

VIOLENCE AGAINST WOMEN IN CANADIAN SOCIETY

POINT OF ORDER—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on February 18, 1992, I was asked to rule on whether the inquiry standing in the name of the Leader of the Opposition, the Honourable Senator Frith, calling the attention of the Senate to the violence against women in Canadian society and the desirability of investigation of the subject by a Senate committee should be dropped from the Senate Order Paper pursuant to rule 28 (3).

That rule states:

Unless previously ordered, any item under other business, inquiries and motions, that has not been proceeded with during 15 sittings shall be dropped from the Order Paper.

[*Translation*]

This inquiry was first moved on November 26, 1991. After debate on that day, Senator Frith moved, seconded by Senator Molgat, that further debate be adjourned until the next sitting of the Senate. Since then there has been no further parliamentary proceeding on the inquiry. The definition of "proceeding in Parliament" is taken from Beauchesne's Fifth Edition, p. 85 citation 251 which states: "The word "proceeding" is derived from the verb "to proceed" which means "to advance" or "to carry on a series of actions"".

[*English*]

The question before the Chair, therefore, is whether an item, having been "proceeded" with once, becomes exempt from the provisions of rule 28 (3). In other words, when an order has had some action taken on it once, such as the adjournment of debate, is it any longer subject to a Parliamentary clock to count the number of sittings thereafter in which action is not taken?

The question before the Chair, therefore, is whether an item, having been "proceeded" with once, becomes exempt from the provisions of rule 28 (3). In other words, when an order has had some action taken on it once, such as the adjournment of debate, is it any longer subject to a Parliamentary clock to count the number of sittings thereafter in which action is not taken?

[*Translation*]

In making my decision, I must look at the wording of Rule 28(3) itself as well as what the intention was when the regulation was first proposed, in this case by the Standing Rules and Order Committee.

[*English*]

Regarding the provisions of rule 28 (3), the wording is clear that "any" item under Other Business, Inquiries, and Motions is dropped if it has not been proceeded with during 15 sittings, or unless previously ordered otherwise. It would seem to the Chair that the word "any" would include an item which was subject to a proceeding of the Senate at one time but which had experienced no action for 15 sittings thereafter. This is the

[Senator Buchanan.]

case of the item standing in the name of the Leader of the Opposition.

Regarding the intention of those proposing the rule, I note the comment made by the Honourable Senator Kinsella, as indicated on page 175 of the *Proceedings of the Committee on Standing Rules and Orders* dated June 4, 1991. Regarding the new rule 28(3), he stated, and I quote:

The purpose of this proposed change is to avoid having items on the Order Paper for months on end.

● (1440)

As a newcomer to the Senate, it often strikes me that items sit there for a very long time. If it is serious "Other Business", then let us deal with it within a proper timeframe. However, it will not prevent the senator from reintroducing that matter.

[*Translation*]

To permit any adjourned item to stand beyond the fifteen sittings would, in the opinion of the Chair, go against the stated objective of Rule 28(3) which is to encourage Senators to deal with business within a certain timeframe.

[*English*]

It appears, therefore, that the inquiry standing in the name of the Leader of the Opposition is not exempt from rule 28(3), and since 15 sittings have passed without any action being taken, it must be dropped.

In closing, it should be noted that rule 28(3) does use the words "unless previously ordered . . .", perhaps to indicate that there may be special cases that merit an item remaining on the Order Paper beyond 15 days without a proceeding.

However, barring agreement of the Senate on a special order for the inquiry, I must rule that, pursuant to rule 28(3), the item in question be dropped from the Senate Order Paper.

Hon. Royce Frith (Leader of the Opposition): Honourable senators, at the time I spoke to this matter I explained why I wanted to keep the inquiry on the Order Paper. It was not my intention to have it languish on the Order Paper, but to establish a principle that the Senate continue its interest in the question of violence against women in Canadian society.

However, I do not propose to ask any other senators to rise with me to challenge or appeal the ruling. As the ruling points out, the inquiry can be replaced on the Order Paper or I could move a motion to have it remain on the Order Paper. If reintroduced, it could again be debated. The most important thing is not the technical question but the issue, namely, the issue of violence against women in Canadian society and the Senate's role therein. Therefore, for that reason I will not be asking for an appeal.

SENATORS' STATEMENTS