

ruling on it. It seems to me that it is a matter of some considerable importance. The rule of anticipation has been brought into the Parliamentary system for good and sufficient reason. Unlike any other legislative chamber that I know of, we have a way out if we want to rescind a motion. I am not sure that other parliaments do have that privilege. However, I do not put that forward as a fact. I just give it as an impression that I have at the present time. I should be happy indeed if the Speaker were to give some consideration to the points raised and render his decision.

● (1510)

I do not usually do what I am about to do, but this time I intend to. We have a distinguished parliamentarian in our midst in the person of the Leader of the Opposition who, in his capacity in the other place, established quite a reputation as a parliamentarian. While I do not say that I will commit myself in an act of faith to agreeing to whatever he might have to say on this matter, I am sure it would be of interest to the members and to you, Your Honour, if Honourable Senator MacEachen had an observation to make on the issues involved.

Senator Frith: Honourable senators, just before Senator MacEachen responds to that invitation, I want to deal simply with the fourth point raised by Senator Roblin. That is the question of whether this is, in fact, in the nature of a money bill or engages the problem of funds, of raising funds and Governor General's warrants. I simply want to say that I do not think it does, but I agree that it should be a part of the point of order that has been raised.

Hon. Allan J. MacEachen (Leader of the Opposition): Honourable senators, I have not spoken on a point of order for quite some time, and certainly not in the Senate. Therefore I am a bit rusty in this area, but I did reflect upon the point made by Senator Flynn yesterday when Senator Frith was considering putting forward his motion.

It is true that the House of Commons and, I presume, the Senate cannot be asked to contradict itself on the same proposition in the same session. I think that is the rule, and it is a particularly relevant rule if the two contradictory propositions appear on the order paper at the same time. In that event, you have a real dilemma.

I would argue, Your Honour and honourable senators, that one must take a procedural attitude, and if you take a procedural attitude on the matter at hand, you must agree that this is a distinct proposition before the Senate, asking the Senate to express its view on a government action. In other words, the Senate is being asked to express a view that the government should rescind now a particular budgetary provision. That is a distinct proposition, and I will return to that in a moment.

A bill may come forward containing a provision to eliminate full indexing on pension benefits. However, if it does come forward, I am sure it will be cast in a form that raises a proposition that is distinct and separate from the one that is raised here. It is obviously the same subject matter; no question about it. However, we can take a look at the ways and means resolutions, which must be available, and they certainly

will not be talking about rescinding a particular budget resolution, which is a general proposition, distinct on its own. The bill, if it ever comes, will be a specific alteration in the rules of indexation.

When first I turned my mind to this subject, I said to myself: "Of course, they are on the same subject but they will be distinct propositions, different one from the other so that one could reasonably and intelligently, if one wished, vote for one and treat the other one separately." I think, in reality, it is quite different for the Senate to ask the government—and this is all it would do if this were passed—"Please reconsider your budget provisions."

Senator Flynn: You said "rescind."

Senator MacEachen: Of course, if they are the government, the Senate expresses an opinion. In this motion, if adopted, the Senate would express an opinion that the government should rescind this particular provision.

But what is the next step? The next step is that nothing will happen unless the government accepts this motion. It has no effect. If this motion should pass, the effect would be that the government has the opinion of the Senate and it says either "yes" or "no".

Senator Flynn: And the Senate would not be bound by it.

Senator MacEachen: I say to you, don't say that there is a question of confidence; don't say that there is a condemnation of the government. There is not.

Senator Flynn: Is there, then, praise for the government?

Senator MacEachen: It is far from praise. I must say that it is not fulsome praise, as I am sure the Prime Minister would like.

Senator Frith: And feeds on.

Senator MacEachen: I take the view, as Senator Frith has argued, that the Senate is asked to express an opinion on a matter over which the government has full authority, and will continue to have full authority because, if this motion were carried, not a dime would spring forward in support of the old age pensioners. Therefore, it has no financial effect. Pass it, and it has no financial effect unless the government says, "Yes, we agree with the Senate. The Senate is a very sound body; it is wise and it has reflected and now we agree with it."

I would like to refer now to the rule of anticipation. I do not think that you can raise the rule of anticipation here because, if I remember correctly, in order to raise that rule you must have the two propositions on the order paper; you cannot have one in the distant horizon. We do not know—

Senator Flynn: Why do you say that? Do you not anticipate that it will come to us?

Senator MacEachen: Quite frankly, this is the point I want to make: I do not expect it to come to the Senate. I do not expect this provision ever to reach the Senate. I say that the Prime Minister and the cabinet will buckle under to the national protest and no one will be able to argue the rule of anticipation. Take it from me, honourable senators: Do not get