

ence of Thursday, May 2, 1985, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN B. NEIMAN
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Neiman, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE BUDGET

IMPACT ON SENIOR CITIZENS—MOTION—POINT OF ORDER

Hon. Jacques Flynn: Honourable senators, I would like to raise both a point of order and a question of privilege, in anticipation of the motion to be presented tomorrow by Senator Frith, which reads as follows:

That, in view of the adverse effects on the standard of living of senior citizens resulting from the elimination of full indexation of pension benefits, it is the view of the Senate of Canada that the government should rescind this particular provision of the Budget immediately.

I submit that the motion raises some very important procedural and constitutional questions, and that it would be appropriate for the Chair, and perhaps even the Senate, to discuss these before debating the motion. My first point is obviously the fact that it is an exclusive prerogative of the House of Commons to move a motion condemning the government. There is no doubt in my mind that this motion is the equivalent of a motion of censure. For instance, in the other place, if an amendment had been moved to the budget motion presented by the Minister of Finance using the same wording as this motion, the very fact of putting the matter before the House of Commons would have constituted a motion of censure, and if the House of Commons had voted affirmatively on the motion, the government would have been forced to resign.

So here we have the Senate censuring the government through this motion and stating that the government does not have its confidence with respect to this particular item of the budget.

My second point is that the motion invites the Senate to decide in advance on a bill that will come before the Senate in any case, in the normal sequence of events. If it does not, very well. But if it does, the Senate will have decided in advance whether it accepts the motion by Senator Frith which is opposed to the bill. It will therefore have voted against the bill before it comes before the Senate. This is very serious, and is, of course, against the rules of procedure. I may refer the Chair and honourable senators to Erskine May, page 380.

My third point is that I would like to refer you to rule 47 of the rules of the Senate, which provides that the same question may not be put twice during the same session. Clearly, if we

vote on this motion, we will not be able to vote on the bill. Rule 47 is quite clear on this:

A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

An order, resolution, or other decision of the Senate may be rescinded on five days' notice if at least two-thirds of the senators present vote in favour of its rescission.

So the Senate will have to make an about-face when the bill is referred to it, which is as much as to say: well, we voted and told the government that we were against the principle of the bill, but now we changed our minds and we have decided to make an about-face.

In my mind, these three points are very important. The role of the Senate is currently the subject of considerable debate. By adopting this motion, the Senate is taking on a responsibility it does not have, which is to censure the government. It is deciding in advance on a matter that will eventually be referred to it. Furthermore, it is putting itself in a position where it will have to change its stance, in view of the provisions of rule 47.

I think the problem is very serious. I do not claim to have a monopoly on the best interpretation of the problem, but I think the matter deserves to be taken into consideration by the Chair. I would invite other senators who have opinions on the matter to take the floor, either today, tomorrow or on some other occasion. But before starting the debate on this matter, I think we must be very sure we are not making a serious blunder as has happened before.

● (1500)

[English]

Hon. Royce Frith (Deputy Leader of the Opposition): Honourable senators, I would like to speak to the three branches of Senator Flynn's point of order. The motion on page vii of the *Minutes of the Proceedings*, reads:

That, in view of the adverse effects on the standard of living of senior citizens resulting from the elimination of full indexation of pension benefits,—

and these are the important words.

—it is the view of the Senate of Canada that the government should rescind this particular provision of the Budget immediately.

The motion cannot be regarded as a vote of blame or a vote of no confidence. It is a vote asking the government to do something. If Senator Flynn is correct in his point on this branch, that it is out of order for the Senate to ask the government to do something, then I will have to agree with him and his point is a serious one. If Your Honour should rule that it is out of order for the Senate to say to the government, "Government, you should do something. In fact, you should rescind that provision of the Budget." Then it is a very serious matter. Certainly, it will seriously limit the activities and