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(HANSARD)

**Wednesday, October 6, 2004**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Wednesday, October 6, 2004

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

Prayers.

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, before we proceed, I have been asked to advise that it is intended that the official photograph of the Senate be taken on Wednesday, October 20, 2004. The photograph is an important part of the parliamentary record and is useful for historic purposes.

Is it agreed that the photograph be taken on Wednesday, October 20, at the commencement of the sitting?

**Hon. Senators:** Agreed.

## SENATORS' STATEMENTS

### TRIBUTES

#### THE LATE HONOURABLE JACK MARSHALL

**The Hon. the Speaker:** Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to our former colleague, the Honourable Senator Jack Marshall, whose death occurred on August 17, 2004.

I remind senators that the time for speaking to tributes is 15 minutes. I have approximately six senators on my list.

**Hon. Ethel Cochrane:** Honourable senators, I rise today in memory of one of our former colleagues who, during his tenure in this place, provided one of the finest examples of true service to Canada. I am referring, of course, to my friend the Honourable Jack Marshall, who passed away in August at the age of 84.

Despite his many political successes, the army was his true calling. As many of us recall, he was the only officer cadet in the Canadian army who went ashore on D-Day. Not only did he survive the beaches of Normandy, he was promoted to the rank of captain by war's end.

Later in life, Jack had the kind of career politicians dream of but rarely achieve. His son, Tom, Newfoundland and Labrador's current Minister of Justice, put it best when he said, "What I admired about him was that he was more popular when he left politics than when he got in."

It was that popularity that led Jack to successive electoral victories in 1968, 1972 and 1974 in my home riding of Humber—St. George's—St. Barbe. We were very well represented in the House of Commons under Jack's watch. He was a politician who was always available. He was always working on something for someone, always thinking of those whom he represented. In those days, his travel schedule was well known in our riding. Every time he arrived home at the Stephenville Airport, his first stop would be to check in with the local media, where he would inform them and the public of when and where he could be reached.

Jack was a Newfoundlander through and through. He was completely devoted to his adopted province and deeply committed to his constituents. In 1970, he made headlines when he said that he was ready to lead Newfoundland fishermen to sail out and shoot any trawler that destroyed fishing gear. He said at that time:

There has been a total and complete collapse of the fishing industry on much of the coast. We won't sit by and let it start up again.

In 1978, Jack was called to the Senate. As a senator, he was keenly aware of the needs and concerns of those he represented, and he represented them with vigour.

He also became known for his tireless advocacy work on behalf of our veterans. For years now, without fail, Jack's name comes up whenever I visit my local branch of the Royal Canadian Legion. Whereas I used to receive countless queries regarding his health and his whereabouts, now I am met with sadness. Veterans tell me how sorry they were to learn of his passing. They say, with great sincerity, that he is a man who will surely be missed. I can only agree.

Indeed, Jack's legacy of service continued well after his retirement from the Senate. This past year, his work was acknowledged once again when he received the Order of Ontario.

I know honourable senators will join me in offering to Jack's wife Evelyn and his children our sincere condolences. To Jack, we extend our gratitude for all he accomplished during his time here and for raising the bar for each one of us as we continue in his work.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, it is an honour for me to say a few words about Jack Marshall. Born in Cape Breton, he spent most of his adult life in Western Newfoundland — which should come as no great surprise because there is just a small body of water joining the two places — and he is not the first one.

Jack enlisted in the Canadian army during the Second World War and quickly rose from private to captain. Settling in Corner Brook after the war, he joined the Royal Newfoundland Regiment, where he rose to the rank of colonel and commanding officer for the whole province.

He was elected to Parliament in 1968 as one of the “Noisy Six” Progressive Conservatives. The assessment then was that when the rest of Canada jumped on the Trudeau bandwagon, Newfoundland and Labrador jumped off. He served in the House of Commons until 1978, when Mr. Trudeau appointed him to the Senate. It is perhaps one of the greatest testimonies to Jack that we thought at that time the only way we could win the seat was by getting Jack Marshall out of it. We were wrong, of course. The people told us what they thought of that manoeuvre by electing the first NDP member of Parliament in our history. We did not win the seat until Brian Tobin, tasked with finding a candidate and unable to do so, in desperation put his name on the ballot. The rest, as they say, is history. Such are the vicissitudes of Newfoundland and Labrador politics.

• (1410)

I want to read into the record a letter I wrote to Jack's son, Tom, now our province's Minister of Justice and Attorney General, as it says what I want to say about Jack.

I was saddened to hear of your father's passing. He and I were good friends and shared a great deal together. We had adjoining constituencies and shared the northern peninsula of Newfoundland. We were interested in the same issues and basically the same people. He was probably the best constituency man I ever knew. He took his work very seriously and I know from experience that quite late at night —

— in spite of the fact there was an hour and a half time difference —

— people would get phone calls from Jack Marshall asking them about particular problems or issues they had raised with him. He worked tirelessly for the people of his district and, of course, for the veterans.

But I remember best the chats we had from time to time, devoid of party politics and cutting through all the veneers, to get down to the real issues and what should be done about them.

I remember in particular our efforts in the late seventies to put in place some regulations for the seal hunt....

We put through a private member's initiative that he and I sponsored together. My letter continues:

The idea was to put in place regulations that would restrict access to the hunt and protect the sealers. That kind of issue means most to a parliamentarian and he and I were quite proud to work on it together.

But it was his humanity that I will remember best. He was a great human being. He was his own person and his own man no matter what. He has been greatly honoured in so many ways, and rightly so, but he knew that honour emanates from within and includes a personal humility. I shall miss him, but remember him with great affection.

**Hon. Marjory LeBreton:** Honourable senators, a valuable colleague left us in August — Colonel, the Honourable Jack Marshall, Grand President of the Royal Canadian Legion. Jack was a friend to Canadian veterans and to the Canadian military for decades. As Senator Cochrane said, he landed on the beaches of Normandy on D-Day with the 3rd Canadian Division.

He was elected to the House of Commons for Humber—St. George's—St. Barbe — and Senator Rompkey is absolutely right — against the Trudeaumania trend in 1968 with Mr. Stanfield as leader. He served in the House of Commons for 10 years.

As a senator, he served on many committees, including the Special Senate Committee on Veterans Affairs, and he was a diligent and loyal supporter of veterans. He retired from the Senate in 1994.

On a personal note, I remember him well when he was elected in 1968. We treasured anyone who was elected in 1968 in the Trudeaumania era. I had the pleasure of working in the leader's office at times when Jack Marshall would call on behalf of one of his causes. Anyone who knew Jack Marshall knew his tenacity and knew he would not accept no for an answer. I have the scars to prove it.

When it comes to helping veterans, no one in this country is owed more than Jack Marshall. After he retired from the Senate, I would see him practically every day enter the Victoria Building where he worked pro bono on veterans' cases out of Senator Brenda Robertson's office.

Jack Marshall deserves the accolades that are being paid to him today. I am certain that his beloved veterans will miss him greatly. I very much doubt that we will see his like again.

**Hon. Jeremiah S. Grafstein:** Honourable senators, my late father was a decorated veteran of the Polish army and fought in the war for Polish independence following World War I. From early childhood I was always fascinated with military matters and war stories I heard from veterans. Before I came to the Senate, I articulated for Senator Croll and learned of his outstanding military career: rising from private to lieutenant-colonel in his regiment, and his service overseas with such distinction during World War II before returning to Canada in 1945, then being elected in Spadina as the lone Liberal member in Toronto.

When I came to the Senate, now over two decades ago, I came to know Jack Marshall and discovered his equally fascinating military record of a proud and courageous service at Normandy and beyond during World War II.

Jack was an outstanding advocate for veterans' issues, a strong voice for his region and island home in Newfoundland, and a staunch supporter for a united Canada. As a proud Jew and a proud Canadian, he made me proud to feel privileged to be his colleague here.

Jack will be missed by friends and political foes alike for his humanity and his wit, for all who came to know him could not fail to respect him for all his works.

We extend to his family our deepest condolences. As we say according to Jewish tradition, may his soul be bound up in the bonds of eternal life.

**Hon. John Buchanan:** Honourable senators, I rise to pay tribute to a great Canadian, a great Cape Bretoner and a great Newfoundlander, the late Honourable Jack Marshall, C.M., C.D., who was born in Glace Bay and moved to Corner Brook, Newfoundland, where he was in business for many years.

Jack attended Mount Allison Commercial College. I graduated from Mount Allison University a few years ago, along with Jack's brother, Eli.

I first met Jack Marshall in Ottawa in approximately 1970 in the parliamentary dining room with a group of MPs from Nova Scotia and Newfoundland. I think one of them was Senator Forrestall. Bob Coates was there, and others. From that day until he left the Senate, Jack was a personal friend of mine.

In 1971, when I ran for the leadership of the Progressive Conservative Party and won that leadership, he was a big help to me. One night at about ten o'clock, four delegates from the Dalhousie University Law School Progressive Conservative Club arrived at my headquarters. One was Tom Marshall, who now is the Minister of Justice in the Williams government of Newfoundland and Labrador. Tom came in with the other delegates and told me that he had just had a call from his father in Ottawa, who literally ordered him to come down to my headquarters and work for me in the leadership. As a result of that, I won four of the six delegate votes from the club.

Jack was a veteran with a distinguished career in the military and was a tireless champion for the rights of veterans. He was particularly a champion of the rights of merchant seamen, a group that had been forgotten over the years. Jack Marshall was responsible for the benefits that finally were granted to the merchant seamen veterans of World War II.

I was on the waterfront in Halifax when the monument to the veterans of the merchant seamen was unveiled. I will always remember the glowing terms in which they spoke of the Honourable Jack Marshall and his contribution to ensuring that those veterans were not forgotten.

