

both houses. Those senators could speak at length against the accord or could propose certain amendments to it. They could possibly delay those proceedings, thus hampering the resolution in the other house.

Therefore, in an effort to be of some assistance to them, I move, seconded by Senator Barootes:

That the motion be amended by deleting the words "Committee of the Whole" and substituting the following words therefor: "Special Joint Committee of the Senate and of the House of Commons, to consist of five senators and twelve members of the House of Commons, to be appointed at a later date".

Hon. Allan J. MacEachen (Leader of the Opposition): Honourable senators—

The Hon. the Speaker pro tempore: Shall I put the motion in amendment?

Senator MacEachen: I am rising on a point of order. This motion is so transparently out of order that it almost ought not to be dealt with in this way. This is a substantive motion—one that is entirely different from the motion which is before the house. A motion cannot be amended by bringing in a totally different proposition. This amendment requires notice to place it on the order paper, as would any substantive motion. What is before the house is a proposal to establish a Committee of the Whole. In the normal course, that motion would be dealt with—it would either be adopted or negated—and that is the proposition.

Senator MacDonald has brought forward a separate proposition to establish a joint committee. The two are totally separate propositions. If, for example, this motion to establish a Committee of the Whole were carried, we would expect, as the Leader of the Government has said, a message to come from the House of Commons proposing a joint committee. That would be dealt with in the normal course. That motion would require notice, because it would be a separate and substantive motion of its own.

● (1430)

If I may read the ruling of the Speaker made a few moments ago, he stated:

I came to the same conclusion in reading May's, 20th Edition, page 557 which reads:

Furthermore, an amendment may not be moved to insert words at the beginning of a clause with a view to bringing forward an alternative scheme to that contained in the clause.

So, it is an alternative scheme. I think the understanding of the situation is somewhat enhanced by stating that the Senate can come to a decision on the question of the Committee of the Whole. Whichever way it goes, it leaves the Senate open to deal with a joint committee, which is a separate proposition. It is surprising to me that an alternative scheme could be advanced in the form of an amendment so quickly upon the authoritative ruling of the Speaker. I simply say that it is out of order. When this motion is disposed of one way or another,

[Senator MacDonald.]

it will be open to the Senate to deal with the question of a joint committee on its own merits, as has been done in the past by the Senate.

The Hon. the Speaker pro tempore: Honourable senators, it is moved by the Honourable Senator MacDonald—

Hon. H.A. Olson: Honourable senators, I think the first thing the Speaker has to do is rule on whether the motion is in order.

Senator Frith: No, because he has not been asked to.

The Hon. the Speaker pro tempore: I was not asked to rule on that. I have to put the motion before the Senate.

Senator Murray: There is an amendment to the motion.

Senator Petten: That was ruled out of order.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, an amendment has been moved by Senator MacDonald to which the Leader of the Opposition has taken objection. He has contended that the amendment was out of order. Whatever else he may be, he is not Pope Pius IX. We do not accept his word as necessarily infallible. I would ask Your Honour to rule on the matter.

Hon. Royce Frith (Deputy Leader of the Opposition): Honourable senators, let us be clear. The Vatican is in no way involved. Perhaps Senator Murray has forgotten that our procedure is that senators decide their points of order. If a senator rises on a point of order, expresses his or her point of order, and if no one quarrels with that, then the Speaker is not called upon to make a ruling, as the Speaker *pro tempore* has said.

If you are now asking him, that is fine, but do not try to impeach the earlier proceeding when the Speaker was absolutely right. Nobody had asked for a ruling. Nobody had quarrelled with the interpretation given by the Speaker and read by Senator MacEachen. So the Speaker *pro tempore* correctly made no ruling.

If you are now asking for a ruling, and if you disagree with it—

Senator Murray: I am asking for a ruling.

Senator Frith: Just so we get it straight. The leader is now asking for a ruling.

[Translation]

SPEAKER'S RULING

The Hon. the Speaker pro tempore: Honourable senators, Senator Murray has been seeking a ruling from the Speaker. On the basis of the ruling given by the Chair earlier today, it is difficult to consider the motion in order because it completely changes the substance of the main motion. Bound as I am by the Speaker's ruling, I must find the motion out of order.

[English]

Senator Frith: Question, please.