

the authority. In these two cases it would be useful—because these matters may arise again—if he would cite the authorities, so that we know exactly where we stand.

**Senator McIlraith:** Honourable senators, the question I wanted to ask Senator Grosart, when he was making his presentation, was whether I correctly understood him to suggest that this house can send an instruction to the members of the House of Commons serving on a joint committee, or, conversely, that the members of the House of Commons can send an instruction to the members of the Senate serving on that committee?

**Senator Flynn:** No, that is not what he said.

**Senator McIlraith:** I would like that point clarified, because—

**Senator Flynn:** That is not what he said.

**Senator McIlraith:**—some of the honourable senator's remarks I did not clearly understand.

**Senator Grosart:** I am saying that the Senate, being master of its own rules, can, within its procedural rules, send instructions to anyone. There may be a slight exception in the case of the monarchy, but there is nothing to stop the Senate, if it so decides, as master of its own rules, to send an instruction. The instruction may not be received. It may be refused by the committee. But I am saying that there is nothing that I know of that would prevent the Senate from sending, by resolution, an instruction. "So ordered by the Senate"—that would be the phrase. If there is anything that would prevent the Senate, by unanimous consent, or by order—which would be by a majority—from making its position clear and giving an instruction, then I am not aware of it. I am not saying that the instruction would have to be accepted. I am saying that there is nothing to prevent the Senate from giving that instruction if that is the decision of the Senate.

● (1510)

**Senator Frith:** Honourable senators, I would ask Senator Grosart for his authority for the statement that I very seldom cite authority. If he looks at the record, he will see that practically every time I raise a point of order I do it with reference to the rules or to *Beauchesne*. In fact, I detected a bit of crankiness in that I was referring to *Beauchesne* too often. So I do not think it is correct to say that I have a habit of not quoting authority when I raise a point. In fact, as I said, I have more complaints to the effect that I cite the authority too often, and am too much of a prisoner of *Beauchesne*.

The second comment I will make is that, of course, there is nothing preventing the Senate from sending an instruction to anyone. In fact, it could probably try to send instructions to the monarch. There is nothing in the rules that says it cannot. When I say it cannot—and perhaps we will have to look at the record, but I thought I made it clear that it cannot effectively do it in the sense that the committee—

**Senator Grosart:** That's enough.

**Senator Frith:** You are a little testy about that.

**Senator Flynn:** Take your time.

**Senator Frith:** The point is that if Senator Grosart or any other honourable senator has the impression that I said we cannot do it—in other words, that the rules prohibit us from sending instructions to a joint committee—then I must say that I did not intend to create such an impression. I intended to say that it cannot effectively do it. I am sure the record will show that my earlier comments were that a joint committee cannot accept, need not accept, will not accept and is not required to accept instructions from only one chamber.

I also agree with Senator Grosart, expressing it the way he expressed it, that it is not correct to say that there is no right in this chamber to deal with a question when it knows the other place is dealing with it, or that it has to wait until the other place has dealt with it. The point I was making was narrower than that. It was simply that in all the cases I consulted—and I had photocopies made of the record of all previous occasions in order to see what procedures we followed with respect to joint resolutions, or undertakings by which the two houses were to establish a committee—the procedure was for one house to initiate, and for the other to wait for the message. That does not mean there is anything to prevent our dealing with a question that is being dealt with in the other place. I agree with that. If I gave another impression, then I regret it, because I am talking simply about the routine rather than the power—the routine, the method or the practice that I found in the cases I looked at. I have that book in my office and can bring it to the chamber, if necessary, and go through all of them. Normally when one house adopts a resolution and sends a message to the other house asking it to concur in the resolution, the other house waits for that message, thus avoiding crossed messages.

**Senator Grosart:** I thank the honourable deputy leader for narrowing the scope of his earlier remarks, because that clarifies the position.

**Senator Frith:** Honourable senators, I must candidly say that I am embarrassed to have to tell you that I am advised that the motion has been agreed to in the other place, but I do not have the message yet, so again I ask honourable senators to accord me the—what's the word—

**Senator Murray:** Indulgence.

**Senator Frith:** That is precisely the right word, Senator Murray. I ask the indulgence of the house to move that we adjourn during pleasure to reassemble at the call of the bell.

**Senator Murray:** I wonder whether the rules permit us to send a message to the other place saying we are waiting for their message. We could then see which message arrives first.

**Senator Frith:** I do not know whether the rules do so provide, but at this moment I wish they did.

The Senate adjourned during pleasure.

At 4.25 p.m. the sitting was resumed.