

Senator Frith: That may very well be. I am speaking now about the statement I made earlier to the effect that an undertaking was given by and on behalf of the government that this legislation would be introduced.

Senator Flynn: In the next session.

Senator Frith: It may well be that Mr. Joyal, in committee, used the words "in the House of Commons." I do not remember his saying that. However, Senator Donahoe apparently does remember his saying that the legislation would be introduced in the House of Commons. I will not quarrel with him. I am quite sure that the undertaking given by Senator Olson in the debate in the Senate was to the effect that such legislation would be introduced. I am sure that, during the debate in the Senate, Senator Olson gave the undertaking that the government would introduce the consequential amendments. I certainly do not recall his saying "in the House of Commons."

Senator Flynn: You wouldn't. Your memory is short when it is convenient.

Senator Donahoe: I thank the honourable senator for his answer. If I may be permitted, I should like to expand upon my question.

In the first instance, and for the sake of clarity, I was referring to the undertaking given by Mr. Joyal before the committee. It is not right to assume that I understood him to say, or that he did say, "in the House of Commons." I cannot say, from my own memory, whether those words were used. I can say, however, that I was left with the definite impression that he was saying that the government would introduce the bill in the House of Commons. In saying "we will introduce it," he was not speaking for the senators; he was speaking for the members. He was speaking for the government, the executive. That was my understanding of what he said.

The expansion of my question is simply this: Was I mistaken in such an understanding, or is that a proper understanding of what he said?

Senator Frith: Honourable senators, Senator Donahoe has said that he was left with a definite impression. I will not quarrel with his definite impression. That was his impression. If he had it, he had it. I will not say that it was incorrect for him to have that impression.

Hon. Andrew Thompson: Honourable senators, I rise with a little apprehension because of the esteemed reputation of the Deputy Leader of the Government with respect to his understanding of legal technicalities, with which I am unacquainted.

I suggest—and I would like him to clarify this—that he talks of the consequential amendments as though there is not much substance in them; as though they are more procedural in nature—a means by which to tidy up the legislation that is on the books.

If I may, I would like to raise another dimension which might be considered by him. Referring back to the effect of Bill C-201—which is now law, and which I accept—it was to amend the Holidays Act in order to change the name of the July 1 holiday from Dominion Day to Canada Day. Bill C-201

[Senator Flynn.]

amended the Holidays Act, but did not, as a consequence of that amendment, change the references to Dominion Day in the acts referred to in Bill S-30 which is now before the Senate. I believe we are all aware of that. The result of that deficiency in Bill C-201 is that there is an inconsistency in the statutory law. I believe we are all agreed on that.

● (2050)

I wonder if the Deputy Leader of the Government is aware that this inconsistency can be corrected in one or two ways. The government, by introducing Bill S-30, is proposing that it be corrected by changing the remaining references to Dominion Day in our statutory law to Canada Day. The other possibility is to change the one reference in our statutory law to Canada Day back to Dominion Day, and that can be done by repealing Bill C-201.

I believe that the Deputy Leader of the Government, as well as the Leader of the Government, when I spoke last Thursday on substance, felt that they were being charitable to me. I suggest that I had a right to speak on the substance of Bill C-201, because it follows that the government, by introducing a bill which invites one remedy, surely opens the opportunity for senators to talk on its principle and to discuss the point that there might be other remedies. When the Deputy Leader of the Government keeps referring to "these consequential acts," and saying, "Let's get on and tidy it up," and "We don't want too many adjournments," does he see this other alternative which raises some very substantial questions?

Senator Frith: Honourable senators, to use one of Senator Thompson's own expressions, I thank him for the charitable way that he, in turn, has presented this so-called alternative. I can see that there appears to be an honest difference of opinion and perspective. It is technically true that if a bill states a principle, and that is followed by a bill that makes amendments consequential upon that principle, and if someone is against the original principle and, therefore, is against the consequential amendments, then the alternative of repealing the original principle exists. Of course, that possibility does exist. However, the perception that we are having difficulty with here is that it seems to us—and I wish quite courteously to make our position clear—that once the principle has been passed, then the consequential amendments that flow from it are purely "consequential and procedural". Of course, the alternative of repealing the original bill, as a way to avoid the consequential amendments, always exists, but that, we consider, is undesirable.

Senator Flynn: It stands, anyway; and it is going to stand for a long time.

Order stands.

NATIONAL HOUSING ACT

BILL TO AMEND (NO. 2)—SECOND READING—DEBATE
ADJOURNED

Hon. Richard J. Stanbury moved the second reading of Bill C-135, to amend the National Housing Act (No. 2).