

powers of the Senate if it is out of order for the Senate to ask the government to do something.

The second branch deals with the propriety of the motion and whether the subject properly constitutes a motion. Rule 5(i) defines a motion. It reads:

“motion” means a proposal made by a senator—

So far I seem to be all right. I am a senator and I have made a proposal.

**Senator Flynn:** I will not insist on that.

**Senator Frith:**

—that the Senate—

So far we are all right. It is still the Senate.

—or a committee—

That is not appropriate here.

—thereof do something, order something to be done, or express an opinion concerning some matter;

It would seem to me that according to this definition I have introduced a proper motion falling strictly within our rules.

Senator Flynn's third point dealt with rule 47(1), which reads:

A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

Senator Flynn has suggested that the motion will raise a problem because of rule 47(1). As he points out, at some point it is possible or likely that a bill will come before us dealing with this exact matter. What will the motion have decided? The motion will have decided, if it is carried, that the government should be asked to rescind a provision. The only situation in which this prospective bill can come before us is one where the government has not rescinded the provision. In other words, the bill will not be a bill that raises the question of whether or not the government has rescinded a provision of the budget, but will include a provision for indexing. For example, the bill will not say, “In article iv, the government refuses to rescind a provision of the budget.” There will be nothing in the bill indicating whether the government has agreed or disagreed with an opinion expressed by the Senate.

Therefore, on the three points raised by Senator Flynn, I say, with all due respect, that his point of order fails.

**Senator MacEachen:** You have convinced me.

**Hon. Duff Roblin (Leader of the Government):** I have to admit that Senator Flynn has proposed what appears to me to be a conundrum, one that requires to be resolved in an appropriate manner. I agree with him that perhaps today or tomorrow when the motion comes before the Senate, if a question as to its being in order is raised, and I guess it will be—

**Senator Frith:** It is being raised now.

**Senator Roblin:** It could be raised now, yes.

[Senator Frith.]

**Senator Frith:** For the purposes of this intervention, I consider the motion to have been raised.

**Senator Flynn:** It is not a motion.

**Senator Frith:** I mean to say that the point of order is properly raised at this stage, even though the motion is not now before us. At least, I am prepared to consider it as having been so raised and, therefore, available for ruling tomorrow. There is no objection to its being raised today rather than tomorrow. In fact, I think it is very courteous of Senator Flynn to raise his point of order today, so that we can get on with the motion tomorrow.

**Senator Roblin:** I agree with Senator Flynn that the matter ought to be considered by the Speaker. I am in favour of his dealing with it at his good pleasure.

There is another nuance to this matter that needs some elucidation. That is the question of what will happen if this motion passes. If it were passed and accepted by the government it would, in effect, call for a payment from revenue because it would increase government expenditures. There is no reason why we cannot find proper wording to deal with resolutions calling on the government to spend money. There is a formula available to private members or anybody who wants to propose something that calls for the expenditure of government funds, without contravening the rule that only the government can produce a royal warrant. I am not sure that this resolution is properly worded to accommodate that important technicality. When the Speaker considers this matter, I think he ought to regard also the question of the financial implications of the motion as such, that it would require a different wording in order to be acceptable from a parliamentary point of view.

What is bothering me—and I confess that I am not persuaded by the argument put forth by Senator Frith—is whether or not the question of anticipation is sufficiently important to require us to reconsider this motion. I think that the question of confidence is an important one that ought to be looked into, but I am particularly interested in the problems involved in the question of anticipation. If we make a decision on this matter which favours the resolution, then in all likelihood we can expect to have the same subject introduced at a later date when a bill comes before us. The apparent conflict can be avoided if we content ourselves with having a debate on the bill. However, if we decide to go ahead with the debate at the present time, we must consider the circumstances that could arise should we approve this motion and then find ourselves confronted with a bill which contains the same subject matter.

It is perfectly true that there is a way out. Two thirds of the members present with five days' notice can rescind the previous motion, but that reflects, perhaps, indifferently on the Senate. One could perhaps justify it, but I certainly would not like to propose it because it would indicate a certain capacity on our part to swallow our opinions, which none of us is very keen to do. I agree with Senator Flynn—and I take it that Senator Frith is of the same view—that the matter should be placed before the Speaker and he should be asked to give a