

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, as of 2 o'clock this afternoon I had not received any information from the minister with respect to Senator Marshall's question. However, a reply is being prepared.

#### UREA FORMALDEHYDE INSULATION BILL

##### THIRD READING

**Hon. Raymond J. Perrault (Leader of the Government)** moved the third reading of Bill C-109, to provide for payments to persons in respect of dwellings insulated with urea formaldehyde foam insulation.

**Hon. Henry D. Hicks:** Honourable senators, unfortunately, I was not in the chamber when this bill received second reading. Had I been I would have said that I was extremely pleased that the Government of Canada had resorted to this device to assist those people who, having insulated their homes with urea formaldehyde, now find themselves suffering from various consequential ill effects.

I hope the bill will be administered and implemented in such a way that it will be of the utmost help to those people. Although their choice was based upon the best information available at the time, it was unfortunate that they did choose to use urea formaldehyde foam insulation because it turned out to be harmful to some of them and very disturbing to many others, particularly because of the adverse influence it has had on property values.

Honourable senators, this is good remedial legislation. As I say, I hope it will be administered sympathetically and effectively in the interests of those whom it is calculated to assist.

**An Hon. Senator:** Don't hold your breath.

Motion agreed to and bill read third time and passed.

#### HON. L. NORBERT THÉRIAULT

##### FELICITATIONS ON RETURN TO CHAMBER

**Hon. Raymond J. Perrault (Leader of the Government):** May I draw to the attention of all honourable senators the presence in the chamber of Senator Norbert Thériault, who has come through a very difficult ordeal in hospital.

Senator Thériault appears in radiant good health today and we are pleased to have him back.

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

**Hon. L. Norbert Thériault:** Honourable senators, I sincerely thank the Leader of the Government for expressing to me the good wishes of the Senate. I should also like to thank all my friends on both sides of the house for their expressions of sympathy during my illness. While I was in hospital it was heartwarming to realize that so many could find time to phone me or drop me a card. That sort of thing makes a person feel good, and I just want to say thank you very much.

#### SUPPLEMENTARY BORROWING AUTHORITY BILL, 1982-83

##### THIRD READING

**Hon. Royce Frith (Deputy Leader of the Government)** moved the third reading of Bill C-125, to provide supplementary borrowing authority.

Motion agreed to and bill read third time and passed.

● (1425)

#### NATIONAL HARBOURS BOARD ACT GOVERNMENT HARBOURS AND PIERS ACT HARBOUR COMMISSIONS ACT CANADA SHIPPING ACT FISHING AND RECREATIONAL HARBOURS ACT

##### THIRD READING

**Hon. Léopold Langlois** moved the third reading of Bill C-92, to amend the National Harbours Board Act, the Government Harbours and Piers Act, the Harbour Commissions Act, the Canada Shipping Act and the Fishing and Recreational Harbours Act.

Motion agreed to and bill read third time and passed.

#### HOLIDAYS ACT

##### BILL TO AMEND—SECOND READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming the debate on the motion of the Honourable Senator Bird, seconded by the Honourable Senator Lamontagne, P.C., for the second reading of the Bill C-201, intituled: "An Act to amend the Holidays Act"; and

On the motion in amendment thereto of the Honourable Senator Lang, seconded by the Honourable Senator Bell, that the Bill be not now read the second time but that it be amended by adding after subsection 2(2), the following new subsection:

"(3) Canada Day may also be called "Dominion Day"."—(*Honourable Senator Asselin, P.C.*)

**Hon. Duff Roblin (Deputy Leader of the Opposition):** Honourable senators, Senator Asselin will be here this evening to continue the debate on this amendment. I know that he would be glad to yield to any honourable senator who might wish to speak this afternoon. If this item appears on our Order Paper this evening, I know there will be one or two speeches from this side.

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, I take this opportunity to speak to the amendment. Before doing so, I will assure Senator Roblin that it is my intention, when I am through, to suggest that the debate be adjourned until later this day so that it will appear on the Order Paper this evening.

Honourable senators, I am intervening at this stage to explain, as succinctly as I can, my understanding of why the government is supporting this private member's public bill, and why it is not supporting the amendment.

Because it is necessary for me to explain why the government is supporting the bill in its unamended form, I wish to speak to three points: first, on the substance of the motion itself; secondly, on the question of why the government is supporting this private member's public bill, having in mind, as has been pointed out, the manner form in which it was passed by the other place; and, thirdly, on the problem on consequential amendments to the bill—that is, the amendments that would consequentially flow from the private member's public bill but which are not contained in that bill, although they are contained in the government bill that appears elsewhere on the Order Paper of the other place.

First, as to the substance of the bill itself, I have nothing to add to what Senator Bird has said. The government supports the substance of the bill which, simply put, is that a holiday now known as Dominion Day will hereafter be known as Canada Day.

● (1430)

Therefore, I endorse all the reasons in support of the motion put forward by Senator Bird.

I will now deal with the question of why, when the government had introduced a similar bill in the House of Commons, it supported in that house, and is supporting here, this private member's public bill. Putting the matter as simply as I can, honourable senators, as we have heard in debate, the idea of Dominion Day being known as Canada Day has been around for some 30 years in varying legislative garb. It has been the subject of private members' bills before. In fact, as I understand it, this very private member's bill before us has taken one full tour around the private members' hours. It was talked out, made a re-entry, and finally arrived the week before last at the top of the Order Paper.

To put it in what might be too light-hearted metaphorical terms, although I hope not, the government, many parliamentarians and, I am sure, many Canadians liked the idea of naming this day Canada Day, and when this bill appeared on the Order Paper of the other place, we got a lucky bounce. The ball bounced into our arms, perhaps unexpectedly, but the idea having been around for more than 30 years, and the government having clearly said that it supported the idea, it was not about to say, "Oh, I guess that bounce was a little too lucky," and hand the ball back to the referee or the other side.

**Hon. Hartland de M. Molson:** An Argonaut bounce.

**Senator Frith:** As Senator Molson says, "an Argonaut bounce"—or, at least, as it used to be.

Honourable senators, as frankly as I can put it, it is that simple. I do not think it is our business to discuss the procedures of the other place. It is our business to discuss their legislation. We now have their legislation which has come to us, luckily, after 30 years. We are within reach of the goal line now, and that is why the government is supporting the motion

[Senator Frith.]

as it stands and is not supporting this motion in amendment or any motion in any amendments. If the bill is amended at this stage, it will have to be sent back to the other place, and the chances of it coming back into play are not at all good.

It is our opinion, and the opinion of legal scholars, that these consequential amendments, while desirable, are not absolutely necessary. The substance of the bill is contained in its form as it appears before us, and those consequential amendments are simply unnecessary.

I believe that the Leader of the Government in the Senate, understanding senators' concern, is going to give us an official undertaking that the consequential amendments will be presented to Parliament in due course and, certainly, before July 1 next, which the government hopes will then be known as "Canada Day".

Honourable senators, for those reasons, which I hope explain the government's position on this private member's public bill and its position on the motion in amendment, I will be voting against the motion in amendment and asking other honourable senators to follow suit.

As a postscript, I would also ask honourable senators to support this suggestion, that we vote on the motion in amendment this evening after honourable senators have had a chance to speak to it, and then vote on the motion for second reading tomorrow.

**Hon. George J. McIlraith:** Would the honourable senator permit a question?

**Senator Frith:** Certainly.

**Senator McIlraith:** I should like to deal with the early part of his remarks prior to his reference to the subsidiary or auxiliary parts of the bill.

Honourable senators, did I understand the thrust of Senator Frith's argument to be that the government is supporting this bill without amendment; that the government is not making it a government bill although it is supporting it; that the government is also rejecting the amendment, because if it accepted the amendment, and the amendment were passed by this house, the government would have to take the responsibility—which is inherent in responsible government—of submitting it to the elected representatives of the people in the other place? Is the deputy leader saying that, if it were defeated in the other place, this is a matter upon which the government would not go to the country?

Surely that is a pretty dangerous argument. Was that the thrust of the argument on that point? I have never heard of a government wholeheartedly supporting a private member's bill and rejecting incidental amendments and, at the same time, declining to make it a government bill, since the government stands or falls on the consequences of action by the elected representatives of the people. As I understood the argument of the deputy leader, he was saying that the government did not want an important amendment like this to go before the elected representatives of the people. I should like clarification as to the argument of Senator Frith on that first point.

**Hon. Joseph-Philippe Guay:** Honourable senators, I rise on a point of order. I would like to know whether the honourable senator is now speaking on the amendment or whether he is asking a question.

**Senator McIlraith:** Honourable senators, I think it is apparent from my remarks that I was asking a question and seeking clarification on what I regard to be a very important argument which was made on behalf of the government and which, indeed, goes to the very root of our system of responsible government. I hope that Senator Guay will come to appreciate that when he reads my remarks.

