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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, February 12, 2004

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE
MARGARET JEAN ANDERSON

The Hon. the Speaker: Honourable senators, I have received a letter under our rules requesting that time be provided today as added time to Senators' Statements for purposes of paying tribute to the Honourable Senator Margaret Anderson, who passed away on December 8.

Hon. Eymard G. Corbin: Honourable senators, the Honourable Margaret Anderson passed away on Monday, December 8, 2003, at the age of 83. She was laid to rest on December 12 at Miramichi, formerly Newcastle, New Brunswick.

There are some of us here still who have fond memories of Senator Anderson from the time of her appointment by the Right Honourable Pierre Elliott Trudeau on March 23, 1978, to her retirement in the summer of 1990.

Margaret Jean Anderson was born August 7, 1915, at Burnt Church, an historical locality antedating the War of Conquest — which explains the event that was at the origin of its name. Burnt Church continues to make history to this day, certainly as concerns the native fishery.

However, Margaret Anderson spent most of her active life in Newcastle. She was President of W.S. Anderson and Company Ltd., a lumber enterprise. Her father, W.S. 'Staff' Anderson had been a minister for 17 years under two premiers in the provincial cabinet. It was only natural for Margaret to involve herself wholeheartedly in the party, serving as President of the New Brunswick Women's Liberal Association and on the women's commission at the federal level. That, however, did not take away from her many community activities.

There were few women in the Senate at the time of her appointment — so few that every new arrival was assured of press coverage at the national level. Indeed, she pointedly observed in an interview at the time the need for more women in the Red Chamber. Today, if she saw the result, she would probably say that there is still room for improvement.

Senator Anderson was in a class of her own. She did not feel the need to speak often here in committee or in caucus; content that others already voiced her own concerns. When she did speak, however, she would come emphatically to the point with candour and clarity. She scrupulously performed her duty. Senator Anderson served on the Banking, Trade and Commerce

Committee where, as Senator Murray put it at her taking leave of this place, "She was always constructive and showed a deep understanding" of complicated matters.

Honourable senators, I could say more but others wish to speak. Let me end by saying that this dignified, modest person was a sterling example of loyalty. Her work certainly added to the renown of the Senate and also to the Anderson name, not only in Northumberland—Miramichi, but also throughout New Brunswick and beyond. She was a pillar of strength and a beautiful person to be associated with.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it is an honour for me to rise as a New Brunswicker to pay tribute to a former senator, Margaret Jean Anderson, who represented our province and the beautiful Northumberland—Miramichi region of New Brunswick in this place.

Senator Anderson served in the Senate with good judgment, dedication and humility. In particular, her work on the Banking Committee was regarded by her colleagues as being thorough and even-handed.

Margaret Anderson brought considerable business experience to the Senate, having been president of the family business alluded to by Senator Corbin, W.S. Anderson and Company Ltd., a position she inherited from her father, Stafford Anderson. She also followed her father's tradition of public service, as he had served for 17 years as a New Brunswick cabinet minister. While a senator, the expertise she gained as head of a lumber company was applied to the issues she addressed, in particular her consideration of forestry policy in our province.

Improving the visibility of women in Canadian society was an essential part of Senator Anderson's public and private efforts. Within her church, she served as president of the United Church women, and from 1972 to 1976, she served as president of the New Brunswick Liberal Association. During this time, she was an advocate for a greater role for women within her party. Other organizations, such as the Victorian Order of Nurses and the Canadian Girls In Training, which impact upon women's lives, also benefited greatly — as did our society — from her efforts.

Honourable senators, Margaret Anderson was devoted to the Miramichi and throughout her life had significant involvement in its historical society, environmental society, and the curling, golf, and arts clubs. Her home province of New Brunswick and our people gained much from her participation in these organizations. Today, appropriately, we remember Senator Margaret Jean Anderson's remarkable contributions to this country and especially to her beloved province of New Brunswick.

Honourable senators, those on this side of the chamber extend our sincere condolences to her family.

Hon. Joseph A. Day: Honourable senators, I rise today to join honourable colleagues in paying tribute to the life of a fellow New Brunswicker, former Senator Margaret Anderson.

Senator Anderson was appointed to the Senate by Pierre Elliott Trudeau on March 23, 1978, and retired during the summer of 1990. She represented, as honourable senators have heard, the area of the Miramichi in New Brunswick — the area where she spent most of her life — and New Brunswick and the Atlantic region with knowledge and diligence that will not be soon forgotten.

When Senator Anderson was appointed, along with Senator Florence Bird in 1978, they were the fifteenth and sixteenth women to have been appointed to the Senate in its 110 years of history.

Honourable senators will understand, therefore, from hearing about her life and her role in politics, that she was on the vanguard of women participating in the political and business life of our country. Since that time, 52 other women have been appointed and sworn into this chamber. They have all made invaluable contributions to the work of this chamber.

Senator Anderson would be pleased with the turn of events, although undoubtedly she would continue to encourage us all to promote the causes that would expand the role of women in our society.

• (1340)

Before her appointment to the Senate, Senator Anderson was employed in the forest industry, rising to president of the family forest business of W.S. Anderson & Company Ltd. I was familiar with her work in Newcastle in that particular business.

She also served on a number of organizations, as honourable senators have heard, including the United Church of Canada, Canadian Girls in Training and the Victorian Order of Nurses. In addition, she served for several years as President of the New Brunswick Women's Liberal Association, an association that continues to play a very active role in the political life of New Brunswick. This position allowed her to promote the role of women during the implementation of the Program of Equal Opportunity, begun by another former senator, Louis Robichaud, that was unfolding in the province of New Brunswick.

During her time in the Senate, Senator Anderson was a prominent member of the Standing Senate Committee on Banking, Trade and Commerce. Her peers at the time noted that she was always prepared, as senators normally are, and that she always asked pertinent and knowledgeable questions of the witnesses who appeared before the committee. In addition, it was noted that her proposed solutions to the concerns of the committee were always based on common sense and wisdom. Always placing the welfare of the nation ahead of partisan concerns and considerations, she made a tremendous contribution to the lives of all Canadians.

I join all honourable senators in expressing to the family and friends of Senator Margaret Anderson our heartfelt condolences on her passing.

Hon. Rose-Marie Losier-Cool: Honourable senators, I feel that I must add my words to the tributes for Senator Anderson today. I did not have an opportunity to work with her in the Senate. However, my first experience with her and with the Senate was when I came to Parliament Hill to lobby with the Canadian Teachers' Federation. Now I know what it is like when interest groups lobby senators and members of Parliament.

Senator Anderson's home was very close to mine. I remember what she told me. She said, "You are from New Brunswick. You must go out and work hard to encourage high school girls to become involved in politics." I am sure now that Senator Anderson would be happy to see the number of female senators from New Brunswick.

Honourable senators, I agree with all of the previous speakers: Senator Margaret Anderson was a great woman and a devoted and ardent person.

THE LATE MURRAY DRYDEN, C.M.

Hon. Francis William Mahovlich: Honourable senators, yesterday we paid tribute to two great Canadians, Claude Ryan and Robert Stanfield. Today, I want to pay tribute to a real warrior, a front-line man, Murray Dryden, who passed away last week at the age of 92.

Born in Domain, Manitoba, the eldest of eight, he worked on the family farm and attended school until 1928 when he moved to Winnipeg to look for a job. He rode the rails in search of work, sleeping in train stations, all of which made him appreciate a good night's sleep.

In 1938, he married Margaret Campbell and they moved to Toronto, where Mr. Dryden made a decent living selling building materials. In the 1950s, he developed a passion for photography, which started by taking pictures of his children, specifically his sleeping daughter Judy. Watching her in a peaceful slumber reminded him of harder times. Friends loved the pictures so much that they asked Mr. Dryden to take some of their children as well. Before long, he began snapping photos of sleeping children all across Europe.

Upon his retirement, this socially conscious person decided to make a difference. He and his wife Margaret created a home-based charity called Sleeping Children Around the World. While his sons Ken and Dave were stopping slapshots in the NHL, Mr. Dryden was travelling to distant places like India, doing what he could to help alleviate suffering in poor nations. So far, the charity has raised over \$15 million to provide bed kits to over 700,000 children in 31 countries.

In 1988, Mr. Dryden sold three Christmas tree farms for \$3.5 million to finance his charity, ensuring that 100 per cent of the donations would continue to go to charity. I conclude with a quote from Mr. Dryden:

I know the difference between being poor in Canada and being poor in Bangladesh. Remember, they have no welfare system, no medicare and very few charitable organizations in these countries. It is when there is so little hope for people, such as those people in developing countries, that we must work to improve conditions.

THE LATE DANIEL GORDON SKALING

Hon. Norman K. Atkins: Honourable senators, a week ago Saturday, I attended a memorial service at Christ Church Cathedral in Fredericton, New Brunswick, for Daniel Gordon Skaling, known to many of his friends as "Captain Dan," a title acquired from his service in the Canadian navy. The occasion was a great tribute to someone who was loved and admired by many. This was no ordinary Canadian.

While working with the New Brunswick provincial government in the Department of Commerce and Development, one of Dan's lasting accomplishments was the creation of the Regional Economic Development Commissions, which are now known as Community Economic Development Agencies.

Dan was Deputy Minister of Tourism in New Brunswick. He played a key role in the development of tourism infrastructure in the province. He further served as Chief of Staff to Canada's Minister of Mines and Forestry, the Honourable Gerald Merrithew. In that role, he travelled this country extensively and developed a keen knowledge and insight into Canadians from coast to coast, which served him well in many capacities. More recently, Dan was the Chairman of NB Power's Board of Directors and the President of Venture Communications.

Dan was a remarkable individual who loved New Brunswick and served the province and community in many different ways. Dan volunteered his time on behalf of Partners for Youth, the University of New Brunswick, St. Thomas University, the University of Moncton, the New Brunswick Adoption Foundation and many other charitable organizations. He further served on the boards of the Economic Developers of Canada, the Canada Standards Council, SMI Industries and Algonquin Properties Ltd.

Dan was a decent, loyal, committed individual who loved life and lived it fully. I believe he had the admiration and respect of all those who were associated with him.

Honourable senators, Dan Skaling touched many lives during his lifetime. He will be missed by his multitude of friends, his wife and his two children, Andrew and Jennifer.

THE SENATE

DEBATES BRANCH SERVICES FOR HEARING IMPAIRED

Hon. Lise Bacon: Honourable senators, the Debates Branch of the Procedure Office, Legislative Services, in collaboration with Information Management, continues to broaden the Senate's services to the hearing impaired.

[Translation]

The real-time transcription of the proceedings of the Senate, produced by the parliamentary stenographers, is now available in both official languages in Senate offices, through the OASIS television network, on channel 19 in English and 20 in French. Viewers may choose their channel and listen to the proceedings as they follow the text on screen.

[English]

The same real-time transcription system also forms the basis for the closed captioning of CPAC-televised committees and the communication access real-time translation system, or CART, provided to hearing-impaired senators in the chamber, committee meetings and the reading room. As well, to better accommodate hearing-impaired visitors to the Senate chamber, the same service will be provided through the new TV monitors installed in the public galleries.

[Translation]

These improvements in transcription have been made in order to fulfil the Senate's commitment to persons with physical disabilities. The measures undertaken by the Senate responded to the concerns expressed by a number of colleagues, including Senator Robertson and Senator Carstairs, with the wholehearted support of Senator Gauthier.

[English]

In the application of real-time transcription, the Senate has become a leader. No other comparable institution makes available its chamber and committee deliberations in both official languages in real-time simultaneously. The reporters, interpreters and technicians who work together so closely have made this possible. Their efforts deserve both our thanks and our congratulations.

Hon. Senators: Hear, hear!

• (1350)

PRIME MINISTER

AUDITOR GENERAL'S REPORT— INVOLVEMENT IN SPONSORSHIP PROGRAM

Hon. Pat Carney: Honourable senators, Liberal Prime Minister Paul Martin is claiming that he knew nothing about the wrongdoing in the Quebec sponsorship scandal revealed by Auditor General Sheila Fraser this week, claiming that the misallocation of hundreds of millions of dollars is the work of bureaucratic bandits who hid their criminal activities from the government.

In fact, as finance minister, he could not have been ignorant of the hijacking of taxpayers' money and its diversion into the pockets of Liberal-friendly advertising communications firms. That is because he and his officials were directly involved in the Treasury Board process, which authorizes all government expenditures. That is a fact he cannot and should not seek to deny.

[Senator Mahovlich]

Honourable senators, I served as President of Treasury Board under the Mulroney government. Mike Wilson served as finance minister for years. Both of us agree that sums of this magnitude could not have escaped Treasury Board scrutiny, and Mr. Martin and his officials were part of that scrutiny.

The Treasury Board is the only cabinet committee mandated by Canada's 1867 Constitution. It was set up by our first Prime Minister, Sir John A. Macdonald. It examines and assesses the proposed spending plans of government departments and reviews the development of approved programs. This information is confirmed by the information posted today on the Liberal government's Web site.

Traditionally, finance ministers are members of the Treasury Board. The sponsorship program started in 1997, and the regulatory plan for that year states that the board consisted of the President of the Treasury Board, the Minister of Finance and four other ministers.

In 2003, members of the Treasury Board included the Honourable John Manley, then finance minister. The current members include Finance Minister Ralph Goodale. It is beyond credibility for Paul Martin to deny his past role in this central agency of government.

When I was President of the Treasury Board, each item reviewed contained a notation of approval or disapproval by the Department of Finance, and former Finance Minister Michael Wilson today confirmed this in a telephone conversation with me. In my case, if the cabinet item indicated that Finance had no concerns, the matter was dealt with on a routine basis. If Finance did have concerns, either officials or the minister himself appeared before the board to express his views.

We do not know at this point what concerns, if any, Paul Martin expressed when government expenditures were reviewed. However, we do know without a doubt that his officials were part of the review process. We also know that in a small insular world of the "town," as insiders call the senior bureaucracy, any doubts about the efficacy of government spending are widely circulated and discussed. It is inconceivable that the massive misappropriation of funds from the Department of Public Works would have escaped comment. To suggest otherwise is to discredit the work of many widely respected and conscientious bureaucrats who would have properly brought the matter to their minister's attention.

