

Drafting for Diversity Through Private Members' Bills: A Senate Perspective

Mark AUDCENT^{*}

^{*} Law Clerk and Parliamentary Counsel to the Senate of Canada, for the National Conference sponsored by the Canadian Institute for the Administration of Justice (CIAJ) entitled "Drafting for Diversity: A Singular Challenge", September 14 and 15, 2006, Ottawa. The views expressed in this paper are the personal views of the author and are not to be attributed to the Senate of Canada.

Table of Contents

1. Introduction: The Law is Not Engraved on Stone Tablets
2. Types of Legislation in Parliament
3. Government Bills
4. Private Members' Bills:
 - a. Private Members' Public Bills
 - b. Private Members' Private Bills
5. Conclusion
6. Appendices:
 - Table 1: Statistics of Senators' Private Members' Public Bills
 - Table 2: Senators' Private Members' Public Bills Passed by the Senate
 - Table 3: Senators' Private Members' Public Bills Enacted by Parliament
 - Table 4: Senators' Private Members' Private Bills Enacted by Parliament

1. Introduction: The Law is Not Engraved on Stone Tablets

Long, long ago at Mount Sinai, we are told that God gave Moses twin tablets of stone on which were engraved His laws for His people: the Ten Commandments. Sometimes the legal profession today seems to treat the statute law in much the same way: it is permanent and immutable, received from on high, and to be accepted as such. It is graven in the internet. Lawyers work in the interests of their clients by finding and interpreting the law, but not by seeking to write or re-write it.

One reason for this attitude on the part of lawyers can be traced back to boot camp. How many lawyers in this room today remember receiving substantial training on the law-making process in law school? Very few, I would venture to say.

The benign neglect accorded by the distinguished officers of the court who are the members of the legal profession to the legislatures and the legislative process carries forward from law school: you will look in vain for a subgroup of the Canadian Bar Association dedicated to the study of parliamentary law. The law of Parliament is an old and distinguished branch of law but what little interest lawyers have in parliamentary law must find its expression in subgroups dedicated to the study of public law, constitutional law and administrative law.

To be fair, the attitude is to some extent reciprocal. While the Houses of Parliament and their committees do of course call upon counsel when in need, and while each House has a Law Clerk and Parliamentary Counsel, yet for the most part witnesses before parliamentary committees appear without counsel and the practice of appearing with counsel, while allowed, is not encouraged.

Lawyers are no exception to the rule that we are all most comfortable in our own work culture. For lawyers, the parliamentary world is much less comfortable a forum than the judicial world; it works in different ways and on different premises. In canvassing solutions to their client's problems, lawyers instinctively look in their own back yard, and hence for judicial rather than parliamentary solutions.

The case must not be overstated. A large industry exists to lobby government, and lawyers have a good part of that business, both as lobbyists themselves and as counsel to the lobbyists. Even so, I perceive a

weakness in that industry's services. While lobbyists do excellent work at networking and at advancing a case for change, they seem to be less proactive when it comes to proffering the needed solutions, leaving those to government to work out. Parliamentarians, on the other hand, prefer to see the proposed solutions while evaluating a case for change.

When it was pointed out to a national law firm that they had no legislative drafters on staff, the good-humoured response was that the firm had a can-do philosophy. Well, there is a reason why legislative drafting used to be offered as a full-year post-graduate program for lawyers. I know that I speak to a sympathetic audience when I note that no amount of energy and good will can turn an otherwise excellent lawyer or legally-trained professional into a competent legislative drafter overnight. It cannot be done, and when a poorly drafted legislative initiative is politely dropped, the case for change may suffer too.

The law is not static; it is dynamic and alive. This paper canvasses the legislative process in the Parliament of Canada from a Senate perspective.¹ The paper's title is "Drafting for Diversity Through Private Members' Bills". I use the word "diversity" in this context to refer to the diverse legislative objectives that private members bring to the table, unfettered by the political agenda of the Government and the policy objectives of the federal bureaucracy.

2. Types of Legislation in Parliament

Legislation can be categorized in different ways. While there is general agreement on the nature of the divisions, their variety and the variety in their precise expression can give rise to disagreements.

A basic division between types of bills is between public and private bills. According to Sir Fortunatus Dwarris:

¹ The author acknowledges his general indebtedness for quotations and cases to a paper by Jean C. Dixon, entitled "The History, Nature and Construction of Private Legislation", 1981, written to satisfy the course requirements of CML 7314, "Legislation and the Legislative Process", University of Ottawa.

A general or public act, then, regards the whole community; special or private acts relate only to particular persons, or to private concerns.²

Maxwell expresses the division somewhat differently. In his words:

Modern statutes are either public or private, a public Act (which may be either general, or local or personal, according to the extent of its application) being one which relates to some matter of public policy, while a private Act relates to the affairs of some individual or body in a matter which is not of public concern.³

Elmer Driedger expands the categorization into three categories. He says:

Bills are either public, private, or local, although the distinction is not always clear. Loosely defined, a public bill is one that relates to matters of general application; a private bill is intended to confer special powers or privileges on a particular person or group of persons; a local bill relates to a particular area rather than the whole community. Local bills are usually private bills and the two are grouped together as “local and private bills”.⁴

From a parliamentary perspective, a modern system of categorization today would be based upon procedural considerations, and would divide all bills in two different ways. Firstly, building on the distinctions explored by Dwaris, Maxwell and Driedger, bills would be divided into three categories:

1. Government Bills;

² Sir Fortunatus Dwaris, *A General Treatise on Statutes*, Platt Potter, ed. (Albany: Gould, 1873) at 35.

³ P. St. J. Langan, ed., *Maxwell on the Interpretation of Statutes*, 12th ed. (London: Sweet & Maxwell, 1969) at 2.

⁴ E.A Driedger, “The Preparation of Legislation” (1953) 31 *Canadian Bar Review* at 33.

2. Private Members' Public Bills ("Private Members' Bills"); and
3. Private Members' Private Bills ("Private Bills").

In this system of categorization, public bills occupy the first two categories, with a distinction being drawn between public bills being sponsored by the Government and those being sponsored by private members. Private bills, which can only be sponsored by private members, occupy the last category.

In "Parliament in Action: The Law-Making Process" by Raymond L. du Plessis (Senate Law Clerk and Parliamentary Counsel, 1976-1996)⁵, we read:

There are two kinds of public bills. Those introduced by the Government are called "government bills" and those introduced by private members are called "private members' bills". It is the government bills that take up the greatest amount of parliamentary time. Time limitation and complicated procedures are two reasons why few private members' public bills, in proportion to the number introduced, are ever enacted into law.

It is worth noting that Senators are less constrained than members of the House of Commons when it comes to time limitations and complicated procedures.

Secondly, a different kind of division of bills from all three categories would divide them into the following two categories:

1. Senate bills ("S-bills"); and
2. House of Commons bills ("C-bills").

A recent change in Senate practice has resulted in both Houses using a similar nomenclature. As of this session (that is, the 2nd session of the 39th Parliament), the Senate reserves bill numbers S-2 to S-200 for its Government bills, S-201 to S-1000 for its private members' bills, and S-1001 and on for its private bills. Similarly, the House of Commons

⁵ Office of the Law Clerk and Parliamentary Counsel, Senate of Canada, May, 1978, revised October, 1991 at 2.

reserves bill numbers C-2 to C-200 for its Government bills, C-201 to C-1000 for its private members' bills, and C-1001 and on for its private bills.

3. Government Bills

Government bills deserve their own category for several reasons. One is a pure question of volume. While the statistics can vary depending upon the database used, Government bills in the Parliament of Canada generally make up about 90% of the legislation that is presented for royal assent.

A second justification concerns their origins. In essence, all Government bills have the same client, which is the Government of the day. Furthermore, Government bills are drafted in a different place than private members' bills. In the 19th century, bills were drafted in Parliament but around the beginning of the 20th century, departments of Government slowly took over the responsibility for preparing their own draft bills. Eventually the Government centralized its legislative drafting services where it now is, in the Legislation Section of the Department of Justice.

