

THE SENATE

Tuesday, December 11, 1990

[*Editor's Note: Continuation of proceedings from Issue No. 116A.*]

The sitting of the Senate was resumed at 2 p.m., Wednesday, December 12, 1990, the Speaker in the Chair.

The Hon. the Speaker: The sitting is resumed.

BUSINESS OF THE SENATE

MOTION TO ADJOURN WITHDRAWN

Hon. Royce Frith (Deputy Leader of the Opposition): I think it is appropriate for me to withdraw the P-1 motion, your honour.

The Hon. the Speaker: Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Senator MacEachen?

Hon. Edward M. Lawson: I did not hear what Senator Frith said.

Senator Frith: I just withdrew the P-1 motion.

The Hon. the Speaker: I recognize Senator MacEachen.

RULE 26—MOTION TO HEAR SENATOR WATERS—POINT OF ORDER

Hon. Edward M. Lawson: Under Rule 26 I move that Senator Waters be now heard.

Hon. Royce Frith (Deputy Leader of the Opposition): The page should take your motion, if you have it.

The Hon. the Speaker: Has Senator Lawson a seconder?

Hon. H. A. Olson: I will second the motion.

The Hon. the Speaker: Under Rule 26, Senator Lawson has the right to move his motion because Senator MacEachen had not yet started to speak. Therefore, it is moved by Senator Lawson, seconded by Senator Olson, that pursuant to Rule 26, Senator Waters now be heard.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Senator Lawson: Honourable senators—

Senator Forrestall: That is a setup.

Senator Kenny: What is a setup?

Senator Forrestall: That is a setup, and you know it.

Senator Kenny: Who is saying that?

Senator Forrestall: I said it.

Senator Lawson: If you will be quiet for a moment, I would like to indicate my position on this. We have gone over these various debates over the last number of weeks, number of months, and on a number of occasions the Independents lost the opportunity to speak in this chamber because we extended the simple courtesy when the agreement was made between the two parties, that the Liberals would have eight amendments and so on, but in the process nobody bothered to give any recognition to the rights of Independents to speak in this chamber. I felt that to avoid that happening again on a very critical question that is raised by Senator Kelly, which could, if approved, result in the termination of the debate, that the Independents would not have any rights—you heard from a number of Liberals on the other side—the Independents would have no right whatsoever to speak on third reading and we would again be stripped of our right of legal participation in this chamber. If we cannot accommodate that by speaking last, I propose this motion to ensure that at least one of the Independents will speak first.

An Hon. Senator: I have no problem.

Senator Frith: Honourable senators, certainly the circumstances for the application of Rule 26 are before us. The last occasion on which the problem of Rule 26 arose—which rule reads:

When two or more senators rise to speak, the Speaker shall call upon the senator who in the Speaker's opinion first rose; but a motion may be made that any senator who has risen "be now heard"—

And that has happened with the motion of Senator Lawson.

There was some dispute on the orderliness of this motion when it was last made.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Because there was a motion made.

Senator Frith: Honourable senators will recall that it was said by the Speaker at that time that he refused on that occasion to put the motion, which he has not done this time. In his defence, although it is not a brief that I particularly want to take, when I discussed it with him one of the things that he relied on was a provision in *Beauchesne's*. I made a note and as I recall it, it was at Page 99. I remember on that occasion, that Senator Murray was proposing a motion, which we argued, and which *Hansard* or the *Senate Debates* showed had not actually been put before Orders of the Day were called. In any event, the Speaker recognized Senator Murray, although Senator Waters was not only on his feet, but had given notice in advance that he wished to speak.