It is interesting to note the board's current Web site states that on December 12 — the day Paul Martin took office as Prime Minister — the functions and mandates of the Treasury Board have been amended to ensure that the secretariat provides "advice and support to Treasury Board ministers in their role of ensuring value for money."

This amendment is simply window-dressing, confirms former Finance Minister Mike Wilson. Value for money is what the Treasury Board has been all about since the time of Sir John A. Macdonald. Why did Prime Minister Paul Martin feel the need to change the mandate in place when he served on the board as finance minister?

As respected historian Michael Bliss has stated, he was either complicit in deceiving taxpayers or he was incompetent. Neither excuse will satisfy Canadians.

DEPORTATION OF SONG DAE RI AND HIS SON

Hon. A. Raynell Andreychuk: Honourable senators, Canada is a signatory to the Rome Statute of the International Criminal Court. In the Rome Statute, the preamble indicates that those signatories are determined to put an end to impunity for the perpetrators of crimes against humanity, genocide and war crimes.

It is no longer acceptable to say, "I was not in control," or "I just received instructions." All those who are complicit and involved in the regime are accountable and therefore within this philosophy of the international court. Our refugee and immigration laws should, and in most cases do, mirror this understanding.

Therefore, when one is an officer, agent or diplomatic officer, one is taken to be part of the repressive regime. Therefore, it is quite right for our immigration board to rule strictly, adhering to these principles if no evidence to the contrary is found. It is precisely, therefore, the obligation of the minister to take into account humanitarian and other circumstances to ensure that justice prevails. For every ironclad rule, history teaches us that exceptions can and should be made.

Therefore, I urge the Government of Canada, through the minister, to respect the immigration board's actions and instead use their own discretions to create the compassionate and just result for Mr. Song Dae Ri and his son. If newspaper reports can be relied on, there is no risk to Canadian safety and security, and exercising compassion and humanitarian reasons would not be seen to be impunity for a perpetrator. Rather, it would support the ultimate aim of bringing peace, security and well-being both to Canada and the world.

I plead that the government take into account its humanitarian responsibilities.

[Translation]

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON FORTIETH ANNIVERSARY AS PARLIAMENTARIAN

Hon. Gerald J. Comeau: Honourable senators, it is with great pleasure and in friendship that I rise today to pay tribute to the Honourable Senator Prud'homme on the occasion of his fortieth anniversary in the Parliament of Canada.

I have known the honourable senator for a long time. In 1984, when I was a member of the House of Commons, I met him for the first time on Parliament Hill, and I recall that he invited me to a reception at the Embassy of Saudi Arabia, which I greatly enjoyed.

Senator Prud'homme is a man of passion, great energy and remarkable determination. He is never hesitant about expressing his opinions and feelings, sharing the benefits of his experience or offering advice. The honourable senator is a Parliament Hill legend. No one could accuse him of not doing the impossible to defend the interests of the constituents in Saint-Denis when he was in the House of Commons.

We are all aware of his devotion to Quebec, the province of his birth, and his no lesser devotion to Canada. He has always been proud to proclaim himself a French Canadian.

Bravo, Senator Prud'homme! My sincere congratulations on your 40 years of service. I invite all honourable senators to join me in paying tribute to our colleague and in recognizing the quality of his commitment.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 12, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIRST REPORT

Your Committee, in accordance with the *Parliament of Canada Act*, met during the period of prorogation between the 2nd and 3rd sessions of the 37th Parliament, and before the members of its successor Committee were appointed. Your Committee wishes to report to the Senate the decisions taken.

Supplementary Estimates 2003-2004

Your Committee has approved Supplementary Estimates (B) for the fiscal year 2003-2004 and recommends their adoption. (Appendix A)

Your Committee notes that the proposed Supplementary Estimates total \$3,574,600.

Main Estimates 2004-2005

Your Committee has approved the Senate Estimates for the fiscal year 2004-2005 and recommends their adoption. (Appendix B)

Your Committee notes that the proposed total budget is \$73,551,950.

An overview of the 2004-2005 budget will be forwarded to every Senator's office.

As Chair of the Committee since October 2002, I would like to thank all the Senators who served on Internal Economy for their contributions to the Committee.

Respectfully submitted,

LISE BACON
Chair

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

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 12, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SECOND REPORT

Your Committee recommends that the following funds be released for fiscal year 2003-2004.

Rules, Procedures and the Rights of Parliament

Professional and Other Services	\$ 3,600
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
TOTAL	\$ 3,600

Social Affairs, Science and Technology (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 300
TOTAL	\$ 3,300

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1400)

FOREIGN AFFAIRS

BUDGET REPORT OF COMMITTEE ON STUDY OF TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, February 12, 2004

The Standing Senate Committee on Foreign Affairs has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, February 10, 2004 to examine and report upon the Canada—United States of America trade relationship and the Canada—Mexico trade relationship, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada for the purposes of its examination.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

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

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Gérard-A. Beaudoin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(*For text of report, see today's Journals of the Senate, p. 87.*)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Marjory LeBreton: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the

first report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(*For text of report, see today's Journals of the Senate, p. 87.*)

BANKING, TRADE AND COMMERCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Richard H. Kroft: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(*For text of report, see today's Journals of the Senate, p. 89.*)

[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-13, to Amend the Criminal Code (capital markets fraud and evidence-gathering).

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]

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-14, to amend the Criminal Code and other acts.

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]

SEX OFFENDER INFORMATION REGISTRATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-16, respecting the registration of information relating to sexual offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

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]

AMENDMENTS AND CORRECTIONS BILL, 2003

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-17, to amend certain acts.

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]

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—FIRST READING

Hon. Pierre Claude Nolin introduced Bill S-12, to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations).

Bill read first time

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

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

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF BUREAU, JANUARY 21-23, 2004—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, under rule 23(6), I have the honour to present, in both official languages, the report

of the Canadian branch of the Assemblée parlementaire de la Francophonie as well as the related financial report. The report concerns the APF Bureau meeting, held in Cayenne, French Guiana, from January 21 to 23, 2004.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON HEALTH ISSUES SURROUNDING REPORT ON STATE OF HEALTH CARE SYSTEM

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness;

That the papers and evidence received and taken by the Committee on the study of mental health and mental illness in Canada in the Second Session of the Thirty-seventh Parliament be referred to the Committee, and

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

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, February 18, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1410)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTING OF THE SENATE

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, February 25, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRIVATE MEMBERS' BUSINESS

Hon. Sharon Carstairs: Honourable senators, I give notice that on Monday, February 16, 2004, I will move:

That the Standing Committee on Rules, Procedure and the Rights of Parliament study the manner in which Private Members Business, including Bills and Motions, are dealt with in this Chamber and that the Committee report back no later than November 30, 2004.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY REGULATIONS, PRACTICES, CUSTOMS
AND CONVENTIONS OF OTHER LEGISLATURES

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that Monday, February 16, 2004, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament examine the rules, practices, customs and conventions of other legislatures in order to prepare the draft modern and democratic rules thereby following up responsibly on petitions to the Senate.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

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

[Later]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

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

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON MATTERS RELATING
TO STRADDLING STOCKS AND FISH HABITAT

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Senate Standing Committee on Fisheries and Oceans be authorized to examine and report on matters relating to straddling stocks and fish habitat;

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

That the Committee submit its final report to the Senate no later than Monday, May 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON QUOTA ALLOCATIONS AND
BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Senate Standing Committee on Fisheries and Oceans be authorized to examine and report on matters relating to quota allocations and benefits to Nunavut and Nunavik fishermen;

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

That the Committee submit its final report to the Senate no later than Monday, May 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

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

NOTICE OF MOTION TO PERMIT COMMITTEE
TO ENGAGE SERVICES

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

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

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Richard H. Kroft: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Richard H. Kroft: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—
PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I have the honour of tabling, in this house, a petition bearing 1,000 signatures, bringing the total to 24,834, calling for Ottawa, the capital of Canada, to be declared a bilingual city reflecting the country's linguistic duality.

The petitioners are asking Parliament to consider the fact 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.

[English]

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as a 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.

QUESTION PERIOD

PRIME MINISTER

AUDITOR GENERAL'S REPORT—
SPONSORSHIP PROGRAM—INVOLVEMENT

Hon. Pat Carney: Honourable senators, my question is directed to the Leader of the Government in the Senate, who yesterday, when asked what did Paul Martin know and when did he know it, told this chamber that the finance minister, Mr. Martin, knew nothing of this issue when he was finance minister, nor would anyone expect the Minister of Finance to know about this issue.

In view of the fact that the Minister of Finance was a member of Treasury Board, which does approve program expenditures, would the Leader of the Government in the Senate please elaborate on why he would know nothing about the material that was presented to Treasury Board?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for her question and for the senator's statement, which is a preamble to her question. That allows me to better understand the basis of her argument.

In 1995, I believe, the Government of Canada changed the role of Treasury Board and adopted a doctrine which in the business community is known as "let managers manage." As a result, Treasury Board no longer continued to overview matters in which expenditures, once authorized to departments, were controlled. Person years were no longer controlled. Departments were given an envelope of funds. Parliament voted funds under certain lines of expenditure and then the departments were given the authority to conduct those expenditures.

An internal audit system in each department replaced the Treasury Board function. It was established to ensure that the former Treasury Board function was carried on within the department and under the authority of the deputy minister.

Senator Lynch-Staunton: Like the lunatics running the asylum.

Senator Carney: I thank the Leader of the Government for that explanation, although clearly it would not be a matter of letting the managers manage but of letting the managers mismanage. To those of us on this side, it would be a whopping disregard of government responsibility if government expenditures were turned over to the departments without an overview.

How could that system actually work in an operational sense, since Finance is involved in the scrutiny of expenditure programs? Whether it is the department or Treasury Board, how could Mr. Martin say that his officials were unaware of what was happening on this program?

Senator Austin: Simply put, what took place was not a situation where there were no rules. To put it the other way around, rules were in place to provide for overview and to control expenditures. In this situation, according to the Auditor General, a group was established that abused the rules, disobeyed the rules and ignored the rules. Of course, if that is the case, no report to Treasury Board asking for rulings or disclosing their activities is likely to have been made. Therefore, the system did not allow pre-audit control.

• (1420)

In the times that Senator Carney and I were in cabinet, we had a pre-audit system through which every expenditure and hiring was controlled by Treasury Board; and the Department of Finance was, of course, represented at Treasury Board. A business doctrine then grew up in which members of Parliament in the other place and here said, "There is too much bureaucracy; there is too much control; give the deputy minister the authority to do these things."

I would be delighted to have the assistance of the Senate in looking at whether the new design was adequate. Let us not lose perspective. We are looking at a very small number of people in a very large department in a very large government, and it would appear, so far as we know, that the rules have worked effectively in every other case.

There is a question about whether letting managers manage is a desirable policy. There are advocates of that school, and they do not believe that the system has been broken by a group that was prepared to undermine and ignore the rules. However, it is clear that something must be done to deal with this phenomenon.

Senator Carney: Honourable senators, if that were the case, why did the Prime Minister feel it necessary, on the day he took office, to amend the mandate of Treasury Board by adding the words "value for money"? Why was it necessary to add, to the mandate of Treasury Board, to scrutinize spending for value for money as Prime Minister, when clearly value for money was not the mandate when he was finance minister? Why should Canadians have confidence in that kind of management?

Senator Austin: Honourable senators, I know Senator Carney is a student of Canadian politics and, therefore, will know that during the leadership campaign of the Liberal Party, Prime Minister Paul Martin was aggressive in suggesting the introduction of comptroller functions within every department. Either he was not satisfied with the 1995 decision or he became

dissatisfied as the practices of that decision emerged, so he was calling for much tighter controls and a greatly enlarged role for Treasury Board. There is no question that the 1995 policy was not the end of the line in terms of management of government.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—OFFICIALS INVOLVED

Hon. W. David Angus: Honourable senators, it is clear to us all that we are in the vortex of the most far-reaching and abusive scandal in Canadian history. As I suggested here yesterday, one finds it very difficult to resist the emotions of embarrassment and shame — embarrassment for Canada and shame vis-à-vis our government and our national police force, the Royal Canadian Mounted Police. Yet, the government leader in the Senate belittles it — "a very few people in a very large department" — and the Prime Minister is desperately attempting to marginalize the impact of the sponsorship scandal by blaming it on what he is calling "a small group of 14 federal employees."

Is this really the case? Can the Leader of the Government in the Senate please name for us these 14 so-called "rogue" civil servants and tell us why they have not been named sooner and called to account? Are they being used as scapegoats, like Ambassador Gagliano, as part of this hapless effort to duck more widespread responsibility?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Angus for a much shorter preamble than yesterday.

If the reference is to 14 persons in the Auditor General's report, then the honourable senator will have to direct his question with respect to who they are to the Auditor General.

Senator Angus: Honourable senators, at today's initial meeting of the Public Accounts Committee, the Auditor General, in response to the very first question put to her, said that these 14 names are available to the government, and indeed they were going to be delivered before noon today to that committee.

If the Leader of the Government in the Senate does not know who they are, I think he owes it to his colleagues in this chamber to tell us that he does not know who those 14 rogue civil servants are.

Senator Austin: Honourable senators, Senator Angus is absolutely right. I do not know those names; I do not know those people; and I am delighted that the honourable senator has information that I do not have. That tells me that I need to speed up the flow of information to my desk.

Senator Angus: The leader has the same government-paid TV in his office as I have in mine.

Can the Leader of the Government in the Senate please tell us when and if these employees — whomever they may be — will be suspended or otherwise relieved of their duties while the investigation continues, and what, if any other disciplinary action is being contemplated for these wicked culprits for their allegedly reprehensible breach of public trust?

Senator Austin: Honourable senators, I was tempted to jump to my feet and say that I believe that Senator Angus may have a bit more time to watch television than I have at the moment.

