

Affairs (Bill C-69, motion of the Honourable Senator Graham, seconded by the Honourable Senator Hébert), presented in the Senate on Tuesday, July 11, 1995.

Hon. Gérald-A. Beaudoin moved the adoption of the report.

The Hon. the Speaker: The Honourable Senator Beaudoin, seconded by the Honourable Senator Tremblay, moved that this report be now adopted. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Carried.

Senator Beaudoin: Honourable senators, on Monday, July 10, 1995, the committee —

The Hon. the Speaker: You are making a speech on this bill.

Senator Beaudoin: Is it too late?

The Hon. the Speaker: Honourable senators, if Senator Beaudoin had a speech to make, then the report would not have been adopted. The report was adopted in the usual way, but the procedure was interrupted. You have a speech to make on this issue.

[English]

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, Senator Beaudoin clearly indicated when he rose that he wanted to speak to this order, and perhaps the Honourable Speaker missed the fact that he was on his feet.

Senator Berntson: He changed his mind. It is too late.

Senator Oliver: He does not need to speak now.

Senator Beaudoin: I will respect the rules. What do the rules say?

The Hon. the Speaker: Honourable senators, the normal procedure is that when I place the motion before the house, if no one gets up, I say, "Adoptée. Carried." But if someone gets up at that point, then the speech proceeds.

Senator Beaudoin: I always follow the rules.

The Hon. the Speaker: The speech can proceed. That is the normal practice.

Hon. Lowell Murray: Honourable senators, I do not know the intention of my friends opposite. However, I sit fairly close to the Speaker's chair, and I do not think anybody could have misunderstood what was happening. The report of the Standing Senate Committee on Legal and Constitutional Affairs was called. Senator Beaudoin, the chairman, stood and said, "I move the adoption of this report." The Speaker put the motion very

clearly and asked if it was the pleasure of the house to adopt this motion; we said "Yes" and he said, "Adoptée. Carried."

Did my friends opposite miss all that?

Senator Graham: No, we did not. Honourable senators, we clearly did not miss it because Senator Carstairs would like to speak as the sponsor of Bill C-69. However, out of courtesy obviously, because there was an indication from the chairman of the committee that he wanted to speak on this order, she waited to hear what the chairman had to say. That clearly was his intention. I watched him very carefully and he was rising to make his speech and, out of courtesy, Senator Carstairs waited; otherwise, she would have been on her feet.

Clearly, we have been waiting for the chairman of the committee to follow his intentions, that is, to speak on his motion to adopt the report.

Senator Murray: Honourable senators, again I have to say this: Others may have a different view, but in my opinion the moment has passed. Senator Beaudoin moved that the report be adopted. The Speaker put the motion clearly. "Is it the pleasure of the Senate to adopt the motion?" We said "Yes," and we were about to move on to the next item.

There was no noise in the chamber at the time. There is no reason to believe that senators could not hear the motion being put. The moment has passed.

Senator Hébert: We saw him.

An Hon. Senator: He said he would go by the rules.

Senator Murray: I am sorry, honourable senators. My friends saw what happened, and it did not happen in great haste. Senator Beaudoin moved the adoption of his report.

Senator Hébert: He started his speech.

Senator Murray: The Speaker put the motion. It was not done in great haste. I think the moment has passed. The report has been adopted.

Senator Graham: Honourable senators, there are various ways to skin a cat. Obviously, a bit of parliamentary trickery is being suggested here.

Senator Oliver: The Speaker put the question.

Senator Graham: I would like to ask, as an honourable gentleman who presides over the Legal and Constitutional Affairs Committee with great distinction, whether it was the intention of Senator Beaudoin to speak on his motion?

Senator Oliver: He does not have to answer the question. He is not on the stand.

Senator Hébert: He will not answer.