A third justification for a separate category for Government bills is that, once introduced into a House of Parliament, parliamentary practice treats them separately from other public bills and gives them procedural priority.

Although all bills must be passed by both Houses in identical form before they can be presented for royal assent, there are constraints on introducing Government bills in the Senate as S-bills. One is a constitutional requirement that all money bills (that is, bills that appropriate public funds or impose taxation) must originate in the House of Commons.⁶ Another constraint is the political reality that, since Ministers sit in the House of Commons, they prefer to introduce their bills in that House. Even so, all Governments introduce bills in the Senate from time to time in order to better balance the timing of Parliament's

⁶ *Constitution Act, 1867*, s. 53.

workload on its behalf. In the present session to date, the Government has introduced bills C-2 to C-23 in the House of Commons and bills S-2 to S-4 in the Senate.⁷

While today there is a general consensus among parliamentarians of all stripes that Government business should be given priority, it should be remembered that the priority given to Government business is not a right of the Government, but lies exclusively in the discretion of the relevant House. Under parliamentary law, each House is master of its own procedure and can augment, reduce or even eliminate the priority given to Government business at any time as it sees fit. The introduction of Bill S-1, a *pro forma* bill, at the beginning of every session is a ritual affirmation of the Senate's right and power to control its own agenda.

But this paper is not about Government bills; it is about the remaining 10% that receive royal assent: private members' bills.

4. Private Members' Bills

As noted above, private members' bills come in two types: (1) private members' public bills, commonly referred to as "private members' bills", and (2) private members' private bills, commonly referred to as "private bills". The distinction is important to both parliamentary procedure during the enactment process and judicial interpretation following enactment.

Senate private members' bills serve a function similar to the whistle on a kettle. If the kettle boils, the whistle blows. Private members' bills, whether public or private, can blow the whistle and point to problems that are left unaddressed. The right of backbench parliamentarians to sponsor private members' bills is the remaining exception to what is otherwise the monopoly of the Government over Parliament's legislative agenda.

⁷ Bill S-2, *An Act to amend the Hazardous Materials Information Act*; Bill S-3, *An Act to amend the National Defence Act, the Criminal Code, the Sex Offenders Information Records Act*; and Bill S-4, *An Act to amend the Constitution Act, 1867* (Senate Tenure).

Not being Government bills, private members' bills are not drafted in the Legislation Section of the Department of Justice. While there is no express requirement that Senate private members' bills be drafted in Parliament by the Office of the Law Clerk and Parliamentary Counsel, in practice they are. This is particularly important in the case of private members' private bills because, in addition to issues of quality control, it ensures that the petitioner does not have a hidden agenda that is unbeknownst to the sponsoring Senator.

Since a private member's bill is in theory intended to become an enactment of the House, every private member's bill, public or private, should comply with the constitutional limitations placed on that House. In particular, the bill should:

- be within the legislative authority of Parliament;
- comply with the *Canadian Bill of Rights*;
- comply with the *Canadian Charter of Rights and Freedoms*;
- not be a money bill;
- observe federal legislative drafting conventions; and
- comply with parliamentary procedural requirements.

That said, it is important to remember that a bill in Parliament is a political initiative. Some assemblies in other jurisdictions require an opinion of the legal officer of the institution that a bill is constitutional or otherwise compliant. This is not the case in the Senate, where the tradition is that a Senator is entitled to propose any initiative to which he or she cares to put their name.

A bill is the responsibility of the sponsoring Senator, and it is the right of a sponsoring Senator to refuse advice, seek other advice or to act on their own advice with respect to constitutionality and drafting. While it has been a rare occurrence, a Senator is entitled to micro-manage the drafting of a bill, sometimes with deleterious effect. A Senator who is convinced that a bill will never be enacted may still decide to prepare and introduce it on the grounds that there is value in triggering a political debate.

Of course there is a great sense of institutional satisfaction when a Senator's private member's bill is enacted, but this should not discount the

political value of bills that are drafted and used for negotiations but never introduced, or bills that are introduced but never enacted.

a. Private Members' Public Bills

The legislative drafter of a Government bill approaches his or her file with the support of the full resources of the Government of Canada. Does the drafter need elaboration on the policy to be legislated? Policy advisors from the relevant department, together with counsel working within the legal services unit of the department, are ready and willing to provide full support. Does the drafter need specialized constitutional advice? The relevant division within the Department of Justice is available to provide advice.

Things are different in the Senate. Most Senators work with one researcher, one administrative assistant and access to the Library of Parliament. With these resources, Senators interact with others to develop policy and identify needs and access resources within the institution, their party and community. Politicians are always in search of a good idea to advance the interests of Canada and Canadians and usually open to hearing and addressing if possible the grievances of their fellow citizens.

Instructions for a private member's bill are often minimal and may amount to little less than a request for a bill on a certain subject-matter to accomplish a certain objective. Counsel will often be the most qualified person on the project and, where that is the case, counsel may by default have to manage the policy, drafting and procedural aspects of the file from beginning to end.

Counsel will often begin by drafting for the Senator's signature a request to the Library of Parliament for a background paper to frame the problem and identify the concerns to be addressed.

The legislative drafting is done in-house by a team composed of three parliamentary counsel and two paralegals. All drafts are subject to the direction and control of the instructing Senator. The sponsoring Senator, or the Law Clerk's Office in the Law Clerk's discretion, may retain outside counsel to advise on the constitutionality of the bill or its adequacy to achieve its legislative purpose. These opinions may or may

not be shared with others or made public at some point during the political and parliamentary process.

Especially where a Senator is sponsoring a bill for the first time, counsel will offer to spend time with the Senator to discuss the non-partisan political work to be done on the file. Of course every bill is different, but here are some examples of matters discussed:

1. Would public support be useful, and how can it be created and demonstrated?
2. Who will be the witnesses on the bill? Are witnesses available to defend the basic legal and policy considerations of the bills? Are the witnesses in full support of the draft bill without reservations? Have the witnesses committed in writing?
3. Who might oppose the bill and how can they be neutralized?
4. What position will the Government take, and how can it be persuaded to support the bill?
5. What parliamentary allies are needed? What parliamentary allies are available? Should support for the bill be multi-partisan? Are there specialty caucuses with a particular interest?
6. Is a communications plan needed? What is the timing and what are its elements? Who will manage the media? Are both official language communities being served?
7. Are resources needed to promote the bill and are the resources available?
8. Who in Parliament needs to be notified and when?
9. To which committee should the bill be referred?
10. Who will manage the bill in the other House?

Recent times have seen a growth in both the number and complexity of private members' public bills. Consider the information in the tables appended to this paper. Table 1 provides statistics for Senate private members' public bills covering the 32nd to the 39th Parliaments, the period from April 14, 1980, to the present. Table 2 lists the names of the

Senate private members' public bills passed by the Senate and Table 3 lists those enacted by Parliament.

The Senate has had considerable success with Senators' private members' public bills. The five examples that follow illustrate the different ways in which a Senate private members' public bill may achieve success. While enactment is the ultimate achievement, a bill that affects Government policy is often in substance equally effective. In the following five success stories, three bills were enacted, two as private members' bills and one as a Government bill, and two brought about significant but non-legislative changes in Government policy.

Youth and Tobacco

For three successive sessions, the Honourable Colin Kenny, a member of the Government caucus at all relevant times, introduced bills designed to require the Canadian tobacco industry to take action to reduce the use of tobacco products by Canadian youth.

Bill S-13, (36th, 1st), the *Tobacco Industry Responsibility Act*, introduced in the Senate in February 1998, would have established a \$120 million dollar per year Canadian Anti-Smoking Youth Foundation, funded by a 50 cent per carton levy on every carton of cigarettes sold. The drafting problem was the constitutional prohibition against private members' bills that impose taxes, and the attempted solution was to play on the recognized distinction between a tax and a levy. Bill S-13, after being ruled procedurally in order by the Speaker of the Senate and being passed unanimously by the Senate, died in the House of Commons after being ruled procedurally out of order in December 1998, following first reading in that House.