Just two weeks ago, in a Sobeys store in Halifax, I ran into Captain Earl Wagner, a veteran of the merchant marine. I told him I would be saying a few words about Jack, and he wanted to ensure that I mentioned what he thought of the Honourable Jack Marshall. Captain Wagner told me that Jack Marshall was number one not only for all veterans but specifically for the veterans of the merchant marine.

Honourable senators, we will all remember him; we will all miss him. I extend our deepest sympathy to his family, his son, Tom, his brother, Eli, and all members of the Marshall family.

• (1420)

**Hon. Joyce Fairbairn:** Honourable senators, I wish to join in these tributes to a gentleman who was one of the finest and most genuine people I have met in either House on Parliament Hill.

I first got to know Jack Marshall when he was a member of the House of Commons and I was still a reporter in the parliamentary Press Gallery and, as years went by, when I worked with Mr. Trudeau. I do not think there could have been an appointment to the Senate more popular to either side at that time than that of Jack Marshall.

Previous speakers commented on Jack's military career. As a young man, he rushed on to the beaches of Normandy and, since then, he was forever tied to the military and all that it stood for. In his latter days here in the Senate, he was unquestionably the champion of veterans. As I became interested in veterans' affairs, at his encouragement, everywhere I went in Canada I was asked, "Do you know Jack Marshall?" When I would respond in the affirmative, I would rise a great deal in the esteem of the people to whom I was speaking.

Jack championed every issue of the veterans who served this country, including the merchant marines. However, my most poignant memory is of his obsession with the neglect that had been visited upon our men who went to Korea in what was deemed by some of our allies to be a police action. It was indeed a war where many Canadian lives were lost, and our soldiers went unrecognized because of this war of words, as it became for so many years.

There were no medals for Korean veterans and Jack decided that before he left this place he would change that. A petition was put forward, signed by members of this place and of the House of Commons, asking for medals for those deserving Korean veterans. His success was assured when, after the Gulf War, there was a great desire to honour Canadians who had served in that arena. Jack responded to that by saying that we could not honour those Canadians until our Korean veterans were properly recognized. It was done, and the Canadian Volunteer Korean Service Medal has become part of the military history of this country. It would not have happened without the efforts of Jack Marshall.

Jack will be remembered forever for his love of this place, his love of public life and his love of our veterans. He is the hero of Korean veterans in this country. There is no doubt that he was the "People's Warrior."

I send my condolences and affection to his family. Without having asked, I believe it would be appropriate also to convey the condolences of the General Stewart Branch of the Royal Canadian Legion in Lethbridge, Alberta.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### TENURE AS CHAIR OF COMMITTEE

**Hon. Lise Bacon:** Honourable senators, two years ago, I accepted the responsibility of chairing the Standing Committee on Internal Economy, Budgets and Administration with a determination to make every effort to carry out my mandate effectively.

I admit that this was not always easy. Our committee often faced difficult choices and had to make decisions that were at times unpopular with some of our colleagues. Nevertheless, the challenges, the importance of our mission and the will to ensure that the Senate was soundly managed fuelled our determination to see our task through to completion.

I accepted my appointment to the Senate because I have always believed in its importance and its pivotal, less partisan role as a house of review and advice. Despite its critics, we must never underestimate the Senate or the quality of its members.

However, we must recognize that the resources available to us —

**The Hon. the Speaker:** Honourable senators, I am sorry to interrupt, but I am having some difficulty hearing Senator Bacon. I ask for order.

**Senator Bacon:** However, we must recognize that the resources available to us must be managed carefully. This money is collected through income tax and is, therefore, the hard-earned money of Canadians.

I firmly believe that when public money is at stake we are morally obligated to be vigilant. Canadians must have confidence in their institutions, and the caretakers of these institutions must set an example by making every effort to ensure the public money put in their hands is spent judiciously.

The Senate does not have unlimited funds. We had to make tough choices. There was no alternative. It is totally unrealistic to think that we could approve every request presented to the committee. We were up against a brick wall — our budget.

The Internal Economy Committee must ensure that spending guidelines are adhered to and that the Senate is worthy of the funds it receives from Canadians. Our institution's legitimacy is often called into question, and the way we manage our budget must, therefore, be above suspicion. There is no escaping this political reality, and we have no choice but to accept it.

To win a popularity contest is not the goal of the Internal Economy Committee. Our mission is to manage the budget fairly and make the necessary decisions, while ensuring financial limitations are respected. In a way, the committee manages reality. It has the unpleasant task of overseeing the allocation of currently available funds.

Our committee worked hard to carry out its responsibilities, and I would point out that many senators actively cooperated with the committee and its members. They made our jobs that much easier, and they are a credit to our institution.

I extend my special thanks to each committee member and to all of the Senate administration staff, especially the Clerk of the Senate, Mr. Bélisle, who fully supported our activities throughout our mandate. My sincere thanks as well to the steering committee members; the successive deputy chairs, Senators Atkins, Stratton, Robertson and Keon; and Senator Aurélien Gill, who gave me his full support and his friendship.

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

## CONSERVATIVE PARTY OF CANADA

### TRIBUTE TO MR. ROGER BOISVENUE ON RETIREMENT

**Hon. Gerry St. Germain:** Honourable senators, I rise to pay tribute to Mr. Roger Boisvenue who has this summer retired from parliamentary service after 41 years of faithful and dedicated service to the Conservative Party of Canada, its senators and members of Parliament.

Roger first came to the Hill in 1963, and throughout his career in service to the Conservative Party and its parliamentarians he was the caucus librarian and researcher to no less than 11 national leaders and acting leaders, starting with Prime Minister John Diefenbaker; Robert Stanfield; Prime Minister Joe Clark; Eric Nielsen; Prime Minister Brian Mulroney; Prime Minister Kim Campbell; Jean Charest; Elsie Wayne; Joe Clark, a second time; Peter MacKay; John Lynch-Staunton and Stephen Harper. He also served five Senate leaders, namely, Senators Brooks, Flynn, Roblin, Murray and Lynch-Staunton, and almost served a sixth, our Senate caucus' newly elected leader, Senator Noël Kinsella.

Roger is a veteran of 12 federal general elections: 1965, 1968, 1972, 1974, 1979, 1980, 1984, 1988, 1993, 1997, 2000 and 2004. A list of the Conservative senators and MPs who have come and gone since the summer of 1963 runs to 62 pages with more than 600 names, all of whom Roger has helped, either directly or indirectly.

When Roger signed on with John Diefenbaker in 1963, he was fresh out of high school. There were no computers. The ultimate in high-tech communications was a telex machine, so Roger became a bit of a pack rat. If you were looking for a memo, briefing note, parliamentary report or even a news clipping, there was a good chance that Roger had held on to it at one time.

• (1430)

Files on matters such as the Diefenbaker and Pearson debates in the fall of 1963 or the debates over the new Canadian flag design; news clippings about MPs' salaries of \$18,000 — surprising how some issues never really change — Roger was always there when a parliamentarian needed a Hansard quote or any information request fulfilled. Ever since his time with "The Chief," Roger has been an avid duck hunter and fisherman, having hunted and fished in most parts of Canada.

Roger, I think I can say that the parliamentarians you worked with over the last 40 years thank you for your service and wish you and your family the very best in health and happiness in your retirement years. As a former president of the party, and having worked with you closely, I personally want to thank you for your dedicated, loyal friendship.

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

### MENTAL ILLNESS AWARENESS WEEK

**Hon. Joan Cook:** Honourable senators, October 4 to 10 is Mental Illness Awareness Week. Coordinated by the Canadian Alliance on Mental Illness and Mental Health, in cooperation with its member organizations and many supporters across Canada, this week's focus is on educating the public about the reality of mental illness.

This week's theme, "Face Mental Illness," seeks to empower those who are suffering in the shadows of mental illness to reach out for help. Mental illness afflicts more than 6 million Canadians during their lifetime and is a leading cause of disability. Its economic and social impacts are staggering, but there are effective treatments for most common mental disorders, so many sufferers can lead satisfying and productive lives.

However, the restriction of access to newer medications can impede sufferers' ability to enjoy the benefits of optimal treatment. As of October 1, the government in my home province of Newfoundland and Labrador imposed a restriction on access to atypical antipsychotic drugs used to treat schizophrenia and psychosis. I believe this is a regressive step that fails to consider the long-term cost to sufferers and our health care system.

Access issues aside, the stigma surrounding mental disorders can cause distress to sufferers and their families and act as an impediment to even seeking treatment. Estimates are that two thirds of people who require treatment for a mental illness do not seek help, partly due to the stigma associated with the illness or its treatment.

The exaggeration of the link between mental illness and violence and other widely held misconceptions can lead to discrimination against people living with mental illness. Many sufferers face hardships such as being excluded from social circles and being denied housing, employment and other basic rights. However, every time a mental illness survivor openly shares their experience, a real face is associated with the illness and the general public is more likely to understand its reality.

I would, therefore, like to congratulate those who have shown courage in facing their illness without shame. I would also like to commend the Canadian Alliance on Mental Illness and Mental Health for their efforts in educating Canadians about mental illness. I also implore government decision-makers to closely consider the importance of drug access. We must ensure that those who face mental illness do not also face limited or inadequate treatment options.

**Hon. Wilbert J. Keon:** Honourable senators, I join Senator Cook in bringing attention to Mental Illness Awareness Week. This week is an annual national public education campaign, established in 1992 by the Canadian Psychiatric Association and now coordinated by the Canadian Alliance on Mental Illness and Mental Health, to bring to the forefront the realities of mental illness.

This is truly a horrendous social problem at this point in time. Nearly 6 million, or one in five, Canadians today are likely to experience a diagnosable mental illness. Three per cent of Canadians are likely to have to live with serious mental illness.

