

## THE SENATE

Wednesday, October 29, 1980

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

### THE CONSTITUTION

#### PROPOSED SPECIAL JOINT COMMITTEE—COMMONS MEMBERS

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that I have received a message from the House of Commons in the following words:

Tuesday, October 28, 1980

Ordered,—That a message be sent to the Senate to acquaint Their Honours that Messrs. Beatty, Bockstael, Miss Campbell (South West Nova), Messrs. Corbin, Crombie, Epp, Fraser, Henderson, Irwin, Joyal, Knowles, Lapierre, Mackasey, McGrath and Nystrom have been appointed to serve on the part of this House on the Special Joint Committee to consider a proposed Address to Her Majesty the Queen concerning the Constitution of Canada.

Attest

C. B. Koester

*The Clerk of the House of Commons*

Ordered, that the message do lie on the Table.

#### QUESTION OF PRIVILEGE

**Hon. Orville H. Phillips:** Honourable senators, on a question of privilege, I would point out that it was less than 48 hours ago that we received the message from the House of Commons requesting the Senate to unite with that house in the appointment of a special joint committee, and already we have received the list of members from the House of Commons who will serve on that committee. I consider this to be a rather unusual procedure in that members are appointed to a committee which does not yet exist—although it may be in existence at the end of this week.

● (1405)

I consider this to be a direction to this chamber to get on with adopting the resolution and appointing members to the committee. It imposes an unnecessary deadline on us, and it is an infringement of the privilege of this chamber.

**Some Hon. Senators:** Hear, hear.

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, may I have an opportunity to reply to this point of privilege? Part of the motion adopted by the

House of Commons called for the naming of 15 members of the House of Commons to be designated no later than three sitting days “after the adoption of the motion.” The members named in the message from the other place will serve on the joint committee only after there has been Senate approval for the establishment of the joint committee. The terms of the motion approved in the other place have been met, but, of course, there will be no joint committee unless honourable senators decide that such a joint committee shall come into existence.

[*Translation*]

**Hon. Martial Asselin:** Honourable senators, concerning this question of privilege, I suggest that the argument put forward by the Leader of the Government is completely out of order.

The fact of the matter is that they are now setting up a special joint committee of the Senate and of the House of Commons. This resolution was adopted by the other place. Before this joint committee could be set up, they have decided to propose the names of people who are to sit on this committee, people who may never be in fact called upon to sit on this joint committee. Should the Senate decide not to join the House of Commons, this committee might never exist.

I suggest, therefore, that the decision to appoint immediately members of the other place to sit on this committee, a committee which does not exist yet, is another example of the contempt in which the other place holds the Senate.

[*English*]

**Senator Perrault:** I would suggest that some senators are being unduly sensitive in the views which they hold with respect to the action by members of the other place. It seems to me that the House of Commons has been unusually forthcoming in providing so quickly the names of the people they would have serve on this joint committee. Indeed, it may assist us in our debate.

● (1410)

**Senator Flynn:** To vote against.

**Senator Perrault:** Knowing the names of those who are apparently going to serve on this joint committee, should we vote in favour of this motion, gives us greater background to the debate as to whether or not we want the committee to be brought into existence.

**Senator Flynn:** Do you suggest that it is an argument for or against? Possibly, Mr. Speaker, you could on some occasion discuss this matter with Madam Speaker of the other place and suggest that she wait and send messages of this kind after we have made up our minds.