In April 2000, Senator Kenny followed up with Bill S-20 (36th, 2nd), the *Tobacco Youth Protection Act*, a new and improved revision of Bill S-13. Bill S-20 also passed the Senate on October 5, 2000, but Parliament was dissolved on October 22, 2000, before the House of Commons could deal with the Bill.

In February 2001, Senator Kenny reintroduced the *Tobacco Youth Protection Act*, now Bill S-15 (37th, 1st), which was passed by the Senate

on May 15 of that year. Sent to the House of Commons, the Bill was withdrawn as a result of an adverse Speaker's ruling on June 12, 2001.

To the outside observer, this private member's initiative may appear to have failed. However, within Parliament its fate was reputed to have created enormous divisions within the national Government caucus, and many persons credit it with having forced the Government of the time to introduce its own anti-youth smoking initiative. On April 5, 2001, the Government announced that it was committing over \$480 million to tobacco control activities over the next five years.

Whistleblowing

In a similar vein and at about the same time, the Honourable Noel Kinsella, then Deputy Leader of the Opposition in the Senate, sponsored Bill S-6 (37th, 1st), the *Whistleblowers Protection Act*. It was introduced in the Senate on January 31, 2001.

Like the *Tobacco Youth Protection Act*, the *Whistleblowers Protection Act* never reached enactment, but is credited with influencing Government policy and forcing the Government to act on the same initiative.

In June 2001, the Government of the day announced the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace* ("Internal Disclosure Policy"), which dealt largely with whistleblowing. The policy, which came into effect on November 30, 2001 allows public servants to bring forward information concerning wrongdoing in their workplace. The policy also creates the position of the Public Service Integrity Officer⁸ to act as an external neutral third-party to review and investigate disclosures from employees who believe that their issues cannot be disclosed within their own department, or raised their disclosure issues in good faith through the departmental mechanisms but believe that the disclosure was not appropriately addressed.

⁸ In November 2001, former McGill University professor, founding president of the Canadian Bioethics Society, and author, Dr. Edward Keyserlingk, was appointed by Order in Council as the first Public Service Integrity Officer,

In September 2003, the *Values and Ethics Code for the Public Service*, previously announced by the Government, came into effect and became a condition of employment in the federal public service. A breach of the Code was added as one of the grounds for disclosure of wrongdoing in the Internal Disclosure Policy. That same month, the first Annual Report (2002-2003) of the Public Service Integrity Officer recommended a legislative regime for the disclosure of wrongdoing in the entire federal public sector, including Crown corporations.

On October 8, 2004, the Government of the day introduced Bill C-11 (38th, 1st), the *Public Servants Disclosure Protection Act*, in the House of Commons. The Bill was introduced in the Senate on October 18, 2005, and received royal assent on November 25, 2005.

Census Statistics

On December 16, 1999, the Honourable Lorna Milne of the Government caucus, introduced Bill S-15 (36th, 2nd), a bill designed to expressly authorize the transfer of all census records from Statistics Canada to the National Archives of Canada for permanent safekeeping. The Bill would permit access to the records to genealogists and other researchers ninety-two years after the census, subject to a privacy right that would allow individuals to object to the disclosure of personal information in the census records.

Bill S-15 died on the order paper after first reading. Senator Milne reintroduced the Bill on February 7, 2001 as Bill S-12 (37th, 1st), where it again died on the order paper after second reading.

By the next session of Parliament, the Government of Canada had adopted the policy advocated by the Bill, and the Honourable Sharon Carstairs, acting as Leader of the Government in the Senate, sponsored the initiative as Bill S-13 (37th, 2nd). However, once again the Bill died on the order paper when Parliament was prorogued in late 2003. The Bill, reintroduced once again as Bill S-18 (38th, 1st) on November 2, 2004 was passed by the Senate on April 20, 2005 and enacted on June 29, 2005. Although the Bill that was eventually passed by both Houses and enacted into law was an initiative of the Government, it was a culmination of several previous legislative attempts, including those private members' bills introduced by Senator Milne.

Citizenship

On May 5, 2005, royal assent was given to Bill S-2 (38th, 1st), *An Act to amend the Citizenship Act*. Sponsored by the Honourable Noel Kinsella, Leader of the Opposition in the Senate at the time and now Speaker of the Senate, the Act enables persons who lost their citizenship as children as a result of their parents' actions to re-acquire Canadian citizenship by not requiring such persons to reside in Canada for a year as permanent residents before applying for citizenship.

Official Languages

On November 25, 2005, royal assent was given to Bill S-3 (38th, 1st), *An Act to amend the Official Languages Act (promotion of English and French)*, a bill that was the swan song of the Honourable Jean-Robert Gauthier, a franco-Ontarian and well-known advocate of minority language rights.

The Bill enhanced the enforceability of the Government of Canada's obligations under Part VII of the Act. This Part states the federal government's commitment to enhance the vitality of the English and French linguistic minority communities in Canada, and to support their development and foster the full recognition and use of both English and French in Canadian society. Among the modifications to the Act, the Bill adds to the Government's commitment to promote Canada's official languages by adding, in section 41(2), the obligation of federal institutions to take positive measures to implement this commitment. It also amends subsection 77(1) to provide a remedy for any person who has made a complaint to the Commissioner in respect of a right or duty under sections 4 to 7, sections 10 to 13 or Part IV, V or VII, or in respect of section 91 of the Act.

b. Private Members' Private Bills

The final subject of this paper is that of private members' private bills, or "private bills". Approximately 3% of bills considered by the

Senate are private bills and by parliamentary practice the Senate has a special role to play in their preparation and enactment.

While private bills are traditionally distinguished from public bills by referring to their content, the need to distinguish them rarely gives rise to difficulties.

All Government bills are considered to be public bills. Regardless of whether the content of a bill is general, local or even personal, the bill reflects public policy and is a public bill by virtue of the very fact that it is sponsored by the Government. For example, *An Act to incorporate the Jules and Paul-Émile Leger Foundation* (S.C. 1980-81-82-83, c. 85), a philanthropic foundation, was sponsored as a Government bill. Equally, Bill C-42, (35th, 2nd), *An Act to amend the Judges Act and to make consequential amendments to another Act*, was specifically designed to accommodate the career of Madame Justice Louise Arbour on the international stage. The Bill exempted Justice Arbour from section 56 of the *Judges Act*⁹, which prohibits extra-judicial employment, to allow her to take leave from her judicial duties to serve as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and of the International Tribunal for Rwanda.

Private members on the other hand are still faced with the challenge of correctly categorizing their legislative initiative as a private member's public bill or as a private bill. While they must do so in order to meet the requirements of parliamentary procedure, the decision can have legal consequences if the bill is enacted in its later application and interpretation by the courts. Fortunately, difficult cases are few and far between.

Let us revisit the relevant portion of Driedger's definition, set out above:

[A] private bill is intended to confer special powers or privileges on a particular person or group of persons; a local bill relates to a particular area rather than the whole

⁹ R.S., 1985, c. J-1

community. Local bills are usually private bills and the two are grouped together as “local and private bills”.¹⁰

From a procedural point of view, the fundamental distinction between a private bill and a private member’s public bill is that the former is the initiative of a private person, while the latter is that of a parliamentarian. In the case of private bills, the parliamentarian who sponsors one is acting more as facilitator and gatekeeper than as a promoter.

From a legal point of view, there are substantial differences that affect the application and interpretation of private Acts. Section 9 of the *Interpretation Act*¹¹ provides:

9. No provision in a private Act affects the rights of any person, except as therein mentioned or referred to.

R.S., c. I-23, s. 9.

The common law requires that private acts be specially pleaded, and this remains the rule unless the Act itself or another Act provides otherwise. However, the *Canada Evidence Act*¹² provides as follows:

18. Judicial notice shall be taken of all Acts of Parliament, public or private, without being specially pleaded. R.S., c. E-10, s. 18.

