



# DEBATES OF THE SENATE

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## THE SENATE

Point of Order—Speaker's Ruling Reserved

Speech by:

The Honourable Claudette Tardif

Tuesday, October 29, 2013

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[*Translation*]

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#### POINT OF ORDER—SPEAKER'S RULING RESERVED

**Hon. Claudette Tardif:** Mr. Speaker, I would like to briefly speak to this point of order. I must say that I am very disappointed to have to speak to a time allocation or disposition motion, both of which have the same intent. The intent is to end debate on very important motions that are unprecedented in this chamber.

The government wants to deal with three motions that appear on the Order Paper under “Other Business”, not under “Other Government Business”, as though they are now government motions. However, Senator Carignan has mentioned countless times that these motions were his and not the government’s. As he often says, “a senator proposes and the Senate disposes.” Why then, all of a sudden, does the government seem to be proposing that these same motions should become government motions that are subject to a time allocation motion? Transforming a senator’s motion into a government motion is unprecedented.

What is more, Senator Carignan stated that this chamber is the master of its own decisions and that each of us would have the opportunity to propose a different path to take with regard to the matters before us. He argued, in a long speech, that the three motions were the result of this institution’s power to discipline its members. Why then, all of a sudden, is the government asking us to vote on motions that it considers its own? If this is truly a matter of the Senate’s power to discipline its members, what right does the government have to interfere?

I am struck by the irony of the decision to move a time allocation motion on a historic matter such as this. Senators disagree as to the best path to take to arrive at the same goal, which is to preserve the dignity of the Senate and ensure that our society’s fundamental principles are respected. When faced with this disagreement, the government’s knee-jerk reaction is to turn to one of the least dignified procedures, one that has a serious impact on sober second thought, which is the whole reason for this chamber.

Time allocation is something that the government should use only for extremely urgent matters. It may be necessary to resort to time allocation in cases of obstruction, or in other words when a deliberate effort is being made to unduly delay an important matter. In this case, the senators who are speaking are not trying to obstruct the process.

[*English*]

The Leader of the Opposition states that the business of the Senate has not been dealt with, that we have spent more than a week and a half in dealing with these motions — a week and a half, honourable senators. Is a week and a half too extensive to make sure that due process is being followed, that everyone is being heard, that there are questions of transparency and fair treatment? A week and a half.

Let me remind you, honourable colleagues, if we’re dealing with these motions, it is because the leadership on the government side has put these three motions on the Order Paper under “Other Business” and not “Government Business.” That is why we’re dealing with it. That was your choice and your decision.

• (1610)

Your Honour, I find it difficult to believe that members of this government, who proudly boast about defending freedom of expression, would do everything possible to limit the right of senators to express themselves, especially when no reasonable explanation as to why a time allocation is necessary.

Canadians want to know. Canadians want to have the assurance that there is due process, that the rule of law is being respected and that there is a presumption of innocence.

Honourable colleagues, as you well know, the Fathers of Confederation conceived of this chamber as one of sober second thought. As such, it is our duty to study bills and motions conscientiously and in depth. I do not believe that seven days or four sitting days or three and a half sitting days is too lengthy. The Senate must take the time necessary to comprehensively examine the issues and to listen. We must seriously, thoughtfully and thoroughly debate and consider all information that is before us.

Yet a disturbing pattern has emerged, and we have seen in this chamber and in the other place time and time again how the government will invoke procedural tactics to stymie legislation. The use of a government motion to deal with a non-government matter is procedural trickery, as my honourable colleague Senator Fraser has coined it.

Your Honour, I believe that this new practice or this new way of doing things does disservice to our institution, and therefore, Your Honour, I would ask that you not rule in favour of this motion.