003, in response to a question from a journalist from the *Ottawa Sun*, the then leader of the opposition, Dalton McGuinty, said that he would take action if he were elected premier in the upcoming provincial election, and that he would look favourably on the request made by the City of Ottawa to amend the act creating the new amalgamated City of Ottawa.

Following the November 2003 provincial election, Ontario's Minister of Francophone Affairs and Culture, Madeleine Meilleur, replied to one of my letters by saying that there were no eligibility criteria to allow a city to become bilingual and that the Government of Ontario had never recognized a municipality as being bilingual.

• (1640)

She indicated that, in this case, the Government of Ontario would follow up on the request made by the City of Ottawa and would give it bilingual status. I can read an excerpt of the letter signed by Madeleine Meilleur:

> Ontario has never recognized a municipality as being bilingual. The City of Ottawa asked the government to recognize its bilingual status and we will agree to this request.

Since that letter, dated January 8, 2004, Mr. McGuinty has also written to me to confirm his intention to recognize the linguistic duality and to incorporate it into the actions and decisions that he will soon be taking, when the provincial legislature resumes its activities at the end of March.

Honourable senators, this resolution is one of many others that are supported by signatures on a petition that I circulated all across Ontario. I tabled some 30,000 signatures to support this initiative of mine. I hope that the chamber will recognize the importance of this issue and that it will make a decision at the earliest opportunity.

On motion of Senator Beaudoin, debate adjourned.

[*English*]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— MOTION IN AMENDMENT—VOTE DEFERRED

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,
>
> On the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the motion be amended by adding:
>
> > "And the Senate regrets that the Speech from the Throne is a preview of a tired Liberal election platform, filled with empty rhetoric and vacuous promises that does nothing to address the very real problems facing Canadians who are turning to the Conservative Party to form a government that will manage with competence and govern with integrity."—(*11th day of resuming debate*)

The Hon. the Speaker: Honourable senators, pursuant to rule 67(2), the standing vote on the amendment of Senator Kinsella to the address in reply to the Speech from the Throne was deferred until later today at 5:30 p.m., with the bells to ring at 5:15 p.m. In accordance with rule 7(2), the sitting is suspended until 5:15 p.m.

One final matter, honourable senators: Is it your desire that we lock the chamber during the time it is vacated until 5:15 p.m.?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1730)

The sitting of the Senate was resumed.

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Kinsella
Beaudoin	LeBreton
Cochrane	Lynch-Staunton
Comeau	Meighen
Forrestall	St. Germain
Johnson	Stratton—12

NAYS
THE HONOURABLE SENATORS

Adams	Kenny
Austin	LaPierre
Baker	Lapointe
Banks	Léger
Callbeck	Losier-Cool
Carstairs	Maheu
Chaput	Mahovlich
Christensen	Mercer
Cook	Merchant
Cools	Milne
Corbin	Moore
Cordy	Morin
Day	Munson
De Bané	Pearson
Fairbairn	Pépin
Ferretti Barth	Phalen
Finnerty	Plamondon
Fraser	Poulin
Furey	Prud'homme
Gauthier	Ringuette
Grafstein	Robichaud
Graham	Roche
Hervieux-Payette	Rompkey
Hubley	Trenholme Counsell
Jaffer	Watt—51
Joyal	

ABSTENTIONS
THE HONOURABLE SENATORS

Atkins	Murray—2

Hon. Lorna Milne: Honourable senators, for future reference, I draw your attention to rules 66(4) and 68(1). Rule 68(1) states:

> A Senator shall not vote on any question unless the Senator is within the Bar of the Senate when the question is put.

I point out that Senator Harb was, indeed, within the Bar before the question was put.

Some Hon. Senators: Hear, hear!

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, we understand that there are other senators who wish to participate in the debate on the Address in Reply to the Speech from the Throne. Apparently, there were none on Friday. As of today, however, we have been informed that there are some honourable senators who wish to speak on this item.

If there are, I suggest that since we have 25 minutes of sitting time left today, we might continue that debate.

Some Hon. Senators: Question!

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we have gone beyond that point in the Order Paper.

Senator Lynch-Staunton: That is right.

Senator St. Germain: Are the honourable senators on the other side changing the rules again to their own liking?

The Hon. the Speaker: No one is standing to speak at this time. Accordingly, there is no issue to decide in terms of whether we can continue today.

Hon. Bill Rompkey (Deputy Leader of the Government): It is my impression that the rule says that if the Senate has voted on an item, then we must conclude business on that item before adjourning. Is that not the case?

