

Motion agreed to.

● (1500)

PRIVATE BILL

REGIONAL VICAR FOR CANADA OF THE PRELATURE OF THE HOLY CROSS AND OPUS DEI—CONSIDERATION OF REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming the debate on the motion of the Honourable Senator Neiman, seconded by the Honourable Senator Cottreau, for the adoption of the Twenty-First Report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-7, An Act to incorporate the Regional Vicar for Canada of the Prelature of the Holy Cross and Opus Dei, with two amendments) presented in the Senate on 25th May, 1988.—(*Honourable Senator Gigantès*).

Hon. Philippe Deane Gigantès: Honourable senators, with all due respect, I should like to say that the remarks of the honourable chairman of the Standing Senate Committee on Legal and Constitutional Affairs argue for the rejection of this bill. However, after arguing for the rejection of this bill, the honourable chairman, no doubt out of the kindness of her heart and wishing to be accommodating, recommends that we adopt it, and I should like to illustrate that. In her remarks on page 3495 of the *Debates of the Senate*, Senator Neiman said that the purpose of S-7 was to incorporate the Regional Vicar for Canada of the Prelature of the Holy Cross and Opus Dei. She then pointed out that Opus Dei, in its request, describes itself as “a secular jurisdictional institution . . .”.

Senator Neiman went on to tell us that this institution was incorporated as a non-profit organization under Part III of the Quebec Companies Act and has operated in that way for some 30 years with no problems. Senator Neiman then continued, and I quote:

In 1982 the organization was constituted as a personal Prelature of the Church under the Church's Apostolic Constitution *Ut Sit*. The committee heard that it was that change in canon law regarding the status of Opus Dei that prompted it to apply for a change in its civil legal structure in Canada.

In the very next paragraph of her speech, the chairman pointed out that what the Senate was being asked to do was to grant a charter for a corporation sole, which has traditionally been a way of incorporating religious institutions. To that purpose, the Senate in the past has approved private bills to create corporations sole.

The chairman went on to tell the Senate that there were 20 precedents for this action and every single one of those precedents was to create episcopal corporations around a Catholic bishop and to incorporate offices of “equal stature” in other churches.

Honourable senators, it was quite clear from the evidence presented to the committee that the Regional Vicar does not have equivalent status with a bishop, because before the

Regional Vicar can operate in a bishopric he must have the permission of the bishop. He is not, therefore, equal to the bishop since he has to ask for the bishop's permission to operate.

In other words, honourable senators, if we agreed to pass this bill, we would be creating a precedent that is different from the 20 previous precedents. We would be granting something which, so far, we have granted only to bishops or to people of equivalent stature, and this Regional Vicar does not have equivalent stature.

In her remarks the chairman also said that we had imposed some fairly stringent disclosure requirements in the bill. However, according to testimony given before the committee as to how Opus Dei operated before its incorporation, these disclosure requirements are obviously meaningless, because Opus Dei has operated, so far, with the help of numbered corporations into which various individuals or organizations—we don't know which—have deposited money which Opus Dei has used. If Opus Dei continues to operate in this way, drawing the majority of its funds or of its facilities from numbered corporations—not as a transfer to itself but with the right to use funds through the various numbered corporations, then the disclosure procedures and requirements we have proposed will, in effect, disclose nothing very much. Therefore, these procedures we have proposed would be meaningless.

We were also told by the chairman in her remarks that the argument advanced by the petitioner as to why the corporation sole was needed, namely, to conform to the requirements of canon law, was not regarded as persuasive. Let me say at this time that it is in fact the only argument, because they have been able to operate without being incorporated by the Senate. Before being proclaimed a prelature under canon law in 1982, this organization operated under the Quebec Companies Act, and since then it has operated without any obstacle or difficulty.

Honourable senators, I fail to see—and it was not obvious from any of the evidence given before the committee or from anything that the chairman herself said—in what way we would hamper the operations of Opus Dei or make them more difficult if we refused to grant this petition to allow for the incorporation of this organization as a corporation sole. Personally, I don't see what their problem is and therefore I don't see why we should give them a cure for or a solution to a non-existent problem.

Honourable senators, I quote again from the chairman's remarks to the Senate, at page 3496 of the *Debates of the Senate* of Thursday, May 26, 1988:

As I mentioned earlier, the 20 previous corporations sole created by private act related directly to religious institutions at the level of a bishopric. The Regional Vicar stated that his office was analogous—

—that is, not equal—

—to that of a bishop, although the petition stipulated that the institution is “secular.”