

CONTRAVENTIONS BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE
ADJOURNED

Senator Nurgitz moved the third reading of Bill C-46, respecting contraventions of federal enactments.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. M. Lorne Bonnell: Honourable senators, before the bill is given third reading, I intend to move that it be not read the third time now, but that it be referred back to committee for further study. My reason for doing so is that the bill has to do with the federal and provincial Departments of Justice. The bill changes the rules and regulations for handling penalties in the provinces, but the provinces were not given an opportunity to present their views at the committee hearings. I asked that they be given that opportunity but was voted down by committee members.

If we pass this legislation without giving the provinces an opportunity to be heard by our committee, we will be exceeding our jurisdiction. We are here to protect the regions and to ensure that they are heard. If they have nothing to say, they can write and tell us that, but let us at least ask them if they have any comments on this bill before we give it third reading.

Provincial representations to Senate committees are covered by Appendix I to our rules, wherein it is stated:

The Standing Committee on Standing Rules and Orders recommends that the following be observed by committees of the Senate as general practice:

That, whenever a bill or the subject-matter of a bill is being considered by a committee of the Senate in which, in the opinion of the committee, a province or territory has a special interest, alone or with other provinces or territories, then, as a general policy, the government of that province or territory or such other provinces or territories should, where practicable, be invited by the committee to make written or verbal representations to the committee, and any province or territory that replies in the affirmative should be given reasonable opportunity to do so.

Our committee refused to follow that rule and I ask that the committee chairman reconvene the committee and write to the provinces to see if they have anything to say. Therefore, in amendment, I move:

That Bill C-46 be not now read the third time, but that it be referred back to the committee for further study.

Senator Simard: That is up to the committee.

The Hon. the Acting Speaker: Honourable senators, it is moved by the honourable Senator Bonnell, seconded by the honourable Senator Hébert, that the bill be not now read the third time but that it be referred back to committee.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Acting Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: Call in the senators.

Hon. Lowell Murray (Leader of the Government): Honourable senators, we would, of course, defer the taking of this vote.

Hon. Royce Frith (Leader of the Opposition): You would, of course? Senator Bonnell told us yesterday he was going to do this.

Senator Murray: He presented an amendment. It is a referral back to committee for study, but there has been no opportunity to debate his amendment.

Senator Frith: Oh, well, there should be.

Senator Molgat: We are quite happy to debate it.

Senator Murray: In that case, I move the adjournment of the debate on the motion in amendment.

On motion of Senator Murray, debate adjourned.

INCOME TAX ACT

CHILDREN'S SPECIAL ALLOWANCES ACT

FAMILY ALLOWANCES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming the debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Kinsella, for the second reading of Bill C-80, An Act to amend the Income Tax Act, to enact the Children's Special Allowances Act, to amend certain other Acts in consequence thereof and to repeal the Family Allowances Act.

Hon. Philippe Deane Gigantès: The Honourable Senator Cools adjourned the debate yesterday in my name. This is an issue which moves us all. It is extremely important, and I think it is central to the general policy that has been followed, not only by this government but by other OECD governments, on how to deal with the turbulences in the economies of the western world and of Japan since the middle seventies.

This is a very serious issue. Hindsight is generally much better than foresight. There is evidence to show that not only our government but other governments have gone seriously wrong and have followed policies that constrain consumption.

The provisions of the bill before us certainly constrain consumption. These policies that constrain consumption and encourage saving in the hope that we will attract investment have produced, paradoxically, a result the reverse of that which was hoped for by the governments of the western world.