**Senator Guay:** I still have my doubts.

**Senator Frith:** Honourable senators, I suppose the best way to answer the question is to repeat the position of the government, which, as far as I am aware, is this: the government does not consider that its position strikes in any way at the roots of responsible government. It seems to me that it is reasonable to ask the government's position on a private member's bill, in a case where the private member's bill has been adopted in the other place before a government bill, which, in effect, expresses the same principle, goes through the same process. It is also reasonable to ask whether government support makes the private member's bill a government bill. The government is simply saying, "No, we are not making it a government bill."

The honourable senator is now asking the government's position on this private member's bill. The government is simply saying—which I think is consistent with responsible government—"We are in favour of it."

**Senator Roblin:** Honourable senators, I would like to pursue the question raised by Senator McIlraith, because it does seem to me that this presents something new in my experience. It is not customary for the government to take a position with respect to a matter of policy on a private member's bill in this way, which, in effect, is equal to adopting it, and covering it with the shield of government approbation, followed up—judging from the statements made by the leader of the house previously—by a government three-line whip, or whatever those things are called in the Canadian system.

I would simply like to have the honourable senator explain to me just how it is that the government can adopt a private member's public bill and not make it a matter of confidence or government policy, as he appears to have done.

● (1440)

The deputy leader then comes along, and, if I understand correctly the statement he made, says, for reasons best known to himself, that although the bill is defective in many respects, although there are consequential amendments that must be considered and passed—and I think he is right in that, since the Law Clerk of the Senate advised us on this point—and instead of amending the bill now, which would have been the proper and usual way to proceed he proposes not to do that but to adopt a defective bill with the undertaking—from the government this time, mind you, if I understood him correctly—that the government will, at some time between now and July 1, 1983, produce a bill which amends this one. Well, if

they are going to have some trouble with this bill, what makes them think they will not have trouble with the amendments?

It seems to me that the Senate is owed an explanation as to why it is sound policy for the government to adopt a private member's public bill, make it government policy, and then refuse to amend it, as it should be amended if it is to pass at all, so that the contingent aspects of the matter are properly covered.

I ask my honourable friend to explain to the Senate just why he does not follow this sensible and logical course.

**Senator Frith:** Honourable senators, both Senator McIlraith and Senator Roblin seem to want me to use, or say I am using, words that I am not using, such as "adopt".

The government is in favour of this bill. The government says to Parliament that it is in favour of Parliament's supporting and passing this bill. It is not adopting it. It is not making it a government bill. I was asked if it was making it a government bill, and the answer is, "No, it is not." The government is simply being frank with Parliament and saying, "As far as we are concerned, we are in favour of the principle of this bill because some time ago we introduced a bill ourselves that embodies the same principle; we therefore want to reinforce and restate the fact that we are in favour of the principle, and of that principle's getting its expression in this bill."

As to the consequential amendments, I did not say that the bill is defective. The opinion we have, and the opinion I have, as a lawyer, is that it is not defective; it is effective. If the matter ever came before a court the court would, in my opinion, say that the consequential amendments should be taken as part of Parliament's intention in passing the substance of the bill. The consequential amendments, therefore, are not something that must be made, they are something that it is desirable to make. The government is simply saying that while it is not absolutely necessary to make those consequential amendments, because the combination of the Interpretation Act and the general rule as to the intent of Parliament would carry them anyway, it is desirable that they be made, and, therefore, it undertakes to see that they are, in fact, made. However, the bill will be effective and take effect without those consequential amendments.

On the two points, therefore, the government is not adopting the bill, but it is simply and frankly telling Parliament that it is still in favour of the principle, as it has been for some 30 years, and that it is in favour of that principle gaining legislative realization through this bill.

**Hon. Jack Marshall:** Honourable senators, the deputy leader said that they got a "lucky bounce", and that that is why they are supporting the bill and expect it to go through. I wonder if the deputy leader would say whether it is the Canadian way that 12 members of the House of Commons could get a private member's bill, particularly one which is going to change the whole tradition of Canada in the form of a name that has been in existence for 115 years, through by the luck of the draw and a lucky bounce, as the deputy leader

described it. There might be a majority of people in Canada who would support this change of name, but the deputy leader does not know that. Certainly there is a large minority in Canada that does not support such a change.

Does the deputy leader feel, in all sincerity, that it is the Canadian way to change the history of Canada by a lucky bounce?

**Senator Frith:** Honourable senators, again I do not like to quibble about words. I did not say the government was in favour of passage of this bill because it got a lucky bounce. I said it was in favour of the principle of this bill, and has been for 30 years. It is, therefore, not a matter of saying, suddenly, that because it got a lucky bounce it is against 115 years of tradition. The principle has been around for 30 years. It was purely a matter of taking advantage of a good break, as it turned out, in order to give effect to a principle it has been in favour of for at least 30 years.

I do not know how much confidence Senator Marshall has in polls. He says he thinks there might be a lot of people against it. I understand there is a Gallup poll that shows that 70 to 80 per cent of the people, in every region of Canada, are in favour of July 1 being called "Canada Day."

I know the problem with polls. One man's opinion is as good as anyone else's. Any person, not just a parliamentarian, can stand up and say, "The people out there want . . ." or, "The people out there don't want . . .", or, "They are afraid of . . .", or "They wish for . . .", or "They don't wish for . . .".

Of course there is no ultimate, totally scientific way of measuring that sort of thing, but to the extent that polls do indicate public opinion, my understanding is that at present they indicate an overwhelming cross-Canada, pan-Canadian, support for this bill. That is why I do not feel that there is any disrespect for the popular will in the government's position when it wishes this private member's public bill—which is now, of course, a House of Commons bill, since it was passed there—to be given effect.

Incidentally, I should say something, parenthetically, about that.

**Senator Marshall:** Passed by how many?

**Hon. Maurice Lamontagne:** It was passed according to the rules.

**Senator Frith:** Not only that. I think honourable senators should know that this is the bill's second time around on the Order Paper. It came to the top, two full days' notice was given to the house leaders that it was coming up, it was posted in the caucuses of each of the parties for two whole days prior to its coming up, and those who did not show perhaps had good reason not to do so. It is simply not correct to say that it was slid through by a piece of trickery. Things just did not take place that way.

I want this to be clear, however. I agree with Senator Walker's criticism to the effect that this was not done in as perfect a way as possible. It does not seem, though, to be correct for me to talk about the procedure followed by the House of Commons. I am only giving honourable senators the

[Senator Marshall.]

facts that I have just mentioned, namely, the length of time this private member's bill had been around, and the fact that everyone knew for two whole days that second reading was to be moved. They could have packed the place if they had wanted to. They could have had 100 per cent attendance. They knew it was coming up. For whatever reason, they did not show up. I do not suggest that it would not have been better if they had had 100 per cent flag-waving in the other place, but that, it seems to me, is not our affair.

I thought it only right, however, since criticism has arisen as to how they dealt with the matter, to make sure that we know what the facts are, and do not misrepresent them. Those, I understand, are the facts.

**Hon. David Walker:** Honourable senators, it is a fact, though, that 13 members of the House of Commons passed it. It is a fact, too, that a quorum is 20 members. Why in the name of heaven, if the deputy leader is so sure that a bill like this would pass, was it not presented in the regular way? It still is not too late to present it in the regular way. Senator Everett, in his speech the other day, very ably outlined how that could be done.

Canada is a noble place, inhabited by a noble people. It does not seem right to me that the name of Canada's national holiday should be changed from Dominion Day to Canada Day in what would appear to the public, in any event, and to a lot of the members of the House of Commons who were not there, to be a sleazy way of doing it. There is no advantage now in pushing this through today and tomorrow with that background. There are eleven whole months in which to get it done before the next Dominion Day. Why do you not withdraw this bill instead of building your house on crumbling rocks in what appears to be a very suspicious manner?

● (1450)

I am not taking exception to what you are saying but, to anyone who studies the bill, it certainly does not look right, and it is not right. The rule demands a quorum of 20, and because there were not 20 members in the chamber the bill slipped through; and, to make sure that no one would raise any objection afterwards, a member asked for "unanimous consent that the clock now read five o'clock," when, in fact, it was only 4.10 p.m.

Those are the things that do not look well. I shall not go into it again, because Senator Everett explained the situation in such a splendid manner. To have it said, "Oh yes, 'Canada Day'—we got that on a lucky bounce," does not seem right. The Deputy Leader of the Government—who is an able person and one I like very much—is the last person in the world, it seems to me, who would bring this in with a certain amount of glee, saying, "We have this on a lucky bounce. We are not going to give it up again; we are going to stick to it. There were only 13 members present. Sure, there should have been 20, but no one objected at the time and it went through. And to make sure it went through, we adjourned the House." That does not sound like you, my friend. As far as I am aware, in the past you have not supported tactics of that sort.

