

## Columnists

## Vandalism is a community problem

There are get rich schemes, and then there are get rich schemes. But one of the wackiest and stupidest has got to be stealing pennies from the bottom of the reflecting pool outside the Halton Hills Civic Centre.

One thing is certain, dividends from this money-making venture won't be seen for a very long time. I guess people who consider the town's reflecting pool as a "sea of riches" have a profound sense of the concept - long term financial planning. As the saying goes, "count your pennies and the dollars will take care of themselves."

Right about now you are probably asking yourself, "what is he talking about?" and understand-

dably so. Well, it turns out some town residents, for whatever reason, have been stealing pennies from the pool. I hate to state the obvious, or what is the obvious for most, but, long term financial planning aside, those who believe their fortune will be made this way better be believers in the second, third, fourth... life.

It's easy to joke about the mysterious disappearance of pennies from town property but this act of theft is a trivial example of the vandalism problem currently facing the entire town.

While some people may think, foolishly, they are getting rich by pulling off the big penny heist, the entire town is poorer as a result.

After hearing Halton Hills



## Ben's Banter

By Ben Dummett

Department of Recreation and Parks Director Tom Shepherd report last week that there have been more than 40 acts of vandalism to town property over the

last three months, town Mayor Russ Miller estimated the total is close to \$120,000 when the cost of man hours for repairs is included.

An exaggeration perhaps, but the fact is the cost of vandalism such as the \$3,000 damage that was recently done to a pay telephone located at the Georgetown fairgrounds ultimately costs town residents.

The mayor requested earlier this year that Mr. Shepard prepare the report to publicize the extent of vandalism in town as a way of informing the public about this serious and costly problem. Since everyone pays for vandalism it makes sense everyone would want to help solve the problem. There is only so much town staff and police

can do.

Halton Hills prides itself on being a community in the true sense of the word, well here's a chance to live up to this reputation.

The Mayor has suggested the town post signs throughout the community informing the public about who they can call if they witness an act of vandalism. This is a step in the right direction but for it to work, residents must cooperate.

Cooperation has its benefits: a financial reward for anyone who provides information that leads to the conviction of a vandal is the obvious benefit, but in the long run, a reduction of town expenses will mean less of a burden on the citizens come tax time.

## Guest Column

## Senate actions threaten Canadian system

By TOM RAMAUTARSINGH  
B.A., M.A., M.Ed.

The Canadian Constitution, called the British North America Act of 1867, was patriated from Westminster and became known as the Constitution Act of 1982.

To begin to understand the Senate some basic facts should be noted. The Senate is also called the Upper House, the Red Chamber (red decor), or as members of the House of Commons call it, "the other place." The Senate is based on the four regions of Canada - The West, Ontario, Quebec and the Maritimes, while the House of Commons is based on representation by population.

The British North America Act stipulates that each region will be accorded 24 seats. In 1867, Ontario, Quebec and the Maritimes (Nova Scotia 12 and New Brunswick 12) joined to form Canada with a 72 senate chamber. Later 24 seats were assigned to the West, 1 seat each to the Yukon and Northwest Territories and finally in 1949 when Newfoundland joined Canada it received 6 seats.

Today there are 104 seats in the Senate with the following breakdown - Maritimes 24 (Nova Scotia 10, New Brunswick 10 and PEI 4), Quebec 24, Ontario 24 and the West 24 (Manitoba 6, Saskatchewan 6, Alberta 6 and B.C. 6); Territories 2 and Newfoundland 6. According to Section 51, no province shall have less or more seats than it has in the House of Commons.

To become a senator, a person must be over 30 years of age but not more than 75 years, must have real property worth at least \$4,000, be a Canadian citizen, must reside in the province for which the person is appointed, must take the oath of allegiance and there are no education qualifications. After 1965, all senators have to resign at age 75.

Senators receive these fringe benefits - \$72,000 per year plus \$150

per day for showing up, free postage, free telephone calls, free transportation and parking, generous pensions, an office with secretary and the latest equipment, low cost meals in parliament's cafeterias, low cost hair cuts, shoe shines, long holidays, etc.

In order that legislation can become law it must pass the House of Commons (elected), the Senate (appointed) and then be signed by the Governor General (appointed). These three divisions make up parliament.

The composition of the Senate is as follows - Liberals 54, Conservatives 46, Independents 4, Reform Party 1 and Independent Liberal 1.

The dilemma we face today concerns the House of Commons with a majority of elected Conservatives, have passed a few legislations (bills) and these are held up by the appointed Liberal dominated Senate. The senators have vowed to defeat one of the Conservative's key pieces of legislation - the Goods and Services Tax (GST).

The senators can pass, amend, delay indefinitely, recommend alternatives or vote against any legislation passed by the House of Commons. The leader of the Liberal Party has requested the Liberal dominated senate to kill the GST bill.

In our system of democracy, the party which wins an election, especially with a majority of seats, is entrusted by the voters to carry out a programme during its mandate of 5 years. It is held accountable in a subsequent election for its action. Thus Prime Minister Mulroney and his Conservatives will have their day in court.

The Senate, since they are not elected, has no mandate to reverse or obstruct any bills dealing with the raising or spending of money. Senators are not dependent for their office on popular support and cannot claim to represent the will



Tom Ramautarsingh

of the electorate in any situation. All bills dealing with money are the sole prerogative of the elected House of Commons. If the Senate defeats the GST bill, this it has serious implications for our system where unelected, unaccountable senators can do as they please.

