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OFFICIAL REPORT  
(HANSARD)

**Tuesday, February 3, 2004**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Tuesday, February 3, 2004

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

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in our gallery of a special guest, Her Excellency Jajat Al-Hajjaj, Chairperson of the Fifty-ninth Commission on Human Rights and Ambassador of Libya to Geneva. She is accompanied by His Excellency Ali Aujali, Ambassador of Libya to Canada.

On behalf of honourable senators, welcome.

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

### THE HONOURABLE TERRY M. MERCER THE HONOURABLE JIM MUNSON

#### WELCOME TO THE SENATE

**The Hon. the Speaker:** Honourable senators, yesterday, two new senators were introduced: Senator Mercer and Senator Munson. As is our tradition, I now recognize the Leader of the Government in the Senate for purposes of welcoming our new colleagues.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is my pleasure to introduce two new colleagues, the Honourable Terry Mercer and the Honourable Jim Munson.

Senator Mercer has held the positions of Executive Director of the Metro Toronto branch of the Canadian Diabetes Association and Vice-President and Director of Financial Development for the YMCA of Greater Toronto. He has also served in various capacities with the Nova Scotia Lung Association, the St. John Ambulance Nova Scotia Council and the Nova Scotia branch of the Kidney Foundation of Canada.

As Senator Mercer recently became Chair-elect of the Association of Fundraising Professionals Foundation for Philanthropy in Canada, we expect his interest and expertise in charitable and philanthropic organizations to be a valuable contribution to the Senate of Canada.

Senator Mercer has always been very active working for the Liberal Party of Canada, having worked closely with our former Prime Minister for over two decades, and he recently agreed to sit on the campaign team in Nova Scotia for any potential upcoming federal election. Senator Mercer has also been an advocate of the benefits of his home province as a centre of excellence and a region well-suited for further business development. During his time in the Senate, he will be intent on promoting another interest of his, that of using education as a tool to break the cycle of poverty.

Senator Mercer, as many of my colleagues will know, has served as National Director of the Liberal Party of Canada for eight years. We have had here in the Senate predecessors in that same role — Senator Keith Davey had served in that position, while Senators Marjory LeBreton and Norman Atkins have served in similarly important positions for the Conservative Party. We can conclude, therefore, that Senator Mercer's presence here is based on a background that promises a contribution to public life of a very high order.

Senator Mercer comes to us with deep experience in the important role of political parties in Canadian democracy. We will be dealing with issues that challenge parliamentarians to make this institution more relevant to Canadians and we look forward to the valuable experience Senator Mercer brings us.

The Honourable Jim Munson has earned a national reputation for his work as a journalist and has covered many stories of international profile such as the Iran-Iraq and the Gulf wars. Senator Munson also served as CTV Bureau Chief in Beijing as well as Bureau Chief and senior correspondent in Halifax and in London, England.

Senator Munson has twice been nominated for a Gemini award for his outstanding work in journalism — and, no, Senator Munson, I will not mention your famous relationship with former Prime Minister Trudeau.

Senator Munson is a quick-witted and gutsy guy. The story I will now tell honourable senators took place in Beijing in 1989, during the Tiananmen Square incident. Senator Munson was in Tiananmen Square but knew that if he were challenged for credentials, he would be removed because he was a member of the international press corps. He was challenged and then produced, as proof of his identity, an American Express card. He pointed to the Roman soldier's face in the upper corner of the card. The Chinese soldier promptly saluted and handed back the card.

Senator Munson's professional experience in journalism and with political parties is essential as a basis for Canadian democracy. We may, perhaps, find in Senator Munson a leading spokesman for the Senate in the coming debates on democratic reform.

Honourable senators, I should like to extend my good wishes to Senators Mercer and Munson. All of us here hope that this will be a very productive period for you and for Canada.

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

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am pleased today to join with the Leader of the Government in welcoming our two new colleagues. While I note that they have, as has been pointed out, varied backgrounds — one in journalism, the other in philanthropy — both appointments follow in a long tradition of Prime Ministers naming associates who worked closely with them, diligently and loyally.

While many will instinctively question the validity of such appointments, I disagree. One of the advantages — and there are many — of an appointed Senate is the ability to attract men and women from all walks of life, not the least valuable to this place being those who have been intimately associated with government at the prime ministerial level. Such experience is unique, and that gained by Senators Mercer and Munson will, I am certain, continue in the same tradition to be of benefit to us all.

[Translation]

Therefore, it is with great pleasure that I welcome them to this chamber and offer them my best wishes for success in their new responsibilities.

• (1410)

[English]

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to extend sincere congratulations to Senators Terry M. Mercer and Jim Munson upon their appointment to this august chamber and to extend a hearty welcome to each of them.

With your indulgence, honourable senators, I wish to say a few words about Senator Mercer, who has been a friend of mine for over 30 years. It is a special treat for me to be able to welcome a fellow Santamarian to the Red Chamber. Terry's career has been one of success and excellence. Our professional relationship began in 1983 when I served as president of the Liberal Party of Nova Scotia. Terry was our energetic and efficient executive director. Prior to that, he was executive assistant to the colourful Walter Fitzgerald, Minister of Labour and Housing.

From 1987 to 1993, Terry was vice-president and director of financial development for the YMCA of Greater Toronto. That responsibility having been successfully discharged, for the next two years he was executive director of the Metro Toronto branch of the Canadian Diabetes Association.

In 1995, Terry was appointed national director of the Liberal Party of Canada, a post which he held with distinction until his appointment to the Senate on November 7, 2003, by our recent Prime Minister, the Right Honourable Jean Chrétien.

As mentioned by our leader, Terry has been an active member of the Association of Fundraising Professionals. His talents were recognized by his peers when he was recently named Chairman-elect of the Association of Fundraising Professionals for Philanthropy in Canada.

At the same time that he fulfilled his career tasks, Terry also made time to serve as a volunteer with numerous community organizations, most notably as a director of the Kidney Foundation of Canada, the CFB Curling Club and the Halifax Police Boys and Girls Club. A devout Roman Catholic, Terry has been an active member of St. Joseph's parish and a parish councillor at St. Lawrence Church, both in Halifax.

Two weeks ago today, Terry Mercer's father, Robert G. — Bob — Mercer, passed away suddenly of a heart attack at 85 years of age. Bob Mercer served his country in the Royal Canadian Navy in World War II. Upon his return home, he worked as an engineer at the Halifax dockyard for 32 years. He never missed a day of work.

It is that work ethic and that sense of dedicated service that Bob and his loving wife of 65 years, Bessie, instilled in their children. That integrity and work ethic are the most valuable attributes that Terry Mercer brings to this chamber.

The Mercer family have long been active supporters of the Liberal Party. Bob Mercer lived to see one of his children appointed to the Senate of Canada. What a joy that must have been for him. I believe that Bob Mercer is all smiles as he views today's proceedings from the best seat in the house. In conclusion, I am confident that Terry Mercer will be a collegial and steadfast member of the Senate. I wish him the best of health and success in the discharge of his new responsibilities.

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

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## SENATORS' STATEMENTS

### TRIBUTES

#### THE HONOURABLE JACK WIEBE

**The Hon. the Speaker:** Honourable senators, I have received a letter from Senator Austin, Leader of the Government in the Senate, pursuant to rule 22(10) of our rules wherein he requests that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Wiebe, who has retired from the Senate as of January 31, 2004.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I shall offer some comments on the retirement of Senator Jack Wiebe, who advised that he wished to retire effective January 31 of this year.

Senator Wiebe spent four decades in public life as a member of the legislative assembly in Saskatchewan, as Liberal house leader there and as Lieutenant Governor of Saskatchewan. Parenthetically, my understanding is that he is the first Lieutenant-Governor to be appointed to the Senate of Canada. At the time, it precipitated a great deal of activity looking for similar precedents. Fortunately, no precedent was found to impede the appointment of a Lieutenant-Governor to the Senate.

During his time in the Senate, Senator Wiebe was an active participant in the Standing Senate Committee on Agriculture and Forestry. He is a farmer in Saskatchewan and, as such, gave voice to the views of the agricultural community here in the Senate. He had long been a leader in the farm community in Saskatchewan as owner and president of L & W Feeders Limited, in addition to serving on many farming cooperatives and associations.

As one of the largest hog producers in Saskatchewan, his interest in agriculture provided the opportunity to visit China with former Senator Whelan when he was Minister of Agriculture.

I also wish to mention the very stalwart contribution that Senator Wiebe made to the Standing Senate Committee on National Security and Defence as a result of his extensive background and lifelong interest in military affairs.

Senator Wiebe advised me that he and his wife had discussed their lifestyle and that the result was a family decision to have him step back far more actively into family life and away from the Senate. Nevertheless, he told me that his three years here were amongst the most satisfying that he ever had in public life.

We wish Senator Wiebe and his wife, Ann, much happiness and health in the rest of their lives. He is not going to retire. I am sure we will hear from him again. In the meantime, he is back amongst his friends in Swift Current.

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

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to join the tributes to a distinguished senator, the Honourable Senator Jack Wiebe. He will indeed be missed.

I had the opportunity to work with Senator Wiebe on the Standing Senate Committee on Agriculture and Forestry. He brought to his task a great deal of experience, insight and wisdom. Yes, he had that partisan streak in him that manifested itself particularly when sparring on the committee floor with Senator Tkachuk, but the other side of Senator Wiebe was when he was our own philosopher-king. It was Jack upon whom we could rely to ask the long-range, public-policy, philosophical questions that dealt with the agricultural framework that we needed to ensure a healthy future for our farms and agri-food products.

Jack was instrumental in helping our committee produce a landmark report on climate change. That report has been so well received that the committee clerk, Keli Hogan, wrote this recently to the committee:

We are currently on our third reprint as we recently received a request from the Department of Natural Resources for 607 English and 145 French copies. To date, we have sent out over 1,045 English and 290 French copies of the Report.