I will not try to wax eloquent, but that situation hits me right on the nose, as I believe it does many other honourable senators. I beg of the Deputy Leader of the Government, for the sake of the reputation of Parliament, that he not proceed to a vote on this bill. We are likely to be here for only a couple of days. The subject can be raised next year, or at any time the Deputy Leader of the Government wishes, but let us have it dealt with in a proper manner.

**Senator Frith:** Honourable senators, I am grateful to the honourable senator, who is an able person and one I like very much—

**Some Hon. Senators:** Oh, oh!

**Senator Frith:**—for having raised this question.

Earlier today mention was made of dangerous procedure, and I am glad to have the opportunity to explain why I do not believe we should debate how the other place passed a bill. If we do, and it becomes a natural part of our procedure not only to look at the legislation that comes before us, not just to study the debate that took place—that is a different matter, and I believe it is relevant to study the interventions that are made in the other place—but also to criticize their procedure, to say that they did not proceed properly in bringing forward legislation, if we add that to the lexicon of parliamentary study—

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

**Senator Frith:**—then, what will happen when we pass a bill, as we have done many times, with less than a quorum? At times an important bill has been passed with less than a quorum. Why? Because we were careless? Because we were negligent? Because we did not care about people? Because we did not care about the principle? No. There was a history as to why we gave second or third reading to a particular bill when less than a quorum was present. It was because we happened to know—which the press seldom gives us credit for—that before we had received the bill, in some cases under the chairmanship of Senator Hayden, we had studied its subject matter in committee for three, four, five, six or seven months; but, as far as the public was concerned and as far as the House of Commons was concerned—

**Senator Marshall:** They criticize us.

**Senator Frith:**—they could have said: “My goodness, look at those senators; what a careless, negligent bunch. This bill was sent to them and it came right back. There wasn’t even a quorum, yet they gave it second reading. Then it came up for third reading, and there wasn’t a quorum but they passed it. We can’t put up with that sort of thing. That won’t do. Any time the Senate sends a bill here, we have to be sure they had a full attendance, that everyone who was invited to the party came to the party”—which happened in the other place, because an invitation went out to everyone. It was mentioned in the caucuses. Everyone knew the “party”, was going to take place soon because they could see that the bill was nearing the top of the order paper. Are we going to decide that we have to study how the other place proceeded in passing legislation, and then give them a lecture on how to do it? If that is what we are

going to do, then we will be adding to the volume of our work. I believe that course would be dangerous and unnecessary, because, then, when we send a Senate bill to the other place, they would adopt a similar approach. I consider that to be an unproductive and dangerous way to proceed.

I believe this is desirable legislation. I believe the people want it. I believe that many members of the other place want it, some who participated in the debate and some who did not. And I believe that many honourable senators want it.

That is why I do not believe that we should be embarking on this course. It sets the dangerous precedent of considering how legislation came to us, and of criticizing the other place and saying, “We shall deal only with certain legislation, namely, legislation that we believe is the subject of proper procedure in the other place.”

Honourable senators, let us look after legislation coming from the other place and our own legislation. Let us look after our own procedure, but let them look after theirs.

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

**Senator McIlraith:** Honourable senators, I should like to clarify my position. I am sure that the Deputy Leader of the Government has no intention of placing me in any category other than the one I am in in relation to this bill.

The purpose of my earlier question, after the deputy leader had concluded his remarks, was to clarify one point that concerned me greatly, namely, the proposition that the government of the day strongly opposes—I believe those were his words—the amendment now before the Senate with respect to this bill.

In his presentation of the government’s position—I believe it was inherent in his remarks that it was not being made a government bill—the Deputy Leader of the Government went on to say that they did not want the bill to be returned to the other place with amendments.

I was questioning his argument on that, because the proposition that the government could strongly support a bill and yet not be answerable to the elected representatives of the people was not one that I could accept. However, my question had nothing to do with the internal procedure being followed by the other place. I would not wish to be included in the Deputy Leader of the Government’s current criticism.

My position is that I am opposed to the bill in its present form, although on an earlier occasion, and in other circumstances, I voted in the House of Commons for a similar bill.

**Senator Frith:** Honourable senators, I can put the record straight on that. I understood that in his earlier intervention Senator McIlraith did have some criticism of the procedure followed in the other place. However, there is no doubt that the essence of his question today was not the procedure followed in the other place but the category in which one places a bill when the government supports a private member’s public bill—

**Senator McIlraith:** Exactly.

**Senator Frith:** —and also what the consequences will be if the government is against an amendment to the bill.

**Senator McIlraith:** Exactly.

**Senator Frith:** I understand what the honourable senator believes would be the consequences, and I tried my best to explain why I thought those consequences did not so flow. We disagree on that point, but I willingly verify that he was not raising the other point in his question.

**Senator McIlraith:** I am not seeking to deal with the internal procedures followed in the other place.

**Senator Marshall:** Honourable senators, the Deputy Leader of the Government is evidently a good lawyer—

**Senator Frith:** Of course.

**Senator Marshall:** —but he is forgetting the realities of life when he mentions that we are creating a dangerous precedent; that if we sent a Senate bill to the other place we would have to watch to see that the bill was sent forward in a correct manner. The realities of life are that this is the house of sober second thought; that if bad legislation comes to us that is not in the best interests of Canadians or for the protection of the rights of individuals or regions, then we are the ones who should be amending the legislation, sending it back, and saying, "Correct it".

**Hon. Louis-J. Robichaud:** If it is bad legislation.

**Senator Marshall:** This is bad legislation, so let us send it back.

**Senator Frith:** Honourable senators, I would perhaps have to check how it appears in *Hansard*, but as I listened to the honourable senator today I agreed with every sentence, with every comma and with every period of Senator Marshall's.

• (1500)

What I thought the honourable senator said was that it is our duty to send back bad legislation, if we think it is necessary. But we do not think this is bad legislation: we think it is good legislation. The distinction that we cannot seem to get across is that there is a difference between bad legislation and what some people might think is a bad way to arrive at good legislation. We are saying that this legislation is good legislation, that we are in favour of it, and that we do not think it is up to the Senate, for example, to look into whether or not the procedures used in the other place were proper. If, for example, we were dealing with a motion for reconsideration of a bill in the Senate, which would require consent and so on, because the procedures we followed were not proper, then, of course, we could be critical of our own procedures. But when legislation, whether it be good or bad, comes to us, our job is to give it sober second thought, study, concern and improvement, not to give the other place lessons on procedure.

**Hon. Eric Cook:** Honourable senators, may I ask a question, because I always find everything the Deputy Leader of the Government says very persuasive? Is it the government's position that it is clearly not adopting this bill, but it is clearly, in advance, rejecting any reasonable amendment?

[Senator McIlraith.]

**Senator Frith:** Honourable senators, it seems to me an irresistible corollary to the statement I made on the very first day the bill came before us and we were asked the government's position, that it wishes the bill, as passed by the House of Commons and now before the Senate, to be passed in its present form. It seems to me that I cannot avoid that corollary expressed by Senator Cook; namely, that that position means we would accordingly be against amendment.

**Hon. Douglas D. Everett:** Honourable senators, I am seeking the direction of His Honour the Speaker. When I first spoke in this debate, it was before Senator Lang had moved his motion in amendment. I am wondering whether I have the right to speak on the amendment itself.

**The Hon. the Speaker:** Yes.

**Senator Roblin:** Before Senator Everett speaks, I have some unanswered questions I would like to put to my honourable friend the Deputy Leader of the Government. I hope Senator Everett will accept my apologies, but I would like to proceed with these questions before I lose the opportunity to do so.

**Senator Everett:** I have always enjoyed the thought of coming after Senator Roblin.

**Senator Roblin:** I shall not be speaking to the amendment, but shall be dealing with the points of order raised by the deputy leader, because some of them have some interesting consequences.

I am surprised to hear him say, as he appears to have said, that we cannot take into account what happened in the other place in considering what we must do here. When it comes to criticizing the procedure of the other place, however, my honourable friend may be on sounder ground because I do not want to criticize the procedure of the House of Commons, nor do I want the House of Commons to criticize the procedure of the Senate. But criticizing the procedure of the House of Commons is one thing, and explicating the facts of what happened in the House of Commons is another matter which is entirely different.

I think we are fully entitled to take into account the facts of what happened in the House of Commons when we receive a piece of legislation, even though I think we should restrain ourselves in criticizing the procedure they followed.

**Senator Lamontagne:** Okay, go on.

**Senator Roblin:** You are with me so far, and that is good. I do not understand why the deputy leader should feel inclined to say what he said and then proceed to defend the procedure in the House of Commons, which he did by referring to the two days' notice. I simply want to say, based on what I heard from some members of the House of Commons, that the two days' notice was entirely ineffective. I know that if someone posted on my bulletin board a bill with regard to holidays, I might not link it up with the Canada Day or Dominion Day holiday. In any case, the information I have is that that two days' notice was defective in many respects.