A Canadian study found that two thirds of homeless people using urban shelters suffered from some form of mental illness. Less than 4 per cent of medical research funding goes to mental illness research. Health Canada estimated that mental health problems cost society \$14.4 billion in 1998. By 2020, it is estimated that depressive illness will become the leading cause of disease burden in developed countries like Canada.

Mental Illness Awareness Week seeks to raise awareness of the level of mental illness in Canada; to reduce negative stigma about mental illness among the general population and health care professionals; and to promote the positive effects of best practice in prevention, diagnosis and medical treatment.

Honourable senators, for too long, Canadians with mental illness have been in the shadows. It has been considered one of the invisible disabilities, riddled with shame and misunderstanding. Because of this, too few Canadians know about the burden of mental illness on their society and too few sufferers seek help when they need it.

This year, during the campaign, a new education initiative is being launched with members of Parliament. Canadians are encouraged to share their concerns and stories related to mental illness with their local MPs and federal and provincial health ministers. I ask all honourable senators to read them, to listen and to learn.

### PARALYMPIC GAMES 2004

#### CONGRATULATIONS TO ATHLETES

**Hon. Joyce Fairbairn:** Honourable senators, I would ask the Senate to join me today in applauding the absolutely extraordinary performance of our Paralympic athletes in the games in Athens, Greece.

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

**Senator Fairbairn:** I cannot express the pride I feel for them and with them. There were 136 countries competing in these events. We did not have the largest team, 143, but we had one of the best — 72 medals, 28 of them gold. We came third in the world, behind China and Britain, ahead of the United States. We received medals on the track, in the pool, and in team sports such as basketball, goal ball and rugby. In power lifting, we raised the roof. Our athletes won gold in Boccia, which is the most difficult of all the Paralympic sports. It was a tribute not only to sports but also to the human spirit.

Leaving aside medals and wins, I have never met a Paralympic athlete who did not choose as one of his or her goals the hope that what they do will affect children throughout the world so that they can live a life perhaps better than that of these athletes; so that when society says, "You cannot do that," they can reply, "Yes, I can!" That is what the Paralympic team has done for Canada. I profoundly hope that this country and this government will listen to that message and will support our athletes who have done Canada enormously proud, both as athletes and as individuals.

Honourable senators, at the very end of the games a week ago, I had the privilege of standing on the Acropolis with a young man named Jeff Adams, one of our great track wheelchair athletes. He climbed the Acropolis in his wheelchair and was met at the top by young people, by children and by adults who were filled with absolute jubilation that anyone would think to try such a thing. His message was, "Yes, I can! You can too!"

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

### THE LATE DR. EDWARD EMSLIE STEWART, O.C.

#### TRIBUTE

**Hon. Norman K. Atkins:** Honourable senators, I rise today to pay tribute to Dr. Edward Emslie Stewart, who passed away on September 25 of this year. Ontario, indeed Canada, has lost one of its outstanding citizens. Dr. Stewart served the province and the country with distinction, and he will be missed by those who worked with him, especially his many friends.

• (1440)

Born in Montreal, he moved to Windsor at a very young age, where he attended public school. He went on to earn a BA from the University of Western Ontario, an MA from the University of Michigan, and a doctorate in education from the University of Toronto. He was awarded an honorary LL.D. by the University of Waterloo in 1983.

Dr. Stewart spent many years as a public school teacher, ultimately joining the Ministry of Education in 1960, where he held several senior positions, such as Assistant Superintendent of Professional Development, Assistant Superintendent Curriculum, Deputy Minister of University Affairs, Assistant Deputy Minister and Deputy Minister of Education. He continued to contribute to education throughout his life by being a guest lecturer.

From 1974 to 1985, he was Deputy Minister, Office of the Premier, subsequently adding the duties of Secretary of the Cabinet and those of Clerk of the Executive Council, all of which he retained until he retired from the public service in July 31, 1985.

When asked, the Honourable William G. Davis said this of Dr. Stewart:

He was respected by everybody. There's not a person you'll find who will say anything unkind about him. He was one of the most able public servants that I have known in my time in public life. I can't say enough about him in terms of both his professional competence, and his sensitivity...

After leaving the government, Dr. Stewart went on to serve on the Board of Governors of York University, the Board of Trustees of the Royal Ontario Museum, the Board of Directors of Phi Delta Kappa and Barclays Bank of Canada, radio station CJRT-FM and the Etobicoke Community Care Access Centre.

Dr. Stewart joined the Labatt Corporation in 1985 and retired from the position of Vice-President, Corporate Affairs, John Labatt Limited, in 1990.

He was honoured in 1987 at the annual Leadership Award of the Ontario Association of Educational Administrative Officials. In 1990, he received the Annual Award of the Public Policy Forum. He went on to be named as an Officer of the Order of Canada in 1991.

Dr. Stewart was keenly interested in ancestral roots and served for a number of years on the board of the Scottish Studies Foundation, three years as its chairman. He played a key role in securing significant philanthropic gifts for the foundation and the Endowed Chair in Scottish Studies at the University of Guelph and was also a member of the Toronto Arts and Letters Club.

Honourable senators, Dr. Stewart was a man of strong character and principle. His unfailing integrity was evident throughout his academic and government career, indeed, in all facets of his life.

John Tory, the new leader of the Progressive Conservative Party of Ontario, who served with Dr. Stewart in the Davis government, said this:

His greatest contribution came, however, in the form of the candid, unvarnished advice he gave — advice which always pointed in the direction of doing the right thing.

We have lost an exceptional Canadian and friend, but his legacy will live on in our hearts and minds. Dr. Stewart was one of those very special people who rose to the top of his profession and one who succeeded regardless of what challenge he took on. I am better for having known him, as I am sure are all his friends and associates.

My condolences go to his wife, Vicky, to whom he was devoted, and to other members of his family.



[Translation]

## ROUTINE PROCEEDINGS

### INFORMATION COMMISSIONER

#### 2003-04 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to lay upon the table the annual report of the Information Commissioner, pursuant to section 38 of the Access to Information Act, for the financial year ending March 31, 2004.

[English]

### GOVERNOR GENERAL

#### COPIES OF COMMISSIONS APPOINTING SUPREME COURT JUSTICES ABELLA AND CHARRON DEPUTIES TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table a copy of the commissions constituting the Honourable Louise Charron and the Honourable Rosalie Silberman Abella judges of the Supreme Court of Canada, deputies of the Governor General, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure, dated September 24, 2004. I ask that said commissions be printed in the *Journals of the Senate*.

[Translation]

### COMMITTEE OF SELECTION

#### FIRST REPORT PRESENTED

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

Wednesday, October 6, 2004

The Committee of Selection has the honour to present its

#### FIRST REPORT

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

Respectfully submitted,

ROSE-MARIE LOSIER-COOL  
*Chair*

**Senator Losier-Cool:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

**Hon. Senators:** Agreed.

On motion of Senator Losier-Cool, report placed on the Orders of the Day for examination later this day.

[English]

### SECOND REPORT OF COMMITTEE PRESENTED

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

Wednesday, October 6, 2004

The Committee of Selection has the honour to present its

#### SECOND REPORT

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

#### STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Angus, Buchanan, P.C., Christensen, Fitzpatrick, Gustafson, Léger, Mercer, Pearson, Sibbeston, St. Germain, P.C., Trenholme Counsell and Watt.

#### STANDING SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Callbeck, Fairbairn, P.C., Gustafson, Harb, Hubley, Kelleher, P.C., Mahovlich, Mercer, Oliver, Ringuette, Sparrow and Tkachuk.

#### STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, P.C., Kelleher, P.C., Massicotte, Meighen, Moore, Plamondon and Tkachuk.

#### STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Adams, Angus, Banks, Buchanan, P.C., Christensen, Cochrane, Finnerty, Gill, Gustafson, Lavigne, Milne and Spivak.

#### STANDING SENATE COMMITTEE ON FISHERIES AND OCEANS

The Honourable Senators Adams, Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, Mahovlich, Meighen, Phalen, St. Germain, P.C. and Watt.

#### STANDING SENATE COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Carney, P.C., Corbin, De Bané, P.C., Di Nino, Downe, Eyton, Grafstein, Poy, Prud'homme, P.C., Robichaud, P.C. and Stollery.

#### STANDING SENATE COMMITTEE ON HUMAN RIGHTS

The Honourable Senators Andreychuk, Carstairs, P.C., Ferretti Barth, LaPierre, LeBreton, Oliver, Pearson, Poulin and Poy.

#### STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Banks, Cook, Day, De Bané, P.C., Di Nino, Furey, Jaffer, Kenny, Keon, Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, P.C. and Stratton.

#### STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Bacon, Cools, Eyton, Joyal, P.C., Mercer, Milne, Nolin, Pearson, Ringuette, Rivest and Sibbeston.

#### STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Lapointe, LeBreton, Poy, Stratton and Trenholme Counsell.

#### STANDING SENATE COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb, Mahovlich, Murray, P.C., Oliver, Ringuette and Stratton.

#### STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Cordy, Day, Forrestall, Kenny, Lynch-Staunton, Meighen and Munson.

#### STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Chaput, Comeau, Corbin, Jaffer, Lavigne, Léger, Merchant, Meighen and St. Germain, P.C.

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

The Honourable Senators Andreychuk, Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, P.C., LeBreton, Lynch-Staunton, Maheu, Milne, Poulin, Robichaud, P.C. and Smith, P.C.

#### STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Baker, P.C., Biron, Bryden, Hervieux-Payette, P.C., Kelleher, P.C., Lynch-Staunton, Moore and Nolin.

#### STANDING SENATE COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Cochrane, Cook, Cordy, Fairbairn, P.C., Gill, Johnson, Keon, Kirby, LeBreton, Morin and Pénin.