In a private note that Jack sent to me dated January 28, he indicated that he was leaving early. We decided to recognize the fact that Jack had a great mind for the issues of the day. His last handwritten sentence in his note to me reads as follows: "It is a great committee. It will now be up to you to ask the tough questions."

Jack will certainly be missed here in the Senate.

**Hon. Sharon Carstairs:** Honourable senators, it is with a great pleasure, mixed with a great deal of sadness, that I pay tribute to the Honourable Jack Wiebe. Jack has served his country well in

many capacities. Best known are his work as member of this chamber, as Lieutenant Governor of the great province of Saskatchewan and as a member of the Saskatchewan legislature.

Jack has lived the true meaning of public service. He has given of himself and, yes, of his family to do his part to ensure the strength and stability of our great country. His knowledge of agriculture ensured that ideas of concern, particularly to Saskatchewan farmers, were well represented, including the importance of the Wheat Board to this country. However, it is Jack's personality that we will remember the best. His warmth and generosity were well known. His love of his family — his beloved wife, Ann, his children, Donna June, Jacqueline Mae and Penny Ann — was well known to us because he spoke of them with such fondness.

One of the most difficult jobs as leader is to say no to someone who wants to be someplace other than here. The only time Jack ever said no to the leadership was when he refused to cancel a trip to Disneyland with his grandchildren. It was a promise he and Ann had made, and he was not going to break a promise.

• (1420)

Now Jack will have the time that he has wanted for some time to enjoy his family. First on his agenda will be a trip to North Carolina to see his brother; then he and Ann are off to Iceland. That is just the beginning. I am sure he will miss this chamber and his associates, but I know he will not miss the 11-hour trip to get back and forth to Swift Current.

Enjoy, Jack. I will miss you very much.

**Hon. Leonard J. Gustafson:** Honourable senators, I am pleased to bring some words of — should I say — "parting" to Jack Wiebe. I might say at the outset that Jack and I have had our times on the Agriculture Committee because we both come from the same background. I want to say this: Jack's strength on the Agriculture Committee came from his experience from sitting on so many local committees, such as the Saskatchewan Wheat Pool, the farmers' union, the Credit Union and the list goes on. He brought with him a special knowledge of the grass roots of agriculture.

What were Jack's weaknesses? Well, we should not bear on them, but I have to mention the committee's study on global warming. We indicated in print that the climate in Canada is getting warmer all the time. Well, January disproved that. We had the coldest month on record, I believe, and I wonder what that says about global warming.

Jack brought a great deal of knowledge, and understanding to the Agriculture Committee, as well as the other committees on which he served. He will be missed. He never compromised the Liberal Party. He was a strong supporter. I am sure we will all miss the good-natured verbal exchanges we had with him in committee.

Jack, have a good holiday for I know you will go back to work, whatever the area you may choose.

Honourable senators, I am sure we will hear about Jack Wiebe again in some other endeavour — he says he is not retiring. He has a lot of energy, and the members of the committees on which he sat wish him all the best.

**Hon. B. Alasdair Graham:** Honourable senators, as Senator Gustafson and others from his native province will tell you, Saskatchewan is a paradise of natural beauty, steeped in the ancient history and legends of our First Nations. Over the last century, the province grew into a rich tapestry reflecting the diversity of the human family, and, in the process, a remarkable tradition of social democracy evolved — sharing, caring, and compassion for one's fellow man.

That tradition grew and was nurtured by dedicated Canadians so much so that, today, Saskatchewan has one of the highest rates of volunteerism and charitable donations per capita in the whole of the country, which brings me to my old friend Jack Wiebe.

When I first met Jack, many years ago, he was as much a representative of the welcoming spirit of Saskatchewan as anyone I ever had the privilege to encounter.

As president of the provincial Liberal Party of that province, he showed great strength in tumultuous times. A member of the national executive of the Liberal Party of Canada, of which I happened to be president, he helped guide the party through the challenges of the late 1970s and the early 1980s. It was no surprise that the integrity and courage that he demonstrated when the going got tough would propel him to the highest offices in his beloved province, a place where the bread basket of this country coexists with some of Canada's largest scientific projects, a special place where the heartbeat of small communities and the pulse of new businesses live as one.

Jack Wiebe has brought an enormous cumulative experience, sound judgment, common sense and dedication to the Senate of Canada. Now he leaves this chamber, and, with the deepest regret, we must say goodbye with best wishes and a big thank you to Jack, his wife, Anne, and their children.

Whether it was as senator, Lieutenant-Governor or Knight of the Order of St. John of Jerusalem, whether it was on the farm, at the Credit Union or in the Lions Club, whether it was his lifelong interest in the Canadian Forces or the education of our young people, no matter what paths he has travelled, Senator Jack Wiebe remains first, foremost and always a dedicated man of the people, a true prairie gentleman.

[Later]

**Hon. Norman K. Atkins:** Honourable senators, I should like to extend my best wishes to Jack Wiebe on his retirement. I think it is important to note in this place that he was an outstanding member of the Standing Senate Committee on National Security and Defence. There was not ever a witness who appeared before

that committee that he did not ask a question with regard to the reserves. He was a champion of the reserves, and we owe him a great deal for the interest he took in that regard.

The only other point I would make is that I feel a little concern for our colleague Senator Banks. They were like the Bobbsey twins. I do not know how he will get along without his partner, but I am sure he will find some way to do it.

Senator Wiebe was an outstanding senator, and it is too bad that he only had three years in this place.

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

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### THE LATE CORPORAL JAMIE BRENDAN MURPHY

**Hon. Joan Cook:** Honourable senators, on January 27, 2004, a Canadian soldier from my province of Newfoundland and Labrador was called upon to make the ultimate sacrifice.

Corporal Jamie Brendan Murphy, son of Norman and Alice, was killed during a routine patrol in Kabul, Afghanistan, when a suicide bomber jumped into his jeep. He was just 10 days short from completing a six-month tour of duty when the tragedy struck. Three fellow Canadians were injured, as well as eight Afghans, in the first suicide attack to target Canadian members of the NATO-led international peacekeeping force. It did not take long for the heartbreaking news to ripple halfway around the world to the scenic, peaceful outport of Conception Harbour and throughout the rest of Canada.

Jamie was a 26-year-old member of the 3rd Battalion, Royal Canadian Regiment, who has been described as a "lovely young man who would give you the shirt off his back." Those who knew him well talked about his kindness, courage, loyalty and dedication. They say he was easygoing, good-natured and hard-working, a tremendous person and a professional soldier. His father said he loved his work and was very proud of the job they were doing in Afghanistan.

Honourable senators, there is no doubt of the tremendous difference that Canadian soldiers are making in Afghanistan. Brigadier-General Peter Devlin witnesses every day the initiative, drive and special way our soldiers deal with the people of Kabul and the support and appreciation that they have for our Canadian soldiers. More people are returning to their homes, more businesses are opening and more children are going to school. There is a belief in their eyes of eventual peace and prosperity. Jamie and his comrades helped to build this confidence and optimism.

Honourable senators, Jamie Murphy did not die in vain. He died with honour and with pride in the noble pursuit of peace, security and well-being, values which we, as Canadians, believe to be essential. Jamie contributed to a safer world.

On this day that he is laid to rest, on behalf of the Senate of Canada, I wish to extend sincere and heartfelt sorrow to all of those who loved and cherished Corporal Jamie Murphy. His mother said it best: "Jamie was a wonderful son and I love him with all my heart."

Honourable senators, lest we forget:

Life is mostly froth and bubble  
But two things stand like stone  
Kindness in another's trouble  
And courage in your own.

[Later]

**Hon. George J. Furey:** Honourable senators, I rise today to add my voice to that of my colleague Senator Cook in extending condolences to Candice McCauley and to Norman and Alice Murphy, as well to other family members and friends of Corporal Jamie Murphy, and to his comrades, the members of the Royal Canadian Regiment serving in Afghanistan.

The tragic death of Corporal Murphy serves to remind us all that throughout the ages societies have asked of their young that they often bear arms to defend their countries, their loved ones and the very principles of democracy, freedom and justice.

Canada has often asked of its young men and women that they help rebuild and protect peace abroad. Corporal Murphy's tragic death reminds us all of the dreadful costs that accompany Canada's best purposes in the world.

Indeed, in asking this ultimate sacrifice of Corporal Jamie Murphy, we must never forget to keep faith with his love of country. We must never forget to keep faith with his pride, his courage and his belief in the principles of democracy and justice. We must always remember to keep faith with his great sacrifice: that these values shall never vanish for those left to mourn his sad and tragic loss.

• (1430)

[Translation]

## BLACK HISTORY MONTH

**Hon. Donald H. Oliver:** Honourable senators, I rise today to draw your attention once again to an incident of racial profiling that happened in Canada.

In this case, the target was Kirk Johnson, a Black Canadian, who is one of Nova Scotia's best-known athletes and one of the best heavyweight boxers in the world. Mr. Johnson has represented Canada with honour at international boxing matches.

The incident I want to tell you about happened on April 12, 1998. Mr. Johnson was at the wheel of his car and with him was his cousin, Mr. Fraser, when he was pulled over by a police officer in Dartmouth.

[ Senator Cook ]

[English]

The constable asked for proof of insurance and vehicle registration and was not satisfied with the documents offered. He then ticketed the driver and ordered the car towed and impounded. In fact, Mr. Johnson's documentation was valid under Texas law. The next day, an unidentified police official determined that the seizure had been erroneous and ordered the car released. Both Mr. Fraser and Mr. Johnson are Black.

[Translation]

The basic question in this case is whether Constable Sandford acted out of discrimination on the evening of April 12, and whether any action or lack of action on the part of the Halifax Regional Police can be considered discrimination toward Mr. Johnson.

[English]

According to Mr. Johnson, this incident was the twenty-ninth time during a cumulative three-month period that he had been stopped by the police. According to the police force's own records, more than 20 computer searches had been conducted on Mr. Johnson's car during the same period.