But I agree with my honourable friend, and I do not want to criticize the procedures in the other place. That is their

business and we should restrain ourselves from criticizing on those grounds. But, the facts of what actually transpired are pertinent and germane. I think Senator McIlraith was quite right in raising the points he raised. I do not think we should allow this matter to be dealt with in this house accepting the *obiter dictum* of the Deputy Leader of the Government that we are therefore barred from considering the facts as to what happened. Perhaps he will say that that is not what he meant and, if so, I shall be satisfied.

With respect to the procedures that the deputy leader has laid down for us, he has told us that some time in the future the government intends to introduce a bill to amend this legislation. Will that be a government bill? I would ask the deputy leader to tell us, because I think it has some relevance to what we are being asked to do here today. It seems to me quite wrong that the government—having accepted the responsibility for voting for this bill in the house, as it says it is going to, and, therefore, accepting the responsibility for recommending to their supporters that they support this bill—should try to dodge the responsibility of seeing that it takes proper form. I do not see that it can and at the same time discharge its duty properly. I ask my honourable friend to explain why that should be the case.

Also, I say to the deputy leader, if he is so certain about his Gallup polls, and perhaps he is right—I am not going to dispute it because I think that might be the case—why is it that the Senate will not be allowed, as I take it from what he said, to send this matter to committee? Then we would hear those who wanted to talk to us about it, and if there was such overwhelming support for the bill we would have an opportunity to register that fact. I ask my honourable friend, if he has taken note of the several questions I have put to him, to give us an answer as to how we may expect to see this matter proceeded with in the near future.

**Senator Frith:** Honourable senators, I shall try. First, I shall deal with the question of procedure versus what actually took place. I do not think the honourable senator and I differ on that. There must be some misunderstanding, if he feels I think that senators are barred from discussing what took place in the other place. As far as I am concerned, they are not barred from discussing what took place; nor are they barred from discussing procedure. I just don't think it is a good idea, and I am expressing my views as to why.

It seems to me that the answer as to the procedure followed in the other place can be found in a very short passage in Commons *Hansard*, when the question of due process in the other place was raised for a ruling by the Speaker, and the Speaker ruled that everything that had taken place was in order. I do not think we should go behind that, because it was due process and the bill was properly passed.

On the question of adverting to what in fact did take place, I think Senator Roblin is right. It is not consistent for me to say that we should not go behind the due process ruling and then proceed to go behind it. I can only say in my defence that the reason I did so was because I felt that if other senators did want to go behind the due process followed, which they are not

barred from doing, then they should know the facts, as I understand them, in terms of what took place and the notice that was given.

As far as the amendments are concerned, the government, in stating that it supports the adoption of this bill in its present form by the Senate, is taking the position that the bill is in proper form, that it is correct and effective legally, and that the consequential amendments that appear in the other bill and that appear to many to be desirable are really a matter of form rather than substance. The amendments are desirable, but not necessary, and, because they are desirable, the government felt that it ought to give an undertaking that those consequential amendments, for the sake of form and order, would be made.

On the matter of referring the bill to committee, the government—as a corollary to the fact that it would like the bill to receive Senate approval in its present form before we adjourn—does not feel that the bill should go to committee because it fears that the bill will not be adopted before the adjournment.

**Senator Lamontagne:** But that is for us to decide.

**Senator Frith:** That is for us to decide. All I am doing is indicating our wish. There is nothing to stop us from staying here all summer to debate the matter, if honourable senators are prepared to do so. But I am trying to be frank and simply say what the government's wish is, namely, that we support the bill. I am not suggesting any form of closure, because there is no such provision in our rules.

● (1510)

**Senator Roblin:** In connection with the matter of the committee, when this matter was raised before, the Leader of the Government in the Senate said that he would await second reading debate and then determine, after discussion with the Leader of the Opposition, whether it was appropriate to refer the bill to committee. May I ask the Leader of the Government whether those discussions have taken place?

**Hon. Raymond J. Perrault (Leader of the Government):** Discussions have been held with the Leader of the Opposition on the subject, yes.

**Senator Roblin:** Well, Senator Flynn will be here tonight, and he can speak for himself.

**Senator Marshall:** If I understood the deputy leader correctly, he said that this bill would not go to committee. In other words, he is contradicting what he said before, that we should not question what happens in the other place. And yet here is the government saying, "Don't send it to committee, for fear that something will happen; we want it passed." So the government is not allowing us to take up our responsibilities, and the deputy leader is going along with that. It is a funny kind of justice.

**Senator Frith:** Honourable senators, I am not sure I clearly understood Senator Marshall's point, but I think he may have misunderstood what I said. I said that I thought it was reasonable for honourable senators to ask the government

what its position is on various matters before the Senate. This is our position. I am not saying the bill will not go to committee. I am saying that the government thinks it is not desirable for the bill to go to committee, and it will ask honourable senators to support it in not referring the bill to committee. However, it is up to honourable senators to decide whether it should or should not be referred to committee.

**Senator Marshall:** Thank you.

**Senator Roblin:** Is the deputy leader then telling us that there will be a free vote on this matter? That is the inference I draw from what he has just said. Will there be a free vote on the government side with respect to this matter?

**Senator Frith:** Honourable senators, my understanding is that all votes in the Senate are free votes, but I did want to make the government's position known to those who want to know and who might wish to support the government in this matter.

**Senator Roblin:** Has the government asked its members to support it on this vote?

**Senator Marshall:** Of course it has.

**Senator Frith:** Not in any way that all members of the Senate have not heard.

**Senator Roblin:** Yes, that is right, because we certainly heard it. Even before anyone had a chance to speak on this bill my honourable friend had laid down the law. Before this bill was even introduced in the Senate, he had told the Chamber what the outcome was to be—and a grosser insult to the independence of the members of this house I have seldom heard. Not during second reading, not during any other stage of the bill, but before the bill had even been introduced in the Chamber he laid down the law, and his words were quite clear:

The government is supporting that private member's bill and wants it passed in its present form before the summer adjournment. I wish that to be very clear and unambiguous. The government is supporting this private member's public bill and wishes it passed in its present form before the summer adjournment. I am not giving an opinion; I am making a statement of the government's position.

Well, nothing could be clearer than that. Even before we opened our mouths on the subject he had laid down the law, and the government members had better take heed that if they do not vote for this measure they will have to answer to the honourable leader of the house.

**Senator Frith:** Well, honourable senators, my friend has made a neat rhetorical jump. Because we are so often accused of being ambiguous and not clear in our answers, I gave a clear, open and unambiguous statement—not an opinion—as to what the government's position was; but the jump from that to "laying down the law" is, in the first place, not logically sound, and, in the second place, is pragmatically and realistically fallacious.

Senator Everett is a Liberal senator. I cannot lay down any law to him. You heard what he had to say. Senator McIlraith is not exactly what you could call an NDPer. If anyone in this

[Senator Frith.]

chamber has a history in the Liberal Party and in Liberal governments, it is Senator McIlraith, and he has been unambiguous and clear in his statement that he will vote against the bill.

There would appear to be two possibilities—either Senator Roblin is wrong in saying that I laid down the law, or it is obvious that I have no power to do so, because it is quite clear that not all members of the Liberal Party in this house will necessarily vote for this bill. A nice try, but I didn't make it.

**Senator Roblin:** Well, if my honourable friend is right, I am wrong; if I am right, he is wrong. We will just have to wait to see what happens. However, the natural conclusion of his little essay on the item of independence would be to declare a free vote. It he did that, then we would know if there was any pressure or if it was a matter of the genuine, uninstructed opinion of those taking part in the discussion.

**Senator Frith:** Honourable senators, I think my statement was clear and unambiguous. I hope it was. As I have said, in my opinion every honourable senator is just as free in this case as he is in every other case to draw his own inferences from the statements that have been made.

**Senator Everett:** Honourable senators, although I may at the same time have something to say about the bill itself, I want to address my remarks to Senator Lang's amendment, which reads as follows:

That the Bill be not now read the second time but that it be amended by adding after subsection 2(2), the following new subsection:

"(3) Canada Day may also be called 'Dominion Day'".

As honourable senators are aware, I have already expressed my opposition to the passage of this bill. Although I should have liked to, I find that I just cannot vote for Senator Lang's amendment. I am not sure just what Senator Lang's strategy was in moving this amendment. Perhaps it was to neutralize the bill; but in my opinion, if the bill and the amendment were to pass, a great deal of confusion would follow with respect to what is, in fact, the name of a very important day in Canada. I find myself, therefore, in the position of not being able to support Senator Lang's amendment, although it is my intention still to vote against the bill.