#### STANDING SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Baker, P.C., Carney, P.C., Eyton, Fraser, Gill, Johnson, LaPierre, Merchant, Munson, Phalen, Tkachuk and Trenholme Counsell.

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

Respectfully submitted,

ROSE-MARIE LOSIER COOL,  
*Chair*

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** In order to facilitate our work later on today, perhaps a list of all the names could be distributed to honourable senators. That would save time.

**The Hon. the Speaker:** Leave is granted. I will put the motion.

With leave of the Senate and notwithstanding rule 58(1)(g), it is moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Robichaud, that this report be taken into consideration later this day.

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

Motion agreed to.

#### BUSINESS OF THE SENATE

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), during the period of Friday, October 8 to Monday, October 18, 2004 inclusive, the committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

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

**Hon. Noël A. Kinsella (Leader of the Opposition)**, presented Bill S-2, to amend the Citizenship Act.

Bill read first time.

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

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

[Translation]

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

**Hon. Jean-Robert Gauthier** presented Bill S-3, to amend the Official Languages Act (promotion of English and French).

Bill read first time.

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

On motion of Senator Gauthier, with leave of the Senate and notwithstanding rule 57(1)(f) of the *Rules of the Senate*, bill placed on the Orders of the Day for second reading later this day.

• (1450)

[English]

**MARRIAGE (PROHIBITED DEGREES) ACT  
INTERPRETATION ACT****BILL TO AMEND—FIRST READING**

**Hon. Anne C. Cools** presented Bill S-4, to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

Bill read first time.

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

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

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO CONTINUE STUDY ON STATE  
OF HEALTH CARE SYSTEM**

**Hon. Michael Kirby:** 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 Thirty-seventh Parliament be referred to the Committee, and

That the Committee submit its final report no later than December 16, 2005 and that the Committee retain all the powers necessary to publicize the findings of the Committee until March 31, 2006.

**FLAWS IN DELIVERY  
OF GUARANTEED INCOME SUPPLEMENT****NOTICE OF INQUIRY**

**Hon. Percy Downe:** Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to the basic flaws in the delivery of the Guaranteed Income Supplement Program for low-income seniors.

**QUESTION PERIOD****PRIVY COUNCIL OFFICE****COMMENTS BY CLERK**

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, in rising to ask a question of the Leader of the Government in the Senate, allow me to extend the congratulations of the official opposition in the Senate to Senator Austin on his reappointment to the cabinet and the very capable representation of the ministry in this house.

My first question to the minister follows on the public statement of the current Clerk of the Privy Council, who seems to obfuscate the desire of so many in Parliament who seek to remove the democratic deficit. In particular, when the Clerk of the Privy Council attempts to claim that there is a difference between responsibility, accountability and answerability, we would like to know whether the government agrees with Mr. Himelfarb.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Kinsella for his congratulations and offer him congratulations on his election by his caucus as the official Leader of the Opposition.

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

**Senator Austin:** To settle any doubt, it is clear that this house recognizes Senator Kinsella as the person carrying out the responsibilities of the official Leader of the Opposition.

Honourable senators, in answer to the question, I will need to make inquiries. The distinctions that the Clerk of the Privy Council may have made are not statements with which I am familiar, but I will endeavour to assist my honourable friend at a later time.

**Senator Kinsella:** I thank the honourable minister for that undertaking. Our whole Westminster system of parliamentary democracy depends upon ministerial accountability. That is indeed why our honourable colleague represents the government as minister in this place. It is important that we understand whether the long history of ministerial accountability, responsibility and answerability, which in my view are equivocal terms, are synonymous. The distinction that the current Clerk of the Privy Council has attempted to make is a threat to our parliamentary system.

## NATIONAL DEFENCE

### SAFETY OF SUBMARINES PURCHASED FROM UNITED KINGDOM

**Hon. W. David Angus:** Honourable senators, yesterday, under very turbulent seas off Scotland, whilst en route to Canada, the submarine HMCS *Chicoutimi* caught fire, with resultant smoke inhalation injury to, I understand, nine submariners. The vessel, although she was able to surface, was left stranded and powerless in these terribly perilous waters. I can tell honourable senators, from some extensive experience as an admiralty lawyer, that fire at sea is a mariner's worst nightmare. Imagine a submariner facing a fire on board.

This is just the latest in a series of incidents that have plagued these ill-fated submarines, which I believe were acquired by the Liberal government from the U.K. at bargain basement prices, either on long-term lease or some other arrangement. In July of 2002, the HMCS *Corner Brook* accidentally flooded. In 2003, the HMCS *Victoria* had to cancel sea trials owing to electrical problems. In August 2003, the *Victoria's* ventilation system failed. Finally, in March of this year, the HMCS *Windsor's* hydraulics simply malfunctioned.

These calamities are extremely troublesome, I submit, not only to us but to all Canadians, and they have haunted these vessels from the outset. Surely, the lesson for the government is that you get what you pay for.

• (1500)

Will this government conduct an official inquiry now, including a thorough safety review of all of these submarines, in the wake of this latest incident, or will the government simply continue endangering the lives of good Canadian men and women who put to sea in these faulty vessels, rather than admit it was wrong to acquire them and put them into service in the Canadian navy in the first place?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, far from acknowledging that there was any mistake or error with respect to the acquisition of these submarines, the government is very much committed to the submarine program and to the service that is required in surveying activities off the coasts of this country and in participating with our allies in submarine manoeuvres.

The government closely examined the policy of acquiring these submarines and also closely examined the role that they were designed to play. The decision is one that the government believes was correctly made.

With respect to the issues of commissioning and operating these submarines, a phrase used by my grandchildren occurs to me — stuff happens. No machine runs perfectly. I have made inquiries of the Chief of the Defence Staff, and he tells me that these are considered by the military, all of them, as within normal running-in parameters. No one wants anything to go wrong, and fortunately no one has lost their life.

Senator Angus will also remember a Sea King helicopter that dropped onto the deck of a vessel just shortly after it had left Canadian port for the Middle East. These are events that happen in all military service. It is the situation that in Canada those events have a high degree of public reporting. I do not criticize that fact, but, as my grandchildren say, stuff happens.

**Senator Angus:** Honourable senators, the leader's grandchildren may say "stuff happens." My grandson says, "no, Dada," and I believe his answer is no to whether there will be an official inquiry and no to whether there will be an exhaustive safety review. I am terribly worried that the honourable senator has totally failed to address these concerns. This is more than "stuff happens."

A moment ago my colleagues were murmuring, "shades of the helicopter situation." Every single one of these submarines has had a tragic event, with almost calamitous circumstances. We could have lost the whole complement, and we may still because that boat is out there bobbing in the high seas.

### FIRE ON HMCS *CHICOUTIMI*

**Hon. W. David Angus:** We understand that the British navy and other elements of the U.K. maritime industry are en route to attempt to salvage this stranded vessel. In that regard, are any Canadian vessels out there assisting our British friends in salvaging and saving the lives of those men and women? Should we expect to be charged by the British for their efforts in these salvaging manoeuvres?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the accident with respect to the paneling that caused the fire took place very close to Ireland and no Canadian aircraft or vessels were in the vicinity. Therefore, the British navy and forces of the Republic of Ireland have been active in supervising. A medical team has landed on the submarine and they are dealing with injuries.

With respect to the larger question, I will simply undertake to the senator to refer his representations to the Minister of National Defence.

**Senator Angus:** Finally, if I may, honourable senators, does the leader have any information as to when and if the HMCS *Chicoutimi* will return to active service with the Canadian navy?

**Senator Austin:** I have no doubt that, as repairs are made and the submarine *Chicoutimi* is found to be in serviceable order, it will come to Canada and be commissioned and put into active service.

#### PURCHASE OF SUBMARINES FROM UNITED KINGDOM

**Hon. Marcel Prud'homme:** Honourable senators, it is coincidental, but on May 11, 1995, Senator St. Germain asked a question headed, "Reasons for Acquisition of Upholder Class Submarines — Government Position." The Honourable Joyce Fairbairn, in her usual competent capacity, answered him, and then I asked a supplementary question headed, "Lobbyists Involved in Acquisition — Request for Particulars." Perhaps the leader would like to refer back to what I have reviewed.

It took a long time, but we got an answer. I asked for an answer, on July 11, 1995, of the Honourable Senator Graham. That was a change. On November 28, 1995, we got an answer, but it was a non-answer.

I indicate all these dates so the minister will have a good background.

Then, on April 24, 2002, the new leader — and if Senator Cools will give me a chance — of the official opposition asked of the Honourable Leader of the Government, Senator Carstairs, a question headed, "Compensation for Dent in Submarine Purchased from the United Kingdom."

I followed up on that debate on May 9, 2002, because I still wanted to know if any lobby firm was interested, as I said at the time, in this very interesting contract. Senator Carstairs promised me an answer.

On June 5, 2002 — and I thank Senator Carstairs — I received a very troubling answer stating that ex-generals, et cetera, had indeed been registered as supporting Vickers Shipbuilding for "UPHOLDER Submarine Service Support."

I believe that I have made the case for the minister to look into this matter because I do not believe it will die out. I have given all the dates to the best of my ability, not being an expert in this domain but being very interested in military matters because of my past life in the House of Commons, when I was chairman of the National Defence Committee.

This may not be a direct question, but my hope is that the leader will kindly look into these documents of the past so that we may eventually have a clear answer as to was there or not, and, if yes, who, and how did they manage to convince the Government of Canada to buy what I referred to as "four beautiful lemons" from Great Britain.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I appreciate the research that Senator Prud'homme has done and it will be reviewed. I point out that there is an opportunity during the debate on the reply to the Speech from the Throne to discuss these matters in more detail and make issues clearer.

