

Honourable senators, I reject the premise that firearms ownership and use is a women's issue. This bill is begging for amendment. Since my side will accept no amendments, I am prepared to support the amendments to Bill C-68 as put forward in the committee's report, and by Senator Sparrow.

Honourable senators, that was the speech I had prepared and was quite ready, willing and able to deliver last week. I thank you for your indulgence, and for the opportunity to have made my speech. For myself, I would have found it somewhat discomfiting and a little disquieting not to have had the opportunity to give my speech, to the extent that I had put time and trouble into composing it.

I should also like to say, honourable senators, that I look forward to an opportunity when I can rise and speak uninterrupted in the Senate. It seems to be a very difficult proposition for me to do so in this chamber.

**The Hon. the Speaker:** Honourable senators, if no other senator wishes to speak, this inquiry is considered debated.

### ELECTORAL BOUNDARIES READJUSTMENT BILL, 1995

NOTICE OF MOTION TO INSTRUCT LEGAL AND CONSTITUTIONAL  
AFFAIRS COMMITTEE TO TABLE FINAL REPORT—POINT OF ORDER

**The Hon. the Speaker:** Honourable senators, before we proceed to the adjournment motion, which is the next item, I am prepared to consider any advice that honourable senators can give me considering the point of order raised by the Honourable Senator Phillips on the motion proposed by the Honourable Senator Carstairs.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, we have a number of valid objections to this motion being placed on the Order Paper. First, Senator Carstairs introduced it under the rubric "Government Notices of Motion." If we have any respect for the rules, it is that we follow in order, and respect the significance of the headings within Routine Proceedings. The only senators who can introduce motions under the rubric "Government Notices of Motion" are the Leader of the Government in the Senate, the Deputy Leader of the Government, or one of their designated replacements whose name is known to the Senate before proceedings begin. For that reason alone, I urge the Speaker to declare this motion out of order.

It may seem a trivial, technical argument, but the success of our deliberations is impossible without a respect for the rules. If this motion is accepted then it means that, at any time, any honourable senator can get up under any chapter heading and suggest anything that he or she wants.

I support the point of order on the fact that the notice of motion was presented under the wrong chapter heading, and

consequently, the rules were not respected. I urge His Honour to rule with that in mind.

**Hon. Noël A. Kinsella:** Honourable senators, I wish to follow through on what Senator Lynch-Staunton has said, while not wishing to detract from the points he has made, which I think are sufficient to dispose of the matter at this point. However, should His Honour wish to hear some arguments concerning the propriety of the order, and whether or not there is any respectful order in the motion brought forward by Senator Carstairs, I wish to draw the attention of honourable senators to rule 63 of the *Rules of the Senate*. Rule 63(1) provides:

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.

Honourable senators, what follows next is very telling. Rule 63(2) says, in effect, that yes, a chamber may rescind a decision that it had taken previously, but the test that must be met to do the extraordinary — that is, to rescind a decision that had already been taken — requires at least two-thirds of the senators present to vote in favour of the decision to rescind a motion that had been previously passed.

• (1420)

The rule I just read is not arbitrary. It speaks directly to the question of the sanctity of a deliberate decision of the chamber. That decision, once taken within a Parliament, cannot be rescinded arbitrarily, or on a whim. It requires that a very heavy test be met. Two-thirds of the senators present must agree to rescind.

This speaks a bit to the extraordinary argument made by the leader of the Reform Party in the other place during the referendum last October. He argued that all you needed was 50 per cent plus one to break up the country. What an extraordinary, distorted view of democracy and the sanctity of the parliamentary system. It operates on deliberation in the ordinary course of events, such as we have here where the decision was made. However, if you are then to rescind or do something extraordinary, you must meet a much more serious test.

If the government side is serious about proposing that this chamber rescind a decision that it had already taken, then the test that is provided for in rule 63(2) comes into play.

No doubt His Honour will take guidance from the procedural literature. Erskine May, at page 326, speaks to matters already decided during the same session and to the fact that a motion or an amendment, which is the same in substance as a question which has been decided during a session, may not be brought forward again during the same session. The same position is articulated in Beauchesne at page 172, paragraph 558. On page 178, there is another reference.