

Senator Frith: No, you do not.

The Hon. the Speaker: I will read the transcript of the arguments. I have listened to the arguments. I will take the matter under advisement. I will come back later this afternoon. In the meantime, we can proceed with the Orders of the Day.

Some Hon. Senators: Oh, oh!

Senator Frith: No, you do not.

The Hon. the Speaker: If honourable senators do not like what I am doing, then it is up to you to decide. You can say that you do not agree with me. I am here and I am listening. This is the usual procedure when there is a point of order. I have listened to the arguments—

Senator Frith: But you have not heard everything.

Senator Haidasz: Nobody adjourned the debate today. You cannot adjourn a debate.

Senator MacEachen: Honourable senators, my understanding of Senator Kelly's intervention was that he was giving us notice that when we got to Bill C-62, we would have an opportunity to discuss this matter. For that reason, I made some very preliminary remarks since the implications of this proposal are far-reaching.

Your Honour, you have heard hardly anything on this point from this side. I believe that we want to discuss this. I am requesting that we defer this point of order until we come to Bill C-62 in due course, and that we be given an opportunity to make our points. Other than that, I think this matter will create considerable difficulty in the chamber.

I do not think it is unreasonable that we be given the opportunity. I have not had a chance even to read the letter. I have been listening to other people. I think I should have a chance, as my colleagues should, to make our points. Then you can do what you feel you must do, Mr. Speaker. But I think you must hear us and give us a chance to prepare and to read the letter.

● (1430)

The normal time to do this would be when Bill C-62 is called and, honourable senators, if it is possible for 53 senators to address the Speaker and ask him to reach a certain conclusion, perhaps it is also possible for 51 senators on this side to ask that this matter be dealt with when we come to Bill C-62, when we will have an opportunity to make our points. I think that is a reasonable request.

Senator Kelly: Honourable senators, I would just like to take a moment to be sure the record is clear. I know enough about procedure in this chamber to know about notice. I was not giving notice. I was offering a point of order. It was not notice. A point of order was offered today.

Senator MacEachen: Honourable senators, if it was not Senator Kelly's intention to give notice, I am requesting on behalf of my group that this matter be dealt with when we come to Bill C-62. That will come in the normal course of events today.

Senator Ottenheimer: Honourable senators, it appears that there is a difference of opinion with respect to a very preliminary question, and that is whether the point of order submitted by Senator Kelly is specifically a point of order with respect to Bill C-62 and, therefore honourable senators opposite argue that it should be pursued when Bill C-62 is under consideration. The position maintained by Senator Kelly is that the point of order is not specifically with relation to Bill C-62 but that it is about the ability of the Senate to organize its own proceedings, and that obviously is a much more generic question, a much more general question. Obviously, Bill C-62—

Senator Thériault: Have you read the letter?

Senator Ottenheimer: —is an instance—

Senator Thériault: Have you read the letter?

Senator Ottenheimer: I will listen to Senator Thériault's speech after—

Senator Thériault: No, I am asking you a question. Have you read this letter? Have you read the first paragraph and if you have, under what interpretation of that language do you see support for what you are saying?

Senator Ottenheimer: I am referring to my interpretation, senator, to which I have as much right as you have to yours. I do not interfere with you when you express your opinion and I would hope for the same courtesy from you. I do not interfere with you when you express your opinion. You have the perfect right to do it. I have an equal right, not a greater right. At least Senator LeBlanc, when he interferes, does it so calmly that you sometimes have to strain your ears to hear what he has to say. But the honourable senator opposite has a more raucous voice—

Senator Thériault: You do not do it very calmly.

Senator Ottenheimer —and, therefore, it is not as easy to ignore.

Senator Thériault: Well, read the first paragraph.

Senator Ottenheimer: Therefore, having been instructed by the honourable Senator Thériault opposite, I will continue.

There has been an argument that the point of order deals exclusively, essentially, primarily—however one wishes to define it—with Bill C-62. The position put forward by Senator Kelly is that the point of order deals with a more general question and that is the ability or right of the Senate to determine its own business, the order of its business, the timing of its business and the organization of its business.

Senator Frith: One raises that under Prayers.

Senator Ottenheimer: That is, I think, the initial difference of opinion: whether the point of order deals specifically or exclusively with Bill C-62 or whether the point of order deals more generally with another principle, and that is the ability of the Senate to determine its own affairs.

If the point of order deals with the latter more general consideration, then it appears that now or any appropriate time is opportune to debate it.