

RAILWAY SAFETY

BILL C-105—REQUEST FOR DRAFT REGULATIONS

Hon. Charles Turner: Honourable senators, my question is for the Leader of the Government in the Senate. I am seeking information regarding Bill C-105, which deals with the safe operation of railways. Clause 18 says, in part, that the Governor in Council may make regulations with regard to "hours of work and rest periods to be observed by" certain workers and with regard to "the control or prohibition of the consumption of alcoholic beverages and the use of drugs by those persons." I would like to know whether the draft regulations are ready. If so, may I see a copy of the proposed regulations? The reason I would like to see them is that they may make a difference to the type of speech I make in the debate on this bill.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, I note that my honourable friend has, himself, taken the adjournment of the debate on second reading of this bill. We look forward to hearing from him during that debate. I take it for granted that, when the second reading is concluded, it will be the wish of honourable senators that the bill go to committee, at which time my friend will have an opportunity to put questions about the possible regulations to the appropriate minister and/or his officials.

Senator Turner: Honourable senators, I have consulted with legal people, professors of law, drug experts and alcohol experts and they all tell me the rules and regulations are a violation of the Charter of Rights and Freedoms. If that is so, it will make a difference in the type of speech I make. I have 50 pages on rules and regulations pertaining to drugs and alcohol, which is a speech in itself. I could speak all next week on this subject.

Senator Phillips: Go ahead!

Senator Turner: I want to know whether the rules and regulations are ready so that I can take a look at them.

Senator Murray: Honourable senators, there is a requirement that the Minister of Justice must certify that any government bill coming before Parliament is in conformity with the Canadian Charter of Rights and Freedoms. I assure the honourable senator that proposed regulations are examined very carefully by the law officers in the same light—that is, to ensure that they are in conformity with the Charter of Rights and Freedoms.

As for the detailed regulations that may be brought in under this act when it passes, he will have to inquire of the minister and/or his officials when this bill goes to committee.

Senator Turner: Our experience with Bill C-22 indicates that once a bill is passed the rules and regulations are changed—drug prices went up! Therefore, I am suggesting that once this bill is passed in this house there will be no way anyone will be able to change the rules and regulations; so I request the information now.

(Later)

Hon. Charles Turner: May I have an answer to the question I asked the leader of the Senate a few moments ago?

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, the answer is that I do not have the regulations. I cannot understand why the honourable senator, who has taken the adjournment on second reading of this bill, who will be debating this bill perhaps today, who will be going, I assume, to committee with this bill, and who will have the opportunity to question the minister and/or his officials on the regulations, persists. He knows that the usual course is that a statute gives regulation-making authority to the Governor in Council and that the regulations normally come in after the act is in force. The honourable senator is treating this matter as if some precedent were being established here. A precedent would be set if the regulations were published before the bill was passed.

Senator Turner: Honourable senators, after almost 20 years in Parliament, in both the House of Commons and the Senate, I have found that, once the rules and regulations are proclaimed, the concept of a bill is changed, to the detriment of the Canadian public. That is why, on behalf of the railroad brotherhoods of Canada, I am requesting this information.

CANADA-UNITED STATES FREE TRADE AGREEMENT

INCLUSION OF CANADA'S FRESH WATER RESOURCE

Hon. M. Lorne Bonnell: Honourable senators, on digging further into the situation regarding our great resource of water, I have discovered that apparently the intention of the Government of Canada was that water would be specifically excluded from the Free Trade Agreement. In fact, when the question arose when Mr. Reisman was the Canadian negotiator, his response was that water was to be excluded.

Nevertheless, apparently the government decided that it was so important to have the agreement that it allowed water to be included. That is one of the reasons why we did eventually come to an agreement. In an article published in the *Toronto Star* of May 21, 1988, it is stated:

... Canada had planned to have the trade agreement specifically exclude water, but that last-minute U.S. pressure led to a decision at the highest levels of government in Canada to abandon plans for an exclusion.

The final text includes some exemptions, for example on the export of raw logs. It contains other provisions for special treatment, such as in cultural industries and national security. But there's no mention of water.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, let me put it as directly as I can. Water is not a subject of the agreement between Canada and the United States except as a beverage under the Customs Tariff, as are soft drinks, which, as even the honourable senator will recognize, contain mostly water.