

this time, and, as I have said, there is no urgency. Secondly, the provisions specifically referring to hate propaganda involve a great risk of limiting freedom of speech.

I agree with those two main objections. I do not intend, in order to justify my stand, to go into the details of the bill. The senators who spoke before me proved fully the worth of those objections.

I merely wish to point out the anomaly which would result from the passing of this bill. It provides a five-year prison term for whoever promotes or advocates genocide, that is, the destruction of a group or several members of a group, while the Criminal Code already provides for imprisonment for 14 years. It seems most illogical to stipulate a lesser penalty for the destruction of a group than for a single individual. It strikes me that imprisonment for five years for a group, as compared with 14 years for an individual, is quite illogical, and because I am no expert in criminal law, further explanations would be needed to convince me of the merits of that proposal.

The object and the principle of a legislation are two things entirely different. The object may be excellent. It is excellent for the time being. Generally speaking, we cannot say that the legislator always has a good intention. But the principle does not include only the intention of the law-maker. It includes also his approach to the problem. If the bill is useless, its principle might be tainted. If it is not urgent, its principle may be tainted. It might create a disadvantage and when there is no emergency as in this case, the principle becomes wrong.

Senator Hayden, who made a remarkable speech, said this on page 1227 of the *Debates of the Senate*, concerning the provisions with regard to genocide:

My first observation is that the provisions with respect to genocide should not appear in this bill. This is my firm belief.

Further on, on page 1229, he said with regard to the committee:

But let the joint committee study it and tell us so. I would not have committed myself, in my view, to the principle of the bill beyond this.

The Senate has already made known its intention to set up a joint committee which will study the subject matter of this bill. For one reason or another, the other place has not yet approved the setting up of that committee. I would not like to vote for the bill because, in my opinion, since I do not approve

of its principle I would therefore bind the committee which eventually will be set up.

Moreover, I wonder what would be the reaction of the members of the House of Commons appointed to sit on the joint committee before a bill whose principle had been approved on third reading by the Senate.

The committee has not yet been set up. Therefore, I will not move to refer the bill to a committee even before second reading, as I intended to. However, I intend to ask for postponement of the debate today, even though I might add some remarks later. That will make it possible to keep this item on the orders of the day as long as the other place has not decided to appoint its own members to a joint committee of both houses to study the bill.

[Text]

I have just said that I intend to move that this bill be not now read a second time but that the subject matter be referred to the special joint committee which has been proposed. Since this committee has not yet been formed in the other place, I now move the adjournment of the debate and reserve further remarks on the bill until such time as the other place has made a decision on the formation of the committee.

On motion of Hon. Mr. Flynn, debate adjourned.

JUDGES ACT

BILL TO AMEND—SECOND READING

Hon. Eric Cook moved second reading of Bill C-262, to amend the Judges Act.

He said: Honourable senators, Bill C-262 is a short one and it will be quite apparent upon reading it and from the explanatory note that it requires very little further explanation. The purpose of the bill is to authorize provision of salaries for one additional County Court judge in British Columbia and one additional County Court judge in Ontario.

With respect to the additional County Court judge for British Columbia, it is proposed that the appointment be made for the County Court of Westminster County. Westminster County has at present two County Court judges. The county, I am informed, includes not only the cities of New Westminster and Chilliwack, but also the greater part of the lower Fraser Valley, and the growth of the population in this area has made the services of a third judge necessary. The appointment of an additional judge to the court was requested by the Attorney General of the Province of British Columbia and by both