Another distinction is that the courts will apply the rule of strict construction (the *contra preferentem* rule) in their interpretation of private Acts. In the words of Scrutton, J.:

So far as persons not concerned in the Act are concerned, the Act is read strictly against the promoters; so far as the promoters themselves are concerned it is read as a contract between them and is to be construed accordingly.¹³

¹⁰ *Supra* note 4.

¹¹ *Interpretation Act*, R.S.C. 1985, c. I-23.

¹² R.S.C. 1985, C-5.

¹³ *Harper v. Hedges* (1924), 93 L.J.K.B. 116 at 117.

A quotation such as the preceding one betrays the tendency of the subject-matter of the private bill it is interpreting. For example, it is doubtful that a court would interpret strictly an Act allowing persons to marry if the legitimacy of the issue of the couple or the right of their issue to inherit were put in issue.

Historically, there has been a decline in the volume of private legislation since Confederation. One reason for this is that the enactment of statutes of general application obviated to a large extent the need for private bills. For example, the *Canada Corporations Act* and the *Canada Business Corporations Act* obviate to a large extent the need for new incorporations by private Act. The *Divorce Act* obviates the need for individual divorces by private Act.

This decrease in the importance of private legislation coupled with an increase in the time allocated by the House of Commons to Government business had the effect of transferring the primary responsibility for dealing with private bills from the House of Commons to the Senate. This transfer was further encouraged in 1932 when the parliamentary fee for a private bill was raised to \$500 in the House of Commons, but remained at \$200 in the Senate.

However, as late as 1968, E. Russell Hopkins, the Law Clerk of the Senate, was able to comment:

Occasionally, a private bill is still introduced in the Commons where political opposition is expected: this enables the sponsors to take advantage of the extra hours allotted for the consideration of private members' business in the Commons in the early part of each session.¹⁴

In "Parliament in Action: The Law-Making Process", we read:

Private bills may originate in either House. However, since most public bills are introduced in the House of Commons, the practice over the years has been to encourage the introduction of private bills in the Senate as a means of balancing the workload of the two Houses. Petitioners are

¹⁴ E. Russell Hopkins, *Confederation at the Crossroads: The Canadian Constitution* (Toronto: McClelland, 1968) at 319.

encouraged in this regard by financial and other incentives that are provided for in the rules of procedure for both Houses.¹⁵

Today, the unwavering parliamentary practice is for private bills to originate in the Senate, and officials of the House of Commons now refer potential petitioners to the Office of the Senate Law Clerk and Parliamentary Counsel.¹⁶

The petitioner must select a sponsoring Senator, and eventually a sponsor in the other House as well. It is not uncommon to select sponsors from different parties in order to point to the non-partisan nature of the bill.

In theory, and sometimes in practice, the selection of sponsors is made right from the beginning, with parliamentary counsel then assisting the sponsoring Senator in preparing the bill. More frequently however, the petitioner or the petitioner's counsel first approaches parliamentary counsel for assistance, and the selection of the sponsoring Senator will normally be made when the drafting has been completed. In this regard, parliamentary counsel will agree to assist a petitioner as long as and insofar as counsel believes that the bill being drafted is appropriate in all regards. If counsel concludes at any time that the bill would not be acceptable to Senators, the petitioner will be required to identify the sponsoring Senator, to whom counsel will direct his or her advice.

A critical test for considering whether a private bill is appropriate in the circumstances is whether the bill is necessary. To protect the time of Senators and of the Houses and to limit exceptions to the general law, it is the practice to discourage all petitions for private bills that are not necessary.

Historically, private bills have been used to incorporate religious bodies, educational institutions, non-profit organizations and business

¹⁵ Office of the Law Clerk and Parliamentary Counsel, Senate of Canada, May, 1978, revised October, 1991 at 2.

¹⁶ Office of the Law Clerk and Parliamentary Counsel, Senate of Canada, 1310 — 40 Elgin Street, Ottawa, ON, K1A 0A4; tel. (613) 992-2416; fax (613) 992-2125; e-mail: senlex@sen.parl.gc.ca

companies with federal objects, and to declare works to be for the general advantage of Canada. More recently, private bills have been used to revive some companies and to export others between jurisdictions.

The Department of Justice publishes a *Table of Private Acts* passed by Parliament.¹⁷ The following headings taken from that table are helpful in understanding the potential scope of private Acts: banks, boards of trade, bridges, harbours, insurance, patents, pipelines, railway bridges and tunnels, railways, religious and charitable organizations, trust and loan companies and miscellaneous. Today, companies with private Acts will often prefer to maintain that status and resort to private legislation when amending their Acts of incorporation.

Individuals have approached Parliament with applications for private Acts to allow them to marry by way of exception to the general law on marriage and, for the first hundred years of Confederation, individuals from some provinces had to come to Parliament for their divorces. Individuals have also approached Parliament with such diverse issues as name changes and immigration and citizenship matters.

A list of Senators' private members' private bills enacted by Parliament since 1980 is annexed to this paper as Table 4.

Most private bills are drafted in the Senate by parliamentary counsel, and all bills must be reviewed by them. Counsel prefer drafting a bill to reviewing one. This is particularly true where the petitioner has commercial interests, deep pockets and expert lawyers at its service. Where a petitioner arrives with a draft bill that does not meet federal drafting standards, the draft can be used as policy instructions. Counsel will assist the petitioner not only with the drafting, but also with navigating the parliamentary process.

The most significant difference between drafting a private bill as opposed to a public one is that the private bill must contain a preamble. The preamble sets out the representations that the petitioner is making to Parliament to justify the bill. It will identify the petitioner and contain a recital of facts that justify the need for the bill. In private bills, as in all

¹⁷ Department of Justice, Table of Private Acts:
<http://laws.justice.gc.ca/en/privlaw/index.html>

bills, the preambles should contain only facts, and should not contain political posturing, conclusions of law or expressions of opinion.

Since a private bill is the initiative of the petitioner and for his, her or its benefit, there are fees to be paid. The fee in the Senate is \$200, plus the cost of translating and printing the bill and, in theory, the cost of printing the Act in the *Statutes of Canada*.¹⁸ Cheques are to be made payable to the Receiver General for Canada. The drafting of the bills is essentially a free service to the petitioner, since the provision for the payment of fees was written at a time when petitioners arrived with their own drafts and the fees were only meant to cover translation and printing.

Turning to procedure, every application to Parliament for a private bill must be preceded by advertising. There must be a notice in the *Canada Gazette* that clearly states the nature and objects of the proposed bill. The notice must be signed by either the applicant or the lawyer acting on behalf of the applicant.¹⁹ A similar notice must also be published in the official gazette of the relevant province and in a leading newspaper with substantial circulation in the area concerned.²⁰

The purpose of the notice is to bring the proposed bill to the attention of any person or group of persons who may have an interest in the bill. The notice must be published at least once a week for a period of four weeks and must be in both official languages, where reasonably required by the linguistic composition of the population in the province or area concerned.²¹

The petitioner must prove compliance with these notice requirements by filing an affidavit of publication with the Senate.²²

The parliamentary process begins when the sponsoring Senator presents the applicant's petition to the Senate. Where a petitioner is a body corporate, a certificate of authentication for the signature of the

¹⁸ *Rules of the Senate*, rule 110.

¹⁹ *Rules of the Senate*, rule 106(1).

²⁰ *Rules of the Senate*, rule 106(2).

²¹ *Rules of the Senate*, rule 106(3).

²² *Rules of the Senate*, rule 106(4).

petition is required. The petition must identify the petitioner, justify the need for the bill and pray for its enactment. Best practice is for the wording of the petition to be reflected in the preamble of the bill.

The *Rules of the Senate* confer on the Senate's Director of Committees the role of Examiner of Petitions for Private Bills²³ and require the Director, in that capacity, to report on whether the petition is in order²⁴. In the ordinary course of business, the petition will have been pre-cleared with the Examiner and the report that the petition is without defect will be made to the Senate the following day.