As a result of this incident, Mr. Johnson filed a complaint with the Nova Scotia Human Rights Commission, claiming that the only reason he and his friend were pulled over by the police officer was they were Black.

The board of inquiry that deliberated Mr. Johnson's complaint was chaired by Philip Girard, Associate Dean of Graduate Studies at Dalhousie Law School. After several weeks of hearing evidence and testimony from witnesses, Professor Girard issued the tribunal's landmark ruling on December 23, 2003.

The tribunal concluded that Mr. Johnson had indeed been a victim of racial profiling and discrimination at the hands of the Halifax Regional Police and the officer who pulled him over in April of 1998. It also concluded that while the Halifax police force is not rife with racism, there is no doubt that racial profiling is a practice that is carried out by members of the department.

The board of inquiry found that the events of April 12 were humiliating, stressful, and painful to Mr. Johnson and that there was harm to his self-esteem and his reputation. He was awarded \$10,000 as general damages.

Honourable senators, this is Black History Month, which presents us with an ideal opportunity to highlight how morally indefensible the practice of racial profiling is and the fact that it goes against the values engendered by the Charter of Rights and Freedoms.

In conclusion, Black History Month also provides an opportunity to highlight the great achievements of visible minorities in Canada and how their diversity and their achievements have contributed to the building of this great nation. I would ask all senators to take the time to promote the teaching of Black history as a way to help eliminate the ignorance that results in racial profiling and racism in Canada.



## JUSTICE

Tuesday, February 3, 2004

SUPREME COURT RULING ON CORPORAL  
PUNISHMENT OF CHILDREN

**Hon. Sharon Carstairs:** Honourable senators, last Friday, the Supreme Court of Canada ruled on the issue of section 43, the section of the Criminal Code dealing with the corporal punishment of children. Clearly, I would have preferred to have had this section struck down. In the past, I introduced a private member's bill that would have done just that. However, I do think the court has made strong statements that will, in my view, significantly change the application of this section.

The court has stated that no child under two years of age and no teenager should have corporal punishment used on them. They further stated that slaps or punches to the head are prohibited, as is the use of objects to inflict corporal punishment. This will make unacceptable the use of sticks, whips, straps, extension cords, shoes, all of which have been used and excused under section 43.

Teachers have also had limitations placed upon them that will not allow strapping but will allow a teacher to use some force removing a recalcitrant student.

Canadians must be informed of these new rules, and I urge the government to launch a public education program, one that will encourage the use of alternative disciplinary actions other than corporal punishment.

Senators, this is not about discipline; this is about appropriate forms of discipline.

[Translation]

## THE HONOURABLE JEAN-ROBERT GAUTHIER

CONGRATULATIONS ON RECEIVING *LE DROIT'S* 2003  
PERSONALITY OF THE YEAR AWARD

**Hon. Marie-P. Poulin:** Honourable senators, it is with both pride and friendship that I rise to offer Senator Jean-Robert Gauthier our sincere congratulations. Last week the newspaper *Le Droit* chose him as the 2003 personality of the year.

We are all aware of his commitment, his dedication and his service, and along with all the honourable senators, I thank him.

## ROUTINE PROCEEDINGS

## COMMITTEE OF SELECTION

## FIRST REPORT OF COMMITTEE PRESENTED

**Hon. Rose-Marie Losier-Cool,** Chair of the Committee of Selection, presented the following report:

The Committee of Selection has the honour to present its

## FIRST REPORT

Pursuant to rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Pépin as Speaker *pro tempore*.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1440)

## SECOND REPORT OF COMMITTEE PRESENTED

**Hon. Rose-Marie Losier-Cool,** Chair of the Senate Committee of Selection, presented the following report:

Tuesday, February 3, 2004

The Committee of Selection has the honour to present its

## SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING SENATE COMMITTEE  
ON ABORIGINAL PEOPLES

The Honourable Senators Carney, P.C., Chaput, Christensen, Gill, Johnson, Léger, Pearson, Mercer, Sibbeston, St. Germain, P.C., Tkachuk and Trenholme Counsell.

STANDING SENATE COMMITTEE  
ON AGRICULTURE AND FORESTRY

The Honourable Senators Callbeck, Day, Fairbairn, P.C., Fitzpatrick, Gustafson, Hubley, LaPierre, Oliver, Ringuette, St. Germain, P.C., Sparrow and Tkachuk.

STANDING SENATE COMMITTEE  
ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Biron, Fitzpatrick, Harb, Hervieux-Payette, P.C., Kelleher, P.C., Kroft, Massicotte, Meighen, Moore, Prud'homme, P.C. and Tkachuk.

STANDING SENATE COMMITTEE ON ENERGY,  
THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Baker, P.C., Banks, Buchanan, P.C., Christensen, Cochrane, Eyton, Finnerty, Kenny, Merchant, Milne, Spivak and Watt.

STANDING SENATE COMMITTEE  
ON FISHERIES AND OCEANS

The Honourable Senators Adams, Cochrane, Comeau, Cook, Hubley, Johnson, Mahovlich, Meighen, Phalen, Robichaud, P.C., Trenholme Counsell and Watt.

STANDING SENATE COMMITTEE  
ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Carney, P.C., Corbin, De Bané, P.C., Di Nino, Eyton, Grafstein, Graham, P.C., Mahovlich, Poy, Sparrow and Stollery.

STANDING SENATE COMMITTEE  
ON HUMAN RIGHTS

The Honourable Senators Beaudoin, Ferretti Barth, Jaffer, LaPierre, Maheu, Munson, Poy, Rivest and Rossiter.

STANDING COMMITTEE ON INTERNAL ECONOMY,  
BUDGETS AND ADMINISTRATION

The Honourable Senators Atkins, Bacon, Bryden, Cook, De Bané, P.C., Eyton, Gauthier, Gill, Jaffer, Kinsella, Massicotte, Munson, Poulin, Robertson and Stratton.

STANDING SENATE COMMITTEE ON LEGAL  
AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Baker, P.C., Beaudoin, Bryden, Buchanan, P.C., Cools, Furey, Jaffer, Joyal, P.C., Nolin, Pearson and Smith, P.C.

STANDING JOINT COMMITTEE ON  
THE LIBRARY OF PARLIAMENT

The Honourable Senators Forrestall, Kinsella, Lapointe, Morin and Poy.

STANDING SENATE COMMITTEE  
ON NATIONAL FINANCE

The Honourable Senators Biron, Comeau, Day, Doody, Downe, Ferretti Barth, Finnerty, Furey, Gauthier, Murray, P.C., Oliver and Ringuette.

STANDING SENATE COMMITTEE  
ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Cordy, Day, Forrestall, Kenny, Meighen, Munson and Smith, P.C.

STANDING SENATE COMMITTEE  
ON OFFICIAL LANGUAGES

The Honourable Senators Beaudoin, Chaput, Comeau, Gauthier, Keon, Lapointe, Léger, Maheu and Munson.

STANDING SENATE COMMITTEE ON RULES,  
PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Di Nino, Downe, Fraser, Grafstein, Harb, Hubley, Joyal, P.C., Losier-Cool, Milne, Murray, P.C., Ringuette, Robertson, Smith, P.C. and Stratton.

STANDING JOINT COMMITTEE FOR  
THE SCRUTINY OF REGULATIONS

The Honourable Senators Biron, Harb, Hervieux-Payette, P.C., Kelleher, P.C., Lavigne, Moore and Nolin.

STANDING SENATE COMMITTEE ON SOCIAL  
AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Cook, Cordy, Fairbairn, P.C., Keon, Kirby, LeBreton, Léger, Morin, Robertson, Roche and Rossiter.

STANDING SENATE COMMITTEE  
ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Corbin, Day, Eyton, Fraser, Graham, P.C., Gustafson, Johnson, LaPierre, Merchant, Phalen and Spivak.

Pursuant to Rule 87, the Honourable Senator Austin, P.C. (or Rompkey, P.C.) and the Honourable Senator Lynch-Staunton (or Kinsella) are members *ex officio* of each select committee.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, with leave of the Senate, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

**BUSINESS OF THE SENATE****MOTION TO CHANGE COMMENCEMENT TIME ON  
WEDNESDAYS AND THURSDAYS ADOPTED**

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave the Senate and notwithstanding rule 58(1)(a), I move:

That for the duration of the current session, when the Senate sits on a Wednesday or Thursday, it do sit at 1:30 p.m., and that rule 5(1)(a) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

Motion agreed to.

**SPAM CONTROL BILL****FIRST READING**

**Hon. Donald H. Oliver** presented Bill S-2, to prevent unsolicited messages on the Internet.

Bill read first time.

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

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

**THE CONSTITUTION ACT, 1867  
THE PARLIAMENT OF CANADA ACT****BILL TO AMEND—FIRST READING**

**Hon. Donald H. Oliver** presented Bill S-3, to amend the Constitution Act, 1867, and the Parliament of Canada Act (Speakership of the Senate.)

Bill read first time.

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

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

**OFFICIAL LANGUAGES ACT****BILL TO AMEND—FIRST READING**

**Hon. Jean-Robert Gauthier** presented Bill S-4, to amend the Official Languages Act (promotion of English and French), in order to enhance the implementation and enforceability of the Government of Canada's commitments respecting the advancement of English and French under Part VII of the Act.

Bill read first time.

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

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

[*English*]

**HERITAGE LIGHTHOUSE PROTECTION BILL****FIRST READING**

**Hon. J. Michael Forrestall** presented Bill S-5, to protect heritage lighthouses.

Bill read first time.

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

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

[*Translation*]

**USER FEES BILL****FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-212, An Act respecting user fees.

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*]

**COMPETITION ACT****BILL TO AMEND—FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-249, to amend the Competition Act.

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 consideration two days hence.

• (1450)

[English]

[Translation]

## CRIMINAL CODE

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-250 to amend the Criminal Code (hate propaganda).