At the same time, simply as conjecture, perhaps Senator Angus has the answer to his question, because he is in receipt of more information on this topic than I am.

Senator Angus: Honourable senators, I have asked for the names of the 14 people. I do not know who they are because I am not a member of that committee. The honourable senator has told his colleagues that he does not know who they are. I accept that answer and I would ask the Leader of the Government in the Senate to give us those names as soon as possible.

Senator Austin: Honourable senators, as soon as those names are made available to me, I will send them to all honourable senators so that they have the information.

With respect to the other part of Senator Angus' question, the Treasury Board and, to the extent that it has a role, the Public Service Commission are now examining the statements in the Auditor General's report in order to determine what actions might be appropriate with respect to persons unknown to me.

Senator Angus: I thank the Leader of the Government for that answer. However, the Prime Minister was quoted in today's *Globe and Mail* as saying that this thing is "confined", "well covered up and concealed," "an ingenious scheme by 14 public servants."

That blame has been publicly laid; it has been laid by the highest elected officer of this country: our Prime Minister. I am very serious; I am not trying to make a joke. I am trying to adhere to the principles of comity by asking the Leader of the Government in the Senate, in his position as our representative of the government in this chamber, who they are and what punishment will be levied. Are they being relieved of their duties? Clearly the government knows who they are or they would not say that they are the ones who caused the scandal.

Senator Austin: Honourable senators, it is my information that the number 14 and the description of "a small group" are words used by the Auditor General in her report. I believe any reference to it is simply that.

Hon. Marjory LeBreton: Honourable senators, last night on CTV Craig Oliver had an excellent question for the government. Since the 14 people have been identified, why is the government having the public inquiry?

• (1430)

THE SENATE

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—LEADER OF THE GOVERNMENT'S RESPONSES TO QUESTIONS

Hon. Marjory LeBreton: My question is to the Leader of the Government in the Senate. During Question Period in the other place yesterday, with respect to the sponsorship scandal, four questions that contained the words "corruption" or "corrupt"

were put to the Prime Minister. Two of those questions used the words "culture of corruption," a phrase to which the Leader of the Government in the Senate took offence here yesterday. The Prime Minister answered three of those questions personally. At no time in his responses did he take issue with the use of the word "corruption."

Could the government leader tell us why he is "not prepared to answer questions based on a premise that alleges corruption," if his boss does so over in the other place?

Hon. Jack Austin (Leader of the Government): Honourable senators, I want to point out, with respect to Craig Oliver, that he was born and raised in Prince Rupert, British Columbia.

Senator Kinsella: And the point is?

Senator Austin: The point is that that is just as relevant as the reference to Craig Oliver in his newscast.

Senator Lynch-Staunton: That is the only straight answer you have given so far this week. You are getting there!

Senator Austin: With respect to the reference to the word "corruption" and the discussion in the Senate yesterday, we await the ruling of the Speaker in the Senate.

Hon. Marjory LeBreton: I have a supplementary question.

Honourable senators, during yesterday's Question Period in the other place, the Prime Minister stated three times that it was, as my colleague said, and the Prime Minister used the exact words, a "small group of people" who broke the law with regard to the sponsorship program. The Prime Minister did not use the word "allegedly." He said clearly that individuals broke the law. In fact, the government revealed yesterday that disciplinary proceedings had begun against 14 people as a direct result of the Auditor General's report.

Will the Leader of the Government in the Senate admit that these are no longer simply allegations of wrongdoing?

Senator Austin: Honourable senators, I have answered in the main already with respect to the major thrust of the question. However, it might be of assistance to Senator LeBreton to consider the possibility that these 14 people, whom I do not know, may not currently be subject to certain procedures. They may not now be members of the public service, which would limit recourse.

Senator Lynch-Staunton: You do not know who they are.

Senator Austin: I want to be helpful to Senator LeBreton so that she can take that into account in considering the situation.

Senator LeBreton: Honourable senators, as a final comment, the words I am using are not my own; I am using the words of the Prime Minister. He said that disciplinary proceedings had been initiated against 14 people. Honourable senators can understand our curiosity here. We are simply asking who these 14 people are.

Do the Leader of the Government in the Senate and the Prime Minister not talk about this? The government leader is at the cabinet table.

Senator Austin: Honourable senators, I want to come back to my answer to Senator Angus and my lack of information with respect to who these people are and my desire to know, at least as quickly as Senator Angus, what is going on around here so that I can be more helpful.

TREASURY BOARD

PERFORMANCE BONUSES TO OFFICIALS

Hon. Herbert O. Sparrow: Honourable senators, my question is for the Leader of the Government in the Senate.

There have been reports of performance bonuses having been paid to senior public service employees. I should like to have an explanation of the basis on which such bonuses are paid. For example, what class of employees are recipients of such bonuses? What percentage of that class receives those bonuses? What is the range of values of such bonuses? How many public service employees have been paid bonuses in this fiscal year? Will any further bonuses be paid in this fiscal year? What was the total amount paid in such bonuses? What are the names of the recipients and the amounts received of these bonuses over the same fiscal year?

Hon. Jack Austin (Leader of the Government): Honourable senators, I believe that the detail requested requires a written response. The information requested by the honourable senator will be supplied as soon as I am able to obtain it.

THE CABINET

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—AWARENESS OF OFFICIALS INVOLVED

Hon. David Tkachuk: Honourable senators, I return to the rogue ministers — because it is the rogue ministers, I think, as well as the rogue public servants. The Prime Minister has said that a small group of people within Public Works broke the law and got around the rules. Yesterday, the Leader of the Government in the Senate — who was quite upset about comments that were made on this side about the government's role in this scandal — asked us to name the politicians, but he had no trouble at all naming the public servants without naming their names.

I should like to know when the cabinet and the Prime Minister came to know about this small group of people, as the Prime Minister calls them, and the rogue group, as the minister calls them.

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate questions that lack innuendo, and I should like to answer the question, but "rogue ministers" is spoken in the plural. Does the honourable senator have information, or is he making a charge? Does Senator Tkachuk have names that he would like to offer?

Senator Tkachuk: It was the Prime Minister who said that a small group of people within Public Works broke the law and got around the rules.

My question for the Leader of the Government is this: When was the cabinet and when was the Prime Minister informed of this group of people?

Senator Austin: Honourable senators, under our constitutional and conventional practice, I am not permitted to discuss cabinet business in this place.

The only thing I can tell honourable senators is that, when this government received the report of the Auditor General, it began to respond to it. As honourable senators know, responses to the report began on February 10. Prior to the release of this report, management issues were addressed — because, as I said earlier this week, an internal audit process, which came out of the management system that I described earlier today, identified problems. Minister Boudria, when he became Minister of Public Works, asked the Auditor General to study the initial report of the internal audit committee and to find out more about the issues that were raised. That gave rise to the work that was published on February 10.

Senator Lynch-Staunton: On the auditor's recommendation.

Senator Tkachuk: I am a little confused.

Senator Lynch-Staunton: We all are.

Senator Angus: Obfuscation. Let's have Senator Carstairs back.

Senator Tkachuk: It was a small group of people within Public Works who broke the law and got around the rules. If the Prime Minister knew that these people broke the law, it means they committed a criminal offence. When was the cabinet informed? What action did the cabinet take? Were the police telephoned? Did cabinet turn the files over to the Solicitor General? Was the Minister of Justice brought in? What happened here?

Senator Austin: Because Senator Tkachuk has not been following the public record very well, let me enlighten him.

Senator Tkachuk: Please do.

Senator Austin: The honourable senator will recall that I just said that Minister Boudria, when he became Minister of Public Works, brought in the Auditor General.

Senator Lynch-Staunton: Not on his own.

Senator LeBreton: After she made the report.

Senator Lynch-Staunton: She asked him to.

Senator Austin: When certain issues were raised respecting one of the advertising companies, the RCMP decided to take an interest. That process was ongoing more than a year ago — I believe almost a year and a half ago. The cabinet of that day was obviously informed about certain levels of investigation and inquiry. However, I, as a minister in this government, have no way of knowing what they knew and when they knew it.

• (1440)

Senator Tkachuk: Well, obviously, there was no need for me to follow the public record because I am no more enlightened now than I was earlier. The honourable senator has simply repeated the public record. It is my understanding that the Prime Minister and the Leader of the Government in the Senate claim that people broke the law and that, as Senator Angus pointed out, the Auditor General would forward the names of those people. Obviously, the Prime Minister and members of his cabinet must know those names or they would not have known that those people broke the law.

I ask the honourable leader: When was the cabinet informed that there was a conspiracy of rogue civil servants? When did it happen? What action did the Prime Minister take? What action did cabinet take when they were informed of this obvious criminal problem in one of their departments?

Senator Austin: It is difficult, honourable senators, to inform the Honourable Senator Tkachuk of the facts when he broaches the issue with a particular objective in mind. The facts may not suit his objective and, therefore, the honourable senator may not be satisfied with the answers but I will try again. In her report, the Auditor General made it clear that rules, practices and perhaps the law — in that she made reference to a breach of the Financial Administration Act — have been the subject of actions that do not conform by a small group in the Department of Public Works and Government Services. I do not know whether the honourable senator is making the Auditor General's statements into the words "criminal action."

Senator Tkachuk: The Prime Minister "broke the law" in the House of Commons.

Senator Austin: Whether the honourable senator is drawing the conclusion that those actions were criminal, certainly one of the purposes of the judicial inquiry is to determine the nature of those actions and to make recommendations to Parliament.

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary question for clarification.

I heard the Leader of the Government in the Senate say that cabinet secrecy cannot be disclosed in this place. However, I also heard his statement indicating that the previous cabinet obviously received information about the Solicitor General's report. Am I correct in what I heard?

Senator Austin: Did the honourable senator say Solicitor General?

Senator Andreychuk: With my apologies, I meant to say Auditor General.

Senator Austin: Honourable senators, I did not say that I knew they had received the information. I did not refer to the Auditor General's report. Rather, I said that they must have received information on the inquiries that had been initiated.

I do not know whether the Auditor General made a report to the previous cabinet. I do not know what took place in the previous cabinet and I am not in a position to advise on what took place then. I am certain that eventually, as the Prime Minister has said, the judicial inquiry will get to the bottom of all of these issues. Everything that the judicial inquirer, Mr. Justice John Gomery, wants to know will be made available to him under the authority of this government.

PUBLIC WORKS AND GOVERNMENT SERVICES

CONTINUATION OF SPONSORSHIP PROGRAM

Hon. Terry Stratton: Honourable senators, on December 13, 2003, the Prime Minister announced:

The Government of Canada today announced that effective immediately the Sponsorship Program will be eliminated and Communication Canada will be disbanded by the end of the fiscal year.

Today, in the *Ottawa Sun*, it is reported that the sponsorship program will drag into the summer and that those public servants working on the files will stay on.

Could the Leader of the Government in the Senate tell the house when those 100 sponsorship files were approved? Are they expected to be completed? Why is the program continued when the Prime Minister clearly stated that it was to be discontinued by the end of the fiscal year?

Hon. Jack Austin (Leader of the Government): Honourable senators, I can tell the honourable senator that after a further examination of the programs, we know that a number of them will continue beyond the end of the fiscal year. Otherwise, a number of communities and organizations would be deprived of the funds that they were assured of receiving for their government-supported programs.

I am certain that Senator Stratton is not making the argument that they should be cut off and that those organizations should not be assisted as was agreed to by the government.

Senator Stratton: Honourable senators, I did not intend to ask that question. My question is: Have all of those continuing programs been examined to ensure that they are "clean" and operating above board?

Senator Austin: The answer to that, honourable senator, is yes. When the Honourable Ralph Goodale became the Minister of Public Works and Government Services Canada, he initiated a complete review of every file; rules were changed; practices were changed; documentation for every one of those files exists; and the value analysis for each application exists.

Senator Stratton: If I may, then, why —

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

POINTS OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a point of order. I could have raised this yesterday but I waited for the full transcript of the alleged disorder before raising the issue in respect of the status of Bill S-7, respecting the effective date of the representation order of 2003. I have a strong sense that the decision in the transcript and the journals do not reflect what actually happened.

The transcript can be found in the *Debates of the Senate* of February 11, 2004, page 136. After Senator Kinsella moved second reading of Bill S-7, the following dialogue took place:

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

Some Hon. Senators: No.

Senator Kinsella: What was the vote?

The Hon. the Speaker: When I asked, I heard no to the question of adopting the motion.

I maintain that at that time the Senate decided unfortunately. We have to ensure that proper procedure is practised in this place, as that process had the effect of denying second reading.

I will continue the exchange from yesterday's *Debates of the Senate*:

Senator Kinsella: What was the result of the vote?

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

Honourable senators, I maintain that there was a vote and that it was on the question of whether Bill S-7 should move to second reading and the noes, according to the Speaker, had been entertained, as was reflected in his words: "...I heard no to the question..." The Speaker then went on to say, "I heard from the voices that there was not to be an adoption of the motion...."

• (1450)

Twice, His Honour decided that the noes had denied second reading. It was not to support the vote but to point out that a decision was taken which, according to the transcript and the *Journals of the Senate*, was not respected, because His Honour then went on to ask, "Are honourable senators ready for the question?"

There was only one question before the Senate, which was: "Should we move on to second reading?" Twice before, His Honour asked if we were ready for the question, and he had maintained that the decision had been no.

His Honour asks, "Are honourable senators ready for the question?" and honourable senators say "No." In fact, three times, unfortunately, this chamber said "No, we do not want to proceed to second reading." This is the interpretation I give to what I heard yesterday. As I said, I did not want to raise the matter because I wanted to see the transcript. There might have been corrections, as is only normal for clarification purposes, and

I wanted to see the *Journals of the Senate*. After these three noes Senator Rompkey moved adjournment of the debate. My interpretation is that there was no debate to adjourn. Unfortunately, the Senate did not support Senator Kinsella's bill to the point that it refused second reading of the bill.

