

NAYS

THE HONOURABLE SENATORS

Nil

ABSTENTIONS

THE HONOURABLE SENATORS

Atkins	MacDonald
Balfour	(<i>Halifax</i>)
Bélisle	Macquarrie
Bielish	Marshall
Cochrane	Muir
Cogger	Murray
David	Phillips
Doody	Rossiter
Doyle	Simard—19.
Flynn	
Macdonald	
(<i>Cape Breton</i>)	

● (1400)

Hon. Gildas L. Molgat: Honourable senators, I do not expect His Honour to decide now on the question I am about to raise, but I think this should be considered by the Senate. The Senate should give consideration to whether it is proper for a senator to move a motion and then abstain from voting, which I think would invalidate the motion in the first instance.

I do not ask for a decision now, but I ask that this point be considered seriously, as it affects the procedures of the Senate. I cannot understand how a senator can move a motion, have the motion seconded, and then abstain from voting on the motion.

Senator Murray: Honourable senators, unlike the House of Commons, there is provision in the rules of the Senate for honourable senators to abstain from voting in certain circumstances. The rules also provide that honourable senators may make a brief explanation of their reasons for abstaining.

Hon. Peter Bosa: Honourable senators, on a point of order: That rule is no longer in effect. The rule was amended, and a senator does not now have to explain why he is abstaining from voting.

Senator Murray: Honourable senators, if my honourable friend is correct, then I regret that I misunderstood the rule, but there is certainly a rule that enables honourable senators to abstain from voting. Indeed, the Speaker calls for abstentions after he calls for the yeas and nays on votes in the Senate.

With the indulgence of the Senate, I will simply state that the Senate should not be surprised, in view of the statement I made yesterday and again today, at the attitude of my colleagues and myself to this bill, as amended.

We have opposed the amendments that the majority in the Senate have attached to this bill, and therefore we are opposed to the bill, as amended. Nevertheless, the appropriate course is

[The Hon. the Speaker.]

to let the bill emerge from the Senate so that the House of Commons may pass judgment on the bill, as amended. For that reason I and my colleagues took the decision to abstain from voting.

Senator MacEachen: Honourable senators—

Senator Flynn: With the indulgence of the Senate!

Senator MacEachen: Yes, with the indulgence of the Senate. I thank you for your help.

The Honourable Senator Murray stated that we ought not to be surprised at the decision taken. I must say that I am surprised, in light of the statement made just before the break by the Leader of the Government that it was not his intention to permit the bill to be killed, and that it was his desire that it be moved forward for consideration by the House of Commons. So, I am surprised at the reversal of the position in such a very short time.

However, I think what ought to be pointed out is that if all members of the Senate had taken the position taken by the members of the government—namely, to sit in their seats—of course, the bill would have been killed. The action they took would have had the effect, in the absence of responsible conduct on this side of the house, of killing the government bill.

Senator Murray: Honourable senators, the position of—

Senator Steuart: With the indulgence of the Senate!

Senator Murray: Yes, with the indulgence of the Senate. My position and that of my colleagues in abstaining on this vote was perfectly consistent with the statements I had made, namely, that we would not stop the bill from emerging from the Senate so that judgment might be passed upon it by the members of the House of Commons. The vote in favour of the bill made by my honourable friends opposite is perfectly consistent with their position. They, after all, had amended the bill to their satisfaction.

● (1410)

MESSAGE TO COMMONS

Hon. M. Lorne Bonnell: Honourable senators, with no indulgence—

Senator Frith: We must be careful not to overindulge!

Senator Doody: Too late!

Senator Bonnell: —I move, seconded by the Honourable Senator Côtteau:

That a Message be sent to the House of Commons to inform that House of the recommended amendments, observations, and recommendations on general patent law amendments as contained in the Seventh Report of the Special Committee of the Senate on Bill C-22, An Act to amend the Patent Act and to provide for certain matters in relation thereto.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?