

NAYS

THE HONOURABLE SENATORS

Oliver	Spivak
Phillips	Sylvain
Poitras	Teed
Robertson	Tremblay
Roblin	Twinn
Rossiter	Waters—45
Simard	

ABSTENTIONS

THE HONOURABLE SENATORS

Ross—1

The Hon. the Speaker *pro tempore*: Let the doors be opened.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

POINT OF ORDER

Hon. Royce Frith (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. We have rejected the committee's report.

Hon. C. William Doody (Deputy Leader of the Government): We have not rejected the bill.

Senator Frith: You cannot pick and choose. You have refused the report. What has the Senate just voted on?

Senator Doody: We voted on a report.

Senator Frith: Yes, and what does that report say? It says:

Your Committee, to which was referred the Bill C-40... has, in obedience to the Order of Reference of Wednesday, December 19, 1990, examined the said Bill and now reports the same with the following amendments and observations:

Hon. Efstathios W. Barootes: We are defeating the amendments.

Senator Frith: You are defeating the report. Please reread the motion. Incidentally, Senator Macdonald is a bit mischievous here! What will happen the next time he stands up and moves a motion? Are we going to assume that he is throwing it in for some frivolous purpose and will then turn around and vote against his own motion?

Hon. John M. Macdonald: I had an obligation to present the report of the majority of the committee, which I did antiseptically, in a detached fashion.

● (1340)

Senator Frith: May I say you did have an alternative, sir. You could have said no, which is apparently how you felt.

[The Hon. the Speaker.]

Apparently, you were against this report. You cannot pick the part that you wish to defeat. The part that you have defeated is the report of the committee: that the bill be adopted with amendments. You cannot say, "I am voting for the part that says 'reporting the bill' but I am voting against the part that says 'with amendments'." It is one report, and that is what has been rejected. It would be quite out of order now to move to third reading. You cannot reverse that except if you have a two-thirds majority, and I doubt that.

Senator Olson: No, they do not.

Senator Frith: Of course, you can change the vote. That is possible. It would be in order to reverse the decision we just made with a two-thirds vote, but there is no authority for proceeding now with third reading on this report. The analogy of the GST, where a report was defeated, does not apply, because in the case of the GST vote the report of the committee said that the bill "shall not be proceeded with." The Senate defeated that recommendation, which, of course, means that the bill shall be proceeded with. In this case, what the Senate has done is to say to the committee, "You have, as we asked you to, reported the bill. You reported it with amendments. Therefore, you are telling us what we should do with the bill; in effect, give it third reading with these amendments." And the Senate has said no to that. That is the end of it.

Senator Doody: No, honourable senators. That is clearly not the end of it. The committee report was rejected. The bill now proceeds to third reading. It has been the standard procedure. It is what we have done on previous occasions and it is what we will continue to do. The committee's report was not accepted by the Senate, so we go to third reading and vote on the bill. If the Senate does not want to approve it at third reading, it will be defeated at third reading.

Senator MacEachen: But the bill has not been reported.

Senator Doody: But, certainly, the committee report has no bearing on the ultimate fate of the bill itself.

Senator Frith: Honourable senators, on this so-called standard procedure, I challenge any senator—and I will be convinced if I can be shown or if the Speaker makes a ruling, which I ask for now—to show me a case in which a committee has reported a bill with amendments, in which the Senate has rejected that report and in which we then proceeded to third reading. All this vote was about was to reject the report. The motion was for the adoption of the report and the Senate has said, "No, we will not adopt that report." That is the stage that goes before third reading, but it must be adopted or, as in the case of the GST, rejected outright. If there is a case in the Senate in which a committee has reported a bill with amendments, and in which a motion was made to adopt the report, obviously including the amendments, and in which it has been rejected and we have then proceeded to third reading, I should like to see it.

The Hon. the Speaker *pro tempore*: If there is no further discussion on the point, I will reserve my judgment on the