I make these comments only to clarify the procedure, not to support the decision. I would like His Honour to maintain, unfortunately, my point of order.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I did take the adjournment because it is Senator Kinsella's bill. My understanding from him earlier in conversations was that he would make the motion but not speak. In fact, I was ready to move the adjournment.

I heard no such voice vote, and in point of fact the question was not put. I would argue that a motion to adjourn the debate was in order. It was our intention all along to adjourn the debate and not to have the question put.

Senator Stratton: Intention is not reality.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am in a very unusual position. I wanted my bill adopted at second reading.

Senator Di Nino: And at third reading.

Senator Kinsella: The only motion before this chamber was the motion that I made, seconded by the Honourable Senator Stratton, that Bill S-7 be read a second time. His Honour put that question. He heard, as is reported in the day's Hansard, that the answer was no.

I asked the question: "What was that vote?" because I thought I would get a "yes." I thought that the issue was so well understood that everyone would have agreed and would have adopted this bill at second reading. When I first asked, "What was the vote?" His Honour said, as reported at page 136 of the *Debates of the Senate*:

When I asked, I heard no to the question of adopting the motion.

The only motion before this house was the motion that I made, seconded by the Honourable Senator Stratton, that Bill S-7 be read the second time.

His Honour gave a decision: "I heard no to the question of adopting the motion." His Honour then added, "Does Senator Kinsella wish to speak to the motion?" A motion that had already been adopted? It was totally out of order for the Chair to say that. How many times is a motion put and adopted?

Senator Robichaud: The question was not put and the honourable senator knows that.

Senator Kinsella: The question was put. That is the point. Had it not been put once, I asked a second time: "What was the result of the vote?" His Honour says, "There has been no vote." Well, there had been a vote and a decision was taken and recorded by His Honour.

Senator Lynch-Staunton then said, "It was an expression of approval." In fact, it was an expression of disapproval.

His Honour then said, "I heard from the voices that there was not to be an adoption of the motion." A second time, His Honour tells us that the motion — we were being told twice — was not adopted. He then says, "I will proceed in a more formal way...."

Honourable senators, there is absolutely nothing in the rules of this place that talk about a formal motion or an informal motion or a third-time motion or a second-time motion. A question is put, the house responds to the question and a decision is made. One side or the other might not like that decision. They may say, "Can we vote on that another time?" They may say, "Can we vote on it a third time?" The rule is clear: We vote once. The question was clear. It was on the Notice Paper. Everyone knew what the motion was. His Honour put the motion to read the bill the second time. We all had a copy of it. We knew exactly what was happening. It was self-evident. As Senator Rompkey has just said, I told him, "I will not be speaking to the bill at second reading. I will be moving the bill." No tricks were being played. I put the motion because I thought that there would be unanimous consent at second reading. Everyone knows exactly what this bill is all about. We dealt with another bill very similar to it before we broke before Christmas. The question was put. His Honour twice said that the noes have it and I was devastated. That was the decision of the house.

Your Honour, having this bill on the Order Paper today is totally out of order. The decision was taken by the house. The motion was negatived.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I believe that yesterday, when discussing the bill that was the subject of the point of order, we followed our customary procedure. When a bill is introduced, the Honourable Speaker of the Senate asks the question, "Is it your pleasure, honourable senators, to adopt the motion?" The honourable senators on each side of the chamber respond by saying yes or no. Sometimes, the honourable senator sponsoring the bill wishes to speak, and even if senators from both sides have already spoken, we take the time to listen to the sponsor or other honourable senators who wish to speak to the bill. This is the usual practice here, to give senators a chance to find out what we are discussing.

Once the debate is over, the Honourable Speaker asks the honourable senators if they are ready for the question. At that time, the vote is on the motion for second reading, as is the usual practice.

I believe that we followed a practice which is customary in this chamber and accepted by all the honourable senators.

Senator Lynch-Staunton: I agree with Senator Robichaud that it is quite normal, when second reading is called, for us to answer with a yes or a no. That is the traditional and customary practice.

[Senator Kinsella]

[English]

However, in this case the noes were heard and certainly some yeses were heard. Senator Kinsella asked to make sure exactly what His Honour heard. He asked, "What was the vote?" Instead of saying, "There was no vote; you people just said yes and no, but we will carry on to second reading," Your Honour agreed that there was a vote by saying, "When I asked, I heard no to the question of adopting the motion." His Honour then had the opportunity a second time, when Senator Kinsella asked, "What was the result of the vote?" His Honour then said, "I heard from the voices that there was not to be an adoption of the motion..."

• (1500)

Nothing could be clearer than His Honour deciding that, unfortunately, second reading had been refused. It is not something that we support. We are actually arguing against ourselves, those of us who support this bill, but we feel that overriding whatever personal interest we have in the bill is a desire to see that our procedures are followed properly.

If the Senate decides that it wants to do something else, let it do so. I feel, unfortunately, that what it has done, unwittingly or not, is to kill this bill. This is the point of order that I have raised, Your Honour.

The Hon. the Speaker: Honourable senators, the question raised here is not a question of Beauchesne or the rules. This is essentially a question that relates to the record. What transpired on the occasion or at that point in our proceedings has been brought into question by Senator Lynch-Staunton's point of order. I thank all honourable senators for their interventions.

I believe that this is an important matter that I should rule on now because the bill is on our Order Paper. Taking something off the Order Paper, having been disposed of by a procedure that is in dispute, is an important matter that we should have the answer to as soon as possible.

The issue, as I understand it, is that Senator Lynch-Staunton believes that the words that I used as your presiding officer — and I will not try to remember the exact words; I do not have the record in front of me — were to the effect that the motion was not adopted or that the vote was not to that effect. However, the substance of my words is clear. It was that whatever I said was regarded as a final disposition of whether a bill was to be given second reading and that — something very rare — the defeat of the bill at second reading occurred by virtue of my words.

The question as I recall — and it is fairly fresh in my memory — was no to what question? For me, the answer to that is no to final disposition of the matter at this time. The words "at this time" should have been used by me; I feel badly in applying them now to give a ruling on this matter. Of course, honourable senators can dispose of my ruling as they wish. However, our practices are important and should be observed with as much precision as possible.

We also have developed a way of doing our business, which I do not think is consistent with the precision that the point of order draws to my attention in terms of what normally happens at this early stage of debating a bill at second reading and finally disposing of it.

I did hear Senator Kinsella say that he did not intend to speak. I was a bit puzzled as to why he said that. I now know why he said that. He had had a discussion with his counterpart, which set the stage, as has been suggested by Senator Lynch-Staunton, for a quick disposal of the matter. I did not take it that way. I took it that we would be sensitive to the desire that senators often have to speak and that they are sometimes not paying close attention to the precise words, to the precise things that are happening in a moment. That is why, even though there is no rule to this effect, I take a moment to say that I will put a question in a formal way if I feel there is any confusion in the chamber.

My ruling is that the matter remains properly on the Order Paper and that we did not finally dispose of it through the words as provided for and stated in Senator Lynch-Staunton's point of order.

Senator Lynch-Staunton: You are contradicting your own words.

Hon. David Tkachuk: Honourable senators, I also rise on a point of order. We have had discussions in this chamber before about laptops. I notice that, in this chamber, people are using BlackBerries, passing them around, obviously for e-mail. I even notice that the members of the leadership on the other side are using BlackBerries. I wonder if they have received information on who those 14 people are.

I do not know whether using these devices is legal — that is the wrong word — or appropriate. Is it appropriate for us to have them in the chamber? If it is appropriate, perhaps those of us who cannot afford BlackBerries in our budgets can bring in our laptops, computers and other equipment, so that we can go about our personal business while we sit in this chamber being paid by the taxpayers.

BlackBerries are mini-laptops. I want to know if they are proper in this place and whether we can all bring them into the chamber with us.

Senator Rompkey: Honourable senators, my understanding is that devices are permitted in the chamber as long as they do not make noise or disturb other senators.

Some Hon. Senators: Oh, oh!

Hon. Terry Stratton: Honourable senators, I do not often stand in this place, but I must today. Who decides, other than the Senate, what interferes with other people? In my view, if I get the agreement of senators on this side that I can bring my laptop into the chamber and that everyone on this side can bring their laptops in, as long as there is no noise and as long as senators on the other side are not disturbed, that is perfectly all right.

That is the point to be made here. If we allow a device into this chamber, where does it stop? Where does it end before we have full-size laptop computers in here? What is the difference? Tell me.

Hon. Consiglio Di Nino: Honourable senators, it is simple: Let us find out what the rules say. If the rule is as described, then frankly it is something that I was not aware of, and I hope that the rule was not made just for the other side.

Some Hon. Senators: Oh, oh!

Senator Di Nino: Truly, I was not aware that we were allowed to bring these instruments into the chamber. My understanding is that they were forbidden by the *Rules of the Senate*. Let us find out. If that is the rule, then please clarify it for us.

Senator Kinsella: Honourable senators, I do not know whether the rules of the Senate apply any more.

Senator Robichaud: They do.

Senator Kinsella: On the outside chance that some reference may be made to them, I refer honourable senators to rule 19, which provides that:

During any sitting of the Senate...

(4) No person, nor any Senator, shall bring any electronic device which produces any sound, whether for personal communication or other use, into the Senate Chamber, whether on the floor, inside the Bar, outside the Bar or in the galleries; and

(5) The provisions of paragraph (4) above shall not apply in the case of sound amplification devices used to aid hearing, so long as such devices cannot be heard by other Senators.

Honourable senators, the key issue is the noise factor. Perhaps it needs to be studied by the Rules Committee because, while you may turn down the volume on all of your laptops and while sound may not be the issue, another sense, sight, can be an issue.

Senator Rompkey: The motor makes a noise.

Senator Kinsella: We had a discussion last year about the laptops used by our stenographers. They blocked views when they were opened up, and we made arrangements to deal with that problem.

Honourable senators, we should not ignore the rule that prohibits electronic devices, until such time as a rule is adopted positively stating which electronic devices can be brought into the chamber.

• (1510)

Hon. Anne C. Cools: Honourable senators, I have listened with a great deal of curiosity and bewilderment to what has been said.

Senator Rompkey's response is insufficient — as was Senator Kinsella's along with so many others.

Honourable senators, Senator Kinsella has put on the record the existence of rule 19(4), which relates to the question of the presence and the use of electronic devices in this house. What is at issue here is not the presence of an electronic device but the use of such equipment. The rule refers specifically to electronic devices that produce sound.

Honourable senators, we are misunderstanding the intention of the rule. The banning of electronic devices from the chamber has to do with the great privilege of Parliament, which is that the Houses of Parliament have exclusive cognizance and exclusive control over the recording, reporting, printing and publishing of its proceedings. That is the reason behind this set of rules.

For nearly 500 years — maybe a little less — Parliament has been very jealous about the reproduction of its proceedings. A host of rules, even laws, are in place about who can report and print parliamentary proceedings. This is what *Stockdale v. Hansard* was all about, the legitimate business of recording the Senate reporters and the reproduction and publication of parliamentary proceedings.

These people, the Senate reporters that we see here working so diligently quite often unnoticed, are zealously working to record and report every single word that we say. These rules are intended to protect this work of reporting our statements.

Let us keep things in perspective. What is crystal clear is that we have lost sight of the meaning of the maxim, lost sight of the meaning of the rule. Perhaps some clarification is in order.

Honourable senators, people are just not free to record in any way the goings on and the proceedings in this chamber. The rule also applies to strangers in this place.

The Hon. the Speaker: Do you wish a final comment, Senator Tkachuk?

Senator Tkachuk: I await a ruling from you, Your Honour.

The Hon. the Speaker: Senator Kinsella quoted rule 19(4). The operative words are “No person, nor any Senator, shall bring any electronic device which produces any sound...”

Senator Rompkey: Right.

The Hon. the Speaker: The rule continues as follows: “...whether for personal communication or other use...” Those are the operative words.

As to devices that fit within that rule, the rule speaks for itself — that is, devices that do not make any sound. This particular rule is the only one, I believe, that is relevant — although I have not checked Beauchesne. However, for our purposes, honourable senators, I will make the ruling based on our own rules that cover the subject, that is, that as long as the electronic device does not make any sound it does not offend our rules.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(5th day of resuming debate)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to have an opportunity to speak to the address in reply to the Speech from the Throne from February 2. I do extend my congratulations to the government for being so ambitious in such a short period of time.

I wish to highlight some of the chronic and ongoing concerns of Canadians regarding our health system, concerns that were partly addressed in the Speech from the Throne.

A healthy Canadian society is built on the health and well-being of all Canadians in our communities. Canadians place a high priority on their health and expeditious access to a health care system that will meet their short- and long-term needs.

The Prime Minister announced that the Government of Canada would be able to provide a further \$2 billion in health care transfers to the provinces and territories this year. These funds will help to reduce waiting time, to improve access to diagnostic services and to provide for more doctors and more nurses.

As honourable senators will recall, the Standing Senate Committee on Social Affairs, Science and Technology studied extensively the lack of health care professionals in our system. The committee recommended, in its sixth volume, “The Health of Canadians — The Federal Role,” numerous strategies to address the situation, including that:

The federal government work with other concerned parties to create a permanent National Coordinating Committee for Health Human Resources, to be composed of representatives of key stakeholder groups and of the different levels of government...

This recommendation was not carried forth in the Speech from the Throne.

The committee also recommended that the federal government:

Work with provincial governments to ensure that all medical schools and schools of nursing receive the funding increments required to permit necessary enrolment expansion;

Put in place mechanisms by which direct federal funding could be provided to support expanded enrolment in medical and nursing education, and ensure the stability of funding for the training and education of allied health professionals;

Further down in the report, the committee further recommends that:

The proposed National Coordinating Committee for Health Human Resources be charged with monitoring the levels of enrolment in Canadian medical schools and make recommendations to the federal government on whether these are appropriate.

Senator Lynch-Staunton: Order!

The Hon. the Speaker: Honourable senators, there is a lot of noise in the chamber. If honourable senators wish to carry on conversations, they can do so outside the chamber, so as not to interfere with the senator speaking.