Once the Examiner of Petitions has reported favourably on the applicant's petition, the bill may be introduced. The bill then follows the ordinary legislative process: it receives first and second reading, and is then referred to the appropriate committee. However, once referred to a committee, the *Rules of the Senate* require a one-week delay before consideration of the bill:

A private bill originating in the Senate, shall not be considered by a committee until after one week from the date of referral to such committee and, in the case of any such bill originating in the House of Commons, until twenty-four hours thereafter.²⁵

Upon consideration by the committee, the bill resumes on the ordinary legislative course: it is reported back to the Senate, receives third reading, is sent to the House of Commons and, after being concurred in by that House, is presented for royal assent.

The House of Commons has its own procedural requirements for private bills, notably a requirement that the petitioner be represented by a registered parliamentary agent. The registration fee to become a parliamentary agent is \$25.00.²⁶

²³ *Rules of the Senate*, rule 107(1).

²⁴ *Rules of the Senate*, rule 107(2).

²⁵ *Rules of the Senate*, rule 115.

²⁶ Information and forms can be obtained from the Principal Clerk, Private Members' Business Office, House of Commons, Ottawa, ON, K1A 0A6.

Anyone who wishes to comment on a private bill may do so in writing to the Senate. Interested persons may also request to appear as witnesses in committee hearings if and when the petition is read and received by the Senate and the bill is introduced and referred to a committee after second reading.

The litmus test for the speedy passage of private bills in the Senate today is that they be non-controversial. For obvious reasons, the Senate will show exceptional reluctance to pass a controversial bill.

I will conclude with the following examples of private bills, all of which proved to be controversial; two died on the order paper; one was enacted, and one is currently in the Senate.

Opus Dei

On April 1, 1987, the Honourable Senator Rhéal Bélisle presented to the Senate the petition of the Very Reverend Gregory V. Haddock, of the City of Montreal, in the Province of Quebec, praying for the passage of an *Act to incorporate the Regional Vicar for Canada of the Prelature of the Holy Cross and Opus Dei*. Bill S-7 (33rd, 2nd) was introduced and given first reading the following day. Second reading debate took place between April 7 and September 16, 1987.

After the sponsoring Senator's speech on second reading, a few opponents of the Bill voiced strong opposition to it because of the nature of the activities of Opus Dei in Canada and elsewhere. Opus Dei had already been the subject of a not very flattering CBC report on the program *The Fifth Estate*, broadcast on January 22, 1985. Senator Jacques Hébert made reference to the program in a speech given on May 26, 1987. To quote from the concluding words of the Senator's speech: "Sure, Opus Dei is a very special organization and I think that I have proved it, but it is the kind that makes me sick..."²⁷ On June 2, 1987, Senator Jean LeMoynes commenced his speech with the following words: "Honourable Senators, I want to congratulate my colleague and friend, Senator Jacques Hébert, on

²⁷ *Senate Debates*, 1986-87-88, Vol. I (26 May 1987) at 1074.

his fair and ferocious comments on Opus Dei. His speech on May 26 was a masterful indictment of this evil agency.”²⁸

In the end, the Bill was read a second time and referred to committee on October 27. It was reported with amendments on May 25, 1988, and debate on the report took place between May 31 and August 17, 1988. The last speech on Bill S-7 was given at report stage by the Honourable Daniel Lang. Opposed to the Bill, he began with the words:

Honourable Senators, I note that the sponsor of this bill and many of his colleagues are deploring the length of time that this bill is taking to pass through this chamber. However, I should like to remind them that at one time I sponsored a private member’s public bill — not a private bill but a private member’s public bill — which involved trying to remove an anomaly in the *Railway Act*, and it took me 12 years and the approbation of four ministers of transport to do so. I beg the indulgence of my colleagues.²⁹

On October 1, 1988 Parliament was dissolved and the Bill died on the order paper. It was never reintroduced.

While the Chair of the committee to which the Bill was referred expressed her view that the Bill should be dealt with purely on the legal aspects of the application for incorporation, the legislative history of this bill is a reminder that Parliament is not an administrative, quasi-judicial or judicial agency, and is not subject to the rules of fairness and natural justice at play in those bodies. The Houses of Parliament are political bodies that make political decisions. No one has a right to a bill or is entitled to one; it is a political decision. The petitioner’s application was turned into a trial of the petitioner. A final decision was avoided, apparently through the use of the parliamentary tactic of delay.

A side effect of the Senators’ consideration of the Opus Dei bill was to bring into question the legitimacy of private bills. Some Senators

²⁸ *Senate Debates*, 1986-87-88, Vol. I (2 June 1987) at 1150.

²⁹ *Senate Debates*, 1986-87-88, Vol. IV (17 August 1988) at 4190.

concluded that no person should be entitled to special powers or privileges, and that all issues should be dealt with in the future by way of general legislation. While the views formed by those Senators continue to colour the institutional climate even today, they never gave rise to any decision for change.

Detroit-Windsor Tunnel

On June 10, 1987, the petition of the City of Windsor, praying for the passage of an *Act to authorize the City of Windsor to acquire, operate and dispose of the Windsor-Detroit Tunnel*, was presented to the Senate. The petition was received and Bill S-11 (33rd, 2nd) was read a first time on June 11. At second reading, the sponsor of the Bill, the Honourable Royce Frith, explained that his objective was that the Bill receive royal assent by June 30, an objective he achieved. Second reading of the Bill took place on June 16 and 17, at which time the Bill was sent to committee. The Bill was reported with amendments on June 26, the report was adopted and the Bill read a third time on that day. The House of Commons passed the Bill four days later on June 30, and received royal assent that same day.

Bill S-11 took place against a backdrop of litigation. The City of Windsor had commenced an action in the Supreme Court of Ontario to have the agreement under which they were to obtain the tunnel declared valid. The parties on the other side were resisting, not only in court but in Parliament. However, the sponsor explained that the purpose of the Bill was not to affect the rights of the parties under the option agreement, but to correct an omission in an earlier private Act.

The lesson to be drawn from the legislative history of this Bill is that where Parliament wishes to act quickly, it can. In this case, it took only three weeks.

Dai al-Mutlaq

On September 16, 1992, the petition of Dr. Syedna Mohammed Burnhanuddin, of the City of Bombay in India, praying for the passage of an *Act to incorporate the Dai al-Mutlaq as a corporation sole in Canada*,

was presented to the Senate. The petition was received and Bill S-13 (34th, 3rd) was read a first time on September 17. Second reading debate began on September 22, and continued until March 3, 1993, when the Bill was not read a second time but was referred to committee.

As was the case with the Opus Dei Bill, Bill S-3 became hotly controversial and opposition to it was ferocious. Once again, the applicant itself was put on trial. Reference was made to a judicial inquiry in India set up to look into allegations of criminal conduct by the applicant, and to the internal opposition within the sect to his allegedly undemocratic, tyrannical and arbitrary rule. On September 8, 1993 Parliament was dissolved and the Bill died on the order paper.

The consideration of the Bill reinforced the views of some Senators that Parliament should no longer consider applications for private bills. Other Senators disagreed.

The sponsor of the Bill, the Honourable Norman Atkins, introduced a bill in a later session to amend the *Canada Corporations Act* to allow for the incorporation of corporations sole.

Boy Scouts

On June 21, 2006, the petition of the Boy Scouts of Canada, was presented to the Senate, praying for the passage of *An Act Respecting Boy Scouts of Canada*. This is the third time that Senator Consiglio Di Nino has sponsored and introduced the Bill in the Senate. The Bill proposes to officially change the organization's name from "Boy Scouts of Canada" to "Scouts Canada" (a name by which it is already commonly known) and outlines the corporate structure of the organization. The petition was received and Bill S-1001 (39th, 1st) and was read a first time on June 27, where it currently sits.

