

THE SENATE

Wednesday, July 4, 1973

The Senate met at 2 p.m., the Speaker in the Chair.
Prayers.

HARBOUR COMMISSIONS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-21, to amend the Harbour Commissions Act (Nanaimo Harbour Commission).

Bill read first time.

Hon. Donald Cameron moved that the bill be placed on the Orders of the Day for second reading on Tuesday next. Motion agreed to.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copies of Order in Council P.C. 1972-1611, dated July 27, 1972, amending class 8 in schedule B to the income tax regulations.

Copies of the Report of the Anti-Dumping Tribunal respecting the effects of footwear imports on Canadian production of like goods, dated April 1973.

Copies of a directive from Treasury Board to deputy heads of departments and heads of agencies on the language requirements of positions in the Public Service, together with copies of Public Service Bulletin No. 73-12 respecting the staffing of bilingual positions, both dated June 29, 1973.

NATIONAL PARKS ACT

BILL TO AMEND—THIRD READING

Hon. John J. Connolly moved the third reading of Bill S-4, to amend the National Parks Act.

Motion agreed to and bill read third time and passed.

CRIMINAL CODE AND NATIONAL DEFENCE ACT (TOTAL ABOLITION OF CAPITAL PUNISHMENT)

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Resuming the debate on the motion of the Honourable Senator Macdonald, seconded by the Honourable Senator Flynn, P.C., for the second reading of the Bill S-8, intituled: "An Act to amend the Criminal Code and the National Defence Act (total abolition of capi-

tal punishment)".—(Honourable Senator McIlraith, P.C.).

Hon. Mr. McIlraith: Stand.

Hon. Mr. Flynn: Honourable senators, I rise on a point of order. Senator McIlraith has asked that this item stand. I have read what he said last evening in this connection and I am somewhat puzzled by the words he uttered. I should like to have clarification, either from Senator McIlraith or from the Chair, as to the exact purport of his remarks.

I asked Senator McIlraith last evening whether this order was going to stand for very long, and his reply was:

Honourable senators, I think the answer to the question posed by the Leader of the Opposition has to be a simple and direct, "Yes, it will stand for a considerable time."

His reply suggests that it is within his own discretion to decide whether or not this order should stand indefinitely. I am not too sure whether that is what he meant. Of course, I have to agree that at the end of his remarks he said:

For that reason, I ask that the order stand, and I expect to ask the forbearance of honourable senators when it is called again to have it stand until we know better what is happening with the bill before the other place.

That seems to be a tempering of his previous remarks. I would not want to let the comment of the Honourable Senator McIlraith stand on the record as meaning that it is within the discretion of any honourable senator to adjourn a debate indefinitely. I know that some years ago authorities expressed the opinion that it was within the discretion of any honourable senator who had moved the adjournment of a debate to keep the item on the Order Paper indefinitely, whether or not the Senate as a whole or any honourable senator wanted to continue the debate. I have never felt that that was a satisfactory interpretation of our rules.

I do not know if that is what the honourable senator meant. If he did not—and I am suggesting that he probably did not—I would like the Chair to give a ruling on this eventually. He may have good reason for moving the adjournment of the debate to three weeks from now, and if the house is in agreement, very well. However, to say that it is within his own discretion to delay debate indefinitely, whatever may be his reason, and whatever validity there may be in his reasoning, is a principle I doubt we should agree with.

Hon. Mr. Choquette: One could block any bill if this were the case.

Hon. Mr. McIlraith: Honourable senators, I am very glad to have the opportunity to clear up any misunderstanding any remarks of mine may have caused in the