

matter? The subject has been before the house and it has been decided by the house. If we have to rescind ourselves in one session, is it in order for us to do so, or does one say that if there is unanimous consent we can do anything? I would appreciate hearing the opinion of others on this subject.

Senator Frith: We should remember that all that was turned down was leave. The motion was not dealt with. Therefore we are not dealing with the subject that was properly raised by Senator Roblin, namely, the problem of re-introducing a motion. Since leave was not granted, the matter would have been dealt with at the next sitting, because it would appear on the Order Paper under "Motions". I believe that clearly we can now revert to Notices of Motions and reconsider the question of leave with unanimous consent. If unanimous consent is given, we would be entitled to deal with the motion now.

[*Translation*]

Hon. Martial Asselin: Honourable senators, the problem concerning our rules is that we, on this side, believe that the matter has been decided by this house and that we cannot vote twice on the same subject during the same sitting.

Senator Frith: It is only a question of leave.

Senator Asselin: It is much more than that. The Speaker asked whether there was leave to move the motion. The Senate then decided not to give leave. The question was therefore settled at that time. I am sorry, but we cannot during the same sitting come back to a motion which has already been decided by the house.

Unfortunately, we shall have to wait until our next sitting to put the motion because a decision has already been made. If my honourable friend wants to refer to the various paragraphs of Rule 49, he will see that once a decision has been made, it is impossible to come back to the same motion during the same sitting.

I would like the opinion of the Speaker on this matter, but I believe that this is what is stated in our rules.

Senator Frith: Honourable senators, I believe that the difference lies in the fact that there was no decision, but simply a refusal to grant leave. That is not a decision. I also believe that we could, with unanimous consent, do it this way even if a vote had been taken. However, this was not the case.

Senator Asselin: I believe, Mr. Speaker, that once the Senate has made a decision, it is the same as taking a vote. Whether it is called a vote or something else, a decision has been made. Unfortunately, this decision was made on division.

As long as the motion is not deferred to a subsequent sitting, I do not think that we are authorized to come back to a motion during one sitting.

The Hon. the Speaker: Honourable senators, unless we want to have a procedural debate, let us say that there was no discussion or decision on the motion itself.

[*English*]

The question on the motion has not been put. We are dealing with whether or not leave is granted. If I have the

[Senator Roblin.]

unanimous consent of the house to come back and determine whether leave is granted, that is different from the motion being defeated. My decision is that if honourable senators wish to revert to determining whether leave is granted, then I will accept their wishes; and if there is objection to that proposal, I will accept it as well.

So, honourable senators, is leave granted?

Senator Asselin: What do you say, Senator Riley?

Hon. Daniel Riley: If leave means that there will be an opportunity to discuss the motion, then I have no objection to granting leave.

Senator Roblin: That is what it means.

The Hon. the Speaker: It could not mean anything else.

Is leave granted?

Hon. Senators: Agreed.

Senator Frith: Honourable senators, I have said everything I wish to say as mover of the motion. I believe that Senator Riley wishes to speak now.

[*Translation*]

Senator Asselin: Honourable senators, if Senator Riley cannot deliver, I should say our group had no intention of opposing its introduction today, on the contrary. This had already been discussed with our colleagues on the Committee. There has been too much work, effort and dedication by some Senators on the Committee for us to oppose the re-establishment of the Committee as provided for in this motion.

We had a few comments to make. I broached the subject when the Committee met this morning, and other Senators, including Senator Leblanc, Senator Tremblay, and Senator Doody discussed the matter also. It is our view that it is somehow rash for the Steering Committee to suggest that we could conclude our work by January 31st. Since its appointment in April, the Committee has met for days on end. It has travelled all across Canada hearing a considerable number of witnesses. We had only started working on a first draft of a report.

As it was indicated this morning by some Senators, with all the good will in the world we could not sit 24 hours a day and produce a document that would not reflect the views of the Senators on this Committee. We need more time and further consideration and discussion. Before we submit a final text, the Committee members will have to meet several times in order to submit, if not a majority report, at least a report that would stand on its feet.

Therefore, we on this side of this House suggest that the Chairman or Co-chairmen of this Committee should come back before both Houses and ask for a further extension. We were given to understand at the meeting this morning that the Government was hoping to have the findings of that Committee for the constitutional meeting to be held next March.

But the members of the Committee are not concerned about that matter being put on the agenda of the First Ministers' Conference next March. That is not our responsibility. The