Senator Kinsella: Honourable senators, I inquired into this matter. Based upon the advice that I received as a result of the inquiries I made and my own reading of the rule, it is my understanding that once the division has been taken on an item that has been deferred to a specific time, that item then stands, and is next considered when called again. The next time that this order can be called is tomorrow afternoon, under Government Business.

This is very much like the ruling Your Honour gave this afternoon. At that time, we had gone beyond Government Business. We are again, at this time, beyond Government Business. This was a deferred division, and it has nothing to do with where the item appears on the Order Paper.

We have gone beyond Government Business. This is an item of Government Business.

The Hon. the Speaker: I will take this as a point of order. Does any other senator wish to speak?

Hon. Sharon Carstairs: Honourable senators, I wish to quote rule 7(1), which states:

> When a standing vote has been deferred, pursuant to rule 67(1), and is to be held during a sitting at 5:30 o'clock p.m., if the Senate completes its business on that day before this time, no motion to adjourn the Senate shall be received until after the deferred vote has been taken and business pursuant thereto has been completed.

Senator Rompkey: The key words "...and business pursuant thereto has been completed." That was the point I was trying to make earlier.

My suggestion now is that we complete business, which is the discussion of the Speech from the Throne.

The Hon. the Speaker: We are on a point of order. If honourable senators want me to rule now, I will.

Senator Rompkey: Yes, Your Honour, I would suggest that you rule now.

The Hon. the Speaker: I would ask honourable senators to give me a few minutes to look at the rules.

Senator St. Germain: Is this the Politburo now?

Senator Cools: The problem is that there are too many rules, and no senator knows them.

The sitting of the Senate was suspended.

• (1740)

The sitting of the Senate was resumed.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, thank you for your patience.

I have been requested to rule on the question of whether we are at a point in our proceedings today where we might continue debate, in effect, or take other steps with respect to the matter we have just voted on.

I will draw attention, as senators did in their interventions — and I thank them for that — to rule 7(1) and, in particular, the wording that we were directed to by Senator Carstairs. Rule 7(1) states:

> When a standing vote has been deferred, pursuant to rule 67(1), and it is to be held during a sitting at 5:30 o'clock p.m., if the Senate completes its business on that day before this time, no motion to adjourn the Senate shall be received until after the deferred vote has been taken and business pursuant thereto has been completed.

[*Translation*]

It is important to also follow the rule in French.

> Lorsqu'un vote par appel nominal est différé conformément au paragraphe 67(1) du Règlement et qu'il doit avoir lieu au cours d'une séance à 17 h 30, si le Sénat épuise l'ordre du jour avant cette heure-là, une motion d'ajournement du Sénat n'est reçue qu'après la tenue du vote différé et la conclusion de toute affaire s'y rattachant.

[*English*]

The interpretation, which is what I wish to do, particularly when I look at the French "toute affaire" and the English "business," and given the broader meaning of "other business" or "other items," which is the way I read it, is that it is in order to do business on the item that we have just voted on. I rule accordingly.

Senator Murray: Is the motion before the house?

The Hon. the Speaker: The motion is before the house.

Some Hon. Senators: Question!

The Hon. the Speaker: Does any honourable senator wish to speak?

Hon. Gerald J. Comeau: Honourable senators, I am so glad that everyone wanted to hear my speech that I shall give it now.

Senator Graham: Hear, hear!

Senator Comeau: Honourable senators, the Speech from the Throne speaks of making Parliament work better. Indeed, for democracy to work, Parliament must work. It must meet and it must be able to hold the government to account. It cannot do this when Parliament does not sit, when it is being held in suspended animation.

Last fall, the other place sat for 35 days; the Senate sat for 25. We then prorogued a month early because the old Prime Minister did not want to face Parliament while the new Prime Minister cooled his heels, and the new Prime Minister was in no hurry to face Parliament, where his ministers would be held accountable.

We were to return on January 12. Oops, sorry, the Prime Minister has a meeting in Mexico. January 19? Cannot do it — the Prime Minister has a meeting in Davos. January 26? Nope, jet lag from Davos. Finally, Groundhog Day comes along and Mr. Martin crawls out of his bunker, sees his shadow, and declares a democratic deficit.

We hear rumours that an election will be held in early April. If this is correct, and if the other place follows the timetable set out in its Standing Orders, it will meet no more than 35 times before then. We will perhaps meet 25 days, give or take a few. It is possible that we might not be called back in June, but we will return only in September.

