

THE SENATE

Wednesday, November 7, 1990

The Senate met at 2.00 p.m., the Speaker in the Chair.
Prayers.

ABORTION

REQUEST FOR BALANCED IN-DEPTH STUDY OF BILL C-43 BY
LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—
QUESTION OF PRIVILEGE—DEBATE ADJOURNED

Hon. Stanley Haidasz: Honourable senators, I rise on a question of privilege. This is the first opportunity I have had to raise this question of privilege.

On October 25, 1990, I gave notice in this chamber that I would like to move an urgent motion having to do with the study of a most important bill, Bill C-43, which deals with abortion. However, the current rules with regard to debate on third reading of Bill C-62 prevent me from now getting to my motion, which is Motion No. 3, the last item of business under Motions.

The work of the Legal and Constitutional Affairs committee has already begun. The way it is unfolding has given me some concern, as well as disappointment and frustration. On June 26 there was final debate on second reading of Bill C-43. The bill's sponsor, Senator Doody, spoke of referring the bill to committee. What he said is recorded in *Hansard* at page 2154. He said:

I should stress again that this is not the last time honourable senators will have an opportunity to speak on this . . . and I underline these few words,

. . . enormously important bill. We simply ask at this time that it be referred to committee for study and for consideration.

Honourable senators, I note that Bill C-43 is acknowledged to be an enormously important bill and that correspondingly it is referred for study and consideration.

Prior to this speech by Senator Doody, I had spoken to second reading of Bill C-43 on the serious flaws and the current wording and design of this important bill. Senator Doody went on to say:

I am sure that many of the points raised by Senator Haidasz this evening will be reviewed at that time.

He meant in committee. He continued:

At third reading stage the concerns that many senators have may be addressed again.

Although Senator Doody did not say it, I am sure he allowed for the additional treatment this "enormously important bill" ought to receive also at the committee's report stage.

Immediately following these remarks by Senator Doody, Senator Frith, on the motion to refer the bill to committee, said:

. . . I think it is worth noting that Senator Haidasz has provided a very detailed critique of the bill, which, if I heard him correctly, contains some 14 flaws. I refer them to the committee for particular study.

Honourable senators, it is the understanding in this house that the work of a permanent standing committee is serious business.

Committees act as an arm of the house, undertaking to study a bill clause by clause or even word by word, identifying any weaknesses and proposing such amendments as may render the bill acceptable to good legislative sense. By third reading of a bill, our rules and practice foresee that we in this house will derive informed debate from the process already achieved in committee, where legislation is supposed to be thoroughly appraised and sometimes, after much effort, proposed for amendment. The debate in this house at third reading of a bill may, of course, reconsider matters dealt with, though incompletely, at second reading. In Appendix 1 of the current *Rules of the Senate* at page 64 we find:

In general, the same kinds of amendment may be moved on third reading as may be moved on second reading . . .

The text goes on to say:

. . . the Senate has exercised flexibility in this regard.

Many examples can be taken from the *Journals*, where at third reading a matter was added to the objects of a bill.

It is clear, therefore, that by the time a bill is given third reading a member of the house is sufficiently apprised of the nature and ramifications of the bill so as to debate proposed amendments or knowledgeably propose others.

Knowledgeable preparation of honourable senators can only be the result of the painstaking work at committee stage, rendered to the whole house at report stage. Nothing else lies between the cursory debate at second reading and the commencement of debate at third reading. This reveals the mandated thoroughness that is the responsibility of any select committee. The learned editor, Sir Charles Gordon, in the twentieth edition of Erskine May's treatise on Parliamentary Practice, at page 527, states as follows:

The various stages through which a bill progresses are intended by the practice of Parliament to provide so many opportunities, not only for consideration, but also for reconsideration.