

I have witnessed this myself. The public tends to forget that the Senate has to pass all bills in the same manner as does the House of Commons. People know about the reports of special or standing committees of the Senate, but I worry that they do not know that we can amend or refuse to pass any piece of legislation.

I have criticized the fact that we are always invited by the Leader of the Government—and in this he is supported by the majority around him—to adopt quickly all of the government's legislation. I am deeply convinced that we are wrong in so doing. We are wrong in not taking more time, in all circumstances, to consider the bills that come to us. I do not mean that we should have to debate legislation for days and days, as they do in the other place. Very often the debates in the other place do not, in themselves, mean much, and it is a way for that house to take time to reflect and make up its mind. We should give ourselves time to think. We should delay for a few days, and occasionally for a week or more, the passage of a bill. Above all, we should always observe our rules.

I am becoming increasingly opposed to the idea of giving leave to proceed with second reading of a bill immediately after it reaches the Senate. I suggest that leave to set aside the rules of the Senate should not be granted except in situations of extreme urgency. Certainly we should never again adopt the resolution which was forced upon us at the end of last session, dispensing with the two-day and one-day notice for second and third reading of a bill. This is a subtle form of closure which is entirely out of place in this chamber. The question of whether such a policy would require an adjustment in our timetable is a minor consideration. I suggest that too often we have appeared to be interested primarily in getting the work over with and going home as quickly as possible.

Also, it is most illogical to do what we have been doing consistently in recent years—coming here in anticipation of the passage of some bill by the other place in order to be ready to rubber-stamp it. That is demeaning. It has always annoyed me to see the government leader hold out the carrot of an adjournment if we agree to pass government legislation quickly.

I invite honourable senators to consider, as an example of what I am suggesting, the case of the amendment made to the wiretapping bill. I do not intend to discuss the merit of the amendment which was made by the committee headed by Senator Goldenberg. I merely wish to point out that when the report of the committee came before the Senate, following the practice favoured by the Leader of the Government, the chairman moved that the report be, with leave, adopted immediately.

Leave was granted—and I share in the responsibility of the whole Senate for that mistake—and third reading of the bill, as amended, was given immediately. The message was sent that very day to the House of Commons that we had passed the bill with one amendment—an amendment which went squarely against the views of the majority in the other place, even though it was favourable to the viewpoint of the government, and especially of the Minister of Justice.

I venture to say that the large majority here did not know what the amendment was all about. If we had followed our rules, the report of the committee would not

[Hon. Mr. Flynn.]

have been adopted on the day it came from the committee. It would have been printed in the *Debates of the Senate*, and would have been considered by honourable senators. Those senators who had not been at the committee meeting would have had time to assess the implication of the amendment, and the Senate as a whole would have had time to get some feedback from the House of Commons. The report could have been debated for a day or two, or there could have been a postponement to the next week, since there was no urgency about this matter.

Such a delay could have provided us with the opportunity to alter our report in order to make the amendment more palatable to the House of Commons. I have in mind the amendment which was proposed subsequently by Senator Carter, and which apparently was acceptable at that time to the Opposition in the other place, as well as to the government. By proceeding as quickly as we did, we merely provoked a confrontation rather than a conference, and we lost entirely the merit that we would have earned had we been able to amend the bill in a way that would have made it acceptable to the other place.

The one thing I know for sure is that if the attitude of the House of Commons towards the amendment made by the Senate had been considered on any day other than a Saturday, and without the deadline of having royal assent on January 14, it would have been much easier to consider the possibility of a conference. Such a conference would most likely have resulted in acceptance by the House of the amendment moved by Senator Carter, which was debated on Friday and Saturday, January 11 and 12. The amendment was defeated for fear it would not be accepted by the House of Commons, and also because the Senate appeared to believe that a decision had to be made no later than Saturday, January 12. The safer course to follow, as was suggested by the Leader of the Government and others supporting him, was to advise the other place that the Senate would not insist on its amendment.

For once in the session the Senate had adopted an amendment to a bill. But we lost it. We were not overruled by the Commons. We forced ourselves into submission by our own ineptitude. This would not have happened—it would never happen again, and we would be much more inclined to make amendments—if we were allowed to work at a more normal pace; if we were not always forced to come here in anticipation of legislation and blackmailed into going home as quickly as possible.

Of course, I am rather skeptical that my ideas will be readily accepted by the government leader—or by the majority of the government supporters, for that matter. I have a hunch, however, that if there is a change of government, and if the majority is forced to sit on the left side of the Speaker, that same majority will reverse its attitude. I point out to honourable senators on the other side that if they wait until then, it will only prove that they are now more concerned with the fate of the government than with that of the Senate.

● (2100)

[Translation]

Honourable senators, before resuming my seat—and I am aware it is time to do so—I would like to come back to the Speech from the Throne for a moment.