

THE SENATE

Wednesday, February 18, 1976

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

DOCUMENTS TABLED

Senator Perrault tabled:

Report of operations under the Municipal Improvements Assistance Act for the year ended December 31, 1975, pursuant to section 11 of the said Act, Chapter M-16, R.S.C., 1970.

Copies of Order in Council P.C 1976-187, dated February 3, 1976, amending Part II of the Schedule to the Hazardous Products Act, pursuant to section 8(3) of the said Act, Chapter H-3, R.S.C., 1970.

THE SENATE

REPRESENTATION OF THE NORTHWEST TERRITORIES— QUESTION

Senator Forsey: Honourable senators, I have one question, or perhaps two—a curious way of putting it, but the reason will become apparent in a moment—for the Leader of the Government. The first question is: Has a senator been appointed for the Northwest Territories? I may have missed something.

Senator Perrault: Honourable senators, to the best of my knowledge there has been no appointment to the senatorial seat for the Northwest Territories as yet, although I understand consideration is being given to that appointment.

Senator Forsey: That leads me to my second question. Can the Leader of the Government give us any idea when we may expect to hear of this appointment? It is now a pretty long time since provision was made for this appointment. An appointment was made for the Yukon, fairly early incidentally, and we all regret very much the prolonged absence of the honourable senator from the Yukon. I hope the government will soon get around to appointing a senator for the Northwest Territories, because I think it is a very important matter.

Senator Perrault: The honourable senator has raised an important question. I know that all senators are looking forward to the day when a representative from the Northwest Territories takes his or her place in this chamber. As the honourable senator is aware, appointments to the Senate—a process which takes some time—are always made very carefully in order to ensure that people able to contribute to the public life of Canada serve in this chamber.

Senator Flynn: I suppose that reply applies also to the ten or twelve other vacancies that presently exist.

Senator Forsey: This merely compounds the sin of the government in taking so long to make the appointments.

Senator Perrault: I hope the vacancies which exist in the Senate can be filled in the near future. However, as I just said, very careful consideration is given to this process.

Senator Forsey: Yes, you have to be very careful not to let in a Tory by mistake.

Senator Flynn: It probably was in your case.

Senator Langlois: Would that be a mistake?

CRIMINAL LAW AMENDMENT BILL, 1975

SECOND READING

The Senate resumed from yesterday the debate on the motion of Senator Langlois for the second reading of Bill C-71, to amend the Criminal Code and to make related amendments to the Crown Liability Act, the Immigration Act and the Parole Act.

Hon. Léopold Langlois: Honourable senators—

The Hon. the Speaker: I wish to inform honourable senators that if the Honourable Senator Langlois speaks now his speech will have the effect of closing the debate on the motion for second reading of this bill.

● (1410)

Senator Langlois: Honourable senators, the Senate is indebted to Senator Flynn and Senator Asselin for their very worthwhile contributions to the debate on second reading of this bill. I say this in all sincerity even though I do not agree with some of their points of view. However, their views should be completely studied by the Standing Senate Committee on Legal and Constitutional Affairs, to which I intend to move that this bill be referred if it receives second reading.

I do not know who wrote that very old saying, "Every story has three sides—yours, mine, and the facts." I wish to point out to the Leader of the Opposition that the story behind the *Morgentaler* amendment has more than three sides to it—his, mine, those of the judge and jury of the trial court, those of the judges of the Appeal Court of Quebec, those of the judges of the Supreme Court of Canada and, of course, the facts of the case.

I deem it impossible, therefore, to comment on these facts without infringing upon the rule that this matter should not become the subject of a debate at this time because it is presently *sub judice*. I hasten to add that my honourable friend in his address made that remark in a different way, but to the same effect. My friend took the position that although the proposed amendment is not altogether wrong, it might be going in the wrong direction.

If I understood his remarks correctly, he expressed the view that it is time to have an in-depth study of the jury system in this country. As I said, I hope that his remarks