• (1510)

At a future time — I cannot say precisely when, but I believe certainly in this session and probably early in the new year — a defence policy paper will be tabled by the government that will involve a review of our defence position. That paper will follow the policy on foreign affairs, which will be tabled, I hope, this fall. We can then have a more detailed debate and examination of all of these questions of defence policy and Canada's role as an ally in NATO and with the United States in the defence of the free world.

#### AGRICULTURE AND AGRI-FOOD

##### BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. I, too, congratulate him. As a great British Columbian, I know he will represent our region as he always has; with dignity, commitment and positive results.

To date, it is estimated that more than \$6 billion and 42,000 jobs have been lost since a single cow was diagnosed with BSE in Alberta. The government announced an aid package on September 10, but that package has received mixed reviews, to say the least. Many farmers are worried that their already heavy debt load will only increase.

What response does the government now offer to producers with increasing debt loads as a result of the border closure and the unsatisfactory response that the government received to its aid package?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I do not agree with the premise in the question asked by Senator St. Germain.

The government received a positive response to its aid package. As Senator St. Germain mentioned, on September 10, the government announced a strategy for protecting the producing industry and committed \$488 million in new federal funding to reposition the industry to ensure its future stability and profitability. This was the agreed strategy with the provinces and with the industry.

With the provinces and the industry we are proposing to encourage increased slaughter capacity in Canada so that we become less dependent on the U.S. market with respect to live animals. We intend to provide continuing transitional support to the cattle industry until the issue of access to the U.S. markets is resolved.

As well, of course, we are working diligently in every way possible to regain our traditional markets in the United States and to diversify our cattle export efforts to reach other markets in the world.

**Senator St. Germain:** Honourable senators, I did not expect the minister to agree, not in the least. I spent a part of the summer travelling and speaking to ranchers in British Columbia. I can tell the minister that the package of the government is viewed as having helped the large processing industry much more than the producers. If he goes out to talk to them, the producers will tell the minister that they are suffering as a result of being unable to dispose of animals over 30 months old.

One group that has found the aid package wanting is the Canadian Federation of Agriculture. A news release from the CFA dated the day the aid package was announced indicated that the CFA would prefer to see the federal government implement tax incentives such as tax deferrals to assist producer income in the short term, as well as loan guarantees and tax breaks for producers required to depopulate.

The government stressed that its aid package involved consultation with industry groups. If this is so, could the Leader of the Government in the Senate explain why the ideas expressed above were not included in the federal package? I do not believe that the CFA would misstate the situation. Traditionally, the CFA has been recognized as an organization of integrity.

**Senator Austin:** I thank Senator St. Germain for his supplementary question. I will examine the statement of the Canadian Federation of Agriculture to which he refers. In order to deal with this quickly, perhaps the honourable senator could provide me with a copy of the statement. However, I will ask the Minister of Agriculture for further advice regarding the details of consultation.

## INTERNATIONAL TRADE

### UNITED STATES— BOVINE SPONGIFORM ENCEPHALOPATHY— OPENING OF BORDER TO BEEF EXPORTS

**Hon. Gerry St. Germain:** I will attempt to provide the honourable senator with the exact statement made by the CFA.

The minister has told us that the government is trying to re-establish the traditional links to the U.S. market. From everything that I have read, studied and talked to representatives of the industry about, we have done everything that we pretty well have to do, within reason, to have the U.S. border reopened to us. I believe that the border has not been reopened because of some political reason.

Why did the Prime Minister not take the MP from Ontario properly to task when she first called the Americans “bastards?” She used that term. In her last attack against the Americans, she went so far as to refer to them as “idiots.” Where is the leadership

of the Prime Minister in that he did not ask — at the very least — for a suspension from caucus on this very issue? I believe that our leader would have taken that action. He has done so with certain members who have acted outrageously, and I believe this is outrageous behaviour.

I believe that the Americans are reacting negatively to us in reopening that border to a vast degree due to the behaviour of certain individuals in this country who have responsible lead positions.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the United States runs a sophisticated foreign policy and the Canada bilateral relationship is a sophisticated relationship, one which is managed at highly sophisticated levels on all sides and not influenced by the statement of one member of Parliament, particularly a member of Parliament who is not a member of the government.

The United States is quite familiar with our political system and with the difference between a responsible government minister and a member of Parliament. In response to Senator St. Germain, I would say that this is a non-issue.

The reasons the embargo remains in place are related to U.S. domestic policy and law. Canada is hopeful that the technical requirements of U.S. law will be solved shortly. Science is key to settling this issue. An agreement amongst agricultural scientists regarding the future risk of BSE with respect to issues like feed, the use of blood, organs and so on is being discussed. I believe that action will be taken, but the process does take time.

**Senator St. Germain:** I understand the minister's comments about science and I agree with those to a certain extent. However, I believe that the political will is being thwarted. I will give honourable senators an example.

Before the war in Iraq, I made a statement in the Senate supporting George W. Bush in his fight against terrorism, in his fight to protect freedom in the world. If the honourable senator thinks that the Americans are not listening, I would urge him to come to my office to see a personal note from the President of the United States thanking me for my support.

If a little chicken farmer from British Columbia can get a response from the President of the United States on a statement in this place, believe me, a member of Parliament from the Greater Toronto area will be heard.

• (1520)

**Senator Austin:** Honourable senators, I would guess that Senator St. Germain and I do not differ greatly on this last point. Certainly, every government watches what takes place in the governance of governments that affect their day-to-day lives. As the United States is our largest customer, we pay a great deal of attention to the Americans, as they do to us. I admire the political and communications machinery of the Bush administration, and I am delighted that they recognize that Senator St. Germain concurred in their views on this particular subject.

However, my previous answer stands. This government will do everything a Canadian government proud of Canadian sovereignty can possibly do to improve continuously our relationships with the United States at every level. I know that the honourable senator supports President Bush in his proposal to enhance the American missile defence program, and this government is considering American representations and having discussions with respect to the way in which it might be able to support that program. There are a variety of things going on.

I can assure honourable senators that a statement by a member of Parliament that might reflect negatively on a political policy or person in the United States is not a grain of sand in the total management of the Canada-U.S. relationship.

## HEALTH

### RECALL OF CLINICAL DRUG VIOXX

**Hon. Wilbert J. Keon:** Honourable senators, I have a question for the Leader of the Government in the Senate about the arthritis drug Vioxx.

In the largest-ever voluntary drug recall last week, the prescription drug Vioxx was removed from the shelves by its manufacturer. It is an anti-inflammatory painkiller mostly used to treat arthritis and is the tenth-most-prescribed drug in Canada. It was recalled because clinical trial data showed a heightened risk for patients of stroke and heart attack. The U.S. Food and Drug Administration has said that it will now require longer studies and more safety data before approving other drugs in the same class as Vioxx, known as Cox-2 inhibitors.

A Health Canada press release says that it has actively monitored Cox-2 inhibitors for gastrointestinal and cardiovascular complications since 2002 when clinical data caused it to issue an advisory and change product labelling warning those with heart conditions to use Vioxx with caution.

Could the Leader of the Government in the Senate tell us if Health Canada has had any reason to doubt the safety of this drug since 2002? Also, will Health Canada intensify its review of all Cox-2 inhibitors as a result of the Vioxx recall?

**Hon. Jack Austin (Leader of the Government):** I thank the honourable senator for his question. I will make inquiries and endeavour to provide specific answers soon.

**Senator Keon:** I understand that this is a technical matter and will require the resources of staff. That being so, I would ask the Leader of the Government to consider a supplementary question at the same time.

The day before the results of the Vioxx trials were made public, Health Minister Dosanjh said that Health Canada is currently assessing both the commercial competition issues and the privacy issues surrounding the disclosure of clinical drug trials. When making his inquiries, could the leader find out when Health Canada expects to complete its review of the transparency of clinical drug trials by the department?

**Senator Austin:** Honourable senators, I shall do my best.

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

I draw the attention of honourable senators to rule 24(4), which indicates that in dealing with questions and answers a debate is out of order on an oral question but brief explanatory remarks may be made by the senator who asks the question and by the senator who answers it.

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

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

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the opening of the First Session of the Thirty-eighth Parliament.

**Hon. Jim Munson,** seconded by the Honourable Senator Chaput, moved:

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

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

#### MAY IT PLEASE YOUR EXCELLENCY:

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

He said: Honourable senators, it is a great honour for me to deliver this speech today. Before I get to the official portion of my speech, I, too, would like to say a few words about my old buddy Jack Marshall. When I was undergoing a career change from CTV to the Prime Minister's Office just three years ago, Jack picked up the phone and called me. I think we had an Atlantic Canadian bond. He was so sweet on the phone.

Our relationship goes back to the late 1960s and early 1970s, when I first came to the Hill. I cannot believe that I came here in 1974. Jack impressed me with his humanity and his kindness. In those days, when I was a reporter, I found him to be a warm and accessible man, and he will be greatly missed.

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

**Senator Munson:** I should also like to praise the efforts of the party leaders of this chamber: the Honourable Jack Austin, of course; and the new Conservative leader, fellow New Brunswicker Noël Kinsella. I would congratulate both Senator Terry Stratton and Senator Marjory LeBreton in their roles, which roles Senator Bill Rompkey and Senator Rose-Marie Losier-Cool fulfilled so well.

I would extend my best wishes to Senator John Lynch-Staunton, who has served his party well in this chamber. I would, of course, thank the Speaker for his wise leadership.

It is a great honour for me to speak today. I am still Canada's newest senator. It has been less than a year since I joined you here in this chamber. The past months have been a time for learning, and I would thank you for your graciousness and warmth in imparting your knowledge and your experience from your years of dedicated service. That has been very important to me.

