

I wish to remind honourable senators that there exists a three-stage procedure. The establishment of the special joint committee is the first stage. The second stage is the consideration of the proposed resolution by the special joint committee, which is the stage we are at now; and the third stage is the review and, if considered appropriate, approval of the work of the joint committee by both houses.

There is a possible fourth stage where the government might introduce a final resolution for a Joint Address. However, that depends very much on the report of the special joint committee and the subsequent consideration of its report by both the House of Commons and the Senate.

If there is a motion to return the report to the committee recommending certain amendments, it would have to be approved by both houses, of course, whether it originated in the Senate or in the other place.

The terms of reference of the special joint committee specify that it submit a report, not that it report "from time to time." It would, however, be possible for the special joint committee in its report to request an extension of its mandate. This, of course, would have to be approved by both houses.

To answer a question put by Senator Everett, the formulation of the resolution for a Joint Address will depend a great deal on the recommendations contained in the report of the special joint committee.

To Senator Smith's question as to whether it is necessary to have a resolution for a Joint Address carried by the Senate to that effect, I would reply that, of course, it is necessary, but that final resolution need not necessarily be moved by a separate motion. This, again, depends a great deal on the nature of the report of the special joint committee.

Hon. Jacques Flynn (Leader of the Opposition): Is this reply based on the rules of the House of Commons, the rules of the Senate, or on no rules at all, but merely on practice and custom?

Senator Frith: My understanding, honourable senators, is that this answer is based on the rules and practices of this chamber.

Hon. Allister Grosart: As I asked the original question, perhaps I should now ask a supplementary. Would the deputy leader not agree that he has skipped one very important stage in his outline of the three stages? Surely the stages are: the establishment of the committee; the consideration by the committee; the report of the committee, which is entirely separate from what he calls the third stage; and then the consideration of the report in the Senate. One obvious reason for this is that the committee might not report the reference at all. Therefore, I feel that the stages, as he gives them to us, are inadequate and form part of the confusion that is obviously in his mind.

The deputy leader has said that the decision as to whether there will be a resolution passed for a Joint Address to Her Majesty depends on the report of the committee. Of course, it does not. It does not matter what the committee reports because it can only recommend to the Senate what the Senate should do. It cannot be regarded as, or even deemed to be, a

decision of the Parliament of Canada to send a Joint Address to Her Majesty. All the committee can do is say to the Senate, "This is what you *should* do." Surely the deputy leader will agree that at some point subsequent to discussion—no matter what results from the discussion of the report and whether it is sent back—the Parliament of Canada must decide to do something. Surely it will not be sufficient for the Parliament of Canada to say, "All right, go ahead; we are not going to pass any resolution; we merely say to Her Majesty, 'By the way, one of our committees brought in a report and the Parliament of Canada has agreed with it.'"

Surely the deputy leader would agree that there must be a fifth or even a sixth stage when the Parliament of Canada says, "We will do what the committee recommended," or "We will not do what the committee recommended." Would he not agree that there must be that stage which is completely separate and subsequent to whatever disposition is made of the report of the joint committee?

Senator Frith: Honourable senators, of course, Senator Grosart is quite right that there is a stage which I think is implied in the answer. If this was not perfectly clear, I am glad that he has given me an opportunity to clarify my answer.

● (1500)

Of course, there is the stage of report. I agree with Senator Grosart that perhaps the words used here are ambiguous or could give rise to misunderstanding. The words used were "approval of the work" and I think it would have been better to use the words "consideration of the report." He is quite right in underlining that that would be the better way to describe it, although it was included in the language used.

On the second point as to whether it depends on the report of the committee whether there is a resolution, perhaps I ought to have given Senator Grosart a copy of this statement because it is sometimes hard to follow the context of an expression when it is just being given one time orally. What the statement said depended very much on the report of the special joint committee as the possible fourth stage—that is, a separate final resolution being introduced. If the impression was created that the Senate could not make such a move and could not present such a resolution except with the permission of the committee, I entirely agree with him there. Of course, that is not correct.

With reference to the third part of his question—that is, whether there must be an entirely separate stage—I cannot agree that that is so. I would be interested in exploring that possibility, and perhaps we are just at odds in the matter of terminology. If he means that a Joint Address must have the assent of the Senate, and in some form, consistent with the rules of the Senate, it must be clear that the Senate has resolved that such an Address go forward, then I agree with him on that also.

Senator Flynn: Does the deputy leader agree, whatever his statement might mean in practice, that it does not bind the Senate or the Speaker? I have another question. Does he not