

The third objection raised has to do with the instruction that is a part of Senator Carstairs' motion. The notice of motion directs the committee to recommend in its report that it not insist on its amendments to Bill C-69, to which the House of Commons has disagreed. I find this part of the motion to be quite troubling. As an instruction, I believe it is out of order. Most instructions are intended to allow a committee to do something it would not otherwise have the power to do.

In this case, the committee already has the power to recommend that it not insist on the amendments to Bill C-69. To order that the committee report with a specific recommendation by way of a mandatory instruction is, I find, quite irregular.

The precedent of the decision of Speaker Deschatelets was mentioned yesterday. In a ruling dated March 10, 1971, the Speaker, faced with a point of order objecting to a similar instruction, noted that:

Many precedents are referred to by Bourinot...whereby instructions to committees were declared to be irregular because the committee concerned already had the power to take the action indicated.

Furthermore, I would point out that an instruction can be inadmissible if it also proposes an objective which is inconsistent with a decision already taken.

Applying this principle to the present case, it seems to me that the proposed instruction is seeking to nullify the decision of the Senate to authorize the committee to consider the message of the House and the motion of Senator Graham.

For these reasons, I do not find the notice of motion of Senator Carstairs to be in order.

Before I resume my seat, I would like to make a point, because I would not want what happened yesterday to be established as a precedent.

I would refer honourable senators to rule 23, page 24, which reads:

During the time provided for the consideration of the daily Routine of Business and the daily Question Period, it shall not be in order to raise any question of privilege or point of order.

In other words, the point of order raised yesterday was not raised at the proper time. I simply indicate that, in order that it will not be established as a precedent for the future.

• (1520)

Senator Graham: Honourable senators, now that we have moved back to Government Notices of Motions —

Senator Lynch-Staunton: I beg your pardon? Say that again.

Senator Graham: We are now under Government Notices of Motions.

Senator Lynch-Staunton: No, no. That is stretching it a bit.

The Hon. the Speaker: We reverted to Government Notices of Motions in order that I could make my ruling.

Senator Graham: Accordingly, pursuant to rule 58(1)(f) —

Senator Lynch-Staunton: I am sorry to interrupt. I should like some clarification. Your Honour just gave a ruling. Why did we have to revert to Government Notices of Motions in order to give the ruling?

The Hon. the Speaker: When we reached Government Notices of Motions earlier today, I rose and asked that this item be deferred until later in the day because I did not have my ruling ready. The item was deferred at that time in order that I could make my ruling later.

Senator Lynch-Staunton: Do I understand correctly that rulings are only given under the item under which they arise?

The Hon. the Speaker: I normally make my rulings on the item under which the objection was raised.

Senator Lynch-Staunton: I ask this only for clarification. I hope Your Honour will bear with me. Do I understand correctly that when the Speaker's ruling is given, it can only be given under the rubric under which it is challenged? Had the point of order been raised under Inquiries, for example, would the ruling have been given only when Inquiries were called?

The Hon. the Speaker: Yes. I would normally give the ruling when that particular inquiry is called.

Senator Lynch-Staunton: I inquire only for clarification. Thank you.

Senator Kinsella: Honourable senators, it was my understanding, although we would have to check Hansard, that when His Honour interrupted the proceedings, he said that it be agreed that he be allowed to revert to this item for the purpose of delivering the ruling, but we had moved on, as far as that item is concerned, to other matters. The agreement given was on the request to revert to this item for the ruling of the Speaker. Therefore, no other matter can be dealt with without leave.

Senator Graham: Honourable senators, there was a clear understanding on this side that His Honour the Speaker had asked that consideration of Government Notices of Motions be deferred until he could bring his ruling forward and make copies available to all honourable senators.