By the way, now that there is an NHL lockout and there are no "Ottawa Senators," I would remind the people of Ottawa that there are still senators in town. As well, we are working and there is no charge to see us.

• (1530)

One of the most important lessons I have learned here over the past year is that much of our work, important work, is done outside the Senate. In the past year I have become involved, for example, with the Special Olympics, in the course of which I have met many children and adults with intellectual disabilities. I have been raising money and speaking on their behalf. It is personal. My work with them is important to me and I enjoy being with them. I am also working with SOS Children's Villages, a worldwide group that provides family-based care for orphaned children who have been abandoned and are unable to remain with their families. I am also working with CAYFO, Child and Youth Friendly Ottawa. These are important organizations.

[Translation]

I also had the opportunity to attend the 2004 World Acadian Congress. It was a great experience that reinforced my opinion that a nation is much more than a geographical state. A nation is a state of mind.

[English]

All this work has been most gratifying and the travel has put me in contact with many people across the country. It has now been several months since we asked the people of Canada to choose their government. They chose a Liberal government, which, of course, gives me great satisfaction.

**Senator Stratton:** Two thirds did not!

**Senator Munson:** They sent a Liberal government back to Ottawa but they also sent us a stern message. There is no doubt that the election results left Liberals humbled. I believe the

Deputy Prime Minister said it very well when she said, "Canadians generally like what we are doing, they just want us to do it better."

Liberal governments are good at fixing things and at making government work better. I believe we are up for the job. Liberals have accomplished a lot during minority governments. Liberal minority governments under Lester B. Pearson and Pierre Elliott Trudeau passed important legislation, including universal health care, government loans for university students and the indexing of old age pensions to the cost of living. These minority governments made their mark on Canada and they made Canadian society what it is today — a society that is progressive and forward thinking; a society that cares about and invests in people.

We can look to the examples set by Pearson and Trudeau to find guidance. I am convinced that the challenge of a minority government is to work closely with the opposition and to get on with the job of governing. It is a challenge far beyond that of counting heads in votes. I believe that the challenge is to think big, to be bold, to put the interest of Canadians and good policy-making before partisanship, and to make Canada's mark on the world. By showing leadership and forging ahead with bold policies that put the interests of Canadians before the interest of party politics, this minority government will accomplish much.

Good ideas are beacons. Put them out there and we will follow, not as Liberals or as Conservatives or as New Democrats or as bloquistes, but as Canadians who believe in the importance of nation building. The Speech from the Throne outlines the direction we will be taking to achieve our goals of a better Canada for more Canadians. It outlines what we will do for health care, for children, for cities, for communities, for the environment, for Aboriginal people, and for our foreign policy.

I would applaud the Prime Minister and the first ministers for their health care deal. The goal was to ensure that our most precious social program be made sustainable for years to come. Universal accessible health care is what Canadians want. Open and flexible federalism is what Canadians want. Discussions about federalism and a debate of the word "asymmetrical" or others is of little interest to people on a waiting list for an MRI, a hip replacement or cataract surgery.

The challenge is to ensure that the health deal delivers results. I believe it is the role of the federal government to ensure that health care dollars are spent for national health care priorities. Accountability is key to making this health accord work. I strongly believe in national standards. Our existing health care system is a hungry beast with an insatiable appetite for money, but money is not all it needs. It needs to be retooled to meet the needs of an aging population. Our national health care system is now middle aged and it is clear it needs to be modernized to meet the demands of modern times.

We have experts in this chamber who can make our health care system work better. Senators Kirby and Keon have put forward proposals to make our health care system work better by improving the funding formula for hospitals by basing it on services delivered. They propose that we review which health care



professional delivers which service in which health care setting. Their road map for improving medicare will help us get a bigger bang for our health care buck, and I think we should pay attention to them.

I should also like to see us look at health care within the broader social context, to understand it as a barometer of what is working well in our society and what needs more attention. The Prime Minister has said that our government will work to reduce waiting times for cancer treatment, coronary care, joint replacement, high-tech diagnostics and eye surgery. No one will dispute that Canadians deserve quicker service in their health care system. I should like to add another item to this list, an item that is a health issue but which has slipped through the mesh of our social safety net. The issue is autism.

This summer and this fall, one father in Ottawa, a public servant whom I ran into many times, would forgo his usual lunch hour routine of sandwiches and instead walk on the Hill with a sign saying, "Kids with autism need health care, not waiting lists." The fact is, autism is a growing problem in this country. It affects one out of every 200 babies born each year. The numbers are growing, and what we have to offer families is a patchwork of treatments, long waiting lists and coverage that depends on where you live.

Treatment for autism is similar to treatment for people who have suffered brain injuries. For children with autism, the treatment is intensive and it must be administered before they are six years old. It has proven to be effective, but it is very expensive. In fact, the treatment is so expensive that it is beyond the reach of most parents.

Is this the face of Canada's universal health care system? Honourable senators, I am afraid it is. Yet, the cost of not treating autism is much higher. Children who do not receive treatment often grow up to become wholly dependent on the state for support. This support is estimated to be \$2 million over the lifetime of the individual. You see, apart from being immoral, denying coverage is a false economy. The issue is universality, and the people affected are our most vulnerable citizens. They are being denied treatment that is proven to work.

We need a national vision. There must be a national will and with that a national autism program.

Regarding child care, we know that investments in the early years of all children yield good returns. Child care, like health care and post-secondary education, are priorities for this government. Even if you do not have children, even if you are healthy, even if you are not college or university bound, every Canadian benefits from a society where children arrive at Grade 1 healthy, happy and ready to learn. Every Canadian benefits from a first-class health care system, and every Canadian benefits from a society where higher education is within the grasp of those who want it. We all benefit from a society of healthy, well-educated, productive, contributing people.

For too long in this country we have used the issue of provincial and federal jurisdiction as an excuse for inaction. Honourable senators, I believe the time for excuses is over. It is time to be bold, to put in place a plan for child care and to make it happen. As far as Canadians are concerned, they do not care how things get done, they just want to see it get done, and rightly so.

Looking at the broader picture together and identifying the appropriate intervention of government as a whole is a challenge that we face. Health care and child care are quality of life issues that demand our full attention.

This government has also identified the contribution of cities and communities. I commend the Prime Minister for recognizing the essential contribution that cities and communities make to Canada's economy, as well as to our culture and our quality of life.

Providing a mechanism through the gas tax to help municipalities fund sustainable development initiatives is a creative approach that allows the federal government to make a difference in the day-to-day lives of Canadians. It is an example of policy-making that knocks down those artificial barriers between government departments, spans jurisdictions and brings those responsible to the table to solve problems together. The same type of problem solving will help Canada meet its commitments under the Kyoto Protocol. It will help us to improve the quality of life and health of Aboriginal people.

The prescription we need for strong social policy to support the development of healthy Aboriginal communities, where people have opportunities to enjoy active and healthy lifestyles, is about health care. However, it is also about preventing poverty and ensuring access to education and employment close to home. It is about bold policy-making that stretches across jurisdiction and departmental bounds. When it comes to the Aboriginal people, I think we agree, honourable senators, that a lot more work needs to be done.

• (1540)

My life and career have taken me around the world, and there is nothing like leaving Canada's borders and witnessing the tragedy in other nations to understand the value of peace, tolerance and good government.

I believe strongly that Canada has a responsibility to act on the world stage and make our mark. Canada has credibility, experience and wisdom when it comes to issues of governance, nation building and democracy. We must be bold and respond to what we have seen in Sudan. Let us remember the painful lessons of Rwanda, and stop history from repeating itself. I would commend the Honourable Mobina Jaffer for her efforts to bring Darfur into the hearts and minds of Canadians. I commend the Prime Minister's speech at the United Nations and fully support his commitment to do more in Darfur and to do more to strengthen the United Nations. We, and the world, will be watching what Canada chooses to do. While other nations wage a war against terrorism, let us wage a war against intolerance, injustice and inhumanity, but not just with words. Let us take action to help people who are so desperately in need.

Some have said that we must move a step beyond peacekeeping and that we need to strengthen and invest in our military. I support this. Our country is great today because we learned from the past. Canada has the credibility and the experience to make the world a better place. Let us step up and make our mark. We have work to do.

In closing, I have a friend, a journalist — believe it or not — who writes frequently about the Senate. Recently, he called this chamber “the unpopular Senate.” Now I am not sure what he was talking about. Is this the same Senate that has colleagues such as Michael Kirby and Dr. Keon who are champions of Canada’s health care system and recently put forward new ideas about how to make it more sustainable? Is this the Senate that has colleagues such as Landon Pearson and Joyce Fairbairn, who have tirelessly worked to make children and literacy top policy items? Is this the Senate that has Senator Sharon Carstairs, with her compassion and pioneering work in palliative care; Senator Maria Chaput, who has worked to promote minority language rights; Senator Jean Lapointe, who has worked in the areas of addictions and rehabilitation; Senator Terry Mercer, who has worked on behalf of several charities; Senator Norm Atkins, who has tried to bring diabetes and the issues of disability to the front; Senator Aurélien Gill, who is an ardent defender of the rights of Aboriginal people in this country; Senator Raynell Andreychuk, who has worked to stop human trafficking; and Senator David Angus, who has done tremendous work at the Montreal General Hospital? Who can forget the work of my friend Senator Jean-Robert Gauthier, the beacon of bilingualism in Ottawa?

Time does not permit me to name every senator. Everyone in this chamber has and is working for the common good. When I look at this chamber and see the talented people we have here, people who have contributed greatly to this country and continue to do so in the Senate, I feel a sense of purpose and urgency. The Speech from the Throne has laid out a bold agenda that addresses the priorities of Canadians. Let us put aside our party affiliations and unite with a common purpose.