Senator Keon: Thank you, Your Honour.

Further down in the report, the committee recommends that:

The federal government work with the provinces to establish national standards for the evaluation of international medical graduates, and provide ongoing funding to implement an accelerated program for the licensing of qualified IMGs and their full integration into the Canadian health care delivery system;

Further in the report, the committee further recommends:

An independent review of scope of practice rules and other regulations affecting what individual health professionals can and cannot do be undertaken for the purpose of developing proposals that would enable the skills and competencies of diverse health care professionals to be utilized to the fullest and enable health care services to be delivered by the most appropriately qualified professionals.

Honourable senators, I have believed for a very long time that this is a major defect in our system. We have highly trained specialists doing things that general family physicians can do. We have doctors doing things that nurses could well do. We have nurses doing things that other, less expensive health professionals could do. We simply seem to be incapable of addressing this.

This recommendation, if studied, could have far-reaching benefits for the health care system in Canada.

Similarly, the Standing Senate Committee on Social Affairs, Science and Technology recommended, in its "Reforming Health Protection and Promotion in Canada: Time To Act" volume released in November 2003, that a national strategy be established, as the Naylor report recommended, "to ensure an adequate supply of trained professionals in all aspects of health

protection and health promotion." The committee further recommends that this issue be addressed immediately in order to increase the numbers of professionals in the field. The federal government should take action to encourage on-the-job training to assist health professionals acquire the necessary skills.

• (1520)

I applaud the government for its focus on the creation of a new Canada public health agency that will ensure that Canada is linked, both nationally and globally, in a network for disease control and emergency response. However, I am deeply concerned that the \$2 billion that is being put into the system will go as a block transfer without the implementation of many of these recommendations, which are necessary.

Honourable senators will recollect that this chamber's Standing Senate Committee on Social Affairs, Science and Technology also recommended that the agency should concentrate and focus federal resources; enhance collaboration amongst various levels of government; promote the integration of health promotion and prevention activities; allow greater timeliness and flexibility in responding to emergencies; improve and focus communication; enable a longer-term planning horizon; and better attract and retain health professionals because of increased competition from other countries.

The committee also agreed with the Naylor report that a separate arm's-length agency reporting to the federal Minister of Health is the best option and the quickest path to the creation of the agency.

The committee recommended that the chief public health officer of Canada, appointed by the Minister of Health, head the new agency. The government is proceeding with this appointment.

In respect of innovation and research, the Government of Canada has helped to lay the foundation with its investments in basic research — \$13 billion since 1997 — and will build on the National Research Council's experience to improve and commercialize the fruits of Canada's research.

In 2001, in the Speech from the Throne, the government committed to at least double the current federal investment in research and development by 2010. That same year, the government committed to provide a further major increase in funding to Canada's Institutes of Health Research to enhance their research in disease prevention and treatment, the determinants of health, health system effectiveness, among other health-related areas.

Last week's Speech from the Throne makes no mention of additional funding for the CIHR's base budget. This is a truly serious problem that I will refer to a bit later.

In 2001, the U.S. National Institutes of Health reported that its budget was 50 times greater than Canada's CIHR budget. On a population basis, we should expect it to be 10 times larger. President Bush has just announced that he is doubling the funding to the NIH budget, so research investment in America will be 100 times that of the research investment in Canada.

I should also like to say a few words about foreign aid. The government has a dream of devoting no less than 5 per cent of our research and development investment to a knowledge-based approach to develop assistance for the less fortunate countries.

I agree that Canada has the moral responsibility to share the wealth and knowledge that we possess. I am pleased to hear the re-tableting of an act to amend the Patent Act and the Food and Drugs Act, now to be titled the "Jean Chrétien Pledge to Africa Act," amending the Patent Act and the Food and Drugs Act to facilitate access to pharmaceutical products to address public health problems afflicting many developing and least developing countries — especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.

Honourable senators, we are not only in a privileged and powerful position to ensure our own capabilities of containing and dealing with our national health crisis, we are also in a position to pursue and safeguard global health objectives in the name of humanitarian and compassionate values that have long been enshrined in our foreign policy.

Today, as we sit in this chamber, 8,000 children will die of malaria in the underdeveloped world. These children could have their malaria cured for 3 cents U.S. or 5 cents Canadian. 8,000 children will die while we are sitting today. Three million lives are lost every year through vaccine-preventable disease. Diseases such as malaria do not just kill people — which is disaster enough — but they isolate places in the world by cutting them off from trade and investment.

Professor Jeffrey Sachs, director of Columbia's Earth Institute, has argued that if the industrial countries contribute one cent to a health fund out of every \$10 of national income, \$25 billion would be raised, saving millions of lives.

There is a sensitive counter-argument to this. Those who feel that overpopulation is a major problem in the developing world raise the issue of treating these diseases and allowing these countries to populate themselves to the point where they simply cannot produce enough food. This argument is raised over and over. I do not think it is a legitimate argument. History has demonstrated very well that as humankind evolves, as civilization evolves, population controls itself. If we spent a little more time trying to help these people out of their problems, I believe the populations would come under control.

Indeed, we are watching over the creation of the greatest culture plate for the growth of infectious disease that the world has ever seen. It seems to be just a matter of time until the floodgates open and a mutant pathogenic organism goes wild, threatening the entire global community. In addition to sustaining our own population in a state of good health, we must look beyond our borders.

When we look at where we are regarding health and where we have to go, we must first acknowledge some bright spots. We have improved access in some provinces with 24-hour health advice lines. We are making some progress in primary care pilot projects

with community clinics and 24-hour, seven-day-a-week service. There has been additional funding for health information in information technology, health promotion, and disease and injury prevention, and there has been a marked increase in awareness about public health. We are making some progress.

However, there remain two major concerns: access and fiscal sustainability. We know that adding more funding in certain areas like diagnostic imaging still does not reduce waiting lists. Lacking fiscal sustainability and a careful plan just simply will result in access becoming increasingly difficult.

Fiscal reform is in abeyance, and we should not and cannot expect the governments of provinces to take any unpopular decisions in the near future — even though many provinces are literally facing bankruptcy under the current system. Nova Scotia will soon be spending 50 per cent of its budget on health alone.

The First Ministers' Accord on Health Care in 2003 committed a large portion of future federal surpluses to health care, but what happens when there are no surpluses? What happens when there is no money? This is not any plan for fiscal reform.

• (1530)

As a nation, we must address the entire issue of the fiscal sustainability of our health care system. We must present clear choices to our population so they can debate the issues and develop a fiscally responsible solution to the problems with our health care system.

Hon. Joan Cook: Honourable senators, I am pleased today to address two aspects of the government's Speech from the Throne. They deal with health issues pertaining to social affairs and the fishery, two Senate committees of which I am privileged to be a member.

As with many senators, whenever I look at a Speech from the Throne, I look at it from a regional point of view. I believe that is appropriate and consistent with the purposes of the Senate. I am pleased with the government's commitment respecting health care and social development. In this respect, it is clear that federal health policy is taking steps in that direction.

I commend the government in applying its evidence-based approach in an area that is important to all Canadians, that is, health care reform. I applaud the government for its commitment to strengthening Canada's social foundations, in particular as it relates to Canadians with disabilities.

We know that the government has committed to spend much more money on health care. That is good, but what is better is the way the government has changed the method of spending money on health care. The OECD says that we spend more than all other countries with similar universal health care systems. However, with all that spending, we do not have the best health outcomes. This is where evidence-based policy-making becomes important. It has become clear over time that producing the best health care

outcomes, such as lowering the mortality rates for certain diseases, is not simply a question of more spending. Canada already spends more than everyone else, but our outcomes are not better.

The Speech from the Throne said that waiting lists in the country are too long and have to be shortened. This is a priority. Information on waiting times is hard to come by. For many years, we have increased funding for health care in Canada, but we have seldom demanded the establishment of accounting policies that would allow us to see what is really going on in the health care system. Before anyone can really fix anything, we must first decide what it is we are looking at.

When it comes to making waiting lists shorter, a couple of useful comments can be made. First, Canadian statistics seem to show that the provinces that spend more money per capita on health care do not have shorter waiting lists. There was no correlation between the two. One of the problems in our health policy is that we spend the most money in the OECD, but then in the number of doctors per capita, we are seventeenth; in the number of CT scanners per capita we are sixteenth; in the number of MRIs per capita we are fourteenth; and in radiation equipment per capita we are eighth. The premiers have made money the main issue, but in my opinion, they are not spending it as efficiently as the rest of the OECD.

Assuming that waiting lists are associated with a shortage of doctors and medical devices, why do we not have the most MRIs per capita to go with our highest spending per capita, rather than being fourteenth? Why do we not have the most physicians per capita to go with our highest spending per capita, rather than being seventeenth? If these points were properly examined we would be further ahead.

The government's focus on medical technology is tied to our waiting list problem because they are a function of persons and technology. Fix the technology shortage and we will have gone a long way to fixing the problem. Fix the physician shortage and we will have gone a long way further to fixing the problem.

When I read studies about what Canadian doctors say about what they think are reasonable waiting times, in 90 per cent of cases Canadians wait longer than the reasonable period for treatment, and this has to have some effect on the outcomes of care. All of this is aimed at one main point: Waiting lists are important.

This does not suggest, however, that we must adopt a new health care system; rather, it suggests that there is good reason to fix the waiting lists. It is good federal policy to pay close attention to this in dealing with the provinces on health care. Incidentally, it reinforces what the Kirby report said some time ago.

We know that the federal government is somewhat aware of the importance of these issues. In the 2003 First Ministers Health Accord, waiting times and volume measures for defining waiting times were, I believe for the first time, laid out as a requirement of

federal funding. It is always hard to measure oneself against a standard. Better to have vague and undefined standards so that no one can say you failed to meet them. Thankfully, it seems that Canada's first ministers have taken the tough road and agreed to gather and publish these statistics.

Honourable senators, the second point I wish to touch upon is the commitment needed to support Canadians with disabilities and their families. The 2004 Speech from the Throne states:

We want a Canada in which citizens with disabilities have the opportunity to contribute to and benefit from Canada's prosperity — as learners, workers, volunteers, and family members.

Right now, the statistics are astounding in Canada. Of the 3.5 million adult Canadians with disabilities, 20,000 are confined unnecessarily in institutional care; 60 per cent need assistance from others, the majority of this help coming from family members. Among children with disabilities, 30 per cent have parents who indicate they need backup support. Over 50 per cent of their parents indicate their employment is negatively impacted because of their unpaid caregiving responsibilities. Some 40 per cent with intellectual disabilities are not yet fully included in regular education.

The Liberal government pledges to start working with the provinces and territories to fill the gaps in education and skills development, in workplace supports and workplace accommodation for people with disabilities. The government also assures Canadians that there will be an improvement in the fairness of the tax system for people with disabilities and their supporting families based on the findings of the Advisory Committee on Tax Measures, which will report this fall and will implement early actions in areas of priority. I applaud the government and feel it is exceedingly important to follow through with this commitment to advocate the value of fairness and equality of all Canadians.

Honourable senators, I would like to switch gears now and briefly touch on a matter that is sincerely fundamental to the people of my province of Newfoundland and Labrador — the fishery. Again, the 2004 Speech from the Throne states:

The objective of the Government is to ensure that every region of the country has the opportunity to move forward, socially and economically, on a rising tide of progress...by building on indigenous strength.

The Government will place increased emphasis on opportunities to add greater value to natural resources through application of advanced technology and know-how; on opportunities to develop Canada's energy resources and be a leader in environmental stewardship; and on opportunities to maximize the potential of our vast coastal and offshore areas through a new Oceans Action Plan.

Honourable senators, I have been a member of the Standing Senate Committee on Fisheries and Oceans since I came to this place six years ago. During that time, we have worked on and produced a number of outstanding reports relating to the conservation and protection of one of the renewable resources in our ocean waters — fish. They include reports on fish habitat, straddling fish stocks in the northwest Atlantic, aquaculture in Canada's Atlantic and Pacific regions, and selected themes on Canada's freshwater and northern fisheries.

• (1540)

I am encouraged by this plan, and my natural curiosity prompts me to anticipate that components of it will be carried forward to address the emerging issues of the fishery in addition to the oil and gas industry — issues of conservation, protection of a healthy fish habitat and proper management of renewable resources.

Honourable senators, living in a global village is now the norm. We daily live with the reality of mad cow disease, avian flu, the spread of SARS and the emerging concerns in the aquaculture industry. It is therefore essential that we as Canadians, through an oceans action plan, pay particular attention to protecting and successfully managing the protein source that lives in the water column of our oceans, as well as the species that live on the ocean floor and the resources beneath the floor.

More research is needed to enhance the opportunities for oil and gas exploration in deeper water and well beneath the ocean floor. The application of advanced technology and know-how will be our challenge for tomorrow.

As a matter of interest to honourable senators, the Hibernia oil field, which was permitted to produce 80 million barrels of oil this year, sits in 80 metres of water. Exploration licences were granted in January of this year for the new Orphan Basin, in which possible depths range from 200 metres in the west to over 3,000 metres in the east.

Honourable senators, we must bring about a balance of all resources found at sea and maintain a sustainable level of production. As we share in opportunity, so will we share in prosperity. I believe we are on the right track, and working together we can and will move forward.

I will conclude with a quote of particular relevance. Emerson said: "Nothing good is ever achieved without enthusiasm." Perhaps it is also correct to say that nothing good is ever achieved without criticism.

Hon. Terry Stratton: Honourable senators, we are told that Paul Martin will address the democratic deficit. We are told that he will not govern like his predecessor. Which Paul Martin are we talking about? I may not have agreed with everything that the former Prime Minister said or did, but the fact remains that Jean Chrétien and not the current Prime Minister won the last election.