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]

## HAZARDOUS PRODUCTS ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes).

Bill read first time.

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

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

[Translation]

## 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-300 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.

## HUMAN RIGHTS

### 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY—NOTICE OF MOTION TO REFER TO COMMITTEE

**Hon. Jeremiah S. Grafstein:** Honourable senators, I give notice that tomorrow, Wednesday, February 4, 2004, I will move:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Human Rights for consideration and report before June 30, 2004:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

#### Appendix

#### RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6-10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

[Translation]

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

### REQUEST FOR GOVERNMENT RESPONSE— NOTICE OF MOTION

**Hon. Jean-Robert Gauthier:** Honourable Senators, I give notice that on Thursday, February 5, 2004, I will move:

That, pursuant to rule 131(2), the Senate ask the government to table a detailed and comprehensive response to the Fourth Report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the 37th Parliament, and adopted on October 28, 2003.

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE

**Hon. Jean-Robert Gauthier:** Honourable Senators, I give notice that, on Thursday next, February 5, 2004, I will move:

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*.

[English]

### REASONS FOR SITTING AS PROGRESSIVE CONSERVATIVE

#### NOTICE OF INQUIRY

**Hon. Norman K. Atkins:** Honourable senators, I give notice that on Thursday, February 5, 2004:

I will call the attention of the Senate to the reasons for my decision to sit as a Progressive Conservative senator.

[ Senator Grafstein ]

[Translation]

## OFFICIAL LANGUAGES

### BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

**Hon. Jean-Robert Gauthier:** Honourable senators, we do not have any rules about presenting petitions in the Senate. I will not take advantage of that to read the 2,834 petitions I have to table today. However, I would like to remind you of the importance of petitions pursuant to rule 4(h).

So far, the petitions include a total of 19,834 signatures of people who are asking that Ottawa, the capital of Canada, be declared a bilingual city reflecting the country's linguistic duality.

The petitioners are asking 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.

Honourable senators, I could read each of these petitions, but I would probably exceed my time limit. Today I am tabling a petition with 2,834 signatures, but I have several thousand more. Petitions are effective because cities, municipalities and even provinces respect these petitions. The Senate should do the same.

[English]

## QUESTION PERIOD

### JUSTICE

#### INVESTIGATION INTO MAHER ARAR CASE— SEIZURE OF JOURNALIST'S DOCUMENTS— COMMENTS BY PRIME MINISTER

**Hon. A. Raynell Andreychuk:** Honourable senators, as the first questioner today, I want to welcome Senator Austin to his new position. Given his previous political experience, his legal experience and continuing the tradition of Western concern,

I am sure he will come to think of Question Period as his most memorable part of the day. At least we will certainly attempt to make it so.

About two weeks ago, 10 police officers raided the home and office of *Ottawa Citizen* reporter Juliet O'Neill, searching for information about a leaked document on the Maher Arar case. The search warrants were based on section 4 of the Security of Information Act. This raid has invoked outrage; the term "police state" has been bandied about. While Ms. O'Neill was treated like a criminal, the Prime Minister has said that she is "clearly not a criminal."

• (1500)

Will the Leader of the Government in the Senate tell us what briefing the Prime Minister received to lead to that conclusion?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, this being my first opportunity to answer questions as Leader of the Government in the Senate, would Senator Andreychuk allow me, first, to congratulate the Leader of the Opposition on his designation as leader of the new Conservative Party of Canada.

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

**Senator Austin:** I am not sure that my historical research is complete, but I believe that his predecessor in leading the Official Opposition in this chamber was the Right Honourable Senator Arthur Meighen, who was also, according to the research I have seen, the Prime Minister.

However, I do not have any aspiration to that position.

**Senator Kinsella:** He does!

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I wish to reassure or discourage honourable senators by saying that the Right Honourable Arthur Meighen sat here as leader of the Conservative Party and then ran in a by-election and lost. I do not intend to follow in those footsteps.

**Senator Austin:** This is a pity, because I thought we might have an announcement with respect to a fourth candidate.

In answer to the Honourable Senator Andreychuk's question, I have no information to provide the honourable senator on what information the Prime Minister might have had.

**Senator Andreychuk:** Will I get a written reply in due course? I believe it is fair to ask whether the Prime Minister had a briefing that led him to that conclusion or whether his conclusion was based on some other basis. This subject does not intrude on the Arar inquiry in any way but, rather, deals with a previous act that lies exclusively within the Prime Minister's domain. Will we hear a reply in due course?

**Senator Austin:** In response to the Honourable Senator Andreychuk, I believe the Prime Minister was saying that Ms. O'Neill was entitled to the presumption of innocence, which she certainly is. If the honourable senator has a more specific question on this issue, I would be pleased to take that question as notice and provide an answer.

**Senator Andreychuk:** It would seem to me that the Prime Minister clearly indicated that Ms. O'Neill was not a criminal. With his background, he would understand what that term means. I do not think it would mean that he was invoking the presumption of innocence. He clearly left me with the impression, as he did all of the Canadians with whom I have spoken, that he was saying that Ms. O'Neill was not a criminal and should not be charged. On that basis, it is fair to ask this question: What led the Prime Minister to that conclusion?

I leave the Leader of the Government to ponder that. I would request a written reply; otherwise, I will have to ask about this subject in the chamber again.

## ATTORNEY GENERAL

### INQUIRY INTO MAHER ARAR CASE— SEIZURE OF JOURNALIST'S DOCUMENTS— REVIEW OF SECURITY OF INFORMATION ACT

**Hon. A. Raynell Andreychuk:** The government has promised a review of the Security of Information Act by a parliamentary committee, but no timeline has been set for this review.

Section 24 of the Security of Information Act states: "No prosecution shall be commenced for an offence against this Act without the consent of the Attorney General."

My question for the Leader of the Government is as follows: Given that a review of the act will be undertaken, can we have an assurance that the Attorney General will not give consent to begin a prosecution against Ms. O'Neill until this review is complete?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, at this moment, I am not in a position to provide either of the assurances that Senator Andreychuk is requesting.

As the honourable senator will know, being a lawyer herself, the matter is in the hands of the Royal Canadian Mounted Police. If, when and as the RCMP determine to take action, that information will be made public as quickly as possible.

**Senator Andreychuk:** My concern relates to the consent of the Attorney General. It is within the purview of the government to indicate that that consent will not be given until such time as the review is completed. That in no way inhibits the tracking or obtaining of the evidence and the assessments that are rightly within the realm of police enforcement.

The Attorney General's consent is the final stage that rests exclusively within the jurisdiction of the Government of Canada and the Attorney General.

**Senator Austin:** This subject is a matter of government policy that is not as yet settled. I would ask Senator Andreychuk to allow the development of this policy, which I hope will take place in short order.

**Senator Andreychuk:** Am I then to believe that there is no policy in place as to when the Attorney General will give his consent in light of this inquiry? Has no thought been given to this subject at this time; is that what I am hearing?

**Senator Austin:** Honourable senators, I said nothing of the sort. What I said is that this policy is now being considered. I thank the honourable senator for allowing me to clarify my answer.

**Senator Andreychuk:** I have a final point. I will come back to these matters because they are important both for the conduct of the court as well as the freedom of expression and the freedom of the press.

Will the Leader of the Government in the Senate tell us if the government's review of section 4 of the Security of Information Act will be conducted through a joint committee of the Senate and the House of Commons?

**Senator Austin:** Honourable senators, we are not yet in a position to make such an announcement.

**Senator Andreychuk:** I hope that such a review would encompass both Houses. This is a fundamental issue. Honourable senators have a responsibility to address fundamental questions and, in particular, Charter questions.

In light of the judgment of Madam Justice Mary Lou Benotto in the Ontario Superior Court protecting journalists and their sources, would the government consider exercising its prerogative not to wait and to ensure that journalistic sources are protected by amending the act immediately?

**Senator Austin:** Senator Andreychuk is exploring very important issues. Prime Minister Martin has made clear that freedom of the press is a high priority for Canadian values and there can be no debate that we need an informed press and a press free to inform the Canadian people.

As to the honourable senator's specific question, again, these issues are of a contemporary character and the government will make its announcements, I hope shortly.

## PRIME MINISTER

### REPORT ON FORMER PRIVATE BUSINESS DEALINGS WITH GOVERNMENT TABLED IN THE HOUSE OF COMMONS

**Hon. Marjory LeBreton:** Honourable senators, may I also welcome Senator Austin in his new capacity as Leader of the Government in the Senate.

I noted the reference that Senator Andreychuk made to the fact that Senator Austin is from the West. I sat through the Speech from the Throne yesterday and, unless I missed something, did not hear the West mentioned in that speech. However, that is another matter.

Honourable senators, my question is in regard to a grossly misleading answer about the current Prime Minister's former business dealings with the Government of Canada that was tabled in February 2003.

Eight months later, in October 2003, the former government leader in the other place said that the matter had been brought to the attention of the government that the CSL information was incomplete and that he had instructed government officials to make further inquiries.

Regardless of the timing of the announcement, could the Leader of the Government in the Senate advise whether this further review was at the request of the incoming government or at the request of the outgoing government? Put another way: Is the revised \$161-million answer, as opposed to \$137,000 answer, the end result of an undertaking by former Minister Boudria on behalf of the Chrétien government, or is it the result of the request of the government of Paul Martin in its effort to address the democratic deficit?

• (1510)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, my understanding is that the issue was the result of a question raised by a member of Parliament who pursued the government for an answer. That answer is now public. I hope that is a sufficient response to Senator LeBreton's question.

**Senator LeBreton:** The question is the nature of the answer. There is no doubt that the answer was given and the question was posed by the opposition, but an answer of \$137,000 as opposed to \$161 million, even with the accounting sleights of hand of the former Minister of Finance, is beyond the pale.

I point out that no less than seven ministers signed off on the official response while others failed to respond. What steps are now being taken to ensure that information tabled in Parliament by ministers, based on information from their officials, is indeed accurate?

