

replies to the questions raised. I will do my best to expedite matters, in the hope of getting all of the replies in by next week, but I am not sure that is possible.

Hon. John M. Godfrey: Honourable senators, on May 9 I asked the Leader of the Government to ask the minister responsible why he was not obeying the law requiring the monthly tabling of reports under the Regional Development Incentives Act, and I have not yet received a reply. I was hoping that even if the minister did not give us a reason as to why he was not obeying the law, he might start obeying it. Would the leader please follow that up?

Senator Roblin: Yes, I will.

THE BUDGET

IMPACT ON SENIOR CITIZENS—MOTION—SPEAKER'S RULING ON POINT OF ORDER

The Hon. the Speaker: Honourable senators, on Thursday, June 13, the following motion was to be debated:

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.

The day before, on Wednesday, on June 12, Senator Flynn raised a point of order and tried to defeat the motion on constitutional grounds.

In answer to your request, I shall develop the three important issues raised by this challenge.

[*Translation*]

Firstly, it was suggested that "the right to vote on a motion of censure rests exclusively with the House of Commons", which of course I do not dispute. A very old British tradition which we have always scrupulously observed says so. But a motion of censure must be drafted in very explicit terms and should actually contain a withdrawal of confidence. But in the aforementioned motion, we find the words "... it is the view of..." and the conditional "should". Evidently, even if this motion was put to a vote, it is essentially an expression of a point of view, a mere opinion that does not bind the government and even less to resign. An additional proof of my point is the fact that the House has itself, on Thursday, June 13, debated quite a similar motion, though the wording was different, which read:

That the House urge the government to now commit itself to the upholding of the present total indexation of old age security benefits after January 1 of 1986.

During the debate, the mover specified from the outset that his motion was not a non-confidence motion.

[*English*]

My second argument deals with the notion of anticipation, and here we must tread with caution. Indeed, we should take it for granted that the important elements of a budget must be

worked out in a bill during the same session. In the present case, it seems clear that a de-indexation formula will appear in a bill.

Article 416 of *Beauchesne's Fifth Edition* reads:

An old rule of Parliament reads: "That a question being once made... in the affirmative or negative, cannot be questioned again..."

It says, further:

This rule also applies to decisions taken by the House on amendments to the Address in Reply to the Speech from the Throne and to the Budget Motion.

All these arguments apply more specifically to our case.

[*Translation*]

Let us now examine the motion in question more closely. For the sake of our discussion, I assume the motion has passed through the Senate. I must then ask myself how can such a motion prevent the Senate from subsequently examining a legislation containing a de-indexation formula. Word for word, the motion reads

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

The government receives the notice and decides not to cancel de-indexation immediately. Essentially, all that the motion contains is: a point of view to rescind immediately. Therefore, nothing prevents the government from taking forthwith a different course of action by disregarding that point of view, or from choosing a specific formula at a later date. The motion allows the government complete freedom of action. If it rescinds de-indexation, there will be no further discussion in the Senate. If it does not rescind, we are unaware of the wording which will be used in a gradual formula of indexation or de-indexation. The substance to be discussed, therefore, remains pending, because the terms are unknown to us. We are unable to anticipate in a precise way.

[*English*]

We now have to consider closely our rule 47. The notion of repetition here is related to that of anticipation, save for slight differences that I shall endeavour to clear up.

Our rule 47 specifies:

A motion shall not be made which is the same in substances as any question which, during the same session, has been resolved...

Now, it is argued that if the Senate rules in the affirmative or in the negative—that is to say, resolves the proposed motion—this motion could not be debated further on second reading of prospective legislation. In my ruling I do not even make assumptions. I take it for granted that we shall consider the substance of a bill dealing with de-indexation after passage of the proposed motion.

Now, would rule 47 prevail? The bill which will be submitted to us will, no doubt, contain some kind of formula for de-indexation. The budget does not specifically suggest total de-indexation. It is matched with some quantified formula for