Honourable senators, is the Paul Martin who wants to strengthen democracy the same Paul Martin who rushed to push a democratically elected prime minister out the door by

taking over his party, securing an early leadership convention date and then denying membership forms to his rivals? Is this the same Paul Martin who has hired the son of the Chief Electoral Officer to work on his political staff? Who is he going to hire next — the Ethics Counsellor's brother-in-law? Is this the same Paul Martin who helped write the long-forgotten 1993 Red Book with its various promises about restoring democracy, or the one who sat in cabinet for eight years completely ignoring that same Red Book?

The Red Book promised an independent ethics commissioner more than 10 years ago. Under Bill C-4, the ethics commissioner will be marginally more independent than before but will be far from fully independent. Parliament will confirm the appointment of an Ethics Counsellor hand picked by the Prime Minister but will play no role in any subsequent reappointment five years later.

We learned a few weeks ago that the salary of the Ethics Counsellor is partly based on performance. If the government is happy, he gets a bigger paycheck. How independent is that?

When Mr. Wilson had to make a call as to whether the former or current Prime Minister or other ministers were in a conflict, they were cleared every time. The former Prime Minister, not the Ethics Counsellor, had the final say in whether ethics guidelines had been violated. So far, nothing has changed.

Perhaps everything is above board and there has never been a breach of ethics guidelines. However, as long as the Ethics Counsellor is anything less than 100 per cent independent, forgive us for being more than a little skeptical.

Parliament is to be given the power to review appointments. There is nothing new about this promise. The 1993 Red Book told us that the Liberals would "establish mechanisms to permit parliamentary review of some senior Order in Council appointments." Where are we today with respect to that? Will Parliament be allowed to review senior appointments? I do not think so.

On October 29, 2002, after he was out of cabinet and not bound by the convention of cabinet solidarity, Paul Martin voted against an opposition motion that called upon the government to refer such appointments to committee for review. The Throne Speech tells us that:

The Government of Canada is determined to return Parliament to the centre of national debate and decision making...

Was this speech delivered on behalf of the same Paul Martin who used time allocation no less than 13 times as finance minister? Was it delivered on behalf of the same Paul Martin who had no problems when the previous government used time allocation a total of 80 times to get its way? Is this the same Paul Martin whose government took less than a week to invoke time allocation on debate in this current session? Is this the same man?

Honourable senators, Paul Martin's Action Plan for Democratic Reform tells us that:

Parliament should be a national forum for debating and shaping national policies and legislation.

Is this the same Paul Martin who, together with most of the rest of those sitting on the government side, stood up immediately after the Government House Leader had spoken to the plan and left, not having the respect to stay in the chamber and listen to the opposition respond to his plan for democratic reform?

Is this the government led by the same Paul Martin who kept Parliament shut down during the last three weeks of January? Parliament cannot hold the government accountable when it is prorogued for weeks on end because neither the outgoing nor the incoming Prime Minister wants to face it.

The Speech from the Throne promises greater "financial accountability in how we govern." Is this the same Paul Martin who placed billions of dollars outside the control of Parliament through foundations?

Honourable senators, the Auditor General began objecting to these foundations from day one, back when, in 1996, the government started using this device to shift money from one fiscal year to the next. In her April 2002 report, she said:

The federal government has paid billions of taxpayers' dollars to private foundations and other delegated arrangements set up to achieve public objectives, transferring the funds years before Canadians receive the intended benefits. The government has delegated program responsibilities to these arrangements, but they are often beyond the reach of Parliament's scrutiny. We found that the essential requirements for accountability to Parliament — credible reporting of results, effective ministerial oversight, and adequate external audit — are not being met.

Those are the words of the Auditor General.

Honourable senators, we are told that there will be "greater transparency." Is this the same Paul Martin who never told Canadians that even though his holdings were in a blind trust, he was regularly briefed on them? Is this the same Paul Martin who moved at a snail's pace to correct misleading information about his business dealings with Ottawa?

• (1550)

For that matter, was he the one who moved to make the correction? Last October, former Government House Leader Don Boudria publicly acknowledged that the original figure was wrong and ordered his officials to make further inquiries. Paul Martin's only role in this was damage control.

Honourable senators, control of the public purse is at the heart of parliamentary democracy.

Is this the same Paul Martin who, as vice-chair of cabinet's Treasury Board committee, agreed no less than five times to advance contingency funds to pay for new gun registry spending before Parliament had a chance to vote the money?

Is this the same Paul Martin who one day promised more free votes, then qualified it the next to say there would be no free vote on funding for gun registry in this session?

Is this the same Paul Martin who, without seeking legislation from Parliament, sent out heating rebate cheques at end of January 2001 to convicts, to people who were no longer living in Canada, and to the grateful dead?

The Speech from the Throne promises good management of government. Where was Paul Martin during the HRDC fiasco? Where was Paul Martin when the gun registry was piling up a \$1-billion price tag? Where was Paul Martin during the sponsorship boondoggle? He was writing the cheques — no questions asked.

Honourable senators, like all Canadians, I was shocked by Tuesday's Auditor General's report. The government had an advance copy of the Auditor General's report in October so that it could respond. The report itself, including the government's written response, went to print in early November.

The Prime Minister knew enough to cancel the sponsorship program on his first day in office; yet, we are asked to believe that he just recently learned the full details. By the way, some of the programs are ongoing, as we heard earlier today.

Why did Prime Minister Martin wait until the report came out to recall Alfonso Gagliano? Why did he not act immediately upon taking office to remove anyone who was touched by this scandal?

We are asked to believe that the Prime Minister was blind to the fact that the government ran the sponsorship program in a way that showed little regard for Parliament, the Financial Administration Act, contracting rules, transparency and value for money. We are asked to believe this in spite of the fact that he was a senior member of cabinet from the province of Quebec, the Minister of Finance, and the vice-chair of the Treasury Board committee. We are asked to believe that no one in his vast network of supporters throughout Quebec told him what was going on.

Multiple transactions with multiple companies, artificial invoices and contracts, or no written contracts at all, appear to have been designed to move money from the sponsorship program to communications agencies and back to Crown corporations. This was done while hiding the source of funding and the true substance of the transactions. The key Crown corporations involved include Canada Post, VIA Rail, Business Development Canada, Old Port of Montreal Corporation Inc., and even the RCMP. Yet, Paul Martin did not know what was going on.

Honourable senators, if you look at today's *Winnipeg Sun* you will read the following:

Quebec Liberal MPs say they raised red flags about the huge sponsorship commissions being raked in by ad agencies as far back as 1999.

Montreal MP —

— a Liberal MP —

— Marlene Jennings said she brought up the issue in caucus — which was attended by the then-finance minister Paul Martin — even before the 1999 internal audit.

“I was asking questions of why there were commissions, because the companies weren't doing anything,” Jennings said. “It's my sincere conviction that it's precisely because ordinary MPs were asking questions that an internal audit was conducted of the program.”

Quebec MP Georges Farrah said the alarm was sounded in the Liberal weekly caucus meeting, and pressure from MPs led to former public works minister Alfonso Gagliano being shuffled to Denmark.

Can you believe that, honourable senators?

Even if Paul Martin were not paying attention in caucus, surely he must have wondered why Mr. Gagliano was not only no longer in cabinet, but no longer in the country where the media would have easy access.

Honourable senators, while violations were neither detected, prevented nor reported over four years, this program ran up \$250 million of taxpayers' money, with \$100 million going to commissions and fees to Liberal-run communications agencies, often at inflated prices, or for work not done.

The government paid hundreds of thousands of dollars to move money from one government account to another. Can you imagine moving hundreds of thousands of dollars from one account to the other, honourable senators, in violation of the Financial Administration Act?

We have the spectre of the RCMP, which has been called in to investigate sponsorship fraud, itself being named for missing bank records.

Honourable senators, ministerial accountability is at the heart of our parliamentary system. The Prime Minister is trying to put blame anywhere he can, while refusing to accept responsibility. He is naming names, but he is not naming himself nor those around him.

Honourable senators, I regret that, while the parliamentary reforms outlined in the Speech from the Throne and in the action plan are noble and worthy objectives, the Prime Minister's past record and his handling of the sponsorship fiasco make it hard for anyone to believe that anything has changed or will change.

Hon. Terry M. Mercer: Honourable senators, I was a little nervous after Honourable Senator Keon's speech. After hearing what he told us about children dying around the world, we should have adjourned to concentrate on the issues he raised, because they are indeed very important.

I should like to congratulate the new leadership, Senators Austin, Rompkey and Losier-Cool, as well as to thank the previous leadership and Senator Carstairs, who disguises herself as Manitoban, but is, as we all know, a Nova Scotian, and we are very proud of her for that.

As well, I wish to thank the Speaker of the Senate, Senator Hays, who is an old friend and colleague. I had the pleasure of serving with him when he served as President of the Liberal Party of Canada and as chairman of our national revenue committee.

This is my first official speech to this chamber, and it is an honour for me to be here and to know that I am following in the footsteps of Harold Connelly and Allan J. MacEachen.

I should also like to thank Senator Wilfred P. Moore — a fellow Nova Scotian — who sponsored me and has been my friend for many, many years. I particularly want to thank him for the remarks he made last week, for paying tribute to me, in introducing me to me in this chamber and for the kind words he said about my father.

The loss of my father was a tragic, sudden event in our family, a man who was 85 years old and never sick a day in his life, including the day he died. To us, he was a war hero, a great father, a friend, and quite a funny guy for anybody who ever met him. Over my years in this place, you will hear a number of stories from me. If they are funny stories, they are my father's stories; if they are not so funny, they are probably mine. However, there are enough of them to keep me going, I think, for the 19 years.

All my father's grandchildren and great grandchildren can each remember at least five of his stories. One of my friends summed it up this way: When they saw the twinkle in my father's eye, they knew they were about to be told a story. At my father's wake, his oldest brother said to me, “You know, all of your father's lies were true.” I am not sure that we cannot adopt some of that here.

Most of all, honourable senators, I want to thank the person who I think will go down in history, as history is written, as one of the greatest prime ministers in Canadian history, the Right Honourable Jean Chrétien.

• (1600)

I am honoured that my friend of 22 years and leader of our party for 13 years saw fit to send me to this place. I hope that in my years here I will live up to that confidence he placed in me.

In the coming 19 years you will hear me many, many times remind all senators of the great Chrétien legacy. For example, there are the Millennium Scholarship Fund; Child Tax Benefit; balanced budget after balanced budget; deficit reduction; electoral finance reform; gun control; decriminalization of marijuana, which is pending; the Kyoto Protocol; not going to war in Iraq; the Africa initiative; same-sex benefits and marriage, which we are

still discussing; and the most important and longest lasting, the Clarity Act. I am very proud to be associated with someone like Mr. Chrétien who was able to accomplish so many things. My support for Mr. Chrétien's legacy will be in the Senate not only for the opposition's benefit but also for honourable senators in the caucus. I will remind them not to forget the legacy of Jean Chrétien over the years and those of us who have been sent here by him.

Honourable senators, I will speak to the Speech from the Throne — the first in the Martin era and a good first speech. In respect of encouraging regional development, which was high on the order, I was pleased to note that the government will ensure that every region of the country has the opportunity to move forward socially and economically on a rising tide of progress. The government will support economic development activity through the regional agencies across the country. On page 18 of his address in reply to the Speech from the Throne, the Prime Minister said:

A place where the voices of all of Canada, all of its regions are included. What does that mean? ... that the hopes and dreams of Atlantic Canada as reflected in the report, "Rising Tides" are realized.

As honourable senators know, "Rising Tides" is a document produced by the Atlantic Caucus of the Liberal Party and a document with which I am proud to be associated, now that I am a member of the caucus.

As well, I was particularly pleased to see in the Speech from the Throne a mention of the Sydney Tar Ponds. It was not a mention but a strong commitment to the tar ponds, finally. I would hope that the next time we have a Speech from the Throne we will be able to talk in the past tense about the Sydney Tar Ponds. The Prime Minister said:

We are committing \$3.5 billion over 10 years to this goal. ...And we aren't stopping there. We need to do more. More for Sydney, Nova Scotia, for example, where the tar ponds have stood as a national disgrace — a relic of an unsustainable past.

It is about time we get on with this and it is about time the Government of Nova Scotia moved along with this. The federal government has made the commitment and it is about time we got this done. I am in Sydney this weekend to speak on Sunday afternoon. I hope that it will be one of the last times I go to Sydney and see no work happening on the clean-up of the tar ponds.

I was also pleased to see in the Speech from the Throne our continued commitment to health care — to provide an additional \$2 billion health-care transfer payment to the provinces and territories. As well, a new Canada public health agency will be established that will link Canada in a network of disease control — obviously something we need to do after the SARS outbreak. I was also pleased to see that we will appoint a new chief public health officer for Canada.

It was heartening for me, as a city boy, to see that our commitment to municipalities was honoured quickly in the Speech from the Throne. We will provide all municipalities with full relief from the portion of the Goods and Services Tax that they now pay. This will provide \$7 billion of stable new funding over the next decade. What a tremendous contribution we have made already to help stabilize the funding of our cities, towns and rural communities.

I am interested in life-long learning and so I was pleased to see in the Speech from the Throne that we will modernize the Canada Student Loans program and that we will provide a new grant for low-income students to cover a portion of the tuition cost for the first year of post-secondary education. This, I think, is probably one of the most important things in the Speech from the Throne and I will concentrate on it during my years in the Senate.

To help care for our children, the government will accelerate initiatives under the existing multilateral framework for early learning. We will extend the Understanding the Early Years project to at least 100 more communities.

As well, I am honoured to be a member of the Senate Aboriginal Committee and I was pleased to see in the Speech from the Throne a commitment that we will work with the provinces, the territories and Aboriginal partners in a renewed Aboriginal Human Resources Development strategy; and that we will expand the successful Urban Aboriginal strategy.

Over the next 19 years, I will have a number of issues that I want to champion in this chamber. I feel that while we have made some great progress in promoting and funding education, much more needs to be done. We need to work to help break the poverty cycle by ensuring that all Canadians, regardless of their economic circumstances, have the opportunity to receive the best education possible. That will help them to realize their full potential.