**Senator Austin:** Honourable senators, I want to agree with Senator LeBreton that this is not the way in which answers to questions should be provided by the government. I want to make it clear to this house that the Prime Minister, Mr. Martin, neither as Minister of Finance or in his present capacity, had anything to do with the preparation of the answers to those questions. They were done in other places. I would also add that the Department of Finance, when the present Prime Minister was Minister of Finance, was not in any way involved in the contracts.



**Senator LeBreton:** My final supplementary concerns the former President of the Treasury Board, Ms. Robillard, one of the ministers who signed off on the incorrect or wrong answer. Of course, she remains in cabinet today as Minister of Industry. Could the Leader of the Government in the Senate advise us if anyone, anywhere in government, has been fired or disciplined for misleading Parliament?

**Senator Austin:** Honourable senators, that is a question that I will have to take as notice. If there proves to be an affirmative answer, I will certainly supply it.

#### PRIME MINISTER'S OFFICE

##### ETHICS COUNSELLOR—RULING ON MINISTERS AND POLITICAL STAFF NEGOTIATING EMPLOYMENT OUTSIDE GOVERNMENT

**Hon. Gerald J. Comeau:** Honourable senators, I, too, wish to congratulate the new Leader of the Government. We look forward to working with him and I am sure it will be fun.

Honourable senators, 11 days before the new Prime Minister was sworn in, it was reported that the Ethics Counsellor had watered down the rules regarding former ministers and political staff who were negotiating their departure from public service. John Manley and Eddie Goldenberg are examples.

The Conflict of Interest and Post-Employment Code for Public Office Holders tabled by former Prime Minister Jean Chrétien in 1994 required that departing officials give the Ethics Counsellor notice of any job offers they might receive. Mr. Wilson, however, decided that he only wanted to be told of jobs that had been accepted, not jobs that had been offered. The result is that during the period between the offer and the acceptance of the offer, these officials would not have to arrange their affairs and their work so as to avoid any conflict of interest. Could the Leader of the Government tell us whether Mr. Wilson was acting unilaterally, or was the outgoing Prime Minister personally in agreement with the rule change?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, first, I cannot agree with the premise that Mr. Wilson, as Ethics Counsellor, watered down the rules, to use the phrase of the Honourable Senator Comeau.

I believe that those rules were properly applied. If there is some specific example where Senator Comeau thinks they were not properly applied, I would be happy to have him advise me.

**Senator Comeau:** Yes, I will be getting back to the government leader.

As I understand it, then, the way that Mr. Wilson handled this matter was perfectly fine with the former Prime Minister. Would the rules as applied to Mr. Goldenberg and Mr. Manley be perfectly in agreement with the new Prime Minister?

**Senator Austin:** Honourable senators, I cannot advise this house, nor could Senator Comeau expect me to advise this house, with respect to the opinion or the actions of the former Prime Minister. I have no information with respect to the present Prime Minister's views on this subject. Again, however, I would invite Senator Comeau to put a specific case, if he has one, rather than ask hypothetical questions.

##### ETHICS COUNSELLOR—SALARY AND ANNUAL PERFORMANCE BONUS

**Hon. Donald H. Oliver:** Honourable senators, I wish to add my congratulations to the new Leader of the Government, along with the others.

My question is about the ethics officer and bonuses. Last month we learned that the annual performance bonus of \$25,000 is paid as part of the structure of the Ethics Counsellor's pay package. The Ethics Counsellor admits to taking bonuses, although not of that magnitude. Could the Leader of the Government advise the Senate as to the criteria used to determine whether the work of the Ethics Counsellor warrants a performance bonus? What are the criteria?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would be happy to obtain that information and advise the Honourable Senator Oliver.

**Senator Oliver:** Honourable senators, the bottom line is that the Ethics Counsellor's paycheque depends upon his keeping the government happy. The bonuses had to be approved by the Deputy Minister of Industry, who himself could easily be shuffled to a far less prestigious department if the Prime Minister so deemed. The current pay arrangements were acceptable to the previous Prime Minister. Mr. Wilson has had to make several calls as to whether the new Prime Minister is or was in a conflict of interest on various matters. He has been cleared on each and every one of those.

Could the Leader of the Government advise the Senate as to whether the new Prime Minister sees anything wrong with making part of the salary of the person who rules on conflicts of interest dependent upon pleasing the government?

**Senator Austin:** I have great difficulty with the innuendo of the Honourable Senator Oliver that Mr. Wilson has not behaved properly. The honourable senator used the phrase "keeping the government happy," which goes to the question of the integrity of the Ethics Counsellor. If the honourable senator has a specific accusation to make, then I suggest that he make it.

**Senator Oliver:** Honourable senators, I do have a specific one. The new ethics bill continues the practice of allowing the cabinet to set the salary of the ethics commissioner to ensure that there is no perception of bias. Would it not be appropriate to further amend this bill either to fix the salary of the ethics commissioner by statute or to tie it to the judiciary?

**Senator Austin:** I will consider that a representation and review it with my colleagues.

## NATIONAL DEFENCE

### UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM

**Hon. Douglas Roche:** Honourable senators, I want to congratulate the Honourable Senator Austin on his appointment as Leader of the Government in the Senate and offer him my full cooperation. I want to thank his predecessor, Senator Carstairs, for her leadership, which included bringing forward independent senators as full members of Senate committees. I also congratulate Senators Rompkey and Losier-Cool on their appointments, and I thank Senator Robichaud for his many courtesies to me.

The recent exchange of letters between Canadian Minister of National Defence Pratt and U.S. Secretary of Defence Rumsfeld has set Canada on a course of negotiations toward Canadian participation in the U.S. ballistic missile defence system.

Given that throughout the Cold War Canadian policy assessed missile defence to be destabilizing and detrimental to global security, and that there is no existing Canadian policy citing missile defence as a credible response to security threats, will the government seize its responsibilities to explain to the Canadian taxpayer what is going on in these current discussions? How much money will this cost Canada — money that is required to obtain equipment needed and deemed to be usable by Canada's Armed Forces?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank the honourable senator for his congratulations.

• (1520)

Let me reply to the honourable senator by saying that, at this stage, the Government of Canada is investigating the proposals and policies of the United States in missile defence. We are engaged in trying to better understand their case for the missile defence program in which they wish to engage.

I would not call this stage negotiation. Therefore, I have no further information to give to honourable senators. At some point in time, and I cannot predict when, the government will be considering a decision on participating in missile defence. Today, we are considering the position of the United States in an endeavour to decide whether to be part of their existing program.

**Senator Roche:** Honourable senators, before any such negotiations were to commence, I believe there should be a full debate in the Parliament of Canada, certainly in the House of Commons and in the Senate, on this extremely important matter.

Has the government noted that not one of the 10 key technologies for the ballistic missile defence system has been tested and that the Pentagon's top weapons evaluator, Thomas P. Christie, has said that the planned deployment in September of this year is not ready to go ahead? What is the rush for Canada? Why do we not take time for a full assessment, which will show that the long-range plans for U.S. ballistic missile defence involve weapons in space, which is directly counter to Canadian policy?

**Senator Austin:** Honourable senators, I would not share the view of the Honourable Senator Roche that there is any rush to come to a conclusion. I think we will come to a conclusion on the basis of satisfaction vis-à-vis our understanding of what is on the table in U.S. missile defence policy.

It is abundantly clear that Canada has no intention of participating in a program that deals with the militarization of space.

## PARLIAMENT

### HOUSE OF COMMONS—FREE VOTE ON FUNDING FOR FIREARMS REGISTRATION PROGRAM

**Hon. David Tkachuk:** I should also like to congratulate Senator Austin on his appointment. I notice he has a growing phalanx of ex-leaders to his left. Pretty soon he will be pushed off the edge — unless you guys are beaten in the next election, which we will do everything we can to accomplish.

In a story published in the *Ottawa Citizen* yesterday, Roger Gallaway, parliamentary secretary for democratic reform, indicated that there would be a free vote in the House on funding the firearms registration program when a request for more funding is presented to Parliament during the Estimates in March. In a letter to his constituents, Mr. Gallaway stated that a free vote would mean the firearms program would die of financial malnutrition — in other words, no money.

Could the Leader of the Government in the Senate tell us whether the Prime Minister indeed does plan on having a free vote in the House on funding for the firearms program?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, at this time I cannot answer the honourable senator's question; however, his question fascinates me and I shall search diligently for the answer.

**Senator Tkachuk:** Honourable senators, I do not understand this. I am sure it would fascinate the leader, but this comment was from the parliamentary secretary for democratic reform, Roger Gallaway. The Leader of the Government in the Senate is a member of the cabinet.

Does the Prime Minister plan to have a free vote in the House on funding for the firearms program? Just answer that question, before I go on to my other one.

**Senator Austin:** Honourable senators, I repeat my previous answer, which is a full answer to the honourable senator's inquiry at the moment.

**Senator Stratton:** Gallaway is a Liberal, by the way.

### HOUSE OF COMMONS—FREE VOTES ON MONEY BILLS

**Hon. David Tkachuk:** Honourable senators, I should also ask whether the Government of Canada has given any consideration to having free votes on money bills of any kind? What is the process for choosing that particular vote?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government will, tomorrow, table in the other place and in the Senate its program for democratic reform. I would ask Honourable Senator Tkachuk to review that document when it is tabled; perhaps we can renew this line of questioning thereafter.

**Senator Tkachuk:** Does that mean there was no discussion respecting, or consideration given to, having free votes? I am not talking about a resolution. I am talking about a money bill and having a vote on a particular section of it. Has there been discussion on that part of the initiative? Is the government considering that?

**Senator Austin:** Honourable senators, I am absolutely certain the honourable senator will not forget this question over the next three or four days. I expect to have it back again.

