

if we did. However, speaking for myself, I cannot accept the objections raised against this amendment. I think it is in order and that it ought to be proceeded with, and if there is substantial objection by honourable senators, then I think we ought to ask the Speaker to tell us what the rules are.

**Senator Phillips:** Honourable senators, I rise on the point of order. I point out to the Senate that it was the intention of the opposition originally to have a vote this afternoon, and later on their position changed and they decided they would adjourn the debate this afternoon. All this motion does is delay a decision until next Wednesday, which involves one day, for the specific purpose of finding out the intention of the House of Commons. In no way does it eliminate the Committee of the Whole. Unless by next Wednesday the House of Commons has extended an invitation or passed a resolution, the Senate is still free to proceed with the Committee of the Whole. The Committee of the Whole would not have proceeded before next Wednesday under any present circumstances, so it is not interfering with the committee. It is not altering the intention of the original motion in any way. I ask that the Chair, in making its ruling, bear this point in mind. The committee which would follow from the intention of the Opposition at the present time would not exist before next Wednesday in any event, so this motion in no way alters the original motion.

**Senator Frith:** Do you want to wait until next week and move the adjournment of the debate?

**Hon. John B. Stewart:** Honourable senators, Senator Phillips has not addressed the point of order. He has talked about what would happen in a possible sequence of events, but what we have before us is a point of order. I suggest that the Leader of the Opposition is correct. Let us see what the minister is proposing to do. He is proposing two distinct steps. He is proposing, first, that the Senate agree that the main motion be not now adopted. If the minister wishes to vote against Senator MacEachen's motion, he does not have to attempt to amend it. He can simply rise and vote against it. That would be in order.

However, the minister is not satisfied to do that. He wants to put a new and different motion on the order paper of the Senate. There is a technique by which the minister can put a new motion on the order paper of the Senate. He can give notice of his motion, notice of quite a different motion, the one he is attempting to smuggle in by means of a purported amendment. I submit that he cannot achieve the setting aside of Senator MacEachen's motion by a purported amendment, which would have the effect of replacing that motion with an entirely different proposition. He is eliding two things illicitly here; consequently, his motion in amendment must be ruled out of order.

**Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations):** Honourable senators, I simply draw your attention to the fact that the original motion moved by the honourable the Leader of the Opposition is:

That the Meech Lake Constitutional Accord and texts subsequently agreed to be referred to a Committee of the

[Senator Roblin.]

Whole for the purpose of hearing witnesses and making a report.

The amendment that I am proposing would add the following words:

That unless a message is received from the House of Commons by Wednesday, June 17, 1987, inviting the Senate to participate in a special joint committee on the Constitution, the Meech Lake Constitutional Accord—

That does not seem to me to negative the original motion; it modifies it. Frankly, I was seeking a procedural way to save time. I did not want to put the Senate in the position where we would have to start all over again if we accepted this motion and then received a message from the House of Commons asking us to concur in the formation of a joint committee. We would have to have another debate, at which time the Senate might find itself in the very unwelcome position of having to defy a message to concur from the House of Commons.

**Senator Frith:** Perish the thought! Are we never supposed to do that? Is nothing sacred?

**Senator Murray:** I thought that this amendment I proposed covered us on all fronts, that if the House of Commons sent us a message asking us to concur in a joint committee—

**Senator Guay:** If!

**Senator Murray:**—we would then agree to that, as is almost always—certainly always in my experience—the disposition of the Senate. If the House of Commons did not send such a message within a week, if, for example, they decided to have a committee of their own, then we would do as the Leader of the Opposition proposes and go into Committee of the Whole. I thought that I had come upon a way of saving time, of protecting and preserving the traditional relationship between this chamber and the other place, and of moving this project along. I regret if that turns out not to be the case, but naturally I place myself and my amendment in the good hands of Mr. Speaker.

• (1500)

**Senator MacEachen:** Honourable senators, the form of the amendment is improper because the new motion calls for the defeat of the motion which I made. If Senator Murray's motion were put and carried, it would defeat the original motion.

**Senator Murray:** It would amend it.

**Senator MacEachen:** It would be not now adopted; it would be defeated.

**Senator Murray:** It would amend it.

**Senator MacEachen:** It says:

... be not now adopted.

In other words, it would be defeated. Those are the words. The words mean something, and, in parliamentary terms, the words "That the motion be not now adopted" mean that it is defeated. Then, by the use of the word "amended" there is substituted a new motion in form, so that I have an objection in form, which is as valid as an objection in substance.