

The Minister of Defence indicated that this equipment would have 15 per cent less capability than the EH-101. Given the serious implications of any reduction in capability, as I have now cited from the 1990 document, would the Leader of the Government in the Senate please ensure that all relevant documents, including the 1995 Statement of Requirements, are tabled in this chamber? What we want to see is the difference between the 1990 report and the 1995 Statement of Requirements.

Senator Fairbairn: Honourable senators, I will do what I can for my honourable friend.

[*Translation*]

LEGAL AND CONSTITUTIONAL AFFAIRS

SCHEDULE OF WORK OF THE COMMITTEE— POSITION OF CHAIRMAN

Honourable Jean-Robert Gauthier: Honourable senators, my question is directed to the chairman of the Standing Committee on Legal and Constitutional Affairs.

Could the chairman inform us of the schedule of his committee's meetings for the next few days, so that it may terminate its task and report to the Senate on Bill C-22, an act respecting certain agreements concerning the redevelopment and operation of Terminals 1 and 2 at Lester B. Pearson International Airport, as well as on Bill C-69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries?

My question is a simple one: When can the Senate expect to have a report from the committee, or news of what is going on in committee?

Honourable Gérald-A. Beaudoin: Honourable senators, to begin with Bill C-22, we have reached the conclusion that the amendments that had been proposed by the government do not fully comply with the principles of the primacy of law and the rule of law. Our objections and arguments in this connection are based on the following principle: with these amendments, the bill does not completely re-establish access to the courts, and thus we do not consider that the principle of the "rule of law" has been respected.

I am fully prepared to call the committee again to consider Bill C-22 and report on it if you wish, but I must tell you immediately that the report will state that the bill does not adhere to the principles of the primacy of law and the rule of law, which are part of the Canadian Constitution.

As for Bill C-69, only a few days ago we heard the testimony of Professor Hutchinson of Toronto, a constitutionalist. We have also heard from two jurists representing Mr. Kingsley, the Chief

Electoral Officer, and our conclusion is still the same. If we accept Bill C-69 as worded, the next federal general election will probably be based on the 1981 census, rather than the 1991 one.

We consider that section 51 of Canada's Constitution requires Parliament to hold the next elections on the basis of the 1991 census.

The Senate has every right to cite a principle in the Constitution in not voting in favour of a bill that infringes the Constitution. If we had to make a quick report on the subject, this is what I would say. We will discuss the matter in committee.

In both cases, however, our position is based on a principle of constitutional law. I think the House of sober second thought is perfectly entitled to reject a bill or two that infringe the Canadian Constitution. That is my answer for the moment.

Senator Gauthier: Honourable senators, you will note that my question did not concern the substance of the bills, but the committee chairman is answering me as if it did. This bothers me a bit. It is not up to the committee to decide for the whole of the house what should take place here.

I therefore put my question again: What is the committee's agenda for the coming week or until the Christmas holidays? Can we expect a report, or at least that the committee will sit between now and Christmas?

Senator Beaudoin: I am perfectly prepared to have the committee sit to hear other witnesses and prepare a report before Christmas, if you like.

For the moment, committee members are studying Bills C-45 and C-7, and we have plenty to do. We will return to the other two bills later.

Senator Gauthier: Honourable senators, is the chairman of the Standing Committee on Legal and Constitutional Affairs telling us that they have a veto on this committee, allowing them to suspend work on Bills C-22 and C-69? Am I to understand that the committee has decided not to proceed any further, that the committee has absolutely vetoed a question that concerns the Senate?

Senator Beaudoin: We have not decided not to go any further. I can tell you that, if there is a vote in committee, the bill will be defeated.

Senator Gauthier: How can you anticipate that?

Senator Beaudoin: I tell you, our position rests on two principles of constitutional law: The first is the rule of law and access to the courts, and the other is section 51 of the Canadian Constitution. We have heard witnesses and we can hear more. They will come and confirm what the others have said. At some point, we will have to have a vote in committee.