In Nova Scotia, we have 11 universities. Senator Moore and I will both tell you that St. Mary's is the best of the 11, however they are all very good. These universities have the infrastructure and resources that we are not fully utilizing. All of these institutions have a well-trained faculty and a huge appetite for knowledge through research. We need to think of all of Nova Scotia as a centre of excellence, using all of the human resources available. The possibilities are endless. Honourable senators, a full, creative use of these great resources will create jobs and will help to close the education and poverty gap.

There has been a great deal of talk in the house, in the other place, publicly and certainly in my party, about western alienation. I may alienate some western senators with my next few remarks but I do want to pay attention to the comments about western alienation because they are real.

The Reform, Alliance, Conservative Party — or whatever you are called this week — states that the West wants in. Well, we in Nova Scotia have been in from the get-go. What we want is not in but rather we want our share of government contracts, government programs and greater support for education. As the House fisheries committee has at least twice recommended, we want the Department of Fisheries and Oceans to be divided between the east and west coasts. Perhaps the larger group could be moved to the old Shearwater Airport in Halifax. God forbid that somebody from DFO might actually bump into a fisherman because that would be a startling thing.

Nova Scotia wants more of the off-shore revenue — we want our share. In keeping with this, I am concerned with the preoccupation of this government with allowing or welcoming the West in because it may forget the East. While I support the West's desire to want in and overcome western alienation, I hope that in the process, the east is not forgotten.

I am here to ensure that Nova Scotia never slips off the government's radar screen. I hope that I am able to fulfil that commitment over the next 19 years.

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

• (1610)

BILL RESPECTING THE EFFECTIVE DATE OF THE REPRESENTATION ORDER OF 2003

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, for the second reading of Bill S-7, respecting the effective date of the representation order of 2003. —(*Honourable Senator Rompkey, P.C.*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, given the state of this bill at this point in time in the Senate chamber, I thought I would rise this afternoon to make a few comments. In doing so, I would like to draw two images to mind. The first is that of the salamander. I ask you to reflect on that what that reptile looks like.

Senator Keon: Not pretty.

Senator Kinsella: It is not very pretty, as Senator Keon reminds us. However, consider the second image — that is, think of the governor of the State of Massachusetts, who served in the early 1800s. I am referring to Governor Elbridge Gerry. Governor Gerry was the person who gerrymandered the ridings in that state so that it ended up looking in the form of a salamander. Thus, we now have that phrase “gerrymandering.” Gerrymandering is not only when a political party attempts to modify the boundary lines of electoral districts in the order of geography or place, there is also gerrymandering when there is an attempt to get political advantage by changing boundaries in the order of time.

As with all of the accidents, time and place being but two — and Senator Murray will recall the nine accidents of Aristotle

when he analyzes the nature of being itself and the substance and accident.

Senator Rompkey: That is what I like about the Senate.

Senator Kinsella: Of course, Aristotle pointed out that people, by nature, are political. Indeed, this is very important in our country.

Senator Rompkey: That was vital politics.

Senator Kinsella: It was absolutely vital. It is part of human nature to be political, as Aristotle says in book four of his metaphysics.

Honourable senators, under our Westminster system, the parliamentary democracy model has worked well in Canada for 137 years. I believe the practice of freedom has enjoyed a grand success in Canada since 1867. I challenge those who would think otherwise to point out a system of governance that yields a greater level of freedom than that which we have enjoyed in Canada. Show me that regime and I submit you will be hard pressed to demonstrate a government that has shown the level of parliamentary freedom as we have in Canada. I know that honourable senators concur in that.

Honourable senators, what is the cornerstone, the foundation or the basis of our Canadian parliamentary democratic system? I suggest to honourable senators — and I think that I will find agreement in this house — that it is the existence of political parties. Political parties are what make our parliamentary system of governance work. I say, therefore, honourable senators, that political parties are a good thing, not a bad thing. Political parties are a necessary thing for our system to work.

Unfortunately, too many of those in the media really do not understand our parliamentary system, but that does not restrain them from writing lots of things about our system, about what goes on in Parliament and about what goes on in our legislative assemblies across Canada. Notwithstanding their ignorance of our system, they are quick to make the case that, somehow, political parties are bad things and that those who participate in political parties are bad people. Honourable senators, they are wrong. They do a disservice to Canada; they do a disservice to our system of governance.

This leads me to the electoral process. Our electoral process is operated on the basis of our political parties organizing themselves. By and large, honourable senators, that organization takes place by volunteers — that is, by publicly spirited Canadians who come forward to participate in the political party of their choice across this great land. Thank heaven that we have those volunteers, those Canadians who come out and support and help to grow the political party of their choice.

Elections are held and political parties, with their volunteers, do all the work that we know they do to identify candidates, to identify people in their communities, to seek nominations, to work in their communities, to win the nomination battle, and to become the candidate of their respective party. Then the parties themselves, on a national basis, draw together to choose a

leader to lead the party in the national sphere or the provincial sphere. All the work that is done by these volunteers to develop the policies of those respective parties and understanding that it is within the walls of the party system itself that competing ideas are laid on the table thus opening a forum for debate that is often rigorous and challenging. At the end of the day, however, our respective political parties bring together a catalogue of “doables” that that party wants to lay before the respective directorate.

We have seen many developments at the federal level within all of the political parties that have been active on the federal stage over the past year or the past 10 months for sure. I spoke here in this house before Christmas. I had the opportunity to express the view during Senators’ Statements much along the same thesis — namely, that political parties were good and necessary and that political parties of the day were going through a period of discernment. The governing party was going through a period of leadership change and discernment where there was conflict and competition. I argue that is a good thing.

The conservative parties also went through a period of great discernment. Many of us never, ever expected what happened last fall, when the members of the Canadian Alliance Party and the members of the Progressive Conservative Party agreed to an outline of certain principles such that, if the members of those respective parties agreed, they would come together to reunite once again and sit in Parliament as the Conservative Party of Canada.

Honourable senators will realize that within the membership for those parties, there was 90 per cent support. The members of the Conservative Party and the members of the Canadian Alliance Party agreed to those principles and the Conservative Party of Canada was established. Currently, the Conservative Party of Canada is working assiduously in the development of its policy, in the development of a catalogue of “doables” that it would lay before its membership and lay before the Canadian people at election time. At the same time, not only the Conservative Party but also all parties are going through the process of reorganizing on the basis of 308 ridings because the legislation that has been adopted has created the extra ridings.

• (1620)

Rather than 301, there are now 308. All of the federal political parties are reorganizing themselves, having their conventions at the riding level within the boundaries of 308 ridings, not 301, all in anticipation of going to the Canadian people in a democratic election in 308 ridings across Canada.

In addition, the Conservative Party of Canada is holding founding meetings in each one of the 308 ridings. One can imagine — and many in this room have a great deal of political experience — the amount of work that would entail. Many in this room know that this work is being done by volunteers, publicly spirited Canadians who are prepared to give up their time to work in the public interest, they argue, to help in the establishment and founding of 308 new Conservative riding associations across Canada.

It does not stop there, honourable senators. The Conservative Party of Canada is also engaged in a national leadership campaign. The date for the election of the leader is the weekend of March 20. All parties have the same challenge in terms of election preparedness — the identification of candidates — but when a party is faced with the challenge of holding founding meetings in 308 ridings as well as the rather rigorous leadership campaign that is underway, one can appreciate that hundreds of thousands of Canadians are engaged, on a voluntary basis, in making our political party system work and in making, therefore, our democratic parliamentary system work.

When I look at the current legislation that has established the 308 ridings coming into force, as proclaimed, on August 25, I have to ask the question: Why, under the reality of the current times, would any government seek to take advantage of one of the major political parties when it is going through this process, a process which they, in a different way, with different circumstances, went through in the fall of last year? Why would they not want to stick to the date of August 25, which is in the law?

One may come up with a variety of reasons why the government may want to move the date, as it suggested in Bill C-49, to April 1. Some might argue that the current Prime Minister would want to have a mandate; one can understand that argument. Upon reflection, the Canadian people would like to have a mandate, a mandate to have the opportunity to see what the restructured political parties want to propose to the Canadian people. Let us have a level playing field. Let us have a fair election. Let us not gerrymander in the order of time from August 25, which is in the law, to April 1, some eight or nine days after the Conservative Party of Canada has elected its leader. It is not fair; that is the bottom line.

Honourable senators, in recognizing and attempting to understand the dynamics of real politics, theoretically if not practically, perhaps the Prime Minister has a good case. He was chosen under certain circumstances. Maybe it was not his fault that the former Prime Minister waited until he did to place the current Prime Minister in the situation that he is in now. On the other hand, that is the reality or the lay of the cards that he has been dealt.

Bill C-49 speaks to a date of April 1. That is the early election date the Prime Minister is looking for. The law currently says August 25. In the spirit of Canadian compromise, I suggest we find a date somewhere in between, to be fair, to have a level playing field.

Senator Robichaud: Would that not be gerrymandering?

Senator Stratton: Do you admit that you are already doing it?

Senator Robichaud: I am talking to the argument already made.

Senator Kinsella: Here is the distinction, honourable senators. Senator Robichaud makes a good point. Gerrymandering is when ridings are changed to unfairly advantage one political party. I am suggesting that we find a compromise that would be agreeable to all the political parties as representatives to Parliament. Look at the published sitting calendar for the members of the House of Commons. They are scheduled to sit until June 23. That is roughly half-way between what Bill C-49 wanted, April 1, and what I suggest, namely, staying with the date of August 25 as stated in the law.

We have a new government and the Speech from the Throne has laid out a full program. Either that program was a fraud, a sham and not really meant to be, either they did not intend to bring in a program of legislation to implement anything contained in the Throne Speech until after June 23, or they are indeed interested in doing those things and can stick to the schedule. What I am proposing does not interfere with that. I propose, in Bill S-7, that the order that would bring the 308 ridings into operation be moved forward. I prefer it later, no doubt, but bring it forward to the last day that members of the House of Commons are scheduled to sit as indicated in the published calendar.

For all of those reasons, honourable senators, I would call for the question to be put and for this motion to be adopted.

Hon. Bill Rompkey (Deputy Leader of the Government): I move the adjournment of the debate.

Senator Kinsella: I had moved the previous question.

The Hon. the Speaker: Do you want to repeat that, senator?

Senator Rompkey: If there are questions, honourable senators, I would be glad to hold my motion until they have been answered.

The Hon. the Speaker: Honourable senators, Senator Kinsella has finished his remarks. Senator Rompkey has moved adjournment of the debate. I think Senator Kinsella wants to move a motion, but I have a motion put by Senator Rompkey to adjourn the debate that I feel obliged to put.

Senator Stratton: No, no.

• (1630)

Senator Kinsella: Before I sat down, I asked that the question to adjourn second reading debate be put.

The Hon. the Speaker: I will have to check the record, Senator Kinsella.

Senator Stratton: No.

The Hon. the Speaker: I should like to confirm with regard to the record. We will suspend the sitting for a few minutes.

The sitting of the Senate was suspended.

The sitting of the Senate was resumed.

The Hon. the Speaker: Honourable senators, I have just checked the record, and we are at a stage in the proceedings when our rules provide that the previous question can be put.

Senator Kinsella, according to the record, put his motion before there was any other intervention. Accordingly, I will put his question —

Senator Rompkey: Mr. Speaker, I want to be clear on what is taking place now. As I understand it, there is a motion that the question be put. Is that the motion?

The Hon. the Speaker: We took a few minutes to verify the record because I wanted to be sure that your standing and putting a motion to adjourn the debate was not, in fact, the last matter that I, as presiding officer, heard. Senator Kinsella pointed out to me that he had — and I was not paying as close attention as I should have been — put the motion that the previous question be put, when he concluded his remarks.

Having said that, then he had the floor, he put the motion, and I intend to put that motion now.

Senator Rompkey: I want to be absolutely clear. The motion is that the previous question be put.

The Hon. the Speaker: Yes.

Senator Rompkey: Therefore, we are talking about a procedural vote. I want to make this clear to everybody in the chamber: We are not voting on Senator Kinsella's bill at second reading; we are voting on a motion to put the previous question — to put the question. Is that right?

The Hon. the Speaker: That is the procedure that is provided for.

Senator Rompkey: I intend to vote against that motion. I just wanted to make perfectly clear what it is I am going to do. Do I have to say it again?

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the question be put.

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

Hon. Fernand Robichaud: On debate.

The Hon. the Speaker: You wish to speak, Senator Robichaud.

Senator Robichaud: I move the adjournment on debate of this motion.

The Hon. the Speaker: It is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator De Bané, that further debate on the motion be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators —

Hon. Lowell Murray: Point of order, Mr. Speaker. I am a bit rusty on this; it has been 13 or 14 years since I have faced this.

I thought that, when a motion to put the previous question was made, that debate could not be further adjourned and that everybody in the Senate had an opportunity to speak for a certain amount of time on that motion. Therefore, I am not sure that our colleague, Senator Robichaud, is in order. As I said, I am a bit rusty on the protocol, but my recollection is that, once Senator Kinsella's motion was put, everybody can debate it, but that it cannot be further adjourned, so I thought.

The Hon. the Speaker: I thought otherwise, which is why I accepted the motion — and with the help of the Table, I have a reference from Beauchesne.

Sixth edition, at paragraph 526, page 161:

Debate on the motion for the previous question may be interrupted by a motion to adjourn or for the reading of the Orders of the Day. But such a motion cannot be made if the House resolves that the question shall now be put under this rule.

I should read that last sentence again, for my own benefit.

Senator Murray: Adjourn what, the debate or the house?

The Hon. the Speaker: I will read it again:

Debate on the motion for the previous question may be interrupted by a motion to adjourn or for the reading of the Orders of the Day. But such a motion cannot be made if the House resolves that the question shall now be put under this rule.

Senator Lynch-Staunton: That is clear.

Senator Murray: What does the previous paragraph say?

The Hon. the Speaker: Perhaps that is a good idea, Senator Murray.