**Senator Tkachuk:** Bring back Senator Carstairs.

### NATIONAL DEFENCE

#### AFGHANISTAN—INVESTIGATION INTO DEATH OF CORPORAL JAMIE MURPHY

**Hon. J. Michael Forrestall:** Honourable senators, I join with those who extend their warmest congratulations to Honourable Senator Austin and Honourable Senator Rompkey. My particular thanks to your predecessor for her sometimes extraordinary patience.

I am having difficulty understanding why Canadian Forces personnel are forced to fly in extraordinarily old pieces of equipment. More than a year ago, the Leader of the Government in the Senate may recall — although he was busy with other things — my pointing out that, in the relatively calm surroundings of Prince Edward Island, the Prince Edward Island Regiment's Iltis jeeps were all unserviceable.

The government, in its infinite wisdom, sent Canadian troops to Afghanistan last summer against the advice of military planners, causing, as many will recall, General Cameron Ross to offer his resignation.

This fall, two Canadian soldiers were killed when they drove over an anti-tank mine outside Kabul. Sadly, another Canadian has now died. Corporal Jamie Murphy is being laid to rest today. To his family and partner, I am sure we all join in sending our heartfelt sympathies.

I know it is early on, but can the Leader of the Government in the Senate tell this house anything about the investigation into the tragic death of Corporal Murphy?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I cannot say anything about the background to Corporal Murphy's death, which we all regret, as he was serving the cause of democracy and freedom in a very dangerous place. It is indeed sad that his life has been taken.

With respect to the Iltis jeeps, as Senator Forrestall knows, the government is replacing that equipment. I cannot advise here with respect to the assessment of its utility, whether it was wrongly placed in the field, but I shall look into those important subjects.

As Senator Forrestall is well aware, the government, in its Speech from the Throne, made commitments to enhance military equipment and the capacities of the Canadian military. This is a serious commitment, one that will be acted on expeditiously.

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in our gallery of our former colleague the Honourable Sheila Finestone.

• (1530)

[Translation]

### THE SENATE

#### WELCOME TO MACE BEARER

**The Hon. the Speaker:** Honourable senators, I have the honour to inform you that Ms. Jan Potter has taken over the duties of mace bearer, as of February 2, 2004. It is my pleasure to welcome her to the Senate of Canada.

[English]

Before going to Orders of the Day, Senator Gauthier may have a point of order.

### POINT OF ORDER

**Hon. Jean-Robert Gauthier:** Honourable senators, my point of order is simple. What procedure allows the Senate and the Speaker to introduce bills from the House of Commons that were studied and examined in the Second Session of the Thirty-seventh Parliament, when I had a private bill die on the Order Paper at third reading stage when Parliament was prorogued? As an individual senator, I must now present the bill again for first reading, which I have done today.

I do not understand why members of the House of Commons receive priority with their bills when senators do not have that kind of priority. Are there any rules? Which rule did Your Honour use to introduce these bills? Under what system do we operate? Have I made myself clear?

**The Hon. the Speaker:** I understand the honourable senator's question, and I have been curious about that myself. The answer, of course, is that the rules in the other place are their concern alone and not ours. Bills that were given first reading today with numbers that related to the Second Session of the Thirty-seventh Parliament have been sent to us in the normal fashion, having been passed by that House. Of course, the message — in effect the form of the bill presented here for first reading — is entirely in keeping with our past practice. As to their rules, I cannot comment.

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

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

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.

**Hon. Marilyn Trenholme Counsell**, seconded by the Honourable Senator Paul Massicotte, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Adrienne Clarkson, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

#### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

She said: Honourable senators, I have the honour of moving the motion to adopt the Address in reply to the Speech from the Throne given yesterday, February 2, 2004, by Her Excellency the Governor General.

[Translation]

The year 2004 is of great significance to Canada, since it marks the 400th anniversary of the arrival of Europeans on St. Croix Island. Acadia is a thriving community and we New Brunswickers are very proud to share our aspirations in the only officially bilingual province.

Congratulations Acadia! We wish you long life and unending pride!

[English]

Since Sir John A. Macdonald, a succession of remarkable men and women have accepted the responsibility to build a country that is a beacon to millions seeking a better life. This dedication is exemplified by the former Premier of Prince Edward Island, the Honourable Senator Catherine Callbeck. The world class Confederation Bridge is a testimony to the vision of which I speak.

[Translation]

Recently, we paid tribute to the Right Honourable Jean Chrétien for his remarkable career in the Parliament of Canada, and we also thanked Ms. Aline Chrétien for her loyalty and dignity.

[English]

I congratulate the Honourable Senator Jack Austin for the recognition afforded him as Leader of the Government in the Senate. I am sure that he will help each of us grow closer to the people of Western Canada to build a stronger country.

To the Honourable Senator Sharon Carstairs, I extend our deep appreciation for her tireless devotion.

Honourable Senator Dan Hays, I am delighted to see you in the Chair with your esteemed good nature.

[Translation]

I thank the Honourable Senator Fernand Robichaud for his leadership and his good sense of humour.

[English]

I know Senator Rompkey is glad to pass the whip to Senator Rose-Marie Losier-Cool.

[Translation]

Good luck! She is the first woman to become a whip, is she not?

[English]

Congratulations to the new deputy leader on the government side. We look forward to some Newfoundland stories along with his serious work.

I wish also to salute the continuing leadership of Senator Kinsella and Senator Lynch-Staunton in their respective roles.

Honourable senators, I took my place in the Senate with humility and a hunger to experience directly our national government at work. Most of all, I was eager to share my days with women and men from every province and territory who brought to this chamber a wealth of diversity and human experience. I thank you for the warmth of your welcome and the sincerity of your openness to help me.

Many Canadians do not realize the dedication of members of the Senate to subjects of great importance to this country. How can we tell our fellow citizens about the work we do?

[Translation]

Can we do more to deserve the respect of Canadians? Honourable senators, we have the privilege and the responsibility to engage our fellow citizens in the debate on the Speech from the Throne that begins today.

[English]

Several themes characterize the Speech from the Throne: the caring nature of Canadians; the potential and the talent of our citizens; Canadians engaged in building the future; Canada's voice in the world; and perhaps my favourite, that "the future of our children is, quite literally, Canada's future."

The rights and safety of youth are Senator Landon Pearson's passion. Early childhood development is mine. After all, we cannot have a healthy population unless we raise healthy children, and I am immensely proud of our government's pledge to children in the Speech from the Throne.

The Honourable John Godfrey, Chair of Children's Caucus, talks about the "trampoline effect" of increasing our investment in children from birth to six years.

Economists are among Canada's champions for a national children's agenda calling for more money for childcare and early childhood education as "a national-universal priority" and "making public investment in human capital most productive."

• (1540)

In 1982, the Canadian Institute of Advanced Research, CIAR, was founded. Dr. Fraser Mustard became an internationally recognized giant in the sphere of human development. His message:

Any substantial stress, or neglect, in the early years, or in utero, may damage neurons that can never be replaced...effectively closing down vital pathways in the brain...(and the result is) higher dropout rates, higher unemployment and more of their adult lives in hospitals.

We know it also means more of their adult lives within the correctional system. The cost to society is enormous. The loss of human capital, the loss of human potential, is enormous.

Dr. Mustard was joined in the late 1990s by the Hon. Margaret Norrie McCain in a widely acclaimed study, "The Early Years." They recommended

...increased public investment...in first tier early child development and parenting community-based centres to accommodate all parents, working and nonworking, preferably on school sites.

Locating these centres on school sites reminded me of Senator Laurier LaPierre's poignant description of schools as "cathedrals of the child."

Dr. Douglas Willms, University of New Brunswick Centre for Human Development, found that the majority of vulnerable children live in two-parent, moderate-income families.

Good parenting far outweighs poverty, while the education of the mother, single and/or teen parents, and maternal depression are significant factors in childhood vulnerability. Twenty-eight per cent of Canadian children are vulnerable. Doctor Willms called for a "family-enabling society." This is a statement about social justice.

The National Longitudinal Survey of Children and Youth is a first, a national database for studying Canada's children from infancy to adulthood. The National Children's Agenda represents this solid, evidence-based research.

Dr. Fraser Mustard's pioneer work has led to CIAR fellows from coast to coast bringing into indisputable focus the way early neurological and biological pathways develop from conception can affect one's entire lifespan. I could mention a list of distinguished scholars across the country.

Many excellent programs exist in Canada. I will mention only a few, including the Canada Child Tax Benefit, Community Action Program for Children (CAPC), the Canada Prenatal Nutrition Program (CPNP), Understanding the Early Years, Family Resource Centres, "Stepping Into the Future" (Newfoundland), Moncton Headstart, Montreal's Centre of Excellence for Early Child Development, Toronto First Duty, the Healthy Learning Partnership in British Columbia and the Centres de la Petite Enfance in Quebec.

Child care is a serious issue in the homes and in the capitals of the nation. We have this commitment in the Throne Speech: "... more quality child care more quickly."

The federal government's extension of parental leave to one year has been hailed as a bold and positive move. Now, three times as many fathers take parental leave.

Since 1995, Aboriginal Headstart has received \$22.5 million annually, for 114 centres, to provide Aboriginal children with a positive sense of themselves, a desire for learning, and opportunities to develop fully as successful young people, ultimately, in the words of the Speech from the Throne "participating fully in national life."

The Speech from the Throne is honest and to the point on Aboriginal Canadians. Our government admits to a "shameful" lack of progress in far too many Aboriginal communities, promising "to turn the corner."

Early childhood development is deeply personal for me. The joy I experienced working with New Brunswick's children and families was boundless.

As a physician, I am excited about the monumental expansion of our knowledge about the development of a baby's brain — the billions of neurons in a newborn's brain awaiting positive stimulation, nurturing and good nutrition that will influence the synapses — the wiring — the potential of the human brain.

Honourable senators, each of us can be a champion for children.

[Translation]

We can send the following message: the family home — the cradle of knowledge and love.

