

Hon. Jacques Flynn: Honourable senators, the mover, Senator Frith, presented this motion on May 3 and I then adjourned the debate. He has not budged; he has remained rather silent for several weeks and I said to myself that he perhaps thought that his resolution would best be forgotten. I was hoping that he would finally get the idea to delete it from the order paper.

I do not really see the reason for this motion. I read what he said in his presentation on May 3. So that honourable senators can judge the reasons that seem to have motivated Senator Frith, I shall quote from page 3277 of the *Debates of the Senate* for that day what I consider to be the gist of his statement. If by chance he thinks that I should quote more, I will gladly do so because his speech, if it can be called a speech, takes about a quarter of a page.

This is what Senator Frith said:

I think that there is good reason, on constitutional amendments, for Parliament, that is, the Senate and the House of Commons, to try to speak with one voice, or, at least, to explore that possibility.

Senator Frith was suggesting the possibility of coming up with a single text.

I do not think that we can explore that possibility formally without advising the other place of what we have done. That is the reason for this motion. It is to send a message to them to tell them what the Senate has done with a resolution that was tabled in the House of Commons by the government and then tabled separately here in the Senate.

One would then have to presume that the House of Commons does not know what went on in the Senate. However, on April 25, a few days after our decision on April 21 to adopt an amended resolution different from the one passed by the House of Commons, the same resolution appeared in the Order Paper of the House of Commons. In other words, the Government presented again the resolution that the House of Commons had adopted on October 23, 1987.

I don't see how we can inform the House of something that has been on the Order Paper for weeks, especially now that it has just started its second debate on the motion. When he opened the debate last week the Minister of Justice mentioned that the Senate had not adopted the same text as the House and he invited the House, in accordance with Section 47 of the 1982 Constitution, to adopt once more the same resolution.

There is therefore no need to inform the House of something it knows already. Secondly, in the *Rules of the Senate*, Section 105 states that the Journals of the Senate may be searched by the House of Commons, as the Journals of that House may be searched by the Senate. There is communication between the two Houses.

Perhaps Senator Frith's idea stems from the rather extraordinary argument he came up with when Mr. Trudeau appeared before our Committee of the Whole on the subject of the Meech Lake Agreement, to the effect that those who think that section 47 abolishes the Senate's absolute veto in constitu-

tional matters are misreading it. He suggested that the text could be read to mean that by adopting a resolution which differs from that of the House of Commons, the Senate gains back its absolute veto. After learning that the Senate had acted, the House could no longer ignore its difference of opinion with the Senate.

If that is truly his intention, if the Senate simply wanted to adopt a resolution in different terms, his motion to send a message to the House of Commons changes nothing. We have passed a resolution. That can be proven any time, if that is Senator Frith's argument.

You are adding absolutely nothing to the fact that the Senate decided on April 21 to send a message pertaining to a decision which, as I have stated, the House of Commons is already aware of.

Do you want to start all over again? Do you want to repeat to the House of Commons what you already said? Do you want to ask the senators to repeat what the majority of the Senate already said on April 23? Do you want to repeat the whole process? Do you want to rub it in?

That is really the only reason I can think of for this motion. Of course I remember the debate we had on April 20 and 21, when I introduced a motion that said what we had adopted and stated we had no objection to the text approved by the House of Commons, should it decide to disagree and adopt the same text it approved in October.

You will recall what happened when I introduced my motion. The first time, I was told: It's too soon. The next day, it was too late. The third time, it was still too soon.

Three times I tried to have a message that was different from what we had said so far, that we were approving a text that differed from the one approved by the House of Commons.

I really don't see the point of this message. It is not in order, because it is repetitive. As we all know, we are not supposed to move the same motion during one and the same session. Rule 47 contains a provision in that respect, but the precedents we find in *Beauchesne's* are even more specific. Normally, this is not a motion that could be presented because it is repetitive. We have already approved this text. We don't have to make the same decision twice. Actually, the problem we were facing when the debate ended on April 21 was to find out whether the Liberal majority in the Senate agreed with the Liberal minority in the House of Commons. The Official Opposition in the other place, after presenting the Senate's amendments to the original text, ended up supporting the text proposed by the government. I think that is the question we should consider in the Senate.

Here, they are repeating themselves. Do they want to challenge the House of Commons again, by saying that despite the position taken by the Liberals in the House of Commons, the Senate is sticking to its guns? Is that what they want to say? Then we should say so in no uncertain terms. Let us say that despite the fact the House of Commons is about to approve again the same resolution it approved previously in October