

Hon. Mr. Connolly (Ottawa West): Perhaps we had better wait until later to ask our questions.

Hon. Mr. Hayden: It is just that we are anticipating what the act does or does not, and the fact is that it does not follow any logical pattern.

Hon. Mr. Connolly (Ottawa West): What is new about that?

(Debate continued at p. 1597)

PRIVATE BILL

BOY SCOUTS OF CANADA—REFERENCE TO COMMITTEE—PRIVILEGE

Hon. Arthur W. Roebuck: Mr. Speaker, and honourable Senator Hayden, may I interrupt for a moment? You may recollect that I said I would call a meeting of the committee on Legal and Constitutional Affairs tomorrow morning to deal with Bill S-39. We left it with the intention of doing that. It is now almost five o'clock and, unless I interrupt now, I will lose my staff—they leave at five o'clock.

Your Honour, Rule 119 of the Rules of the Senate of Canada states the following:

No Committee on any Private Bill originating in the Senate (of which notice is required to be given), is to consider the same until after one week's notice of the sitting of such Committee has been posted up in the lobby; nor, in the case of any such Bill originating in the House of Commons, until after twenty-four hours' like notice.

Accordingly, I cannot call the committee together unless the Senate waives that particular rule.

Hon. Mr. Choquette: We waived Rule 119 earlier today. The motion was put and was agreed to unanimously.

Hon. Mr. Roebuck: That motion was with regard to the reference of the bill to the committee. I am now speaking of the meeting of the committee itself.

Hon. Mr. Flynn: With all respect, honourable senator, the two motions were put together and that is the reason for the confusion. The motion to refer the bill to the committee was moved after we had waived the reference motion.

Hon. Mr. Choquette: Yes, we waived the rule.

Hon. Mr. Flynn: We received dispensation from the rule.

Hon. Mr. Roebuck: As to reference to the committee, that was clear. But this rule says that no committee on a private bill is to consider the same—

The Hon. the Speaker: If the honourable Senator Roebuck will permit me to intervene, may I say that I was hoping this matter would not be revived? I made it very clear that the provisions of Rule 119 had to be suspended before the bill could be referred to the Standing Senate Committee on Legal and Constitutional Affairs. We encountered some difficulties because this required unanimous consent. At first there was not unanimous consent. I put the question again and I thought, after the intervention of the Leader of the Opposition, that we had unanimous consent.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Hollett: Excuse me, Your Honour, but may I say a word? Honourable senators, his Honour the Speaker said that he "thought" he had unanimous consent. I insist that he had not unanimous consent. In that connection may I read to you Rule 30 of the Rules of the Senate of Canada:

No motion to suspend any rule or standing order, or any part of a rule, or order, may be made, except on one day's notice, specifying the rule or order or part thereof proposed to be suspended, and the purpose of such suspension.

Any rule or order, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated.

Under Rule 30, therefore, we cannot do anything about this until tomorrow.

Hon. Mr. Flynn: May I say that it was my understanding that Senator Hollett, although having said "no" the first time, did not persist in saying no, but in fact gave his consent. Is he now saying that he did not give consent?

Hon. Mr. Hollett: I said "no" the second time.

Hon. Mr. Flynn: In that case there is nothing we can do. That disposes of the matter. There is no doubt about it.

The Hon. the Speaker: I must point out that when the honourable Senator Lamontagne asked for the suspension of Rule 119 and said, "with leave of the Senate," I then