[English]

“Born to Read” — “Le goût de lire”: Reading to babies and toddlers, telling stories, playing number games and looking at pictures involve all of the senses and bring together love and learning. An absence of reading and music and bonding and healthy food means a piece of the brain is lost forever.

Too many children, especially boys, struggle to overcome these deficits throughout their entire lives, especially those with learning disabilities, physical and mental exceptionalities, FAS, FAE, ADD and ADHD.

Not so long ago in Canada, half of our high school graduates were scoring below 50 in language tests. Literacy in the homes and in the schools is now a priority. We are looking for best practices.

There are significant differences among the provinces. Alberta's teens were number one worldwide in reading. Why? Alberta has a standardized curriculum that emphasizes language arts, regular testing, highly trained teachers and increased parental engagement. Albertans say that the inspiration comes from the bottom up. Departments of education are now determined to tackle literacy when children enter school for the first time.

Meanwhile, we still have adult illiteracy. Just yesterday, a union representative told me that half of their members have literacy problems in the changing workplace. This is why Senator Joyce Fairbairn fights illiteracy every day of her life, with incredible passion. She is part of an enormous literacy movement coast to coast to coast.

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

**Senator Trenholme Counsell:** That was much deserved. She is an inspiration to me.

That is why “lifelong learning” is in the Speech from the Throne — adult literacy, skills upgrading, apprenticeship, high-technology education, the trades and much more.

All of this is accompanied by a promise to overhaul the Canada Student Loans Program, and I believe that is great news for the youth of Canada.

[ Senator Trenholme Counsell ]

A highly skilled, well-trained workforce is the backbone of any successful economy in the 21st century, just as scholarship research and development are critical to national and international progress on the human and on the economic fronts.

This workforce must include persons with disabilities. In 2004, the Government of Canada is making a commitment “to fill the gaps in education and skills development and in workplace supports and workplace accommodation for people with disabilities.” Our government will lead by example.

[Translation]

As for health care, this new government will continue to uphold the principles of health care insurance, also known as medicare. Canadians attach great importance to our health care system but they are very uncertain about the future. As a family physician for 27 years, I can say that I have found my career to be extremely satisfying. However, I am also extremely worried, as are many other health professionals.

[English]

We look to new models for primary health care, using telemedicine and a collaborative approach, to boost the morale of health care professionals. Nevertheless, no new model or no new formula for funding or doctor-patient ratios can give Canadians the health they want unless citizens assume their share of the responsibility. Too often, our universally funded system has been regarded like a limitless buffet — more office visits, more tests and more prescriptions.

It is time for all Canadians to take a hard look at their lifestyle and to make the tough choices — the informed choices — required to live healthier, more productive lives. Millions of dollars could be saved in every province and territory. These same dollars could provide the specialists and equipment needed to reduce waiting times. Family doctors and nurse practitioners would once again open their doors to new patients. Health will begin at home.

The home too has increasingly become the place for recuperation, rehabilitation and palliative care. Home care needs far more attention than it has received.

New Brunswick's Extra-Mural Hospital program is a testimony to the vision of Senator Brenda Robertson. It serves as a model around the world.

Senators have met face to face with persons at the forefront of the battle against SARS, and with mental health activists who made us realize the cost to human beings and to society of mental illness that is underdiagnosed, undertreated and too often fatal.

In 2004, health protection will be in the forefront, with a new Canada public health agency led by a chief public health officer for Canada.

Looking over our shoulders are Canada's seniors. We are living longer and healthier, but the challenge to our health care system grows year by year. I have heard people say that seniors abuse the system. However, honourable senators, I am much more concerned about senior abuse. It demands our vigilance, individually and collectively, just as the walls of silence around family violence will never again be tolerated.

Honourable senators, I am compelled to speak about poverty — poverty on our streets, in the homes of single parents, among our aboriginal youth especially, in the rocking chairs of the elderly, and far too often amongst the working poor. A million or more of Canada's children live in low-income homes. Elderly women and men living alone in poverty are increasing in number.

• (1550)

Too many of our people are poor in spirit. They lack the literacy, the skills, the self-esteem, the health and the hope to find work.

[Translation]

“Regarding a new deal for communities,” I have great respect for our big cities and great love for our rural communities. We must not allow our big cities and our small cities — where most Canadians live — to lose their beauty or their safety or, most particularly, the means for people to have a good quality of life and a good opportunity to work.

At the same time, Canada is a vast land, a country rich in natural resources, and a nation where the land and sea are the sources of hope for many of our families. We must protect our rural heritage.

[English]

I add my voice to all who call for a new partnership with the federal government to restore wild Atlantic salmon to our rivers. May it happen soon.

I live in Tantrammar, in Sackville part of the riding of Beauséjour.

There is beauty everywhere, but there are also people living in fear for their livelihood: seasonal labourers in the fisheries, beef farmers, and workers in the softwood lumber industry. This same fear exists across the land. Canada must find solutions to these very real human and economic problems.

[Translation]

Canadian unity is strong in 2004, but regions from coast to coast are demanding a voice and respect as equal members of this great family. We should express our thanks to the people of Quebec for reaffirming their Canadian citizenship.

[English]

The senators and members of Parliament of Atlantic Canada have laid before our government our vision and our confidence in our future in the document entitled “The Rising Tide.” I ask honourable senators to take a few minutes to read this document so that you will understand better our determination to develop our resources, especially the talent and the work ethic of our people, so that we can truly hold high our history as the birthplace of Canada and hold even higher our hopes for the future, a place of promise for our youth and all who would call Atlantic Canada home.

Millions of women and men around the globe dream of the day when they too, might call Canada home. Let us welcome even more immigrants and do more to allow professionals from other countries to work with dignity. Let us safeguard human rights. Let us hold fast to our independence while strengthening our position as an international citizen, a champion of the United Nations, a famous peacekeeper and honest broker in international disputes.

[Translation]

Canadians are demanding and expecting much more in 2004: a greater focus on the environment, on Kyoto, more resources for members of the Canadian Forces, for our security at home and abroad, and especially, more jobs.

The challenge of sharing North America with our neighbours the Americans must continue to receive our closest attention and loyalty.

In the words of the Speech from the Throne:

We can play a distinctive role based on our values — the rule of law, liberty, democracy, equality of opportunity, and fairness. As others have said: the world needs more Canada.

[English]

Canada's foreign policy will give hope and strength to newly developing countries and will demonstrate the genuine interest of Canadians in cooperation with giants on the world scene. Generosity toward others is a hallmark of Canada and must be reflected in our foreign aid. Our strength is not in our numbers but in the hearts of the people of this great nation.

My fellow senators, let us join our vast experiences and the trust that has been placed in us to provide this new session of Parliament with the diligence Canadians expect. We can give this venerable institution the imagination of children, the wisdom of years, and do our part to give expression to the fundamental hopes and aspirations of Canadians. It is a great privilege that I embrace with you, my colleagues, with pride and confidence.

Hippocrates, the great Greek physician-philosopher, said: "Time is that wherein there is opportunity, and opportunity is that wherein there is no great time." Our new Prime Minister said: "We are living a moment of rare opportunity: after a decade of sacrifice and successful turnaround."

Honourable senators, let us seize this opportunity. Let us give it our time.

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

**The Hon. the Speaker:** Honourable senators, I regret to advise those who might wish to ask a question that Senator Trenholme Counsell's time has expired. In fact, I may have even given her a little extra time.

**Hon. Terry Stratton:** Honourable senators, I would request leave to ask a question.

**Senator Robichaud:** You cannot ask for leave. She must ask.

**The Hon. the Speaker:** Senator Trenholme Counsell, will you request leave for further time?

**Senator Trenholme Counsell:** It is your decision, Your Honour.

**The Hon. the Speaker:** I take it that she is not requesting leave.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** On a point of order, now that we are starting off a new session, I think it is important for us to return to the tradition of this house. With the greatest respect for the Chair, when senators rise, unlike the House of Commons, we do not begin by saying "Mr. Speaker." We address honourable senators. I would encourage honourable senators to remind us of our Senate practices. All senators are equal in this place and our address is to honourable senators.

[Later]

**The Hon. the Speaker:** Before taking my seat, honourable senators, Senator Kinsella has raised a point of order in regard to the practice of how we address one another in this place. I thought that I would read the relevant rule for honourable senators, some of whom are new to the chamber. Rule 32 reads as follows:

A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.

[Translation]

**Hon. Paul J. Massicotte:** Honourable senators, as we begin a new session, I will take this opportunity to welcome Senator Terry Mercer and Senator Jim Munson, who were sworn in yesterday afternoon.

I would also like to formally congratulate the new team that orchestrated the government's efforts in the Senate, namely the Honourable Jack Austin, Leader of the Government, the

Honourable William Rompkey, Deputy Leader of the Government, and the Honourable Rose-Marie Losier-Cool, Chief Government Whip in the Senate. This new team representing the new government promises to be very exciting.

Today, honourable senators, it is with great emotion that I speak for the first time before you. Since my arrival last fall, I have listened and observed closely. Little by little, I have become familiar with the workings of this venerable institution, the Senate of Canada. I am extremely proud to be part of this select group of Canadians who have the opportunity, but above all the duty, to influence the destiny of their country.

I made my first speech in the Standing Senate Committee on Banking, Trade and Commerce. I am extremely proud to be a member of this committee, which plays an important role in an essential sector of our society. I want to express my gratitude to its Chair, Senator Kroft, and the other members of the committee, who made me feel so welcome.

I am pleased today to speak in support of the motion by the Honourable Marilyn Trenholme Counsell. Her motion asks the Senate to adopt the Speech from the Throne delivered yesterday by Her Excellency, the Right Honourable Adrienne Clarkson, Governor General of Canada. I sincerely believe that it is our duty to adopt this motion.

Over the next few minutes, I am going to try to explain clearly why it is our duty to do so. As a businessman, I worked hard to satisfy my customers. I devoted many years to creating a dynamic company, which I managed with enthusiasm and honesty.