The end result would be that, over the course of a year, the other place would have sat for about 70 days and the Senate would have met for roughly 50, give or take a few days. The public will, of course, be upset about our workload, but we cannot meet if Parliament is not in session.

Honourable senators, there is a democratic deficit when Parliament does not meet because it does not suit the Prime Minister's agenda.

The Hon. the Speaker: I am sorry to interrupt, but if I could ask honourable senators to please come to order. There are a number of conversations and it is becoming difficult to hear Senator Comeau.

Senator St. Germain: It is a good speech. Listen to it!

Senator Comeau: Issues cannot be debated, committees cannot meet and, more important, ministers cannot be held to account in Question Period for what they have done, failed to do or planned to do.

Parliament was not sitting when the RCMP raided the *Ottawa Citizen* and the home of its reporter Juliet O'Neill. We could not hold the government to account until two weeks later, but this is not the only example.

• (1750)

If Parliament had sat the week of November 18, it could have held Wayne Easter to account for his admission that Canada provided information on Mr. Maher Arar to the United States. It could have held Gerry Byrne to account for using ACOA as a slush fund for his own riding.

Senator St. Germain: Shame!

Senator Comeau: It could have held the former Prime Minister to account for hiding the costs of the new history museum. Had Parliament sat the week of November 25, it would have received the Auditor General's report. The government escaped questions until February 10, and the expenses of the program just kept on going.

In the other place, the Public Accounts Committee would now be well into its review of the report's various chapters, including the sponsorship fiasco. Had Parliament sat the week of December 1, it could have held the government to account for Paul Martin's unreported trips on corporate jets. It could have held the government to account for reports that the ethics counsellor was watering down the post-employment rules for John Manley and Eddie Goldenberg.

Senator St. Germain: Lapdog!

Senator Comeau: Parliament could have held the government to account for new revelations in the Radwanski file involving personal loans from an employee of the Office of the Privacy Commissioner. It could have asked the government if it still planned to implement the Kyoto Protocol, given Russia's decision to reject the accord.

Honourable senators, the Speech from the Throne speaks of an enhanced role for parliamentary committees so that members can hold the government to greater account. If Parliament had sat the week of December 8, the Commons Finance Committee would have completed the work on its pre-budget report. However, because Parliament prorogued, the committee was dissolved; as such, like all committees, it could not meet, could not hear witnesses, and could not complete the work that was already underway.

During that same week, we could have held the government to account for confusion over the new Maple Leaf card — a fiasco such that a few weeks later it was impossible for many residents who have spent most of their lives in Canada to return to their homes.

The Commons committee would not have sat the week of December 15. However, had there been any unfinished business, as there often is, we would have met that week to pass government's more pressing bills. Thus, we would have been able to immediately hold the government accountable for the new Prime Minister's decision to give the minister's staff a $32,000 raise while freezing public service job classifications. We could have asked the government to explain Alfonso Gagliano's retroactive pay hike. We could have asked how it came to pass that Forest Products Association of Canada received $17 million in grant form after its lobbying firm hired someone from Mr. Pettigrew's office. We could have questioned the government about its decision to cut Lockheed Martin out of the bidding for a new helicopter contract and what that could mean in potential lawsuits. Parliament then could have risen for Christmas.

When Parliament prorogued, the original plan was to return on January 12. There would have been no shortage of developments over the Christmas break for which the current government should have been held to account when we returned. There was the December 28 police raid on some of Paul Martin's British Columbia organizers, with reports that the police raid was tied to an investigation into organized crime. There was mad cow. There was a report that the ethics counsellor had violated his own guidelines when he investigated Jean Chrétien's friends and lobbyist René Fougère. We learned that the Prime Minister had the final say on whether the ethics guideline had been violated.

We could not hold the government to account for a scathing report that, during the Ontario blackout last August, federal emergency numbers were either not working or went unanswered. We could not ask the government to clear up the confusion over its own on-again-off-again gas tax proposal; nor could not ask the government to clear up the confusion over its gun registry review. We could not ask about Canada's role in the U.S. missile defence project, which is of great interest to our colleague, Senator Roche. We could not call the government to account for reports that Indian ID cards are vulnerable to fraud.

The week of January 12, we could not ask government whether, given its intention to study the problem of bureaucratic patronage, it would hold off proclamation of Bill C-25, which we were told last fall would only make the problem worse. We could not question the government on reports that it is giving Sea

King pilots extra training on how to safely ditch at sea — that is an interesting one. We could not ask if the Prime Minister had raised the Maher Arar affair in his meetings with George Bush and, if so, what he was told. We could not ask if he made any progress with Mr. Bush in his pursuit of a free and open border.

