

You cannot put the cart before the horse and have it both ways. If you agreed to set aside that item, pending what the ruling said, which Senator Graham —

Senator Berntson: We should invite His Honour to review the record, then.

Senator Olson: Senator Graham said — and you have not disagreed with him — that he required to know before he moved his motion. Do not try to have it both ways.

Senator Berntson: He will move it on Tuesday, then.

Senator Olson: I am sure that is perfectly clear to you, Your Honour.

Hon. Gerald R. Ottenheimer: Honourable senators, I have listened with the usual amazement and great respect to the logic of the Honourable Senator Olson. I am sure it is more a deficiency in my own reception than in its transmission that the logic is not immediately obvious. However, I am sure upon study that it will become so.

It may be that, for the first time in the Senate's history, we are making a mountain out of somewhat of a molehill in the procedural context, not in the substantive context.

In my opinion, the matter can be resolved very simply without embarrassing the Chair. The Senate, apparently, gave leave. That is an action of the Senate; it is not an action of the Chair. However, we are not sure of what we, as a Senate, did. Did we give leave to revert to "Government Notices of Motions," full stop?

Senator Lynch-Staunton: No.

Senator Berntson: No.

Senator Ottenheimer: Or did the Senate give leave to revert to "Government Notices of Motions" for the purpose of a ruling from the Chair?

Some Hon. Senators: Yes.

Senator Olson: Do not stop there!

Senator Ottenheimer: We can only learn that, not by reading one another's minds, not by reading entrails of crows or birds flying south, or by waiting for the ides of March to join in with the Julius Caesar context in reading those entrails. Much easier, less messy, less smelly, less sticky, to read Hansard and leave the entrails to the soothsayers.

Senator Berntson: Call in your soothsayer.

Senator Graham: Solomon, where art thou?

Honourable senators, I listened, as did other honourable senators, with continued confusion and confounded amazement. All honourable senators on this side do not want to embarrass the Chair or cause more confusion in this chamber, because there will be other days and other times between now and the Christmas break when we can debate or prolong matters of this nature.

I should point out, however, that this whole debate arises out of a point of order which was raised yesterday contrary to our rules, as His Honour just explained in his very useful addendum to his judgment. It was alright for Senator Lynch-Staunton to raise his point of order yesterday at the wrong time, but it is not okay to do something similar today.

Further, in the future, honourable senators should remember that to raise a point of order before the Senate, one must have an issue upon which to base the point of order. Yesterday, Senator Carstairs simply gave notice of a motion. Nothing at that point in time was really before the Senate; it was a notice of motion.

In my judgment, and perhaps it is something we should consider in the future, the point of order should properly have been raised when that motion had been moved, in the proper place, at the proper time, by the proper senator. The point of order should be raised when the motion is properly before the Senate, and that can only be at the time the motion is actually moved.

However, I think it would be useful to review Hansard. Accordingly, I move that the Senate do now adjourn.

The Senate adjourned until Tuesday, December 5, 1995, at 2 p.m.