Senators who have been appointed over the years have been friends of prime ministers, workers and supporters of the party in power, previous candidates to have lost elections, members who have resigned from the House of Commons, members who have been sitting in the House and those safe seats are needed for chosen candidates and lastly, people with certain expertise.

Because of the action of the present senators, the Prime Minister has invoked Section 26 of our Constitution. In essence, it states that if at any time, on the recommendation of the Governor General, the Queen thinks fit to direct that 4 or 8 members be added to the Senate,

the Governor General may by action appoint 4 or 8 qualified persons (as the case may be) representing equally the four divisions (regions) of Canada and add to the Senate accordingly.

The Queen, it is said, should exercise the power only in the event of an "actual collision of opinion between the two Houses" and when the Senate could thwart and frustrate the government's ability to function and only when the expansion would "supply an adequate remedy."

Our present practice is that the Queen never becomes embroiled in Canada's affairs because Canada is a sovereign nation. She depends on her constitutional experts, on the advice of her representative and her chief minister before a decision is taken.

For Prime Minister Mulroney to get his programme on track he has invoked Section 26, followed the necessary procedures and has appointed 8 senators, which brings the total Conservative membership to 54.

These 8 additional appointments do not fall within the designated allotment. They are over and beyond the 96 regional senators which come from the provinces.

The Fathers of Confederation knew what they were doing when Section 26 was included in the BNA Act even if it took 123 years to use it. They could foresee an intransigent Senate.

The question of whether non-elected people can tell elected people what to do was settled in 1926 in what is known as the King-Byng Affair. In this case Prime Minister King (elected) called upon Governor General Byng to dissolve the House of Commons and call an election. Governor General Byng refused and appointed the Leader of the Opposition to form a government. Subsequently, an election was called and King campaigned as to who has the right to conduct

the affairs of the country, an appointed official or elected people. The electorate decided that the elected must take precedence over the appointed.

To compound the matter further the Liberal senators have shut down the Senate by walking out and letting the bells ring. The rules state that the whips from the Conservatives and the Liberals must meet in the Chamber for any legislation to be passed. If the Liberal senators stay away then all legislations for this period will be frozen indefinitely.

Taxpayers could well demand that if senators are not in the House for each day absent a deduction of their pay will result. Other questions could be put forward - Do we need an expensive Senate which is accountable to no one? Should we have an elected Senate which will be accountable to the electorate? Should senators have all these generous fringe benefits?

Senators MacEachen, Frith, Buckhold and others should ponder carefully as to their actions. The House of "sober second thought" should remember that they are unelected, not sovereign, not responsible or accountable to the electorate. It is the elected members who have the 5 year mandate and it is they who would be judged at the next election. Any senator who wishes to relinquish the safe, comfortable and generously paid senate seat should resign and run in the next election. No party in power can run this country by opinion polls or holding hearings across the country. The only poll is the poll on election day and that day will come sooner than the politicians think.

In the final analysis, we should not that a very dangerous precedent would be created if appointed senators are allowed to defeat money legislation passed by the duly elected representatives of the people.

## Personal bankruptcies soar to new heights

By PAUL BAGNELL  
Ottawa Bureau

Thomson News Service  
OTTAWA - Snowed under by debt, 18,359 Canadians opted for personal bankruptcy during the first six months of 1990 - up 32 per cent from the same period in 1989.

Another striking trend is the continuing climb in repeat personal bankruptcies - individuals claiming bankruptcy for at least the second time. Once virtually unheard of, these cases now account for one in 10 personal bankruptcies in Canada.

No one wants to see that change more than Walter Clare, Canada's new superintendent of bankruptcy.

Clare, who began working as a junior bankruptcy case worker in the early 1970s and was deputy superintendent for the past six

years, was named in early August to head a staff of 18 at the headquarters of the bankruptcy branch of the Department of Consumer and Corporate Affairs.

The branch operates 15 regional offices across the country, where bankruptcy applications are processed, trustees appointed and creditor meetings arranged.

"Ten years ago, a repeat bankruptcy was a thing of great concern in our office," says Clare, 44. So rare were such cases that officials would often suspect criminal activity as a possible cause.

"Five years ago, it started to become quite regular, to the extent that we began not looking at them so closely," he says. "Today, we routinely see it - we see third, fourth and, in some extreme cases,



## Paul Bagnell

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even fifth-time bankruptcies."

## CREDIT CARD DEBT

Credit card debts now account for about 80 per cent of the average bankrupt's debt load, Clare says, compared to only 10 per cent a decade ago.

"We typically will see seven, eight or nine credit cards involved in a bankruptcy. And often, we see more than one card from the same lender."

But blaming the credit industry for the distressing figures is too easy, he maintains.

Instead, the bankruptcy system itself may be failing to get many debtors to accept responsibility for their spending.

"Maybe we've allowed the system to become a bit too passive, a bit too supportive of the debtor's concerns. And the person who has not been well served because of that has been the debtor."

"What we have to look at is the effective use of sanctions."

The Bankruptcy Act enables courts to delay a debtor's eligibility for credit or order a prescribed

level of repayment to creditors. Clare wants to see the penalties used more often in the case of repeaters.

For two weeks each year, Clare leaves the branch's headquarters for one of the regional offices and deals face-to-face with debtors.

"I often know it's a good bankruptcy when I deal with an individual and I see the emotional reaction to it. You'll see the pain, the agony, the hurt. You don't like to see it, but you know when they look at it with that level of seriousness, they are going to benefit."

It's becoming clear many of the causes of bankruptcy are non-financial, and Clare says that fact has to be more widely understood.