The week of January 19, there were more problems than just the raid on the home of Juliet O'Neill. We could not ask if it was appropriate for the National Capital Commission to spend $500,000 on a new logo that looks a great deal like the old logo. While we learned that the Minister of Defence, David Pratt, feels that the NCC Chairman, Marcel Beaudry, should be fired, we could not ask if Mr. Beaudry still has the confidence of other government ministers.

We could not ask the government to explain why it still issues visas to non-residents enrolling in what are known to be "sham schools." We could not ask why an immediate review of the Privacy Act is not a priority when the President of the Treasury Board accuses public servants of hiding behind it.

We could not call the government to account for Paul Martin's decision to hire the son of the Chief Electoral Officer of Canada to his political staff. For anyone who cares to find out how we are perceived abroad, the optics are not good. Honourable senators, you cannot complain about a democratic deficit when you make the career of the son of the Chief Electoral Officer of Canada dependent on your own political success. You can imagine the response that the Prime Minister will receive the next time he lectures a third-world dictator about democracy or, for that matter, about freedom of the press.

During the week of January 19, we could not ask the government what it received for the $118,000 it gave to Earnscliffe to provide communications advice on mad cow disease. Perhaps advice on how to deal with mad ranchers? The week of January 26, we could not ask about the safety of our peacekeepers and about the equipment they use when they place their lives on the line for their country.

In Mexico, the Prime Minister lectured Latin American governments on corruption. However, we could not ask why the RCMP rejected an external report exonerating an officer who blew the whistle when told to stop investigating corruption at Canada's High Commission in Hong Kong. We could not ask why Correctional Services Canada pays long-distance charges for criminals who dial up phone-sex lines. We could not ask whether the transport minister shares the view of his parliamentary secretary that green motorists deserve a tax break.

We could not ask whether the current Minister of Transport shares the view of former Transport Minister Doug Young that NAV CANADA is not accountable enough. We could not ask why the Department of National Defence is banning the shipment of Canadian beef to Canadian troops. We could not ask how it came to pass that the Prime Minister's business dealings with the government were so understated and why it took him so long to come clean on the true figure. One does not need to be a former Finance Minister to figure out that there is a huge difference between $137,000 and $161 million.

Yet, the Prime Minister tells us that he wants to fight the democratic deficit.

Honourable senators, of the many Prime Ministers who have served this nation, some have stood out more than others because of the affection and respect that they have shown for the institution of Parliament. We have yet to see any evidence that Mr. Martin falls into that category.

Honourable senators, one Prime Minister was well known for his respect for Parliament and for being at home within its walls — the Right Honourable John George Diefenbaker. I shall conclude my remarks by quoting from an address given by Mr. Diefenbaker 54 years ago during the September 1949 Speech from the Throne debate. He said:

Parliament is more than procedure — it is the custodian of the nation's freedom."

He went on to say:

> Some say Parliament talks too much. Parliamentary democracy can exist only when there is a public discussion and debate; where public discussion is denied, freedom itself will die, and the history of other nations has shown that freedom disappears when there is no effective opposition.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: Honourable senators, with those ringing words that still hold true today, I move, seconded by Senator Beaudoin, that the motion be amended by adding:

> That the Senate of Canada regrets that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system.

An Hon. Senator: Shame!

The Hon. the Speaker: Honourable senators, we are properly in session and I shall put the motion.

I must draw the attention of honourable senators to the fact that it is now six o'clock. Is it your pleasure, honourable senators, that we not see the clock?

Senator Robichaud: Do not see the clock.

The Hon. the Speaker: Are honourable senators agreed?

Some Hon. Senators: Agreed.

• (1800)

The Hon. the Speaker: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding:

> That the Senate of Canada regrets that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system.

Are honourable senators ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: I take it senators are ready for the question. Accordingly, I will put the question.

It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding:

> That the Senate of Canada regrets —

An Hon. Senator: Dispense.

An Hon. Senator: Read it.

The Hon. the Speaker:

> — that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system.

Those in favour of the motion in amendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Hon. Marjory LeBreton: Pursuant to rule 67(1), I move that the vote be deferred until tomorrow at 5:30 p.m.

The Hon. the Speaker: That is in accordance with the rules.

The Senate adjourned until tomorrow at 2 p.m.

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