

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit at four o'clock in the afternoon today, even though the Senate may then be sitting, and that rule 96(4) be suspended in relation thereto.

If given leave, and before the question is put, I will explain my motion.

**Hon. Royce Frith (Leader of the Opposition):** Explain why you want leave.

**Hon. Efstathios Barootes:** Explain to the teacher, will you please?

**Senator Nurgitz:** Briefly, the purpose behind all of this is that meetings were set for that committee this week dealing with the *Young Offenders Act*, and witnesses were called to appear, but owing to the late sitting of the Senate the committee was delayed. As a member of the committee, Senator Hastings chastised me last evening because we had witnesses waiting from three o'clock on but we did not start until after six.

Senator Hastings could perhaps speak for himself, but it is fair to say that he wanted to adjourn the meeting. The committee took the position that it would be an added affront or an added insult to them, so that we did continue and sat until eight. With legislation before a committee, with witnesses called, and in that particular situation with a witness from Edmonton, Alberta, whom we were hoping to send home on a flight at seven o'clock last night—but for whom the Senate of Canada will pay for another night's stay in a hotel—we did stay and hear the witness.

The purpose of my asking for leave and, as a result, asking for the adoption of this motion is recurrence of this very matter. We have two witnesses today, and it turns out to be somewhat unsatisfactory just to have the meeting when the Senate rises. That is just not stable enough.

Therefore, this is a request. We are asking witnesses to attend, but we do not treat them very well by having them sit around from three o'clock until the evening.

I agreed with the criticism that I received yesterday and I undertook to present this motion today. I ask for leave and ask for the adoption of the motion so that we can, in a more orderly and business-like fashion, get on with that legislation. Thank you, honourable senators.

**Senator Frith:** Honourable senators, I hope that when the committee reviewing our rules undertakes that review it will try again to come to grips with this question of meetings of committees while the Senate is sitting, because I sympathize with Senator Nurgitz. I doubt that there are any senators here who, as members of a committee, have not found themselves in the kind of position Senator Nurgitz and his committee found themselves in last evening.

We do have this problem that these requests are recurring almost every week. Every committee needs this sort of permission. This is stretching it considerably, but one almost thinks that it might be more orderly for us to have a committee of

committee chairmen to which the Senate could apply for leave to sit, notwithstanding that the committees were sitting.

**Hon. Earl A. Hastings:** Honourable senators, in seconding the motion of the Honourable Senator Nurgitz, I would point out that on this occasion, and on this occasion only, I will second the motion in order to facilitate the work of this committee.

We are faced with this damnable expression, "when the Senate rises". To set the time of a meeting for when the Senate is sitting is just not compatible with an orderly or business-like manner of conducting either Senate business or the business of a committee. It happens that there are Tuesday nights, Wednesday nights and Thursday nights, and, indeed, all day Monday and all day Friday—

**Some Hon. Senators:** Hear hear!

**Senator Hastings:**—at which times could be set and committees could meet. This procedure of having committees meet when the Senate rises is just not acceptable.

**Senator Frith:** At least some of the witnesses must work more than three days a week.

**Senator Hastings:** I certainly support the chairman of the committee on this occasion only. From now on committee meetings can be set at times when witnesses and members can be there.

**Hon. Gildas L. Molgat (Deputy Leader of the Opposition):** Honourable senators, before the question is put, in view of the fact that earlier in this session I was the one who rose on every occasion when leave was asked for this purpose, and pointed out on each occasion the problems that I thought it presented for the Senate, I want to repeat what I have said previously. This is in accord with what my colleagues have said.

This practice presents a very serious problem for the Senate. We have to deal with the matter. It is up to our friends on the government side to settle this.

As far as I am concerned, I do not think we can function with committees persistently coming to the Senate and asking for leave to meet while the Senate is sitting. The Senate sittings must have priority. If that means that committees must meet on Mondays and Fridays, then committees must meet on Mondays and Fridays. We must persist and continue with the work of the Senate. It is regrettable late in the day, when there can be important matters discussed here, that we find a large number of senators away in committees and not here to participate in the debates of the Senate. After all, our sessions are not that long. There is no reason why, when we are sitting, senators should not be here in the chamber, participating and listening to what is being said.

[Translation]

**Hon. Normand Grimard:** Honourable senators, I would like to follow-up on Senator Frith and Senator Molgat's comments. As you know, a meeting of our Committee on Privileges, Standing Rules and Orders is set for March 26, 1992. You have no doubt been notified. God forbid that you get the idea that all initiatives have to come from this side. Senator Frith