

Senator Stewart: Honourable senators, I think Senator Flynn misunderstands what Erskine May is saying. Let me read what is said with regard to mandatory instructions. *May's* holds that an instruction must be given after second reading:

This form of instruction may be moved at the conclusion of the second reading, to which assent may have been given with the knowledge that such an instruction would be moved.

Therefore, an instruction to a committee is moved after the second reading has been voted on by the house, and that is the time at which it should be moved, on the basis of common sense.

Hon. Gildas L. Molgat: Honourable senators, while *Beauchesne's* is not always crystal clear, in this case it is very direct. I refer to the Fifth Edition, page 230, where, under "Proceedings on Public Bills", "Admissible Instructions", citation 761.(2) states:

Division of bill—An Instruction is required to enable a committee to divide a bill into two or more bills, but such an Instruction is in order only if the bill is drafted into two or more distinct parts or else comprising more than one subject matter . . .

Honourable senators, this bill is clearly divided into two parts.

Turning to the previous page, citation 759.(1) states:

The time for moving an Instruction is immediately after the committal of the bill . . .

In other words, after the bill has been committed—

Senator Flynn: It is too late now. The bill has been referred to the committee.

Senator Molgat: That is what has to be done. The "committal of the bill" means second reading. This citation states:

The time for moving an Instruction is immediately after the committal of the bill, or, subsequently, as an independent motion. The Instruction should not be given while the bill is still in the possession of the House, but rather after it has come into the possession of the committee.

Could there be anything clearer in English than that instruction?

The Hon. the Acting Speaker: Honourable senators, Senator Flynn has asked the Chair to rule on the acceptability of this motion. I will consider the point raised by Senator Flynn and that raised by Senator MacEachen and will rule later.

Senator MacEachen: Honourable senators, are we to take it that we will get the ruling tomorrow, or will we return this evening for it?

The Hon. the Acting Speaker: The ruling will not be given tonight; it will be given tomorrow.

The Senate adjourned until tomorrow at 2 p.m.