Senator Di Nino has received opposition from dissident Scout leaders who believe that the changes to the Boy Scouts of Canada proposed by the Bill will bring a corporate structure to the organization that will eventually lead to its demise. In an *Ottawa Sun* article by Jorge Barrera appearing on August 31, 2006, Senator Di Nino was quoted as saying that he has no plans to back away from the Bill: "My folks that are advising me — and the Senate through me — are suggesting that the

complaint really has no merit.... If they have comments, let them come [to committee hearings].”³⁰

5. Conclusion

In this paper, I have sought to provide the reader with an overview of the legislative process in the Parliament of Canada from a Senate perspective. In doing so, I hope to have dispelled the common view that the law is set in stone, and replace it with the view that it is instead dynamic and alive; that it can be re-written or unwritten. The focus of this paper has been on private members’ bills — one of the means of bringing about such change. Private members’ bills serve a unique purpose as vehicles through which diverse and sometimes unpopular and controversial legislative objectives can be brought to the table, unfettered by the political agenda of the Government of the day and the policy objectives of the federal bureaucracy. As the tables that follow illustrate, the Senate’s experience with Senators’ private members’ bills has been a rich and successful one.

³⁰ Jorge Barerra “Senator Won’t Ditch Scout Bill” *Ottawa Citizen* (31 August 2006) News Section 18.

Parliament of Canada Senators' Private Members' Public Bills April 14, 1980 – August 31, 2006			
Parliament, Session, Dates and Government	Number of Bills Introduced	Number of Bills Passed by the Senate	Number of Bills Enacted
32nd Parliament, 1st session, April 14, 1980 to Nov. 30, 1983 (Liberal: Trudeau)	4	1	1
32nd Parliament, 2nd session, Dec. 7, 1983 to July 9, 1984 (Liberal: Trudeau / Turner)	1	0	0
33rd Parliament, 1st session, Nov. 5, 1984 to August 28, 1986 (P.C.: Mulroney)	2	1	0
33rd Parliament, 2nd session, Sept. 30, 1986 to October 1, 1988 (P.C.: Mulroney)	9	4	0
34th Parliament, 1st session, Dec. 12, 1988 to Feb. 28, 1989 (P.C.: Mulroney)	0	0	0
34th Parliament, 2nd session, April 3, 1989 to May 12, 1991 (P.C.: Mulroney)	10	4	1
34th Parliament, 3rd session, May 13, 1991 Sept. 8, 1993 (P.C. Mulroney / Campbell)	4	1	0
35th Parliament, 1st session, Jan. 17, 1994 to Feb. 2, 1996 (Liberal: Chrétien)	8	1	1
35th Parliament, 2nd session, Feb. 27, 1996 to April 27, 1997 (Liberal: Chrétien)	11	1	0
36th Parliament, 1st session, Sept. 22, 1997 to Sept. 14, 1999 (Liberal: Chrétien)	17	2	0
36th Parliament, 2nd session, Oct. 12, 1999 to Oct. 22, 2000 (Liberal: Chrétien)	20	2	0
37th Parliament, 1st session, Jan. 29, 2001 to Sept. 16, 2002 (Liberal: Chrétien)	26	5	3
37th Parliament, 2nd session, Sept. 30, 2002 to Nov. 12, 2003 (Liberal: Chrétien)	19	3	1
37th Parliament, 3rd session, Feb. 2, 2004 to May 23, 2004 (Liberal: Martin)	16	2	0
38th Parliament, 1st session, Oct. 4, 2004 to Nov. 29, 2005 (Liberal: Martin)	34	6	2
39th Parliament, 1st session, April 3, 2006 to present (Conservative: Harper)	19	1	0

Table 2: Senators' Private Members' Public Bills Passed By The Senate

32nd Parliament, 1st session, April 14, 1980 to Nov. 30, 1983 (Liberal: Trudeau)	
Bill S-29	An Act to amend the Railway Act - Sen. Frith

32nd Parliament, 2nd session, Dec. 7, 1983 to July 9, 1984 (Liberal: Trudeau / Turner)	
None	

33rd Parliament, 1st session, Nov. 5, 1984 to August 28, 1986 (P.C.: Mulroney)	
Bill S-2	An Act to amend and consolidate the laws prohibiting Marriage between related persons - Sen. Flynn

33rd Parliament, 2nd session, Sept. 30, 1986 to October 1, 1988 (P.C.: Mulroney)	
Bill S-5	An Act to amend and consolidate the laws prohibiting Marriage between related persons - Sen. Nurgitz
Bill S-8	An Act to amend the Citizenship Act (foreign spouses) - Sen. Bosa
Bill S-15	An Act to amend the Patent Act - Sen. Bonnell
Bill S-18	An Act to amend the Immigration Act, 1976 - Sen. Bosa

**34th Parliament, 1st session,
Dec. 12, 1988 to Feb. 28, 1989 (P.C.: Mulroney)**

None

**34th Parliament, 2nd session,
April 3, 1989 to May 12, 1991 (P.C.: Mulroney)**

Bill S-12	An Act to amend the Unemployment Insurance Act - Sen. MacEachen
Bill S-14	An Act respecting the laws prohibiting Marriage between related persons - Sen. Nurgitz
Bill S-17	An Act to amend the Unemployment Insurance Act - Sen. Thériault
Bill S-19	An Act to amend the Penitentiary Act to reinstate the statutory visitation privileges of Members of Parliament - Sen. Hastings

**34th Parliament, 3rd session,
May 13, 1991 Sept. 8, 1993 (P.C. Mulroney / Campbell)**

Bill S-15	An Act to amend the Canada Human Rights Act (sexual orientation) - Sen. Kinsella
-----------	---

**35th Parliament, 1st session,
Jan. 17, 1994 to Feb. 2, 1996 (Liberal: Chrétien)**

Bill S-7	An Act to accelerate the use of alternative fuels for internal combustion engines - Sen. Kenny
----------	---

**35th Parliament, 2nd session,
Feb. 27, 1996 to April 27, 1997 (Liberal: Chrétien)**

Bill S-2 An Act to amend the Canadian Human Rights (sexual orientation)
- Sen. Kinsella

**36th Parliament, 1st session,
Sept. 22, 1997 to Sept. 14, 1999 (Liberal: Chrétien)**

Bill S-11 An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination
- Sen. Kinsella

Bill S-13 An Act to incorporate and to establish an industry levy to provide for the Canadian Tobacco Industry Community Responsibility Foundation
- Sen. Kenny

**36th Parliament, 2nd session,
Oct. 12, 1999 to Oct. 22, 2000 (Liberal: Chrétien)**

Bill S-5 An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)
- Sen. Grafstein

Bill S-20 An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of Tobacco products by young persons in Canada
- Sen. Kenny

**37th Parliament, 1st session,
Jan. 29, 2001 to Sept. 16, 2002 (Liberal: Chrétien)**

Bill S-7 An Act to amend the Broadcasting Act
- Sen. Finestone

Bill S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) - Sen. Grafstein
Bill S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day - Sen. Lynch-Staunton
Bill S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada - Sen. Kenny
Bill S-22	An Act to provide for the recognition of the Canadian horse as the national horse of Canada - Sen. Murray

**37th Parliament, 2nd session,
Sept. 30, 2002 to Nov. 12, 2003 (Liberal: Chrétien)**

Bill S-5	An Act respecting a National Acadian Day - Sen. Comeau
----------	---

**37th Parliament, 3rd session,
Feb. 2, 2004 to May 23, 2004 (Liberal: Martin)**

Bill S-4	An Act to amend the Official Languages Act, 1867 (promotion of English and French) - Sen. Gauthier
Bill S-8	An Act concerning personal watercraft in navigable waters - Sen. Spivak

**38th Parliament, 1st session,
Oct. 4, 2004 to Nov. 29, 2005 (Liberal: Martin)**

Bill S-2	An Act to amend the Citizenship Act - Sen. Kinsella
Bill S-3	An Act to amend the Official Languages Act (promotion of English and French) - Sen. Gauthier
Bill S-11	An Act to amend the Criminal Code (lottery schemes) - Sen. Lapointe
Bill S-12	An Act concerning personal watercraft in navigable waters - Sen. Spivak
Bill S-14	An Act to protect heritage lighthouses - Sen. Forrestall
Bill S-19	An Act to amend the Criminal Code (criminal interest rate) - Sen. Plamondon

**39th Parliament, 1st session,
April 3, 2006 to present (Conservative: Harper)**

Bill S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent - Sen. Banks
------------	--