The deputy leader has told us that the government had a "lucky bounce." Well, honourable senators, I am not certain that a change in name of this important holiday from "Dominion Day" to "Canada Day" should be based on a lucky bounce.

He says that he does not want this bill to go back to the other place. What I do not understand about that position is that, if he can say that the Gallup poll, and the other polls that have been taken, indicate that the public overwhelmingly wants this bill, then why is he afraid to let it go back to the other place? Why is he talking about "lucky bounces"? If this change in name is so desired by the public, then let the government bring forward a bill and let it be passed in the normal way. Let us not fool around with "lucky bounces." Let



us return it to the House of Commons and let the House of Commons properly debate the matter, taking evidence from the many organizations and people who have expressed concern about this change, and then let the bill come forward in the normal way.

The deputy leader says there was no trickery in the House of Commons. Well, that is very interesting, but I do not think it is important in the consideration of the bill. It is not a matter of whether there was or was not trickery. What is important is that the bill be properly considered.

He says that we should not criticize the procedure of the other place. Well, I think it is clear that the function of the Senate is to make sure that legislation from the other place has been properly considered, that it does represent the will of the public, and that it has gone through a proper process in the other place; and I think it is equally clear that, if it has not, we must refuse it and send it back to the other place.

**Hon. Jacques Flynn (Leader of the Opposition):** How would you do that?

**Senator Everett:** How would we do what?

**Senator Flynn:** How would you return the bill to the other place, as you are suggesting?

**Senator Everett:** All we need do is simply not pass it. It will then go off the Order Paper. The other place, if it chooses to, will then be in position to bring forward a bill and debate it in the proper way.

**Senator Flynn:** You mean the other bill.

**Senator Everett:** No, the other place.

**Senator Flynn:** But you mean the other bill, Bill C-37; not this bill.

● (1520)

**Senator Everett:** It could be the other bill; that would be perfectly valid. What is really important is that the bill receive proper consideration.

**Hon. Charles McElman:** Are you speaking to the amendment?

**Senator Everett:** I am speaking to the amendment and, as I said when I started, to the bill. I have already spoken to the bill—

**Senator McElman:** How many times will you speak on the bill without being granted permission?

**Senator Everett:** As many times as others have today.

**Senator Walker:** Be quiet!

**Senator Everett:** It seems to me that everyone has had an opportunity to speak on this several times. I will, if you wish, put my remarks in the form of questions to the deputy leader, as others have done. That is a clever ruse and one I am prepared to utilize.

**Senator McElman:** They were points of order.

**Senator Everett:** I do not think they were points of order. Their remarks formed substantive arguments, as far as I could

tell. The answers the deputy leader gave sounded substantive to me as well, but I will put my remarks in the form of questions, if you wish.

**Senator Roblin:** Carry on.

**Senator Frith:** Honourable senators, on a point of order—and I do not think anyone wants to be too technical about it—speaking on an amendment frequently requires one, in order to speak fully to the amendment, to make reference to the motion itself. I think that that is quite in order, but Senator McElman's concern, perhaps, is that Senator Everett in this case started by saying, "I am against the amendment". Then he spoke to the amendment and said that he was not in favour of the amendment. He then seemed to start speaking on the motion again, which I suppose, technically speaking, he is not entitled to do having already spoken on it.

**Senator McElman:** Honourable senators, I am not raising any objection. You will notice that I did not raise a point of order, but what has gone on for the past three-quarters of an hour, I must say, leaves me beautifully confused. I wonder what has happened to the rule book. However, I am not objecting.

**Hon. Henry D. Hicks:** Honourable senators, why did my honourable friend, Senator McElman, zero in on Senator Everett? It seems to me that the other speakers on this legislation were obviously more out of order and contravening the rules than Senator Everett was.

**Senator McElman:** Senator Hicks, I am not zeroing in on Senator Everett at all. I am simply trying to find out how long, dear God, we will proceed without any reference to the rules.

**Senator Frith:** Honourable senators, in fairness to myself and other senators, what took place before took place as a result of questions being posed. I think that that was in order.

**Senator Roblin:** Yes, honourable senators, because when one receives an expanded answer, as we certainly received in some instances, one can certainly expect expanded questions. I think it is contrary to the spirit of this house that we should be too strict on this matter.

**Senator Flynn:** That is right.

**Senator Roblin:** There is a reasonable limit, and Senator McElman thinks we have gone beyond that limit—and perhaps he is right, and I am not going to debate that—but I am anxious to hear what Senator Everett has to say. I think that his remarks are perfectly in order.

**Senator Flynn:** Agreed.

**Senator Everett:** I thought what I was listening to earlier was not so much questions on the matter. I thought, indeed, that the answers given by the deputy leader were so expanded on that we had got into a debate.

**Senator Roblin:** A Committee of the Whole.

**Senator Everett:** I think that indicates that this particular bill does concern people a great deal. That is why this situation has arisen.

If it is clear that in our judgment the other place has not properly considered this bill, we have the right to not pass it. If that were to happen, and the government wanted the bill passed, it could then re-introduce it, have it given proper consideration in full debate, and if the House of Commons passed it we could then consider it.

If that does not happen, then it seems to me that we should accept that obligation ourselves, and refer this bill to a Senate committee—

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

**Senator Everett:**—where it can receive proper consideration.

What I just cannot understand—the thing that really bothers me—is this argument that we have had a lucky bounce. Changing the name of this most important holiday in Canada from “Dominion Day” to “Canada Day” is not a matter of lucky bounces.

**Senator Frith:** After 30 years?

**Senator Everett:** Personally, I do not care whether it is called “Canada Day” or “Dominion Day”. What I am concerned about is that the change not be based on lucky bounces, but on mature debate and public representations.

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

**Senator McIlraith:** Honourable senators, I want to confine my remarks strictly to the amendment.

**Senator McElman:** Honourable senators, before Senator McIlraith proceeds, and since we have some breadth of movement within our rules today, may I put a question to the Deputy Leader of the Government at this point?

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

**Senator Cook:** That’s out of order.

**Senator McElman:** It is out of order indeed; it is in the same category as the other questions put to the deputy leader by other honourable senators.

**Senator Roblin:** You should have spoken before.

**Senator McElman:** I have not spoken before, and I am not speaking to either the amendment or the bill. I may have the opportunity to do that later. If you wish to raise an objection, do so now, because I am about to put my question.

**Senator Roblin:** Go ahead.

**Senator McElman:** Honourable senators, there is provision in our rules allowing us to rescind a decision taken by the Senate. There is also, very clearly, such provision in the rules of the other place. I understand that a point of order was raised in the House of Commons with respect to what happened on this bill, and that a decision was taken that what took place was in order. Since, under the rules of the other place, it is open to any member to move a motion to rescind third reading, to your knowledge, Mr. Deputy Leader, was any

[Senator Everett.]

attempt made to rescind third reading or was it the wish of the members of the other place to leave things as they were?

**Senator Roblin:** The other place does not have that provision.

**Senator McElman:** Yes, they do. If you look at rule 47(2) of *Rules of the Senate*, you will see that we do. Of course, the House of Commons has the same provision as well.

**Senator Flynn:** I object to that question being put to the deputy leader. He has no more authority than anyone else to reply to that.

**Senator McElman:** I simply ask whether that occurred.

**Senator Flynn:** Why do you ask him? He is not the one to answer.

**Senator McElman:** That is as germane as the other questions put to him this afternoon.

**Senator Flynn:** Perhaps, and if he thinks he has the authority to answer it, let him.

**Senator Frith:** Honourable senators, I suppose that depends on what we mean by the word “authority”. I did make reference in debate earlier this afternoon—before Senator Flynn came in—to some information I had as to what steps were actually taken in the other place. Perhaps that is the reason why the question was asked.

In any event, the answer to the question is very short. To my knowledge, no such motion was put.

**Senator McElman:** Thank you.

**Senator Roblin:** On the point raised, surely the deputy leader should tell us that there is no provision in the House of Commons to rescind decisions of the sort mentioned by Senator McElman. I do not believe the House of Commons has any power to rescind. If so, I would be glad to hear the authority. There may be that power in this house.

**Senator McIlraith:** Honourable senators, if I may resume my remarks on the amendment to the bill. The amendment, I must say, caught me by surprise, but it seems to me that there is something in it in that it may alleviate the concern of some people who may be opposed to the change of the name of our national holiday to Canada Day. If there is something in the amendment, it deserves our attention, and acceptance or rejection on its merits.

That proposition is simple enough, but what really concerns me about the amendment, and caused me to rise today, were the remarks made by the Deputy Leader of the Government when he made it very clear that the government wants the Senate to pass this bill without amendment, but at the same time is not making it a government bill. He made himself quite clear on that point. Then he went on to his second point, saying that the government—he used a strong adverb qualifying the verb—wanted the Senate to pass this bill as is. He then dealt with the amendment and said that the government wanted us to reject the amendment, an amendment which was moved in this house and never raised or considered in the

House of Commons. The reason he gave for appealing to all honourable senators to reject the amendment was that the government would not have it go before the House of Commons.

