

motion of no confidence but this also brings forth clearly the problem of deciding in anticipation.

Hon. John M. Godfrey: Honourable senators, I should like to make a few comments on this point of order. When Senator Frith's motion was first brought to my attention I thought that it solved one of the dilemmas that we have in the opposition when we are, in effect, in control of the house. We have two things to decide: Do we approve or disapprove of a particular legislative measure? Secondly, even if we disapprove of it, should we vote against it?

We solved one of the problems at the committee stage many years ago by studying the subject matter of bills. The committee brings in a report and they often recommend to the government amendments to those bills with the hope that the government will propose these amendments to the House of Commons committee or later in that house. The Senate committee in pre-studying and making recommendations as to amendments is doing exactly what is proposed in this motion by Senator Frith. Sometimes the government accepts those recommendations; sometimes they do not. When the actual bill returns to the committee without suggested amendments being approved by the House of Commons, the committee has no problem. The government having rejected a recommendation for amendments, the committee usually has no problem approving the bill without the suggested amendments.

I should also like to draw to the attention of this chamber that it was through an initiative of Senator Bosa in 1979 that rule 49 as to voting was amended. He proposed that honourable senators should be able to abstain from voting without having to give reasons. It took many years before Senator Bosa's suggestion prevailed, but his recommendation is now part of the Rules of the Senate. What this motion permits us to do is to state our opinion if we do not approve of a particular piece of legislation. When it comes before us, then the opposition does not have to vote for or against it but can simply abstain, having already given their opinion of it in the same way that committees do when they pre-study a bill.

Hon. Hazen Argue: Honourable senators, I think the motion is clearly in order. Our rules are based on *Beauchesne* and *Bourinot*. I think this motion is comparable to a private member's motion—

Senator Flynn: Hah!

Senator Argue: —in the House of Commons. I was present when Stanley Knowles moved a motion that universal old age pensions should be instituted. Soon afterwards the government decided not to agree to that motion. However, a motion such as that is able to pass with a majority vote in the House of Commons, that is, a motion which says that "in the opinion of the House of Commons—" Then the government in exercising its authority presents its policies to the House of Commons and then they ascertain whether or not they have the majority to carry those various bills through Parliament. This example, of course, is in that very category. The words used in the House of Commons are usually, "in the opinion of." In this motion the wording is "in view of," and in order to make it

doubly effective the words "in view of" appear twice. Therefore, it would be the view of the Senate. If Your Honour should rule that the Senate does not have this authority, I believe that that would be an improper interpretation. It would mean that we are endeavouring to tie our own hands and that we cannot express an opinion in the Senate.

● (1530)

Senator Flynn: If you say so.

Senator Argue: I take it that the mood in the House of Commons is that private members should have more authority and more scope and that there is a move in that direction. There may well be a new definition of want of confidence. The trend in the House of Commons is to broaden the authority or the scope of private members. It would be foolish to tie the hands of senators. This is a statement of opinion. The government will bring in whatever bill it wishes, and the Senate will deal with that bill at that time. This particular motion is clearly 100 per cent in order.

Senator Flynn: If you say so.

Senator Argue: You can say the opposite.

Senator Flynn: I never used the term "100 per cent".

Senator Argue: If you think your argument was weaker, that is fine. If you are only 49 per cent certain, that is fine.

Hon. John B. Stewart: Honourable senators, I want to deal with the question of anticipation. I do not believe that anyone thinks the Senate is capable of voting a motion of confidence. Regardless of how we put the proposition to the Senate, if it carried it would not result in a vote of confidence.

Senator Flynn: Who said that?

Senator Stewart: Similarly, there is no question of a royal recommendation.

Senator Flynn: I didn't say there was.

Hon. Royce Frith (Deputy Leader of the Opposition): Senator Roblin did.

Senator Stewart: I say that because if this motion were to carry and if the government were to act on the basis of the recommendation of the Senate, the outflow from the Consolidated Revenue Fund would be no less and no greater than it is now under the prevailing law.

But the question of anticipation is a more important one. In fact, I think, honourable senators, that the anticipation that is relevant is the anticipation that we hear from Senator Flynn. He is anticipating the outcome of the debate.

This is a procedural matter; it is a procedural question, and it has to be strictly dealt with as a procedural question. Honourable senators, the Speaker cannot anticipate the outcome on the substance when dealing with a procedural question.

Senator Flynn: Nor can you!

Senator Stewart: I am not. It may be that this motion will be defeated, or it may carry. If it carries, the government may