

ROUTINE PROCEEDINGS

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. C. William Doody: Honourable senators, with leave of the Senate and notwithstanding rule 59(1)(a), I move:

That the Standing Senate Committee on National Finance have power to sit at four o'clock in the afternoon on Thursday next, September 17, 1992, even though the Senate may then be sitting, and that rule 96(4) be suspended in relation thereto.

Hon. Gildas L. Molgat (Deputy Leader of the Opposition): Honourable senators, could Senator Doody tell us whether there will be witnesses at that hearing and who they might be?

Senator Doody: Allow me to present a brief explanation. The Standing Senate Committee on National Finance has been charged with the examination of Bill C-55, a bill affecting Public Service pensions and other pensions. We have had a series of meetings. We have heard five or six groups of witnesses and single witnesses. We have meetings scheduled this evening, starting at six o'clock and continuing until we have heard another five or six groups or individual witnesses.

Tomorrow afternoon, in order to present, in a collated fashion, the concerns that have been expressed by these witnesses, we would like to have Treasury Board back to reply. The minister is not available, as he is out of town, but his Parliamentary Secretary may be available. In any event, the officials will be there to answer whatever questions honourable senators may have in order to prepare reports.

We should finish our hearings on Thursday afternoon. In order to do that, of course, we will have to get the permission of the Senate to sit.

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

Motion agreed to.

ORDERS OF THE DAY

CONTRAVENTIONS BILL

SECOND READING—DEBATE CONCLUDED

On the Order:

Resuming the debate on the motion of the Honourable Senator Balfour, seconded by the Honourable Senator Chaput-Rolland, for the second reading of Bill C-46, an Act respecting contraventions of federal enactments.

[Senator Murray.]

Hon. Gildas L. Molgat (Deputy Leader of the Opposition): Honourable senators, I want to thank Senator Balfour for the explanations he gave us on this bill at second reading. On rereading his material I find that the proposal is sensible. The bill purports to substantially simplify the settlement of minor offences, and that is a forward step.

I was concerned about the number of items in the bill that will come under the regulations. One of our eternal problems with bills is that too much goes into regulation. That is why a committee like the Joint Committee for the Scrutiny of Regulations is absolutely essential in a democratic system. It is the only way that Parliament can exercise any control over the powers of regulation that most bills give. This bill does give very substantial powers of regulation.

However, there is a saving factor in the bill, as pointed out by the honourable Senator Balfour in his speech. He said:

It should be noted that the Contraventions bill does not create any new offences but, rather, provides new, simplified procedures for the prosecution of persons charged with existing federal offences.

That is a saving factor in that the bill does not empower the government to create new offences. That is definite. I accept the statement of the senator in that regard. So we are satisfied that at least they will not create any new offences. However, I still have some concerns, even with that proviso. It is a question of what types of offences will be included under this system. Senator Balfour covered some of them. He said:

... minor offences. For example: Hunting without a valid licence; camping in a park without a permit; picking flowers on federal property;

I agree that those are not major offences, but earlier in his comments he referred to the case of *Regina versus the City of Sault Ste. Marie*. That case had to do with the deposit of refuse by a contractor of the city resulting in pollution of a nearby creek. If that is an example of a minor offence, we have to be concerned about what the government might include in this. If it is just a matter of throwing a couple of cardboard boxes in a creek, you might consider that a minor offence, but if it is a matter of putting some dangerous materials in a waterway, I do not think that falls under minor offences in any way. That becomes a major concern.

I hope that when the regulations are produced they will be sent to us so that we can see the kinds of things they consider minor offences. With our present problems with pollution we cannot gather that putting refuse in a creek and polluting it is a minor offence. We should have a look at those regulations when they are produced.

My other concern is with enforcement; who will be enforcing the new procedures? The bill establishes that under regulations the government will have the ability to decide who the