

**Senator Flynn:** Concerning the word "omission", if the Leader of the Opposition reads the motion I made, he will find that I said, "Bill C-22, in deleting the amendments proposed in the Seventh Report." So it is obvious that I was referring to Bill C-22, as changed by the report. I agree with the Leader of the Opposition, but should not say, "Your remarks are without substance." That is wrong.

**Senator MacEachen:** If it is not of substance, let us not change it and see what the outcome is.

**The Hon. the Speaker pro tempore:** Honourable senators, it is agreed that Senator Flynn may add to his motion the words "as amended"?

**Some Hon. Senators:** Yes.

**Senator Flynn:** I have already done so.

**The Hon. the Speaker pro tempore:** The motion has been put.

**Senator Murray:** Honourable senators, I will take only one or two minutes—

**Senator MacEachen:** Honourable senators, I am quite prepared to let Senator Murray have the floor now, but I want to return later not to a defect in form but to a defect in substance in the amendment.

**Senator Murray:** Honourable senators, I will take only a minute or two of your time, because this may be the only opportunity that I will have in the course of our debate to complete very briefly the record of a procedural discussion which the Leader of the Opposition and I engaged in yesterday.

Honourable senators will recall that the Leader of the Opposition and I speculated about the effect of defeating a motion for adoption of a committee report on a bill such as Bill C-22. I raised the concern—or "the dilemma", as I put it—in which the supporters of the government found themselves. If we voted, and succeeded in a vote, against the adoption of that report, would that mean simply that the amendments to the bill contained in the report would be struck down, or would it mean that the bill itself was stopped in its tracks? I speculated about that, as did the Leader of the Opposition, although he was rather more categorical than I in his remarks. The Leader of the Opposition said—and this can be found at page 1717 of *Debates of the Senate* for Wednesday, August 12, 1987:

If members on the other side voted against the main motion, and if we agreed with their position and joined with them, Senator Murray then asks what would happen to the bill. I must say that one can make a certain preliminary observation, and that is that the bill would be in serious difficulty. Indeed, the government would have put the bill in jeopardy, because the committee to which the bill has been committed will have been extinguished, and the report bringing the bill forward will be defeated, and the bill will never appear on the order paper unless some other action is taken, such as a motion to reinstate the bill at second reading. I suppose the government could

put a motion asking that the bill be reinstated at second reading, and we could start over again.

Honourable senators, since that time I have finally got my hands on a couple of precedents, which I would like to bring to your attention, and which prove that my fears were unfounded, and that Senator MacEachen's interpretation is wrong.

On December 17, 1951, the Standing Committee on Banking and Commerce brought in a report on a bill with amendments. On the motion for the adoption of the report—

**Senator Frith:** What was the date?

**Senator Murray:** On December 17, 1951 the report was brought in, and on December 18 Honourable Senator Euler moved:

... that the amendment made by the Standing Committee on Banking and Commerce to the Bill (249), intituled: "An Act to amend the Canada Grain Act", be now concurred in.

After debate and—

The question being put on the said motion,

The motion was defeated. So it was passed in the negative. Then:

With leave of the Senate,

The said Bill was, on division, then read the third time.

So the report of the committee had been defeated, but the bill moved to third reading and was resolved in the affirmative.

On June 10, 1959, Senator Hayden of the Standing Committee on Banking and Commerce reported Bill C-47 with several amendments. On that date Senator Hayden, seconded by the Honourable Senator Beaubien, moved:

... for adoption of the Report of the Standing Committee on Banking and Commerce on the Bill C-47, intituled: "An Act to amend the Excise Tax Act".

After further debate, and—

The question being put on the motion, it was—

Resolved in the negative.

In other words, the report of the committee was defeated. Then:

The Honourable Senator Brunt moved, seconded by the Honourable Senator Horner, that the Bill be placed on the Orders of the Day for a third reading tomorrow.

The question being put on the motion, it was—

Resolved in the affirmative.

On August 3, 1977, Senator Argue—I would have thought that he would have intervened yesterday to help us with this procedural matter—brought in a report of the Standing Senate Committee on Agriculture on Bill C-34, intituled: "An Act to amend the Canadian Wheat Board Act respecting the establishment of marketing plans" and so on. After debate, Senator Hays, P.C.:

... moved, seconded by the Honourable Senator Molgat, that the Report be not now adopted but that it be referred