Today, I want to share some of my concerns about the future of Canada based on this experience. As some of you already know, I am a Franco-Manitoban and I grew up in an agricultural community of fewer than 1,000 inhabitants. I was born in Ste Anne, as was the Honourable Senator Maria Chaput.

However, I have spent nearly twenty years living in Quebec, and I am now a Quebecer and a Manitoban, but I am first and foremost a Canadian.

• (1600)

Having lived in these two such culturally different regions of our fine country, I have some understanding of western alienation toward central Canada. As a member of a linguistic minority, I also understand the fundamental importance French-speaking Quebecers, and other French-speaking Canadians, attach to their language, their culture, their roots.

Yet my pride as a franco-Manitoban and my pride as a Quebecer does not in any way prevent me from being a Canadian, and a very proud Canadian, one who can continue to develop his full potential in French in a country which has made linguistic duality a fundamental element in its development.

[ Senator Trenholme Counsell ]



Honourable senators, I consider myself somewhat privileged to have been born in this vast and rich land. I count myself fortunate to be able to live in a country so supportive of tolerance and social justice, a prime example of diversity and multiculturalism to the world.

Like most of you, I did not choose this country. I inherited it. I will keep my shoulder to the wheel so that our children and grandchildren can continue to shape the marvellous work in progress that is Canada.

[English]

Yes, I am a proud Canadian. As a citizen of this great country, I know that we are very fortunate to enjoy such a peaceful, equitable and prosperous society. After all, think of all the atrocities, all the suffering there is in this world. For too many people around the world our reality is a distant dream.

I ask all honourable senators: Why is it that over 840 million people, or 14 per cent of the global population today, are hungry while we live in a society defined by over-consumption? Why is it we have the right to choose our government when 42 per cent of the world's population, in some 73 countries, have never experienced the benefits of democracy?

We are indeed very fortunate people, perhaps the most fortunate people in the world, but we must never take our way of life for granted. Let us not forget that our enviable quality of life is a fragile thing. There are many examples in history of how people's well-being can be overturned in an instant. For example, there was a recent 2001 economic crisis in Argentina. As honourable senators may remember, the government of the time precipitated a run on the banks and bank deposits, provoking widespread unrest that left 27 people dead. The economy almost collapsed. The GDP dropped by 16 per cent in the first quarter of 2002, and unemployment rose to 23 per cent.

Remember that Argentina is a democracy and before this crisis was recognized as a prosperous middle-class country. In fact, it is very much like Canada. Our populations are roughly the same size and Argentina's economic strengths include abundant natural resources, a highly literate population, an export-oriented agricultural sector and a diversified industrial base. As of January 2003, 60 per cent of the population lived in poverty. Argentina, the world's fifth largest food exporter in 2002, had children dying of starvation.

We in Canada are certainly not immune to such an evil. Less than a decade ago, the *Wall Street Journal* was calling this country an honorary member of the Third World. Our budget deficit was out of control and the national debt was climbing at a dizzying rate. Fortunately, Canadians pulled together and made sacrifices. We were able to conquer the deficit and put our public finances in order.

However, we cannot rest on our laurels. We must find new and creative ways to maintain Canada's rank as one of the best countries in the world. This is an urgent matter in my opinion. In

this new highly competitive global economy we risk falling behind other industrialized nations, as well as rapidly industrializing nations like India and China. Look at the tremendous economic potential these two colossal nations, cradles of ancient civilizations and home to over 1 billion people in India's case, where 86 per cent earn less than two dollars a day and 44 per cent earn less than one dollar a day. There are 1.25 billion people living in China, where high-tech work in Beijing earns about \$9,000 a year compared to \$40,000 a year in Canada. It is predicted they will both become dominant players in the world economy over the next three decades. According to a 2003 report by investment firm Goldman Sachs, China and India will be the second and third largest economies by 2050. These countries are competing directly against Canada for high-wage manufacturing and high-tech jobs. The solution does not lie in hiding behind tariffs and other forms of protectionism.

[Translation]

Another variable that needs to be taken seriously, since it will greatly impact upon our chances of success, is our relationship with our neighbours to the south, the United States. Having this incomparable economic power as an ally and friend is a considerable advantage, particularly where trade is concerned. Our relationship is, of course, unique in the world, since over 80 per cent of our exports are to the U.S. and over one-third of our GDP depends on those exports.

The situation for the United States is far different; its exports to Canada represent only 1.64 per cent of its GDP. I repeat: our trade exchanges account for more than one-third of our GDP, but a mere 1.64 per cent of theirs. In such a context, how can we negotiate on an equal footing?

[English]

Clearly, we face major challenges to our continuing good fortune and the solutions are not all obvious. At the heart of all solutions are certain key factors to maintain our prosperity. In hockey terms, as a small guy in the world scene, we must be smarter, faster and more disciplined than the others if we wish to succeed. In economic terms, we must find ways to increase our productivity through governmental and, more importantly, corporate investment in research and development, innovation, and in people, toward higher education and life-long learning as fundamental strategies of our country.

We must also do more to foster entrepreneurship among Canadians. We must make our firms more competitive, more efficient, more export-oriented and more responsive to change; that is, we must find ways to get government, private enterprise and we as individuals to focus on innovation in finding new approaches and practices to get better results.

[Translation]

Therefore, despite our weaker position, it is critical to our prosperity and our collective well-being that we continue to maintain our special relationship with the United States, while holding on to our values. Previous governments have done a lot of work in this regard, but it is only a beginning. There is a lot that remains to be done. It is essential that we keep building on this.

In order to meet all these challenges, we must act effectively and quickly. I sincerely believe that the Speech from the Throne is a good starting point. In fact, it underscores the importance of acting quickly to address the issues I have just mentioned. In the speech, the new government makes specific commitments regarding lifelong learning. It recognizes that we must do much more to ensure that our knowledge investments result in commercial success. The Throne Speech proposes that Canadians who are experiencing economic problems be helped to pursue their education. It also talks about increasing our efforts to help poor countries and to improve our relations with the United States.

Today, I mentioned some of the challenges that Canada must meet. We have many resources and we have the capability to build our own future. But we will only succeed if we work together to reach our common objectives.

Honourable senators, all of us here have a duty to do our share. We are leaders in our community. We play a key role in the legislative process. The Speech from the Throne that we heard yesterday is a step in the right direction. As senators, we have good reasons to support today's motion. Therefore, I am inviting you to join your voices with mine in asking our country to adopt an agenda that will lead us to economic and social prosperity.

[English]

• (1610)

**The Hon. the Speaker:** Would the Honourable Senator Massicotte take a question?

**Hon. Bill Rompkey (Deputy Leader of the Government):** On a point of order.

Honourable senators, I had intended to raise this matter before. In my 30 years of experience, the policy with regard to the Address in Reply to the Speech from the Throne is somewhat different from other debates in that we allow honourable senators to speak and thereafter we follow the practice of questions and answers. However, in the other House and in this chamber we give the mover and seconder the courtesy of listening to them. Quite often, they are new members of the chamber and are speaking for the first time. That may or may not be the case. In any event, I would ask that we follow the same practice that we have followed traditionally for today.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable Senator Massicotte still has time within his 15 minutes. Senator Comeau asked if the honourable senator would take a question. Senator Massicotte agreed. I do not see why Senator Rompkey would intervene if both sides are in agreement that a question and answer are acceptable.

**Senator Massicotte:** I will be happy to take questions.

[ Senator Massicotte ]

[Translation]

**Hon. Gerald J. Comeau:** Honourable senators, the practice in the House of Commons is different than in the Senate. If I go by my experience here, I believe that the senators are generally prepared to answer questions. This gives them the opportunity to become familiar with the procedure. I think it is beneficial to them to be asked questions.

[English]

**Senator Rompkey:** That was not my experience in the other place.

**Senator Comeau:** We are not in the other place. I spent time in the other place along with you at the time, and it was a different practice, I agree. This is an entirely different chamber and we should remember that.

**The Hon. the Speaker:** Honourable senators, the question that Senator Rompkey raised is settled by virtue of the fact that Senator Massicotte will accept a question.

[Translation]

**Senator Comeau:** Once again, honourable senators, I must congratulate the senator on his excellent speech.

I had the opportunity to read the Speech from the Throne; one of its failings is that it makes no mention of Canada's natural resources. In fact, the word "fishing" appears only once in the entire speech. Despite the fact that there are serious problems in this sector, nearly all the funds invested in science and law enforcement have been slashed. I agree with Senator Trenholme Counsell when she says that our natural resources sector is extremely important.

Another thing that concerns me even more lately is that the new Minister of Fisheries and Oceans, who is new to the job and responsible for matters he has no experience in, has just been appointed to represent the government in the important O'Neill and Arar cases.

Can Senator Massicotte tell me if it is because the new Minister of Fisheries and Oceans has no experience in natural resources or if it is an oversight? Furthermore, will the new senator do his best to remind the government of how important natural resources are to Canada?

**Senator Massicotte:** When we read the Speech from the Throne, we see that the government has concentrated on macroeconomic factors, for example, the absence of a deficit and the stability of interest rates. It is true that the speech did not mention the fisheries sector. Instead, it focussed on elements of great importance to all Canadians. For the past two years, we have seen income taxes drop sharply, which is something everyone benefits from, even the fisheries sector.

On motion of Senator Lynch-Staunton, debate adjourned.

**COMMITTEE OF SELECTION***[English]***FIRST REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the first report of the Committee of Selection (Speaker *pro tempore*) presented to the Senate earlier today.—(*Honourable Senator Losier-Cool*).

**Hon. Rose-Marie Losier-Cool** moved the adoption of the report.

Motion agreed to and report adopted.

**SECOND REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the second report of the Senate Committee of Section, presented earlier this day.

**Hon. Rose-Marie Losier-Cool** moved the adoption of the report.

Motion agreed to and report adopted.

The Senate adjourned until Wednesday, February 4, 2004, at 1:30 p.m.

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