• (1530)

I do not accept the doctrine that a bill, which the government regards of such importance, should not go back to the House of Commons if we see fit to amend it. I will not accept the proposition that the government is unwilling to have a vote on an amendment if the result is that the bill will go back to the House of Commons.

I am still naive enough to believe that the bedrock of our system of government is that it is government by the people themselves, and, basically, it carries with it the proposition that the government of the day is always answerable to the people through their elected representatives. I will not vote for a proposition at the request of a government that is asking me to vote that way in order to prevent elected representatives in Parliament from dealing with this or any other measure that is of any importance. That is the proposition that arose in the discussion earlier this afternoon that I cannot accept.

I realize that that is not directly related to the bill itself. I believe it was Senator Argue who pointed out how I voted in 1946, I believe it was, for a change of the name of this great national day—a day that means so much to me and to all Canadians—from Dominion Day to Canada Day. My concern was earlier expressed when the bill first came here. I was careful not to discuss the details of internal procedure in the House of Commons.

The reason given for the government's asking us, and particularly those of us who are Liberals, to vote against the amendment, is not acceptable to me. I am a Liberal and I am proud of it. I have argued as a Liberal throughout my life, but the very basis of that liberalism was the constant answerability of a government to the elected representatives of the people for their actions. I am not willing to deviate from that. As I say, that necessarily means I will have to vote against the bill when it comes to a vote. I believe in the democratic process and the careful observance by governments of the conventions and traditions on which Parliament operates.

**The Hon. the Speaker:** There was a question put to the Deputy Leader of the Government by Senator Roblin as to whether or not he wanted to adjourn the debate until this evening. I am not sure that that question has been answered.

**Senator Frith:** I did say that I thought we should adjourn the debate until later this day in the name of Senator Asselin. The Order is for the resumption of the debate on the motion in amendment, and it stands in Senator Asselin's name. Senator Roblin—and Senator Flynn had told me earlier—said that Senator Asselin would yield. He did yield to me, and, as it turned out, to Senator Everett and Senator McIlraith. I think we should now ask that this Order stand until later this day in the name of Senator Asselin.

On motion of Senator Frith, for Senator Asselin, debate adjourned.

## INDIAN-INUIT WEEK BILL

### SECOND READING—ORDER STANDS

On the Order:

Resuming the debate on the motion of the Honourable Senator Williams, seconded by the Honourable Senator Adams, for the second reading of the Bill S-28, intituled: "An Act establishing Indian-Inuit Week and Inuit-Indian Day".—(*Honourable Senator Frith*).

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, I ask that this order stand. I have had one discussion with Senator Williams about it, and I want to discuss it further with him.

Order stands.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

## PRIVILEGE

### STATEMENT BY SENATOR ROBLIN

**Hon. Duff Roblin (Deputy Leader of the Opposition):** Honourable senators, before Question Period is called, I have two points of privilege I would like to be allowed to express.

The first is a personal one. Just before we rose, Senator McElman and I had a word or two together as to whether or not rescission is provided for in the rules of the other house, and I was quite sure it is not. However, Senator McElman was good enough to put me right on that point. He was able to point to the section in *Beauchesne*, which is to be found at page 157, which proves that he had the correct grasp of the situation. I should like to indicate my error in that respect.

The second question of privilege has to do with a comment made by the Leader of the Government this afternoon when we were in the midst of a reasonably heated exchange on the question of "Canada Day". He said several times that the Senate had moved second and third reading of bills with less than a quorum. It may be true that that has been done, but I must say that it has not been done in my experience. I consulted with those who are far more knowledgeable than I, such as my leader, and he could not recall any occasion when that had happened.

I do not want to be too precise or too nice on this point, but I really do not think that we have passed bills in this chamber without a quorum. If the Leader of the Government considers that I am wrong, then he should produce the evidence.

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, I will check to see if I can.

**Hon. Jacques Flynn (Leader of the Opposition):** You should have done that before making the assertion.

**Senator Roblin:** I consider it quite important. While I believe we have, quite properly, a self-denying rule here that

efits that will become available as a result of the Small Producers' PGRT Exemption. An annual credit up to \$250,000 against the Petroleum and Gas Revenue Tax (PGRT) liability of corporations, on their production revenue (as determined under Division 1 of the Petroleum and Gas Revenue Tax Act) will be available.

The industry estimate cited was prepared by the Canadian Petroleum Association on an assumption that the eligible group of companies would number no more than 700. The federal government has data which indicate that companies eligible for the Small Producers' PGRT exemption would be at least double this number.

While it is difficult to be precise about the total number of taxpayers who are eligible and will take advantage of this exemption, nothing that industry has presented in support of its claim would indicate a more accurate way of estimating benefits available under the NEP Update in total than that employed by the government for its \$2 billion estimate.

### TRANSPORT

#### QUEBEC AIRPORT—STAFFING OF CONTROL TOWER

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, I have a delayed answer to a question which was asked by Senator Flynn on July 27 concerning the staffing of the control tower at the Quebec airport.

Senator Flynn was accurate in his description of the situation at the Quebec airport on Sunday, July 25, 1982. The situation occurred due to a misunderstanding. There was a shortage of overtime funds which consequently resulted in restrictions in air service for one day. The problem has been resolved, and will not recur in the future.

### OFFICIAL REPORT (HANSARD)

#### CHANGE IN FORMAT

**Hon. Royce Frith (Deputy Leader of the Government):** Honourable senators, I am sorry to see that Senator Macquarrie is not present in the chamber because I have been eager to give him this information. He will, however, be able to read it in today's issue of *Hansard*.

On Thursday last, Senator Macquarrie asked whether the placement of the table of contents at the end of each daily issue of *Debates of the Senate* resulted from administrative absent-mindedness, some bureaucrat's dream of progress, or an attempt to save money.

I am informed that it results from none of those attributes; nor is it intended to be emulation of the practice of the House of Commons, although that may be its effect.

Its purpose is to facilitate the production of *Hansard*, and the earliest possible delivery of *Hansard* to senators' offices.

The table of contents cannot be completed until the typesetting and page make-up of the body of the *Debates* are finished. If it is to be placed at the beginning, no printing can com-

mence until it is ready. By putting it at the end, the printing of the early pages can be commenced, while the typesetting of those that follow is proceeding. The longer the sitting of the Senate, the more evident this time-saving feature becomes.

Mr. Baker, the Editor of Debates, does not particularly like this change, but when it was suggested to him by officials of the Canadian Government Printing Bureau, he agreed to put it into effect for the balance of the session and await the reaction of senators. However, he stresses that, being a servant of the Senate, he will take directions from the Senate.

In addition, Mr. Baker points out that since this practice was adopted on July 20, Senate *Hansard*, in both English and French, has been delivered by approximately 10 o'clock a.m.

**Hon. Joseph-Philippe Guay:** I would like to point out, honourable senators, that Senator Macquarrie was present in the chamber just a few moments ago.

**Senator Frith:** Yes, honourable senators, I am aware of that.

### HOLIDAYS ACT

#### BILL TO AMEND—SECOND READING—MOTION IN AMENDMENT—DEBATE CONTINUED

The Senate resumed from earlier this day the debate on the motion of Senator Bird for the second reading of Bill C-201, to amend the Holidays Act, and on the motion in amendment thereto of Senator Lang.

[*Translation*]

**Hon. Martial Asselin:** Honourable senators, I would much rather speak to the main motion. I think that we are now debating the amendment motion and if I were to speak to the main motion now, I would be out of order. I think I will let the Senate vote on the amendment motion and I will speak to the main motion later on, with leave of the Senate, of course.

**The Hon. the Speaker:** Honourable senators, I do not know what will happen after the vote on the amendment motion; we will see then. But if the Senate agrees at this time not to proceed in such a way as to prevent the senator from speaking—

**Hon. Jacques Flynn (Leader of the Opposition):** I think that Senator Asselin is relinquishing the floor to Senator Lang on the amendment motion. If no one wants to pursue the debate on the amendment, the Speaker will put the question and Senator Asselin will continue the debate once we have disposed of the motion.

**Hon. Royce Frith (Deputy Leader of the Government):** For your information, honourable senators, I spoke to Senator Lang and told him that the vote on the amendment will probably be held this evening. In his absence, therefore, we should not propose something of which he is not aware.

**Senator Flynn:** He is aware.

**Senator Frith:** Yes.

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

**Some Hon. Senators:** Agreed.

● (2110)

[English]

MOTION IN AMENDMENT NEGATIVED

**The Hon. the Speaker:** Honourable senators, it is moved by the Honourable Senator Bird, seconded by the Honourable Senator Lamontagne, P.C., that this bill be read the second time.

