

o'clock tomorrow and that there is the possibility that the house will sit in the afternoon to deal with the Judges Act or any other legislation before it?

**Hon. Mr. McDonald:** It is my understanding that there are two hours today for government business and that, if the government business can be concluded in that period of time and can be sent to this chamber, then we might well finish our work tomorrow at two o'clock. However, if the work of the house as planned for before the recess is not completed during those two hours this afternoon, there is a possibility that they will go back into government business tomorrow at about 2 o'clock.

**Hon. Mr. Flynn:** Thank you.

Motion agreed to.

## COMMONWEALTH PARLIAMENTARY ASSOCIATION

### GENERAL CONFERENCE AT KUALA LUMPUR

**Hon. Allister Grosart:** Honourable senators, yesterday I gave notice with leave that today I would draw the attention of the Senate to the agenda for the Commonwealth Parliamentary Association Annual Conference which will be meeting in Kuala Lumpur, Malaysia, September 3 to 18, 1971. The names of the Canadian delegation to that conference are as follows; Honourable G. McIlraith, Senator Donald Cameron, Mr. T. C. Douglas, M.P., Mr. Romuald Rodrigue, M.P., Mr. Robert C. Coates, M.P., Mr. Joseph-Philippe Guay, M.P., and myself. With leave of the Senate I would ask that the agenda for this conference, which is quite short, be appended to our proceedings for today.

**The Hon. the Speaker:** Honourable senators, is it agreed that this agenda be appended to today's proceedings.

**Hon. Senators:** Agreed.

*(For text of agenda see Appendix p. 1236)*

## COPYRIGHT ACT

### BILL TO AMEND—THIRD READING

**Hon. A. Hamilton McDonald** moved the third reading of Bill S-9, to amend the Copyright Act.

**Hon. Daniel A. Lang:** Honourable senators, before the question is put I should like to address myself briefly to this bill. At the outset, I must say I am neither for nor against it, but I am rather concerned about the effect it is having on the functions of the Senate. To be frank, honourable senators, I feel that in connection with this bill I am being called upon to perform a function which I had never considered to be within the ambit of my duties as a senator. Let me explain very briefly what I mean.

The subject of this bill, on which I intend to say absolutely nothing, is highly technical. When the dust finally settled after weeks of committee hearings I think many honourable senators on the committee, like myself, felt that what we were really witnessing was a fight

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between two private interests with little, if any, public interest involved.

**Hon. Mr. Benidickson:** What are those interests?

**Hon. Mr. Lang:** On the one hand we had the manufacturers of recordings and on the other we had the radio broadcasters. Into this contest between these private interests the minister injected himself by the introduction of this piece of legislation, and came down firmly on the side of the broadcasters. During the committee stage we were faced with the rather unusual situation—a quasi-judicial situation—in which we were being called upon to act as a court in deciding between the interests of these two parties. In this more anomalous situation one party was represented by the minister, and the other by counsel from Montreal. We have here quite a kettle of fish. The executive functions of the minister are mixed up with the legislative functions of the Senate in trying to perform a judicial function. We are not constituted to perform a judicial function.

This has left me, as it has other honourable senators, with a great deal of hesitancy about supporting, or even opposing, this bill. I would not like to see the bill passed today in a perfunctory manner. If there are honourable senators who can assist in removing the dilemma in which the committee found itself in view of the nature of the proceedings, perhaps they will contribute to the debate. I do not know whether the bill, if it is passed today, will go through the other place before we adjourn, but unless there are reasons why we should deal with it today, perhaps the debate could be adjourned until we return next fall.

I have no particular feelings on that matter, and I hope that other honourable senators will contribute to the discussion.

**Hon. Mrs. Casgrain:** I should like to support Senator Lang in what he has said. In order to make it clearer, perhaps it would be better if we have an opportunity to study the bill a little longer. I have no special interest one side or the other. I will not be here in September, but I am sure that the Senate will deal wisely with what is contained in the bill.

**Hon. Alan Macnaughton:** Like Senator Lang, I have no interest one side or the other. I have tried to follow the discussion on the bill both today and in committee. Senator Lang—or perhaps it was another honourable senator—mentioned that in one of its reports the Economic Council of Canada referred to the matter under discussion.

At one time, when the bill was before the committee, there was a question of whether we should call a witness from the Economic Council of Canada. I think it was the minister himself who made the suggestion. In any event, I find it rather a strange function to try to determine between two contesting corporations. I do not think that is our function. There also seems to be the smell of retroactive legislation in this proposed bill.

Basing myself on the general principle, which I think is very sound, that where there exists a real doubt the