

● (1500)

With regard to the question of the three days' debate, which is what Senator Roblin is concerned about, surely three days can be regarded as being adequate time for the house to consider the declaration of a national emergency, and that is what they would be considering under this particular provision. Senator Roblin suggests that there are other ways of dealing with this question, and he is, of course, referring to standing order 33, which provides for the motion of closure. He also realizes, I am sure, that that would provide a two-day period, which is shorter, in terms of parliamentary discussion, than the one that is built into the bill. In all probability, if a closure motion were brought in, which, as I said, would result in a two-day debate, it would be on procedural matters rather than on the substance of the declaration itself.

For those reasons, I believe that the provision in question here provides a degree of protection for Parliament. It provides Parliament with the opportunity to debate the issues inherent in, and the substance of, the national emergency itself.

**Senator Roblin:** Well, Madam Chairman, I appreciate the minister's explanation, but I cannot help observing that he was able to sit quietly in his seat for two-and-a-half years without any power of any kind to do these things. He was able to sit in his seat for two-and-a-half years and ignore the fact that we had an international obligation that we could not implement. All of a sudden, we are presented with this thing. I simply repeat my position, which is unchanged. I do not think that the incorporation in a bill of closure of this kind makes for desirable legislation. If you wished to debate closure in the house on the basis of the circumstances at the time, it might be perfectly legitimate to invoke foreclosure in those circumstances; but on this general power that is provided in this bill—and the minister has indicated his own view of how sweeping they are, with which I quite agree—the necessity of debate, in my opinion, is all the more important.

I would say, therefore, that this closure item should not be in the bill. If closure should be necessary for the reasons my friend states, he has his opportunity to have his day in Parliament to debate the matter on the merits at the time, and I think that that is the place to do it.

**Senator Phillips:** Honourable senators, before the Leader of the Government shouts "Question", and closes off the debate, I have a very important issue to raise.

Senator Roblin has already dealt with the provisions limiting the length of debate in the other place, but I very much resent the fact that the government is bringing in legislation to the effect that the Senate can debate the motion for only two days. The government is overriding our rules by legislation. I do not think that is proper. I suppose, however, that a government that has been in office as long as this one has, and is as arrogant as this government has been, is really not concerned with that issue.

I refer now specifically to subclause 11(10), which states:

An order made under subsection (1) is effective on the day that it is made but if the House of Commons nega-

[Mr. Gillespie.]

tives the motion that such an order be concurred in, the order is thereupon revoked.

I have certain quarrels with the word "negatives," but I will not go into that.

Honourable senators, the government has reverted to its old tactic, and is attempting to deprive the Senate of its constitutional authority to negate such a motion. I would like to know from the minister why this clause mentions only the House of Commons. I would point out that though the House of Commons can approve the motion, the Senate has the constitutional right to reject it.

This is very important to the senators opposite, because in a short while we will be changing positions. As Senator Riley mentioned the other day, I am getting tired of this light. After the next election I will be over there.

**Senator Marshall:** You prefer to sit in the dark.

**Senator Phillips:** Senator Marshall, I would never like to be in the same depth of darkness as the honourable senators opposite.

Let me get back to the point. I would like to hear from the minister as to why he, and the cabinet, considered that the Senate should not have their constitutional rights in this case. It is true that we can debate it in two days. You have directed that from on high, with a certain lack of wisdom, but why does the Senate have no say in this motion? We can debate it for two days, in the largesse of the government, in the really generous two days they have given us, and then we are told, in effect, "You shall vote on it at a certain time."

● (1510)

For some reason, nobody recognized that that vote should have had an effect on the motion. I want to hear from the minister. I am prepared to argue this from now until Doomsday, but I would accept a reasonable explanation and, in fact, I would like the honourable minister to rise in his seat and say it was an oversight, and amend it and correct it; and I will have nothing more to say.

**An Hon. Senator:** Hear, hear.

**Hon. Mr. Gillespie:** Senator, you raise an important point. I have looked at the transcript of your remarks yesterday, and it has just been pointed out to me that this is quite clearly an area of some concern, and perhaps of some uncertainty. I have not been able to get the advice of the law officers of the Crown on this issue yet, any more than you have, unless you have been able to reach them. I would submit to you that it is consistent with the bill which both the House of Commons and the Senate received and accepted the last time through. I have been advised that this is no different from the previous bill in this regard.

**Senator Phillips:** I am sorry, I guess my ears are not what they used to be; I have difficulty in hearing the minister. If it is not too much trouble, would he please repeat his answer?

**Hon. Mr. Gillespie:** Well, you asked a question in this chamber yesterday, and it was acknowledged as a good question, and I would also acknowledge it as a good question.