In amendment, it is moved by the Honourable Senator Lang, seconded by the Honourable Senator Bell, that this bill be not now read the second time, but that it be amended by adding after subsection 2(2), the following new subsection:

“(3) Canada Day may also be called ‘Dominion Day’.”

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

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** Will those honourable senators in favour of the motion in amendment please say “yea”?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators who are against the motion in amendment please say “nay”?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “nays” have it.

**Hon. Jacques Flynn (Leader of the Opposition):** On division.

**The Hon. the Speaker:** The amendment is defeated, on division.

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

[Translation]

**Hon. Martial Asselin:** Honourable senators, on several occasions I hesitated to seek the floor on this bill because, in my mind, it stirs too much emotion and sentimentality. But, since so much significance has been given to this bill, it would be difficult for a Quebecer who has always fought for Canadian symbols to remain silent. That is why I will tell you very briefly what I think about it.

Not unlike other senators who have spoken in this house, I did not like the way the bill was introduced and adopted in the other place. I was a member of the House of Commons for 12 years and I think it is exceptional that a bill of whatever importance be adopted in such a short time, but that is not our responsibility. It is the responsibility of members of the other place and they have made their decision. Whether they had a quorum or not is none of our business. Here we have to decide if we are to accept this bill as it is or amend it and send it back to the other place. I was not here this afternoon when the Deputy Leader of the Government spoke, but apparently he gave the impression that this private bill adopted by the other place would somehow become a government bill since the government, through its spokesmen here, has decided to support the principle of the bill as drafted.

[Senator Frith.]

I respect those who are against the bill and I accept the reasons they gave in this house. It would seem that the word “dominion” has, for some of our colleagues, a historic past which must not be forgotten, which must be preserved. For them, it represents a historic tradition and they cannot live in a country which is renewing itself without that word being in our statutes.

I respect their views and I can understand that in certain regions of Canada the disappearance of that word has an extremely significant connotation. We should not forget that the expression “Canada Day” has, in other regions of Canada, an equally significant connotation.

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

**Senator Asselin:** How can we reconcile viewpoints which are different but not contradictory? Of course, certain senators will do that until the end of the debate.

We have been told that the word “Dominion” recalls our historical past, as I said earlier. However, if this can reassure my colleagues who would otherwise oppose this bill, they have to remember that if the government does not correct the irregularities next year by introducing an omnibus bill, and as long as it does not do so, the word “Dominion” will remain in our statutes. The only thing that will change is that the designation “Dominion Day” will be changed to “Canada Day”. This is all that will happen.

The word “Dominion” which appears in our new Canadian Constitution will not be changed if this bill is passed, it will remain there, and I emphasize that as long as the government does not introduce a bill in the other place to correct the irregularities contained in our statutes, the word “Dominion” will be included in our laws.

Therefore, we should not say that the word “Dominion” will completely disappear from our statutes. It will simply disappear as far as the designation of our national holiday is concerned. As for me, I do not care to recall a whole historical past involving the word “Dominion”; as you did yourself, I studied the history of Canada. During the recess last year, I read about the beginnings of Confederation under Macdonald, and I would much rather look to the future and think about the great social, economic and political potential of our country. I am much more interested in the future of my country than in its past. I believe that, in the last year and a half, we have undertaken the renewal of the very fabric of our country and that, in the last few years, we have attempted to redefine the sovereignty of our country by adopting purely Canadian symbols. This is a matter of national pride. It is not a matter of past history; we have to look to the future and see how we must rebuild, remake and renew the very structure of our country. Someone said this evening, and I agree, that the young generation of Canadians would prefer the designation “Canada Day”. I do not think I would be wrong in saying that over 80 per cent of young people in Quebec applaud this change and I would not be surprised if the proportion of young English-speaking Canadians who support this change were nearly as high. As I said at the very beginning, there are still

those a bit older who remember our historical past and want to preserve it, but this generation should also think that what they are now doing for Canada, they are doing for the young people because our own generation is on the way out. We are building for those who will come after us.

**Hon. Maurice Lamontagne:** We are not in any hurry to go.

● (2120)

**Senator Asselin:** Senator Lamontagne says that we are not in any hurry. We are certainly not!

No one is in a hurry to go, but I believe that our efforts and our work to renew our country are aimed at the young generation, in which this country puts all its hopes. Young people support these initiatives enthusiastically in my opinion, and I am convinced—

**Hon. Raymond J. Perrault (Leader of the Government):** Agreed.

**Senator Asselin:** I am convinced that they will applaud the decision of the Senate if we agree to this designation. I also wonder why the Senate should not innovate in this area. We would perhaps greatly disappoint our young people if we voted against this bill and let it die in some way, either by amending it or by referring it to the other place. I believe that this would simply postpone its passage. I was among those who voted against the principle of patriation, but not because I was against the fact that this document should come back from England and finally become a Canadian document. I objected mainly to the way the government tried to get patriation of the Constitution passed unilaterally. I opposed patriation in that particular regard because I felt, like many other Canadians, that the government should patriate that constitutional document only with the unanimous agreement of the provinces.

I fought against the unilateral aspect of patriation, just as I fought for all those symbols: patriation of the Constitution, bilingualism, simultaneous interpretation in the other place. With regard to the latter, I fought precisely because I wanted anglophones and francophones to be able to communicate with each other. I remember the days when I was a young MP in the House of Commons. In 1957 or 1958, when the fellows from Quebec first came to the House of Commons, they had a hard time expressing themselves in English. There was no simultaneous interpretation in those days, and we could not communicate with our English speaking colleagues.

Through the initiative of our party, simultaneous translation was set up thus bringing both founding groups closer. I think that both groups which make up this country, the English-speaking and the French-speaking were proud about that. I was proud then and I am still today when I see that we are proceeding a little further in our quest for political autonomy. I think that Canada Day, as it appears in the bill, provides another indication, as it is the climax of our gratitude for having achieved our political autonomy.

I feel that Canada Day is a new extension of that achievement. Those who voted for it should do it again and those who voted for patriation of the Constitution should continue to accept those changes of symbols to be better Canadians. They

will be demonstrating their judgment by voting for the bill and trying to be consistent.

Today at a business meeting attended by the members of a board of directors, I met people from Toronto and Quebec City. At such meetings, businessmen often ask us what goes on in Parliament these days. I told them that the debate on that symbol was carried on in the Senate. I can tell you quite frankly that several were quite surprised because they thought that such an extended debate would only delay the passage of the bill under consideration. They would have been surely less surprised, if we had been dealing with budgetary matters for weeks.

It is a fact that our country's structures are still being questioned, but because of the deep-rooted differences which still exist between anglophones and francophones, we should avail ourselves of every opportunity to demonstrate to French-speaking Canadians that there is room for them in this country. It is through these symbols that we will be able to say to them: Here, come with us, there is room for you and you can get along with your English-speaking fellow Canadians.

I think that we should follow the lead of those who, through their actions, are trying to make this country more Canadian, by accepting symbols such as the one we find in this bill, in order to further develop among our fellow Canadians the notion of Canadian pride and nationalism which I feel are the cornerstone of Canadian unity.

**Hon. Lowell Murray:** I move the adjournment of the debate.

**Hon. Royce Frith (Deputy Leader of the Government):** First, honourable senators, may I ask if, in the meantime, other honourable senators would like to take part in the debate.

**Hon. Jacques Flynn (Leader of the Opposition):** Certainly.

**Senator Frith:** As Senator Murray has proposed the adjournment, I wonder if he would give other honourable senators who would like to take part in this debate the opportunity to do so.

**Senator Flynn:** There are none.

**Senator Frith:** Agreed.

[English]

**Hon. Paul Zuyk:** Honourable senators, this bill profoundly disturbs and angers me. I want it to be recorded that I approve the principle of the bill—that is, “Canada Day”—however, I shall vote against its passage in the Senate because I firmly believe that the method of its passage in the other house was improper, undemocratic and unworthy of the respect that Canadian citizens should hold for Canada Day.

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

**Senator Zuyk:** My active participation in the celebration of the centennial of Canadian Confederation in 1967, and subsequently in the celebrations of Canada's birthday on July 1, has convinced me that the large majority of Canadians favour “Canada Day”.

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

**Senator Yuzyk:** Personally I consider that "Confederation Day" would be more appropriate, because on July 1, 1867, Canada was founded as a Confederation of the first Canadian provinces with the B.N.A. Act as the Constitution of the new nation.

Having been a member of the Board of Directors of the Canadian Centenary Council in 1965 and 1967, a member of the National Board of Canada's Birthday Celebrations in 1979 and 1980, and President of the Canadian Folk Arts Council since 1975, a national body representing the founding peoples as well as the other ethnic groups of our country in cultural activities, whose administrative expenses are financed by the federal government, I believe that I have a good knowledge of the attitude of Canadians in this sphere.

