

THAT the House of Commons Order for resuming second reading of Bill C-116 be amended by having the Bill referred to the Special Joint Committee rather than a Legislative Committee in the Departmental envelope;

THAT the said Special Joint Committee be composed of fourteen members of the House of Commons, and seven members of the Senate;

THAT, notwithstanding Rule 86(1)(b), the Members to act on behalf of the Senate on the Special Joint Committee be the Honourable Senators Balfour, De Bané, Grimard, Kelleher, Oliver, Olson, and Stanbury;

THAT the said Special Joint Committee have power to sit during sittings and adjournments of the Senate, to send for persons, papers and records, to examine witnesses and to print such papers and evidence from day to day as may be ordered by the Committee;

THAT the quorum of the Committee be a majority of members, whenever a vote, resolution, or other decision is taken, so long as both Houses are represented; and

THAT a message be sent to the House of Commons to acquaint that House accordingly.

He said: Honourable senators will recall that in December 1991, we agreed to join with the House of Commons to appoint a special joint committee on the subject matter of Bill C-43, which was a conflict of interest bill. The report was tabled in both houses in June. In this house, both Senator Stanbury and Senator Grimard spoke to the report in the same month.

Following the receipt of the report and other discussions, the government decided to reintroduce the subject matter under Bill C-116, the bill having been subsubstantively changed from Bill C-43.

The House of Commons has now asked us, through this message, to recreate the joint committee in order to give it an opportunity, with the experience it gained from its previous hearings, to study Bill C-116.

Senator Stanbury was the co-chairman of this first committee. I was not able to reach him, but I spoke to his office today. I understand from a staff member that he is in full agreement with this procedure.

Based on that and on the importance of this bill, I wish to secure the agreement of the house to this motion.

Hon. Gildas L. Molgat (Deputy Leader of the Opposition): Honourable senators, the proposal is a rather

new departure from the way we have operated, where the House of Commons would be giving second reading of a bill and referring it to a joint committee. I do not know if that has happened before.

In view of the fact that we did establish this committee some time ago and it did a study, I see no reason why we could not do the same thing, but I would have some very definite provisos or caveats on the matter.

This house could only accept that type of committee on the condition that when the bill eventually comes here from the House of Commons, the Senate would not be prevented from having a committee of its own study the bill. If we were not to do that, we would leave ourselves in a difficult position. We would be in a situation where this joint committee, where we are numerically inferior, would have made the decisions for the House of Commons and then imposed them on us.

• (1710)

This house could go along with that proposal on the clear condition that when the bill does come to the Senate, it will go through the normal procedures in the Senate, be referred to a Senate committee so we can have a look at it from the standpoint of the Senate and then decide what we want to do. If we were not to do that, we would be putting ourselves in a dangerous position for the future.

I am prepared to accept the proposal on that clear condition: There will be no limitations when the bill returns to us, nor will there be limitations on having our committee study it, having witnesses appear before the committee and doing whatever the Senate decides it wants to do with the bill. We must remain masters of our own operations.

I want to go further. In a sense I am retracing ground that I have previously covered. In the Senate we have to consider seriously any joint committees that we agree to do with the House of Commons. We have to look on this body as a separate, independent body. That is how it is in the Constitution. We did not decide that. The Constitution established that this is a separate, independent house that is master of its own rules and affairs. If we are to perform our proper role, we have to insist on that independence.

When we enter into joint committees there is a grave risk for the Senate. If we are dealing with joint committees on things like statutory regulations or studying legislation, having the normal ratio that we used in the past may not be so bad. However, whenever we have a committee that deals with either the management of this house or the other house, the privileges of this house or the other house, anything touching upon how we conduct our affairs, it is not proper to have a committee that is not equal in numbers.

Senator Frith: Equal impact; equal representation.