Honourable senators, because we all may be a little rusty on this, perhaps I will start even further back. I will start at paragraph 522, which is encompassed in the paragraphs under "The Previous Question." Paragraph 522 reads as follows:

(1) Members who have spoken to the main motion or amendments may speak again to the previous question.

(2) The debate on the previous question is subject to closure.

523. The Members proposing and seconding the previous question generally vote in its favour, but there is no rule to prevent them voting against their own motion if their intention is to supersede the question.

524. No amendment can be proposed to the previous question.

525. A motion for the previous question is not admitted in a Committee of the Whole or in any committee of the House.

Here is the section I have already quoted, and I will read it again:

526. Debate on the motion for the previous question may be interrupted by a motion to adjourn or for the reading of the Orders of the Day...

My interpretation of Beauchesne that a motion to adjourn is permitted includes a motion to adjourn the debate.

Senator Lynch-Staunton: Come on. To adjourn the house.

The Hon. the Speaker: A further section from Marleau and Montpetit, at page 457, reads as follows:

Debate on the previous question may be superseded by a motion to adjourn the debate, a motion to adjourn the House or a motion to proceed to the Orders of the Day...

I will accept the motion to adjourn put by Senator Robichaud, seconded by Senator De Bané.

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

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: I must be careful with this. I am not clear.

Accordingly, I shall ask again: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those opposed to the adoption of the motion will please say "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

Senator Lynch-Staunton: You did not call the "yeas."

And two honourable senators having risen:

Senator Stratton: One-hour bell.

The Hon. the Speaker: Honourable senators, it is a one-hour bell. [Translation]

For clarification, honourable senators, the vote will be held, by my watch, at 5:40.

Call in the senators.

• (1740)

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Robichaud, seconded by the Honourable Senator De Bané, that debate on the motion for the previous question moved by Senator Kinsella be adjourned until the next sitting of the Senate.

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Austin	Jaffer
Bacon	Joyal
Banks	Kroft
Biron	Lapointe
Callbeck	Léger
Chaput	Losier-Cool
Christensen	Maheu
Cook	Mahovlich
Cools	Mercer
Corbin	Milne
Cordy	Moore
Day	Morin
De Bané	Munson
Downe	Phalen
Fitzpatrick	Poy
Fraser	Prud'homme
Furey	Robichaud
Gauthier	Rompkey
Gill	Sibbeston
Graham	Watt—42

NAYS THE HONOURABLE SENATORS

Andreychuk	Kinsella
Angus	LeBreton
Atkins	Lynch-Staunton
Buchanan	Nolin
Di Nino	Stratton—11
Keon	

ABSTENTIONS THE HONOURABLE SENATORS

Nil

PERSONAL WATERCRAFT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-8, concerning personal watercraft in navigable waters. —(Honourable Senator Hervieux-Payette, P.C.).

Hon. Céline Hervieux-Payette: Honourable senators, I would like to make a few comments at second reading on Bill S-8, concerning personal watercraft in navigable waters, as introduced by the Honourable Senator Spivak.

The purpose of this bill is surely laudable. There is no doubt that the use of any gasoline-fuelled mechanical device should be regulated. However, I am somewhat hesitant to support this legislation. If we must use this criterion to get federal authorities involved, should we not also regulate motorcycles, outboard motors, snowmobiles, chain saws, electric clippers and lawn mowers that wake us up at seven in the morning?

This bill definitely deserves a more in-depth study of the environmental issue, particularly as regards the level of noise caused by these machines. Anyone who has heard the noise made by a Harley Davidson can attest to the need to look at the issue of noise pollution.

I have some reservations about the federal government dealing directly with municipalities and delegating to them some of its powers to regulate waterways and the use of personal watercraft. I think that this could make things more complicated for municipal authorities, rather than solve the problem.

These personal watercraft have been greatly improved in terms of the noise that they produce. Some research and development efforts have been made in this regard. Personal watercraft are used for recreational purposes. Tourists from Canada and abroad use personal watercraft made in Canada, and particularly in Quebec.

Bill S-8 is undoubtedly a laudable measure. However, we must examine the issue thoroughly before granting a regulatory power that could go as far as prohibiting the use of personal watercraft in certain areas. The legality of this bill must be reviewed more thoroughly. The committee will also have to determine whether the federal government should get involved, and whether regulating personal watercraft in federal waters, as opposed to provincial waters, would create conflicting regulations for the same watercraft.

I am asking honourable senators to support the motion to refer the bill to committee for a more in-depth review.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

[English]

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF STANDING JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Wednesday, February 11, 2004

ORDERED,—That the list of members and associate members for Standing Joint Committees of the House be as follows:

Library of Parliament

Members: Assad, Binet, Bryden, Caplan, Duplain, Doyle, Gagnon (Champlain), Grey, Gallaway, Kraft, Sloan, Lill, O'Brien (Labrador), Plamondon, Schmidt, Stinson, St-Jacques—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Barnes (Gander—Grand Falls), Benoit, Borotsik, Breitreuz, Burton, Cadman, Casey, Casson, Chatters, Cummins, Davies, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Hanger, Harper, Harris, Hearn, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lunn, Lunney, MacKay (Pictou—Antigonish—Guysborough), Mark, Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Pallister, Penson, Rajotte, Reid, Reynolds, Ritz, Sauvageau, Schellenberger, Skelton, Solberg, Sorenson, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams

Scrutiny of Regulations

Members: Barnes (Gander—Grand Falls), Caplan, DeVillers, Epp, Folco, Gallaway, Goldring, Grewal, Guimond, Lee, Macklin, Manley, Martin (Winnipeg Centre), Meredith, Meyers, St-Hilaire, Wappel—(17)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Benoit, Borotsik, Breitreuz, Burton, Cadman, Casey, Casson, Chatters, Cummings, Day, Doyle, Duncan, Elley,

Fitzpatrick, Forseth, Gallant, Gouk, Grey, Hanger, Harper, Harris, Hearn, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lunn, Lunney, MacKay (Pictou—Antigonish—Guysborough), Mark, Mayfield, McNally, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Penson, Rajotte, Reid, Reynolds, Ritz, Sauvageau, Schellenberger, Schmidt, Skelton, Solberg, Sorenson, Stinson, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Wasylycia-Leis, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams, Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

The Clerk of the House of Commons

• (1750)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

Hon. Tommy Banks: Honourable senators, I request your leave to speak a second time on this bill, on which I spoke yesterday, for the purpose of correcting a misunderstanding.

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

Hon. Senators: Agreed.

Senator Banks: I thank you, honourable senators.

Honourable senators, I spoke yesterday on this bill, and the misunderstanding that I rise to correct is mine and not yours. Yesterday I made distinctions between sections 318 and 319 of the Criminal Code on which I based my argument, which distinctions were not, in the sense that I used them and put them to you, correct.

I was wrong in doing that and, despite honourable senators and the author of the bill having worked mightily at trying to explain the facts and the truth to me, I was looking so hard for something complicated that the beautiful simplicity of the fact that we killed two birds, as it were, with one stone with the present act escaped me. I apologize for this. It turns out that the two are not mutually exclusive and that the present bill effectively gives us two scoops are better than one, as is always the case.

I apologize for taking the time I did yesterday, for having been as ill-informed as I was, although I do hasten to point out that I said before I began to speak that I was not a lawyer. I seem to seize every opportunity to demonstrate that fact over and over again.

I hope that honourable senators will ignore this previous telegram.

Hon. Senators: Hear, hear!

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

[Translation]

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

REQUEST FOR GOVERNMENT RESPONSE— POINT OF ORDER

On the Order:

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

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

Hon. Eymard G. Corbin: Honourable senators, I would like to state immediately that I fully endorse the spirit of the motion put forward on February 10, 2004, by Senator Gauthier, a motion which I adjourned.

I would, however, like to raise a point of order with respect to the acceptability of the motion. Senator Gauthier is proposing that 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, and adopted on October 28, 2003.

With all due respect to Senator Gauthier, I find that his motion constitutes a breach of the rules and the traditions and practices of Parliament. When Senator Gauthier rose to speak on February 10, he clearly stated that the report had been tabled and adopted by the Senate during the last session.

In putting forward his motion, he invoked rule 131(2). But if honourable senators examine the *Rules of the Senate*, they will find no rule 131(2). The Senate has added a second paragraph to rule 131. I have obtained a copy of paragraph 2 of rule 131 and it reads as follows:

The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate —

I would point out that this report was adopted during a previous session, and therefore the report is not before the Senate; it disappeared with the end of the session. The rule continues:

— if either the report or the motion adopting the report contains such a request —

I examined the text of the report adopted by the Senate on February 28, 2003 and the report does not contain such a request. I will again quote rule 131(2):

— or if a motion to that effect is adopted subsequent to the adoption of a report.

Of course, we must interpret the following words, “if a motion to that effect is adopted subsequent to the adoption of a report” as meaning “immediately following the adoption of a report,” without any intermediary procedure.

However, a number of things have occurred since the report was adopted. The parliamentary session was prorogued, there was a new Throne Speech and the report is no longer before the House. It is irregular, I think, to pull a report out of thin air, when that report died with the previous session.

When Senator Gauthier rose on October 28, 2003, to ask that the report be adopted, he said:

I give notice that, after the report is adopted, I will ask that the government give a comprehensive, full and complete response to the report, so that we know where we are going after the presentation of our reports.

Senator Gauthier was to present this motion immediately following the adoption of the report, but he did not. Today, he is asking the Senate to backtrack and re-open the doors to the previous session so he can ask the government to give a response to the report.

In my opinion, it would be extremely bad practice with regard to our procedure. The House of Commons can do whatever it likes, but I do not think that the Senate should imitate the bad practices of the House of Commons. Honourable senators, I would like His Honour to consider the merits of this point of order and rule as to whether the motion of the Honourable Senator Gauthier is in order.

• (1800)

[English]

Hon. Lorna Milne: Honourable senators, to the best of my recollection, while the Standing Committee on Rules, Procedure and the Rights of Parliament was studying this amendment to rule 131, the matter of a —

[Senator Banks]

The Hon. the Speaker: Senator Milne, honourable senators, it is six o'clock.

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, I think that if you poll the chamber you will find an agreement not to see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, that I do not see the clock?

Senator Stratton: On this issue?

The Hon. the Speaker: I will ask again because there were senators engaged in conversations.

Is it agreed, honourable senators, that I do not see the clock?

Hon. Senators: Agreed.

Senator Rompkey: Your Honour, I wonder if there is consent that, after this item is completed, we stand all items remaining on the Order Paper?

The Hon. the Speaker: Is it agreed, honourable senators, that on the completion of interventions on this point of order, all remaining items on the Order Paper stand in their place until the next sitting?

Hon. Senators: Agreed.

Senator Milne: I stand to be corrected, honourable senators, but to the best of my recollection, while the Rules Committee was studying this new rule — which is not yet in the little books we each have — I do not believe that the matter of a finite period of time was ever discussed. It may well be that it should have been; it may well be that we may want to look at this rule again. However, the matter of confining the period in which such a request can be made after a report of a committee is adopted to any specific time, session, or even Parliament, was not once discussed.

I cannot tell you more than that, other than the face value of this rule gives no time restriction whatsoever. Since the committee did not discuss any time restrictions, I believe that we cannot consider them now.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if the argument is that this is a report that was made prior to prorogation last November, and therefore somehow that report cannot be acted upon as envisaged by the new rule we made to ask the government to give a comprehensive response to that report, my reflection is that we have lots of reports that were adopted in the last Parliament, before prorogation, that have continuing effects in the new Parliament. Of course, I refer to those reports that come from committees reporting a bill with or without amendment. They are reports that are adopted or not adopted. When they are adopted, there is a continuing effect; namely, the legislation continues and could have been adopted.

In terms of that principle, I see nothing inimical in that. Even though a report is adopted in the previous Parliament, if a motion

is made in the new Parliament to ask the government for a response to points contained therein, it is very much the same. There is the same kind of continuing effect as there is with reports on legislation.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I object to Senator Corbin's interpretation of rule 131 of the *Rules of the Senate*. I was the one who proposed to the Senate that Senate reports, once adopted by the Senate, should be followed up on by the government. We examine very important topics. The idea was to make it possible for Senate committees to request a comprehensive response from the government. Before being adopted by the Senate, reports are committee reports, but once adopted, they are Senate reports. This is only natural. As to whether it is null and void because the second session has ended and we are now in the third session, I do not think that is important. The report was adopted by the Senate. The *Rules of the Senate* clearly state that after its adoption, a senator may move a motion calling on the government to table a response. This seems perfectly acceptable to me. I do not see why the government would be totally absolved of its responsibilities because a report was tabled during a previous session and no such request was made. The Senate committees do very good work and the government must respond to these reports. The report is not dead. It has not died. It is still there. It did not get a response. That is a shame. Let us be logical and do things as they should be done. This has nothing to do with the traditions of the House of Commons.

Senator Corbin: Honourable senators, I agree entirely with logic, meaning the logic of the rules as they have been set down. Of course, when a bill is adopted by the Senate, that is the end of consideration and of formal comments on that bill. It is done with. The parties have spoken, the bill is passed, and nothing more is added. The bill may be mentioned during debate on other issues, but there is nothing more after that, nothing more is done. It is the same with respect to reports.

As I see it, Senator Gauthier ought to have made his motion immediately after adoption of the fourth report of the Senate Standing Committee on Official Languages, on October 28, 2003, and not 75 days later in a new session.

It is important that we have rules that are clear and precise, rules that can be correctly interpreted in order to keep our proceedings running smoothly. If we accept Senator Gauthier's motion, we open the door to all kinds of abuses and creative initiatives. There will be no end to it. It is clear that rule 131(2) can only be interpreted as meaning that the motion requesting a response from the government must be made immediately after the report is adopted.

Senator Gauthier: Honourable senators, I was here on October 28, 2003. But sometimes the traditions and customs of this place prevent us from speaking when we wish to. We have to wait until the motion is called; and on October 28 we adjourned before there was an opportunity to speak to the motion. I did my best and, on November 12, the House was prorogued.

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