Table 3: Senators' Private Members' Public Bills Enacted By Parliament

<p style="text-align: center;">32nd Parliament, 1st session, April 14, 1980 to Nov. 30, 1983 (Liberal: Trudeau)</p> <p>Chap. 117, Vol. 3 (S-29) An Act to amend the Railway Act - Sen. Frith</p>
<p style="text-align: center;">32nd Parliament, 2nd session, Dec. 7, 1983 to July 9, 1984 (Liberal: Trudeau / Turner)</p> <p style="text-align: center;">None</p>
<p style="text-align: center;">33rd Parliament, 1st session, Nov. 5, 1984 to August 28, 1986 (P.C.: Mulroney)</p> <p style="text-align: center;">None</p>
<p style="text-align: center;">33rd Parliament, 2nd session, Sept. 30, 1986 to October 1, 1988 (P.C.: Mulroney)</p> <p style="text-align: center;">None</p>
<p style="text-align: center;">34th Parliament, 1st session, Dec. 12, 1988 to Feb. 28, 1989 (P.C.: Mulroney)</p> <p style="text-align: center;">None</p>

**34th Parliament, 2nd session,
April 3, 1989 to May 12, 1991 (P.C.: Mulroney)**

Chap. 46, 1990 (S-14) An Act respecting the laws prohibiting marriage between related persons
- Sen. Nurgitz

**34th Parliament, 3rd session,
May 13, 1991 Sept. 8, 1993 (P.C. Mulroney / Campbell)**

None

**35th Parliament, 1st session,
Jan. 17, 1994 to Feb. 2, 1996 (Liberal: Chrétien)**

Chap. 20, 1995 (S-7) An Act to accelerate the use of alternative fuels for internal combustion engines
- Sen. Kenny

**35th Parliament, 2nd session,
Feb. 27, 1996 to April 27, 1997 (Liberal: Chrétien)**

None

**36th Parliament, 1st session,
Sept. 22, 1997 to Sept. 14, 1999 (Liberal: Chrétien)**

None

**36th Parliament, 2nd session,
Oct. 12, 1999 to Oct. 22, 2000 (Liberal: Chrétien)**

None

**37th Parliament, 1st session,
Jan. 29, 2001 to Sept. 16, 2002 (Liberal: Chrétien)**

- Chap. 36, 2001 (S-10) An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)
- Sen. Grafstein
- Chap. 2, 2002 (S-14) An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day
- Sen. Lynch-Staunton
- Chap. 11, 2002 (S-22) An Act to provide for the recognition of the Canadian horse as the national horse of Canada
- Sen. Murray

**37th Parliament, 2nd session,
Sept. 30, 2002 to Nov. 12, 2003 (Liberal: Chrétien)**

- Chap. 11, 2003 (S-5) An Act respecting a National Acadian Day
- Sen. Comeau

**37th Parliament, 3rd session,
Feb. 2, 2004 to May 23, 2004 (Liberal: Martin)**

None

**38th Parliament, 1st session,
Oct. 4, 2004 to Nov. 29, 2005 (Liberal: Martin)**

Chap. 17, 2005 (S-2) An Act to amend the Citizenship Act
- Sen. Kinsella

Chap. 41, 2005 (S-3) An Act to amend the Official Languages Act (promotion of
English and French)
- Sen. Gauthier

**39th Parliament, 1st session,
April 3, 2006 to present (Conservative: Harper)**

None

Table 4: Senate Private Members' Private Bills Enacted By Parliament

32nd Parliament, 1st session, April 14, 1980 to Nov. 30, 1983 (Liberal: Trudeau)	
Chap. 174, 1980 (S-8)	An Act to revive Pyramid Communications Limited - Sen. McIlraith
Chap. 175, 1980 (S-13)	An Act to revive Montilac Ltd. and Socam Ltd. - Sen. Fernand Leblanc
Chap. 176, 1980 (S-14)	An Act to revive Tremus Industries Limited - Sen. Fernand Leblanc
Chap. 177, 1980 (S-12)	An Act respecting the Canadian Merchant Service Guild - Sen. McElman
Chap. 178, 1980 (S-18)	An Act to amend and repeal An Act to incorporate General Security Insurance Company of Canada - Sen. Lamontagne
Chap. 179, 1981 (S-15)	An Act respecting the Royal Canadian Legion - Sen. Godfrey
Chap. 180, 1981 (S-16)	An Act respecting the President of the Lethbridge Stake of the Church of Jesus Christ of Later-day Saints - Sen. Manning
Chap. 181, 1981 (S-20)	An Act to revive Ontario News Company, Limited and to provide for its continuance under the Canada Business Corporations Act - Sen. McIlraith
Chap. 182, 1981 (S-21)	An Act to revive G.A. Barber & Sons Limited and to provide for its continuance under the Canada Business Corporations Act - Sen. McIlraith
Chap. 183, 1981 (S-22)	An Act to revive Easter Diversified Company Ltd. and to provide for its continuance under the Canada Business Corporations Act - Sen. McIlraith

- Chap. 184, 1982 (S-25) An Act to amend the Act of incorporation of the association known as "The Army, Navy and Air Force Veterans in Canada"
– Sen. Marshall
- Chap. 185, 1982 (S-26) An Act to revive E.G. Klein Limited and to provide for its continuance under the Canada Business Corporations Act
- Sen. Fernand Leblanc
- Chap. 186, 1982 (S-27) An Act to amend the Act of incorporation of the Grand Lodge of the Benevolent and Protective Order of Elks of the Dominion of Canada
– Sen. Buckwold
- Chap. 187, 1983 (S-34) An Act to revive the Polyventreprise Ltée and to provide for its continuance under the Canada Business Corporations Act
– Sen. Asselin
- Chap. 188, 1983 (S-35) An Act to incorporate the Eparch of Eparchy of Saints Cyril and Methodius of Slovaks of the Byzantine Rite in Canada
– Sen. Bosa

**32nd Parliament, 2nd session,
Dec. 7, 1983 to July 9, 1984 (Liberal: Trudeau / Turner)**

- Chap. 51, 1984 (S-10) An Act to amend the Act of incorporation of United Grain Growers Limited
- Sen. Molgat
- Chap. 52, 1984 (S-2) An Act to provide an exception from the public general law relating to Marriage in the case of Gerald Harvey Fudge and Audrey Marie Saunders
- Sen. Fernand Leblanc
- Chap. 53, 1984 (S-3) An Act to provide an exception from the public general law relating to Marriage in the case of Louis Philippe Nadeau and Marie Thérèse Rita Brulé
- Sen. Fernand Leblanc
- Chap. 54, 1984 (S-4) An Act to provide an exception from the public general law relating to Marriage in the case of Ernest Hodel and Norma Dora Laurie

	- Sen. Fernand Leblanc
Chap. 55, 1984 (S-5)	An Act to provide an exception from the public general law relating to Marriage in the case of Benjamin Josheph Andrade and Heather Winnifred Andrade - Sen. Fernand Leblanc
Chap. 56, 1984 (S-6)	An Act to provide an exception from the public general law relating to Marriage in the case of Juan Andrade and Emilia Rodriguez - Sen. Fernand Leblanc
Chap. 57, 1984 (S-7)	An Act to provide an exception from the public general law relating to Marriage in the case of Henri Patry and Aldéa Bée Pitt - Sen. Fernand Leblanc
Chap. 58, 1984 (S-8)	An Act to provide an exception from the public general law relating to Marriage in the case of Joseph Roland Réjean Daoust and Marie Lise Sylvie Girard - Sen. Fernand Leblanc
Chap. 59, 1984 (S-9)	An Act to provide an exception from the public general law relating to Marriage in the case of Pearl Kim Lee and Thomas Siegfried Wieland - Sen. Fernand Leblanc
Chap. 60, 1984 (S-15)	An Act to provide for the creation by amalgamation of the Wesleyan Church of Canada - Sen. Stanbury
Chap. 61, 1984 (S-16)	An Act to revive Stadacona Mines (1944) Limited and to provide for its continuance under the Canada Business Corporations Act - Sen. Asselin

