

completed. The committee's advice is before us. Its function is completed. The procedure of Parliament is respected. The report of the committee is before us, and we have been asked to concur in it. My honourable friend says that if we reject the committee's report, it means we have not had the committee stage. That is what he said. He said that if we reject the committee's report, we have not had the committee stage. He cannot mean that. Now he is going to tell us something else, because I see it in his face.

Senator MacEachen: No, we have had the committee stage. However, it is not a valid stage unless the report of the committee stage is received by the Senate.

Senator Murray: Adopted, you mean.

Senator MacEachen: If it is not received and adopted by the Senate, that committee stage has not been completed. That is my point. I shall not argue it further today, because I have another point to make. I was drawn into this debate quite by accident, and I do not want to pursue it. However, let me tell you that the citations made by Senator Murray reveal more difficulties than they solve.

Senator Roblin: Honourable senators, my honourable friend is taking the position that unless the Senate approves the report, we have not received it. That is not the case. Obviously, it is not the case. The committee's function has been completed, the committee is discharged, and the Senate has been confronted with a resolution to debate the committee's report, and we have done so. The honourable senator says that if we do not want to receive the report, the committee stage has not been completed. I cannot agree with that point. Whether we accept or reject the report the committee stage has been completed.

I shall not go on with this argument, because we are not here this afternoon for that purpose, but I do want to make it clear that I do not accept my honourable friend's description of the correct parliamentary attitude toward this matter.

Senator MacEachen: That is all right, if you don't accept it. We can argue it again some other time.

Senator Murray: Honourable senators, I agree with Senator Roblin. I do not accept the honourable Leader of the Opposition's interpretation of the situation. How can the Senate, as such, reject amendments that are proposed in a report coming from a committee? How can we do that at the report stage, if my honourable friend is suggesting that to do so means that we must vote against or kill the whole bill?

Senator MacEachen: I never said that.

Senator Murray: Well, I think that is the implication of what the Leader of the Opposition has said.

Senator Argue: Let's go to another item.

Senator Murray: Senator Argue wants to go to another item.

Senator Frith: Like the one that is before us, for example.

[Senator Roblin.]

Senator Murray: —but I will say that I do not understand how the Leader of the Opposition can dismiss these precedents as quickly as he does by saying that they raise more difficulties than they solve. The August 3, 1977, situation in particular is almost exactly similar to the situation we face today. A committee brought in a report on a bill. A senator moved to amend that report. That proposed amendment was defeated. Then the Senate voted on the main motion, which was to adopt the report. The Senate defeated the report from Senator Argue's committee, whereupon a supporter of the government, the Honourable Senator Olson, moved that the bill be placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1240)

He did not ask for leave. Apparently, he did not need leave, nor was it necessary in one of the other two cases I have cited. He moved that it be placed on the Orders of the Day for third reading at the next sitting of the Senate. The question being put on the motion, it was resolved in the affirmative.

I will leave it at that for the moment, except to say that I do not think we can leave it there. The honourable senator who is chairman of the Rules Committee should take this under advisement, perhaps on his own initiative, or, if he requires a motion at some future date, we can produce a reference for him. This kind of problem should be settled and defined in our rules once and for all, because there is clearly a difference of opinion between us on the matter which I would not like to continue unresolved.

Senator Frith: Meanwhile, back to the business before us.

The Hon. the Speaker pro tempore: Honourable senators, there are two motions before the Senate. There is a main motion and a motion in amendment by Senator Flynn. Is it your pleasure to adopt Senator Flynn's motion in amendment?

Senator MacEachen: Honourable senators, I regret that I am obligated to make a comment or two on the substance of this motion. I want to remind honourable senators that yesterday we had a division on the question of the amendments which were made by the committee. The Senate, of course, accepted those amendments. Today we are being asked to deal with the same proposition. We had reached a conclusion yesterday, and today we are being asked to reverse that conclusion.

On an earlier occasion, when we dealt with the Parole Bill, that same point was made by Senator Frith. In that instance His Honour gave his opinion and ruled that the amendment was in order. Senator Frith then expressed the view that, although he was not going to appeal His Honour's ruling, we on this side did not regard the situation as acceptable. I presume that the Chair, if pressed to make a ruling, would be consistent and reach the same conclusion as it did in a situation which was, if not identical, quite similar.

There is a further point with respect to this amendment, honourable senators. It asks us to amend the amended bill by deleting all the amendments which were approved yesterday. That is one aspect of the amendment which I am not contest-