

Senator Molgat: We are then putting ourselves in the hands of another body to determine what we are doing here. That is very bad.

That is why some years ago, when the House of Commons proposed there should be a joint management committee for the bill, we discussed it in the rules committee. It was unanimous that if we were to join that kind of committee, it had to be on an equal basis. That was when the Liberals had the majority. Otherwise, the House of Commons would run everything and we would be their pawns.

We have to stop and seriously think each time we agree to enter into a joint committee about what it is we are doing to this institution; how we have to ensure that we protect the integrity and independence of this Senate.

I am prepared to agree with the proposal, but let us be careful where we go in the future on any kind of joint committee. We can be sure of one thing: The House of Commons would never agree to a committee considering privileges dominated by the senators.

Hon. Roch Bolduc: In reality, that has not been my experience. The Scrutiny of Regulations Committee is driven by the Senate.

Senator Molgat: Yes, in practical terms it is driven by the Senate.

Senator Frith: But that does not affect privileges, and so on.

Senator Molgat: The reason why that committee is driven by the Senate is that the senators are consistent in their presence. In fact, those of you who have had experience with joint committees will agree that generally, the Senate has more of an input in joint committees than the House of Commons because senators consistently attend. In committees it is not the individuals who appear once every now and then who are the people who do the work of the committee; it is done by those who are regulars. That is where the Joint Committee on the Scrutiny of Regulations has a great advantage. It does not impact on the House of Commons or affect what they do, but it does have an impact over all the regulations.

I am prepared to proceed with this committee, but I trust that when we are discussing any joint committees in the future, we will be careful before we simply accept what the House of Commons wants.

Hon. Hartland de M. Molson: Will Senator Molgat accept a question?

Senator Molgat: Certainly.

Senator Molson: In a joint committee such as this, what is the validity of the report when it is made with a minority Senate presence on the committee making the report? Would

that not be a situation that might present considerable difficulties for the Senate?

Senator Molgat: Senator Molson, you mean if the proposed joint committee were to come out with a minority report?

Senator Molson: No, with a report in which the committee was composed naturally of a great number of members of the House of Commons. The report then comes out, but the committee would have been made up of a minority of the Senate and a majority of the House of Commons. When a report is made, what weight does that carry from the point of view of the Senate and the House of Commons?

Senator Molgat: That is an interesting concept, Senator Molson. I should ask you the question as an ex-president of the rules committee yourself.

Depending on what kind of report, neither house has to accept the report of a committee. The report of a committee is simply what the committee thinks. Both houses can reject it or one house can reject it and the other can accept it. It would be an interesting situation. Neither house is bound by the report of a committee. I presume that is how they would get out of it.

Senator Lynch-Staunton: Might I just assure Senator Molgat and colleagues that, no matter the tenor of the joint committee's report, there is no question that the bill, once it arrives here, will go through exactly the same procedures and stages as if there had been no report whatsoever, or a giant committee created.

Senator Molgat: Thank you.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Doyle:

THAT the Senate do unite with the House of Commons in the appointment of a Special Joint Committee —

Senator Molgat: Dispense!

The Hon. the Speaker pro tempore: Dispense?

Is it your pleasure, honourable senators to adopt the motion? Will those honourable senators in favour of the motion please say "yea"?

Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will those honourable senators against the motion please say "nay"?

Hon. Senators: Nay.

In my opinion, the "yeas" have it.

Senator Molgat: On division.

Motion agreed to, on division.