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

**The Hon. the Speaker:** Does any senator wish to speak or adjourn the debate? Normally we would alternate, but I see Senator Chaput.

[Translation]

**Hon. Maria Chaput:** Honourable senators, today we begin a new session. I would like to take this opportunity to congratulate the team that will be coordinating the government’s efforts in the Senate: the Honourable Jack Austin, Leader of the Government; the Honourable William Rompkey, Deputy Leader of the Government; and the Honourable Rose-Marie Losier-Cool, government whip in the Senate. You will have my full cooperation.

I have the honour of seconding the motion put forward by Senator Munson. This motion invites us to adopt the Speech from the Throne read yesterday by Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada, a speech in which the government is keeping its promises.

[ Senator Munson ]

[English]

In the 15 minutes I have at my disposal, I want to address something that is a guiding principle for me and highlight some of the areas which address this guiding principle and in which the federal government wants to take action.

[Translation]

Looking into the future, we must consider first and foremost the foundations of the Canadian experience. Our Canadian identity is based on a set of values that have given us a deserved and enviable reputation on the international stage. I want to mention, in particular, our rights and freedoms, tolerance, social justice, respect for cultural diversity and linguistic duality.

These values lie at the very origin of our nation. Our federation was created in response to these realities and we must respect and protect these values, our values. The Speech from the Throne mentions the values of multiculturalism, gender equality and linguistic duality. In the words of the Honourable Gérald-A. Beaudoin, “...Canadian federalism is definitely one of the best balanced that I have seen in my life.”

[English]

I am a proud member of a linguistic minority, the francophones of Western Canada, and my pride as a francophone makes me a very proud Canadian. One can continue to develop one’s own potential in French in a country that has made linguistic duality a fundamental element in its development.

[Translation]

I traditionally represent Franco-Manitobans in the Senate. In July and August this year, I visited several francophone communities in Manitoba. I also had the opportunity to talk to francophones in Western and Eastern Canada, both young and old, as well as francophones who work in communications and culture.

During my years of community work, I used to counsel these communities on their plan for the future. Together we developed an inclusive approach rather than an exclusive one. The idea was to stop working in a vacuum and to invite partners to join us.

You will understand then, honourable senators, my particular interest in official languages and my guiding principle — to be a watchdog for this fragile and precious official language minority that has stolen my heart and become a part of me forever.

As you know, official languages was a major campaign issue during the last election. At one point I was thinking of the future of my granddaughters and I asked myself, “Are we going to have to start all over again?” Fortunately, Canadians value Canadian unity more than ever and they made their views known.

The Speech from the Throne set out our government's priorities. I was very pleased to see that it reflected our government's strong commitment to promoting the vitality of official language minority communities. I will talk about a few of these priorities briefly, especially in terms of their direct impact on official languages in our country.

[English]

Our government has invested in a five-year action plan to renew its support of official languages. The plan focuses on minority languages and second language education with the intent of doubling within 10 years the number of high school graduates with a working knowledge of both official languages. The action plan also supports the development of minority English- and French-speaking communities, extends access to services in their language, and enhances the use of Canada's two official languages in the Public Service while providing services to Canadians.

• (1550)

[Translation]

In the area of health, the federal government's action plan on official languages includes support measures to improve access to health services for francophone communities in a minority context. These measures have already generated over 70 projects to improve access to health services in French all across the country.

Hubert Gauthier, the president of the Société santé en français, which was created in 2002 thanks to the federal government, stresses the need for an ongoing and long-term commitment on the part of the federal Department of Health to continue improving accessibility to health services in French.

Incidentally, the Standing Senate Committee on Social Affairs, Science and Technology presented a report on the document entitled *Santé en français — Pour un meilleur accès à des services de santé en français*, and it submitted nine excellent recommendations.

This comprehensive report supports the representations made by the Société santé en français. I wish to congratulate the chair of this Senate committee, the Honourable Michael J.L. Kirby; the deputy chair, the Honourable Marjory LeBreton; and the whole committee. In my opinion, the work that was accomplished is evidence of the usefulness of the Senate of Canada. Congratulations!

Let us now look at the issue of the well-being of young children in Canada. In October 2003, the Commission nationale des parents francophones issued a press release entitled "Où sont passés les enfants francophones?"

A study done for the commission by Rodrigue Landry showed a disturbing reduction in the number of children — eligible under the Canadian Charter of Rights and Freedoms — who make up the potential clientele for French schools in a minority context.

The chair of the commission explained that the decrease in the birth rate was undoubtedly a factor, but that we had to look at what the study called the "hidden potential of exogamy."

Exogamy is the reality of francophone parents in a minority context. About 63 per cent of our children under 18 years of age come from these families in which one of the two parents does not speak French.

The president of the commission explained that there is a general lack of preparation and awareness of non-francophone parents regarding the services provided to facilitate their inclusion into the Francophonie by saying: "Not only are we not equipped to identify and inform them, we also have very little to offer to them at the preschool level."

The commission mobilized to establish a network of early childhood and family centres related to each francophone primary school in a minority context. These francophone centres would be mandated to coordinate child care, distribute learning resources and work with the families.

The commission said it was encouraged to see that early childhood was a priority in several federal initiatives such as the federal Action Plan for Official Languages and the National Children's Agenda. I was asked to acknowledge — and I do so with great pleasure — the hard work of the Honourable Senator Pearson, the sponsor of the National Children's Agenda. Congratulations, honourable colleague, and thank you, on behalf of the children of Canada.

Action at the preschool level is crucial. We are told that each dollar invested in early childhood services will generate savings of up to \$7 in health, social services, legal and education costs. This is true in every society, but the stakes are much higher for communities in minority contexts. It is urgent that the Government of Canada move on the establishment of a national child care plan, as promised. That would be a tangible result!

I will only touch on the subject of seniors as clients, since I feel that the report of the Prime Minister's Task Force on Active Living and Dignity for Seniors sums up our reality very well and contains excellent recommendations.

Home care should be the focus, because it has a direct impact on active living and dignity for seniors. Our government has announced the creation of the New Horizons program and will look into other ways to recognize the talents of seniors and the contribution they can make to society.

Finally, still in the context of official languages, I must address the issue of immigration. This is a pressing issue on our government's agenda, given the growing contribution that immigrants will make to our aging society.

The purpose of Bill C-11 is to promote the integration of permanent residents in Canada, taking into account the fact that this integration entails obligations on the part of newcomers and Canadian society.

The new Immigration and Refugee Protection Act now gives greater weight to the knowledge of one of the official languages in selecting the best candidates.

Honourable senators, that is just a beginning. Immigrants tell us:

The language barrier is double and just one more thing on top of all the other problems such as educational equivalency and getting into the work force.

These immigrants are not recognized as francophone, since French is not their mother tongue. The lack of services in French impacts very negatively on their integration. Language courses are not adapted to their requirements. What is more, an immigrant wishing to learn French does not have the same support as when he or she wishes to learn English.

As the 2002 report by the Commissioner of Official Languages to the Department of Public Works and Government Services concludes so aptly:

. . . they must receive support from the federal government at all levels of the process, from planning to settlement and integration activities.

Honourable colleagues, Canada has a reputation as a welcoming country.

[English]

In a keynote address to La Conférence de Montréal, World Bank President James D. Wolfensohn suggested Canada as a cultural and multicultural model in terms of living together. We can be proud of our country.

Mr. Wolfensohn also said:

Canada is a country that has, over the years, dealt with two cultures and more recently, with a greater recognition for the rights of indigenous people. It's a country that has respected rights, respected the importance of equity in social justice and is a light to much of the world in terms of mutual respect and values.

[Translation]

Honourable senators, as part of the legislative process, and as leaders of our community, we have an obligation to do our share.

The Speech from the Throne we heard yesterday is absolutely dead on. As Canadians, and as senators, I believe we have a duty to support the motion to adopt this Speech from the Throne. All of us share one goal: the good of Canada!

[English]

Honourable senators, our government will work to serve all Canadians and make this session of Parliament as effective and productive as possible.

[ Senator Chaput ]

[Translation]

With our support, Canada will continue to make its voice heard proudly, to promote its values and to defend its interests, which are also our interests!

On motion of Senator Kinsella, debate adjourned.

## COMMITTEE OF SELECTION

### FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection (Speaker *pro tempore*), presented in the Senate earlier this day.

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

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

[English]

### SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Committee of Selection (membership of Senate committees), presented in the Senate earlier this day.

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

• (1600)

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, can the Chair of the Committee of Selection tell us if there was any reference to the practice established by the last Senate Standing Committee on Internal Economy, Budgets and Administration that members of that committee not be elected chair of any other committee?

I would like to know if there were discussions on this matter and, if so, have we arrived at a decision?

**Senator Losier-Cool:** Honourable senators, I would like to thank Senator Robichaud for his question. In fact, all members of the Committee of Selection mentioned that it was not customary for a committee chair to sit on the Internal Economy Committee. There has been no change, but we could certainly refer this question to the Standing Committee on Rules, Procedures and the Rights of Parliament to find out how far we should go in applying this rule.

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** As a member of that committee, it was clearly put by me to Senator Rompkey, because Senator Bacon had raised the concern that no committee chair would sit on Internal Economy because of the conflict of interest that would then arise. We were assured by Senator Rompkey that that was indeed the case. That is my understanding.

**Senator Losier-Cool:** I agree completely with Senator Stratton. That was discussed at the committee.

**Hon. Marcel Prud'homme:** If I may make a suggestion, it is no secret that, for many years, I applied to be a member of one committee, and only one, in order to have a better say. I finally got my wish and I am very thankful to those who put my name forward as a member of that committee. However, being one of the most frequent attendees of the Standing Committee on Internal Economy, Budgets and Administration, I would offer my services, if they see fit, for the following reason: You will notice that there are 15 members on this committee, three of whom are women. I believe that we want to have a harmonious session. There are three Progressive Conservative senators: Senators Doody, Atkins and Murray. The independent senators are Senators Spivak, Rivest, Plamondon, Pitfield and myself. Eight members have no connection whatsoever. It will be for us to agree among ourselves who will offer to attend a second committee meeting. If we are to apply what has just been said, I believe that we may have some vacancies on that committee, because I am of the opinion that of those 15, one, two or three members may become committee chairmen.

