

Because:

... the harm engendered by tobacco, and the profit motive underlying its promotion, place this form of expression as far from the 'core' of freedom of expression values as prostitution, hate mongering, or pornography and thus entitled it to a very low degree of protection under Section 1 of the *Charter*. It must be kept in mind that tobacco advertising serves no political, scientific or artistic ends; nor does it promote participation in the political process. Rather, its sole purpose is to inform consumers about, and promote the use of, a product that is harmful, and often fatal, to the consumers who use it. The main, if not sole, motivation for this advertising is, of course, profit.

The government must now provide the remedy. It could use the *Charter's* "notwithstanding" clause to override the decision. It should use the Hazardous Products Act or the Food and Drug Act to impose more stringent controls on the tobacco industry. In addition to any of those measures, it must better enforce the federal law which forbids sales to minors. It must affirm respect for the law among retailers and give the right signal to young people.

The government must act to restore the faith of Canadians in the *Charter* as an instrument for their protection. The government of Canada has been hesitant, weak-kneed and, I may say, downright negligent in its approach to this issue. In this judgment, the court both laid to rest judicial deferment to Parliament and invited the government to act, and it should act.

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the annual report of the Privacy Commissioner for the period ended March 31, 1995.

CODE OF CONDUCT

REPORT OF SPECIAL JOINT COMMITTEE PRESENTED

Hon. Donald H. Oliver, Joint Chairman of the Special Joint Committee on the Code of Conduct, presented the following report:

Tuesday, October 3, 1995

The Special Joint Committee on a Code of Conduct has the honour to present its

FIRST REPORT

Your Committee has examined its Order of Reference adopted by the Senate on Wednesday, June 28, 1995 and by

the House on Monday, June 19, 1995, and recommends the following:

That the report deadline be extended from Tuesday, October 31, 1995 to Friday, March 29, 1996.

Respectfully submitted,

DONALD H. OLIVER
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, report placed on Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

AGRICULTURAL TRADE—CONFIRMATION OF TABLING OF REPORT

Hon. Dan Hays: Honourable senators, I should like to report to the Senate that on Wednesday, July 26, 1995, pursuant to leave granted by the Senate, the Standing Senate Committee on Agriculture and Forestry tabled its eleventh report entitled, "Agricultural Trade—A Report of the Standing Senate Committee on Agriculture and Forestry's Fact-Finding Mission to Washington and Winnipeg." The copies of that report were distributed to honourable senators immediately after that date.

BANKING, TRADE AND COMMERCE.

1992 FINANCIAL INSTITUTIONS LEGISLATION— CONFIRMATION OF TABLING OF INTERIM REPORT AND MOTION FOR CONSIDERATION

Hon. Michael Kirby: Honourable senators, I wish to inform the Senate that, pursuant to the order adopted by the Senate on June 28, 1995, I tabled the twenty-first report of the Standing Senate Committee on Banking, Trade and Commerce entitled, "Interim Report on the 1992 Financial Institutions Legislation" with the Clerk of the Senate on August 3, 1995.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

Motion agreed to.

FOREIGN AFFAIRS

FREE TRADE IN THE AMERICAS—CONFIRMATION OF TABLING OF REPORT

Hon. John B. Stewart: Honourable senators, I have the honour to inform the Senate that the Standing Senate Committee on Foreign Affairs tabled its eighth report with the Clerk of the Senate on Thursday, August 3, 1995, as authorized by the Senate on June 27, 1995.

The interim report, entitled, "Free Trade in the Americas," deals with hemispheric trade relations in the context of the Canada-United States Free Trade Agreement and the North American Free Trade Agreement.