I should state that I have participated as an organizer of many of the events of those celebrations in all of the provinces, and often as a speaker in the provincial capitals on July 1. Three years ago I spoke at the celebration of Canada's birthday in St. John's, Newfoundland, on July 2, since July 1 in Newfoundland has been designated and is celebrated as Memorial Day.

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

● (2130)

**Senator Yuzyk:** For several years these birthday celebrations were held under the name of Canada Week, culminating in the celebration of July 1, the highlight. Never has Canada Day or Dominion Day been officially mentioned, as the leaders were conscious that this matter must be decided by the Parliament of Canada. However, in conversations with many of the hundreds of performing groups across the country and in the local press and media, Canada Day was often mentioned, while Dominion Day was sometimes mentioned in Nova Scotia, New Brunswick and Prince Edward Island. Furthermore, Dominion Day is not meaningfully translatable in French, the Slavic languages and other Canadian languages.

My assessment, based on experience, is that the consensus in Canada favours Canada Day, most notably in Quebec and the western provinces. This is confirmed by the Gallup poll of November 7, 1981, which showed that 70 per cent of the population prefers Canada Day and 23 per cent Dominion Day, with 7 per cent undecided. By mother-tongue, 63 per cent of the English prefer Canada Day and 31 per cent Dominion Day; of the Francophones, 85 per cent prefer Canada Day and only 6 per cent Dominion Day, with 10 per cent undecided; and of the other Canadian languages, 73 per cent chose Canada Day and 22 per cent Dominion Day, with 5 per cent undecided. It is obvious that Canadians want Canada Day, which should be applied to Canada's birthday celebrations on July 1, 1983.

I believe that Canada Day does reflect our nationhood and the high ideals of freedom, democracy, unity and peace as well as the most worthy aspirations of our bilingual and multicultural nation. The enthusiastic spirit of loyalty and brotherhood

and, for that matter, sisterhood, that is manifested in the celebrations of Canada's birthday on July 1 is proof that Canadians love their country and support the unity of all segments of the population. To make this important day more vital for all Canadians it is absolutely necessary that parliamentarians of both houses who represent them should enact the legislation with an overwhelming majority in both houses, as was done with the Official Languages Act in 1970, the resolution on multiculturalism in 1971, and the Constitution Act this year.

Honourable senators, we all know how Bill C-201 was introduced, processed and passed in the House of Commons last July 9. A private member's bill, with the backing of the government, in the late afternoon when only 13 of the 282 members were present, which is much less than the quorum of 20, was rammed through second reading, the committee of the whole house, and third reading in a few minutes—perhaps the fastest passage of a bill in the history of Parliament. This is certainly an item for the *Guinness Book of Records*. What a mockery of democracy! I cannot understand how a government, which pays at least lip-service to democracy, would condone this devious ploy and support this as a public bill. How can manipulations of the government foster the confidence of the citizens in the celebration of Canada Day?

**Senator Perrault:** Manipulations of the government—garbage.

**Senator Yuzyk:** How can citizens have confidence in the elected house?

If the Senate passes this bill, it will mean that we shall be condoning a devious, undemocratic method in the legislative process. It will also mean that a stigma will be forever attached to Canada Day. In the name of sincere, honest, law-abiding Canadian citizens, I protest in strongest terms this undemocratic method of legislating.

I appeal to honourable senators to rise above party considerations and, in the best interests of the Canadian people, defeat Bill C-201. Let us remember that the government has a much better bill on the Order Paper. Bill C-37, which would make Canada Day official, should be brought forward, if not in this session then in the next, as there is plenty of time. Debate would be allowed in the other house, and presentations from the public would be made in committee. I believe that such a bill would be passed by a large majority in both houses of Parliament. The large majority of Canadians would then be happy that Canada Day was achieved according to the best democratic traditions.

Canada Day should be the pride and joy of all Canadians of every origin. I would, therefore, like to see Parliament enact legislation in the normal way, and thus ensure that the celebration of our national day is held as a great manifestation of our love of country and Canadian unity.

**Hon. R. James Balfour:** Honourable senators, I rise on a point of order. Did I understand the Leader of the Government in the Senate to characterize some of the remarks of my colleague, Senator Yuzyk, as "garbage"?

**Senator Perrault:** Honourable senators, I may make a contribution to this debate tomorrow.

**Senator Balfour:** Were those your words?

**Senator Perrault:** I do not believe that many of the sentiments expressed by Senator Yuzyk accord with the facts, and they are not high quality parliamentary merchandise.

**Senator Balfour:** Did you use the expression "garbage"?

**Hon. Hazen Argue (Minister of State for the Canadian Wheat Board):** Is that unparliamentary? I tried to have "baloney" withdrawn once, but I lost.

**Hon. Duff Roblin (Deputy Leader of the Opposition):** "Baloney" is parliamentary.

**Hon. Frederick W. Rowe:** Honourable senators, I did not intend to participate in this debate tonight, but I am prompted to do so by some of the comments that were made. I want to say, first of all—and I think it was pointed out by my colleague, Senator Doody, and perhaps by others—that as I interpret the reaction in Newfoundland, the people there are not too concerned with this matter, either one way or the other. The reason, of course, is that July 1 has always been of great significance to Newfoundlanders, a day of great sorrow and grief and, at the same time, commemoration.

The grief and sorrow goes back to July 1, 1916, the opening day in the two greatest battles in the long and sad history of human warfare. It was in the early morning of July 1, 1916 that the Newfoundland Regiment, which opened the battle, was annihilated, and I am using my words judiciously. Every home in Newfoundland lost either a relative or a friend, and from that day to the present July 1 has been a day of mourning and of commemoration to all Newfoundlanders.

Having said that, I will add—and I am sure once again that I speak for most Newfoundlanders—that we will be only too happy to be included in that vast number of Canadians who will, if this bill is adopted by this chamber, commemorate July 1 as a day of celebration, a day of joining together of all Canadians, whether they live in Newfoundland or the Yukon.

While I hesitate to tread into this field, there is another point I would like to make. I have been a life-long student of history, but I do not pose as a constitutional expert. It seems to me, however, to extrapolate from what Senator Yuzyk has just said—and others have made the point, too—that we may be on pretty dangerous and slippery ground if we take it upon ourselves to dictate to the other place or admonish them for their behaviour. We can hardly tell them what methods to follow in dealing with legislation. It is hardly appropriate for us to suggest to the House of Commons that they should have had more than a quarter of their number present when the bill was passed, or that they should have spent more time deliberating rather than passing the bill in such short order. Can we take it upon ourselves to suggest to them that they should have spent two weeks on that bill? That is the inference I draw from what has been said.

● (2140)

Personally, I resent that kind of criticism when it is made about this place. I don't like hearing members of the other house expressing criticism, in some cases even ridicule, of the actions we take here. My reaction to that sort of thing has always been: "Look! Mind your own business. We will look after ours here." I think that has to work both ways.

As I say, I can't speak as an expert on this matter, but, frankly, I do not see how we can take it upon ourselves to tell the members of the other place how they should handle any particular piece of legislation. It is none of my business how the House of Commons handles a piece of legislation. Presumably it is satisfied with this bill because it has taken no further action. It is not my place to tell the members there that there should have been more representation; that they should not have passed the bill in the way they did; that they did it in a sneaky way, or that they took advantage of the situation. I don't believe I have that right. By extension, I do not believe any senator, or the Senate collectively, has the right to admonish the House of Commons in that way.

**Senator Perrault:** Hear, hear.

**Senator Rowe:** Honourable senators, fears have been expressed by a number of senators about the diminishing of our heritage and, in particular, the loosening of our ties with the old country. I am proud to say I come from Newfoundland, and that at one time we were the most "British" people in the world. Ninety-nine per cent of our people were of Anglo-Saxon and Celtic descent. They were either born in Britain or they were descended from British stock—English, Welsh, Irish and Scottish. I believe, today, Newfoundland is still the most "British" place in the world in that context. Our British descendency is something in the order of 96 per cent. Despite all that, I do not believe for one moment that changing the name from "Dominion Day" to "Canada Day" will affect the heritage of those people one iota. I cannot see its lessening, for example, Senator Doody's interest or concern in his Irish heritage. It certainly won't affect my interest or concern in my English heritage.

I believe what I have said about Senator Doody and myself applies equally to all Newfoundlanders, and, again by extrapolation, I think I can say the same about all of Canada. I believe in the long run this change of name will have a unifying effect.

**Senator Frith:** Honourable senators, before moving the adjournment of the Senate, I would remind you that we would like to have a vote on this motion tomorrow. Obviously, we do not give notices of votes in this house, because the Senate itself decides when it will have a vote. We hope that there will be many interventions in the debate tomorrow. Certainly, anyone who wishes to speak should do so.

On motion of Senator Murray, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.