If that were to happen, it may be appropriate to consider my suggestion, although I am not pushing it. After 11 years, I have been granted what I was hoping for. I promise never to miss a meeting of that committee, if my health allows it.

Although I am not a member, I attend most of the meetings of the Standing Committee on Internal Economy, Budgets and Administration. You may see fit to have one of the eight of us on that committee. Eight out of 95 is an interesting concept. However, there is not one independent senator in the 15.

I am only suggesting that, when you revise the chairmanship, one of the chairpersons may see fit to apply what Senator Bacon has put forward and you have discussed and agreed, which is that you may consider one of the eight of us to represent us because we have a different point of view to put forward to the Standing Committee on Internal Economy, Budgets and Administration.

**The Hon. the Speaker:** We are on Senator Losier-Cool's time. Questions are being put to her. Next on my list is Senator Gauthier.

[Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, I am a little embarrassed. I do not know where to begin. I have been a member of the Senate Standing Committee on Official Languages

for many years. It is true that I will be retiring on October 22, but until that day I am still a member of the Senate. I would have appreciated seeing my name remain on the list of the committee's members, but it has been removed. Can someone explain that?

**Senator Losier-Cool:** Honourable senators, I think the answer to Senator Gauthier's question is that he will be leaving us on October 22, and we did not think that the committee would be organized yet because of the break next week.

Senator Gauthier, if you really want to come back to the Official Languages Committee until the end of your term, I am sure that the Committee of Selection could reconsider your request. Incidentally, I take this opportunity to thank you for the work you have done on the Senate Standing Committee on Official Languages and for your initiatives on that committee.

**Senator Gauthier:** Honourable senators, I would not want to get ahead of things, but today, for the fourth time, I have presented a bill to amend the Official Languages Act. I have asked that second reading of this bill be scheduled for later today. I want you to know that I may not be very strong but I am not dead yet!

**Hon. Serge Joyal:** Honourable senators, I would like to be clear on where we stand in relation to the answer provided by the Honourable Senator Losier-Cool. Should a member of the Senate Standing Committee on Internal Economy, Budgets and Administration eventually become the chair of a committee or special committee, will this senator withdraw from the Internal Economy Committee and will it then be up to the Committee of Selection to recommend someone to take his or her place? Has an agreement been reached on this matter or are you simply confirming that it has been discussed? If discussions took place, we are not bound by them, but if a decision was made, I would like that to be put on the record in the *Journals of the Senate* to make it very clear that, naturally, when a senator is elected as a member of a standing committee or a special committee, he or she leaves the Internal Economy Committee.

[English]

**Hon. Bill Rompkey (Deputy Leader of the Government):** My understanding of the discussion was that we did raise that matter and we did agree that there should be further discussion of it, either within our committee or another committee, or in the chamber. I do not believe we made a decision. We did, however, make the decision to approve the names that were put forward to be members of the various committees. I would suggest that we now deal with the names on the committee report. We went through a process, as we often do, of asking members what committees they wanted to serve on and we tried to accommodate the interests of senators as best we could.

It is impossible to come up with a system of allocation that will please everyone. Some difficulties will arise, and we did discuss that issue, and there should be further discussion of it. However, as I understand the decision of the Committee of Selection, it was to submit, today, the names that are on this list, and I suggest we now approve the names.

• (1610)

**Senator Joyal:** If I understand the answer well, the matter has been discussed, but it has not been the object of an agreement on both sides of the house that senators will become members according to this proposal of the Internal Economy Committee and would happen to be elected as chairs by the members of the various committees —

**Senator Rompkey:** Nobody is elected.

**Senator Joyal:** Would they not be expected to resign from the membership of the Internal Economy Committee in order to assume the chair of a special or standing committee? I want a clear answer. We deserve a clear answer so that we know the rules of the game while we are starting a new session of Parliament.

**Senator Rompkey:** I tried to be as clear as I could. There was a discussion. We agreed that there should be further discussions on this issue, but we did agree in the Committee of Selection to put these names forward. That was my understanding, with no strings attached at the moment as I understand it.

**Senator Stratton:** Honourable senators, I beg to differ. As I have been informed — the rule of anticipation — yes, we agreed to put the names forward. The understanding that some of us had in that meeting — and I see nodding on the other side as well — is that clearly any member of the Internal Economy Committee who became a chair of a committee could not serve on Internal Economy because of the conflict of interest. For the record, that was the clear understanding of our side, and the nodding on the other side also indicates that to be the case.

[Translation]

**Hon. Shirley Maheu:** Honourable senators, my question is directed to any of the three members of the committee. I note that the Standing Senate Committee on Agriculture and Forestry has no members from Quebec. Could this issue be addressed shortly? There are many farmers in Quebec and I think it would be important that at least one representative from Quebec sit on this committee.

**Senator Losier-Cool:** Honourable senators, this question was raised at the Committee of Selection. However, the selection of committee members is based on what senators request, and no senator from Quebec has asked to sit on the Standing Senate Committee on Agriculture and Forestry.

**Hon. Aurélien Gill:** Honourable senators, are we going to discuss the possibility for a senator to chair a committee while sitting on the Standing Committee on Internal Economy, Budgets and Administration? Is that going to be considered or has it already been decided? If it has been found to cause a conflict of interest, we have our answer. One cannot both chair a committee and sit on the Internal Economy Committee to approve its budget. It seems logical to me.

[English]

**Hon. Sharon Carstairs:** I happen to believe strongly that chairs of committees should not sit on the Internal Economy Committee. Having said that, that is not my understanding of what happened yesterday. The issue was raised, but no decision was made.

I think the appropriate place for this discussion is not in this chamber but in the Standing Committee on Rules, Procedures and the Rights of Parliament. It is that committee, if it believes there should be a firm rule, that would say that when a senator becomes the chair of a committee and at that time is also a member of the Standing Committee on Internal Economy, Budgets and Administration, then they would be requested to resign and the expectation would be that they would resign. I attended that meeting. I have strong views, but my understanding of that meeting is that we came to no conclusion.

[Translation]

**Senator Robichaud:** Honourable senators, my question was very well answered, and I am now satisfied.

[English]

**The Hon. the Speaker:** There being no further comments or questions —

**Senator Prud'homme:** I just want to —

**The Hon. the Speaker:** I am sorry, Senator Prud'homme; I want to be clear. This is a motion to approve a committee report. The 15-minute time period has expired.

Are you requesting leave for additional time, Senator Losier-Cool?

**Senator Losier-Cool:** No. Question!

**The Hon. the Speaker:** Senator Losier-Cool's time has expired. I cannot recognize senators for additional questions or comments.

Are honourable senators ready for the question?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** It was moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Rompkey, that this report be adopted now.

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

Motion agreed to.

**The Hon. the Speaker:** Honourable senators, the report contains the names of members of joint committees. Can I take it that it is also agreed that a message be sent to the House of Commons to acquaint that House of the names of the senators to serve on the Standing Joint Committee on the Library of Parliament and the Standing Joint Committee for the Scrutiny of Regulations?

**Hon. Senators:** Agreed.

[Translation]

## OFFICIAL LANGUAGES ACT

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier** moved the second reading of Bill S-3, to amend the Official Languages Act (promotion of English and French).

He said: Honourable senators, this is the fourth time I have presented a bill that would give some teeth to the Official Languages Act. I have tabled three bills. The last one, Bill S-4, was passed by the Senate. It amends the Official Languages Act and specifies the scope of section 41 of the act, more specifically Part VII, to make this section binding. It is straightforward.

Bill S-3 has three major objectives. First, it stresses the binding nature of the commitment set out in Part VII of the act. Second, it imposes obligations on federal institutions regarding the implementation of this commitment. Third, the bill includes a remedial power that allows the courts to monitor the implementation of the act by governments.

The bill takes into consideration the majority of the recommendations made by the Commissioner of Official Languages. The latter recommended that Part VII of the Official Languages Act be clarified and that an obligation be imposed on federal institutions as evidence of the binding nature of the commitment.

She contended that the bill should provide for regulations to ensure the implementation of an appropriate system and for a remedy before the courts under section 10 of the Official Languages Act. This is essentially what Bill S-3, which I am presenting today, seeks to do.

• (1620)

The bill was carefully studied by the Legal and Constitutional Affairs Committee two years ago. It was studied by the Standing Senate Committee on Official Languages last year and adopted. It was studied by the Senate several times and finally passed in March 2004.

After it was passed by the Senate, this bill — no longer mine but the Senate's — was referred to the House of Commons, where it received first reading. After second reading, it went for study on April 22, 2004. However, as we know, the bill died on the Order Paper when both Houses were dissolved and all bills and Private Members' Business were dropped.

Thus, I would like to appeal to your kindness once again to have this bill adopted at second reading and referred to committee.

It is possible for the Senate to pass this bill in the next two weeks. If that happens, I will be very pleased at the desire here to make the Official Languages Act binding so that federal departments and institutions aware of this act will know that it is not about lip service, but principles that must be respected.

Honourable senators, if the Senate sees fit, I would like the bill to be referred to the Standing Senate Committee on Official Languages as soon as possible for further consideration.

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I would like to move adjournment of the debate for a short time. We do not want to delay the bill, but we would like to survey our senators and ask if they have any concerns.

On motion of Senator Stratton, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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