

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen.

● (1500)

Hon. John Lynch-Staunton (Deputy Leader of the Government): Honourable senators, pursuant to the *Rules of the Senate*, I move that the vote be deferred until Tuesday next at 5.30 p.m.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

Hon. Gildas L. Molgat (Deputy Leader of the Opposition): Honourable senators, do the rules provide for deferring the vote until next Tuesday?

Senator Lynch-Staunton: The rule states, "...until the next sitting of the Senate...", which in this case is Tuesday.

Senator Frith: Except that the adjournment motion has not yet been passed.

Senator Lynch-Staunton: Yes, it has.

Senator Frith: The motion that has been passed is that when we adjourn today, we shall adjourn until Tuesday, September 29, 1992 at two o'clock in the afternoon. The actual adjournment motion has not been made. You will make that at the end of the sitting.

Senator Lynch-Staunton: No, I made the motion.

Senator Frith: No, you did not. The motion you made was that when we adjourn today, we shall adjourn to September 29. The adjournment motion is made when you stand up at the end of the sitting and say, "I move that the Senate do now adjourn." A motion stating that we are adjourning until —

Senator Murray: When we adjourn, or simply rise at 12 midnight, we will have adjourned.

CONTRAVENTIONS BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming the debate on the motion of the Honourable Senator Nurgitz, seconded by the Honourable Senator MacDonald (*Halifax*), for the third reading of Bill C-46, An Act respecting contraventions of federal enactments.

And on the motion in amendment of the Honourable Senator Bonnell, seconded by the Honourable Senator Hébert, that the Bill be not now read a third time but that it be referred back to the Committee for further study.

Hon. Lowell Murray (Leader of the Government in the Senate): Honourable senators, I am sorry our friend Senator Bonnell, who presented this amendment yesterday, is not in his seat at the moment. I will have to oppose his amendment

and to make some comments on it. Those comments, I think, will not be terribly contentious.

The amendment that Senator Bonnell proposed yesterday states, in part:

... the Bill be not now read a third time but that it be referred back to the Committee for further study.

There is plenty of precedent for this kind of amendment at third reading, and thus the proposed amendment is perfectly in order. Having said that, however, I want to suggest to honourable senators that there is a sense in which the amendment proposed by Senator Bonnell is rather irregular.

In his brief remarks before proposing the amendment, Senator Bonnell explained that he wanted to send the bill back to the Standing Senate Committee on Legal and Constitutional Affairs so that the committee could consider inviting representatives of provincial and territorial governments to appear before that committee to give their views on the bill.

However, I find that this very matter had already been considered by the committee at its meeting of September 22 — indeed, on a motion put by Senator Bonnell — and that the committee had rejected that motion.

Further, unless I am mistaken, the committee had unanimously agreed to report the bill without amendment. I therefore find it a bit irregular that Senator Bonnell would return to the charge again when the bill arrived here for third reading and attempt to send the bill back so that the committee could consider something that it had already considered and resolved at a previous meeting.

I underline this because the particular course that he wanted the committee to consider, that is, inviting representatives of territorial and provincial governments to appear before the committee to give their views on the bill, is covered in Appendix I of the *Rules of the Senate*, which states:

That, whenever a bill or the subject-matter of a bill is being considered by a committee of the Senate in which, in the opinion of the committee, a province or territory has a special interest, alone or with other provinces or territories, then, as a general policy, the government of that province or territory or such other provinces or territories should, where practicable, be invited by the committee to make written or verbal representations to the committee, and any province or territory that replies in the affirmative should be given reasonable opportunity to do so.

Appendix I of the Rules of the Senate makes it quite clear that it is the opinion of the committee that determines the decision whether provincial and territorial governments should be contacted on a particular matter. As I say, the Standing Senate Committee on Legal and Constitutional Affairs had already expressed its opinion on that matter on Tuesday, September 22.

Senator Frith: In a report to the Senate?