**33rd Parliament, 1st session,
Nov. 5, 1984 to August 28, 1986 (P.C.: Mulroney)**

Chap. 55, 1985 (S-5)	An Act to provide for the creation by amalgamation of the Evangelical Lutheran Church in Canada - Sen. Olson
----------------------	---

Chap. 63, 1986 (S-7)	An Act to amend the Act of incorporation of Pine Hill Divinity Hall - Sen. Hicks
----------------------	---

**33rd Parliament, 2nd session,
Sept. 30, 1986 to October 1, 1988 (P.C.: Mulroney)**

Chap. 64, 1986 (S-3),	An Act to amend and repeal The Alliance Nationale Consolidated Act, 1945 - Sen. Cogger
Chap. 55, 1987 (S-11)	An Act respecting the acquisition, operation and disposal of the Windsor-Detroit tunnel by the city of Windsor - Sen. Frith
Chap. 56, 1987 (S-10)	An Act to revive Yellowknife Electric Ltd. and to provide for its continuance under the Canada Business Corporations Act, - Sen. Nurgitz
Chap. 57, 1987 (S-14)	An Act to authorize Cooperants Mutual Life Insurance Society to be continued as a corporation under the laws of the Province of Quebec - Sen. Cogger
Chap. 66, 1988 (S-17)	An Act to authorize the Montreal Trust Company of Canada to be continued as a corporation under the law of the Province of Quebec - Sen. Cogger
Chap. 67, 1988 (S-21)	An Act to revive Grenville Aggregate Specialities Limited and to provide for its continuance under the Canada Business Corporations Act - Sen. Roméo LeBlanc

**34th Parliament, 1st session,
Dec. 12, 1988 to Feb. 28, 1989 (P.C.: Mulroney)**

None

**34th Parliament, 2nd session,
April 3, 1989 to May 12, 1991 (P.C.: Mulroney)**

- | | |
|------------------------|---|
| Chap. 29, 1989 (S-5) | An Act to authorize The Safeguard Life Assurance Company to be continued as a corporation under the laws of the Province of Quebec
- Sen. Cogger |
| Chap. 49, 1990 (S-9) | An Act to amalgamate the two corporations known, respectively, as "The Governing Council of The Salvation Army, Canada East" and "The Governing Council of The Salvation Army, Canada West", and to make necessary provisions regarding the charter of the amalgamated corporation,
- Sen. Balfour |
| Chap. 50, 1990 (S-11) | An Act to restructure the Eastern Canada Synod of the Lutheran Church in America under the name of the Eastern Synod of the Evangelical Lutheran Church in Canada
- Sen. Macquarrie |
| Chap. 51, 1990 (S-13) | An Act to amend An Act to incorporate the Ukrainian Greek Orthodox church of Canada
- Sen. Hastings |
| Chap. 52, 1990 (S-10) | An Act respecting the Canadian Institute of Chartered Accountants
- Sen. Fernand Leblanc |
| Chap. 53, 1990 (S-15) | An Act to amend the Act of incorporation of Desjardins Mutual Life Assurance Company
- Sen. Bolduc |
| Chap. 54, 1990 (S-16), | An Act to amend the Act of incorporation of The Canadian Institute of Mining and Metallurgy
- Sen. Finlay MacDonald |

**34th Parliament, 3rd session,
May 13, 1991 Sept. 8, 1993 (P.C. Mulroney / Campbell)**

- | | |
|-----------------------|--|
| Chap. 54, 1991 (S-4) | An Act to amend the Act of incorporation of the University of Emmanuel College
– Sen. Buckwold |
| Chap. 55, 1991 (S-3) | An Act to amend the Act of incorporation of the Seventh-day Adventist Church in Canada
– Sen. Frith |
| Chap. 56, 1991 (S-6) | An Act to amend the Act of incorporation of Metropolitan General Insurance Company in order to authorize its continuance under the laws of the Province of Quebec,
– Sen. Sylvain |
| Chap. 55, 1992 (S-9) | An Act to amend An Act to incorporate the Northwest Canada Conference Evangelical Church
– Sen. Olson |
| Chap. 56, 1992 (S-10) | An Act to incorporate the Green Shield Canada Prepaid Services Association,
– Sen. Doyle |
| Chap. 57, 1992 (S-12) | An Act to amalgamate The Montreal Board of Trade and The Chamber of Commerce of Metropolitan Montreal
– Sen. Lynch-Staunton |
| Chap. 58, 1992 (S-7) | An Act to amend An Act to incorporate the Royal Society of Canada
– Sen. Tremblay |
| Chap. 59, 1992 (S-16) | An Act to restructure United Grain Growers Limited
– Sen. Barootes |
| Chap. 48, 1993 (S-20) | An Act to change the name of The Canadian Medical Association
– Sen. Beaudoin |

**35th Parliament, 1st session,
Jan. 17, 1994 to Feb. 2, 1996 (Liberal: Chrétien)**

- | | |
|-----------------------|--|
| Chap. 49, 1994 (S-5) | An Act to incorporate the Canadian Association of Lutheran Congregations
– Sen. Olson |
| Chap. 50, 1994 (S-3) | An Act to authorize General Security Insurance Company of Canada to be continued as a corporation under the laws of the Province of Quebec
– Sen. Grimard |
| Chap. 50, 1995 (S-12) | An Act to amalgamate the Alberta corporation known as the Missionary Church with the Canada corporation known as the Evangelical Missionary Church, Canada West District
– Sen. Gustafson |

**35th Parliament, 2nd session,
Feb. 27, 1996 to April 27, 1997 (Liberal: Chrétien)**

- | | |
|-----------------------|---|
| Chap. 37, 1996 (S-8) | An Act respecting Queen's University at Kingston
- Sen. Murray |
| Chap. 38, 1996 (S-7) | An Act to dissolve the Nipissing and James Bay Railway Company
- Sen. Kelleher |
| Chap. 41, 1997 (S-15) | An Act to amend An Act to incorporate the Bishop of the Arctic of the Church of England in Canada
– Sen. Meighen |

**36th Parliament, 1st session,
Sept. 22, 1997 to Sept. 14, 1999 (Liberal: Chrétien)**

- | | |
|-----------------------|--|
| Chap. 37, 1999 (S-20) | An Act to amend the Act of incorporation of Roman Catholic Episcopal Corporation of Mackenzie
– Sen. Taylor |
|-----------------------|--|

Chap. 38, 1999 (S-25) An Act respecting the Certified General Accountants Association of Canada
– Sen. Kirby

Chap. 39, 1999 (S-18) An Act respecting the Alliance of Manufacturers & Exporters Canada
– Sen. Kelleher

**36th Parliament, 2nd session,
Oct. 12, 1999 to Oct. 22, 2000 (Liberal: Chrétien)**

Chap. 36, 2000 (S-14) An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America
– Sen. Taylor

**37th Parliament, 1st session,
Jan. 29, 2001 to Sept. 16, 2002 (Liberal: Chrétien)**

Chap. 42, 2001 (S-25) An Act to amend the Act of incorporation of the Conference of Mennonites in Canada
– Sen. Kroft

Chapt. 43, 2001 (S-27) An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec
– Sen. Joyal

Chap. 44, 2001 (S-28) An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec
– Sen. Joyal

**37th Parliament, 2nd session,
Sept. 30, 2002 to Nov. 12, 2003 (Liberal: Chrétien)**

Chap. 29, 2003 (S-21) An Act to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada
- Sen. Kirby

**37th Parliament, 3rd session,
Feb. 2, 2004 to May 23, 2004 (Liberal: Martin)**

Chapter 29, 2004 (S-15) An Act to amend the Act of incorporation of Queen's Theological College
– Sen. Murray

**38th Parliament, 1st session,
Oct. 4, 2004 to Nov. 29, 2005 (Liberal: Martin)**

Chap. 56, 2005 (S-25) An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada
- Sen. Rompkey

**39th Parliament, 1st session,
April 3, 2006 to present (Conservative: Harper)**

None