

[English]

In a spirit of amicability, I suggest we withdraw all the names. I did not like the word "trickery" either. Let us have good spirit in this chamber before the summer break.

Knowing Senator Graham, I am sure he did not mean to say "trickery." Senator Murray is a stubborn man, we all know. I think we should have the debate and proceed in an orderly fashion.

Some of us had intended to speak on this issue.

The Hon. the Speaker: Honourable senators, we are reaching the end of a session, when the atmosphere always warms up. Let us think back to other occasions, even earlier than today, when I called a vote and Senator Prud'homme rose after I called it wanting to speak. I think the standard practice has been that even when the Speaker says, "Adoptée, Carried," if someone gets up prior to our moving to another item, then that person is recognized and allowed to speak.

Therefore, Senator Beaudoin is entitled to speak if he wishes to do so at this point.

Senator Lynch-Staunton: Your Honour, I am not one to challenge a Speaker's ruling. I want to be careful of my wording. Your Honour did say, "Adoptée, Carried," after which you resumed your seat and Senator Beaudoin got up to speak and you allowed, having said "Adoptée, Carried," that he would need leave to revert to the item. We have left the item and are ready to proceed to another one.

You are now telling us that, on occasions, saying, "Adoptée, Carried" does not mean what we think it means. I do not want to go any farther than that. I hope that if we accept that description we are not setting a precedent to the effect that the same words will mean different things on different occasions.

By going along with your suggestion, Your Honour, I fear that we may ignore the real meaning of the words "Adoptée, Carried."

Senator Beaudoin: Honourable senators, it is true that I intended to speak on this matter. There is no doubt about that. However, if it is said that what is important is the words that are pronounced in terms of the record of the house and, if you said "carried," then it is carried. However, if you want to go back to this question of speeches for Senators Beaudoin and Carstairs, then, obviously, we have to have the leave of the house to do so. That is pure logic.

If it is the wish of the house, I will speak. I understand that Senator Carstairs will also speak. However, we have to have the permission of the house to do so.

The Hon. the Speaker: Honourable senators, I can assure you that that has not been the practice.

In future before I call for the vote I will ask, "Does any honourable senator wish to speak?" It will slow the procedure, but it may prevent problems of this nature in the future. I will no

longer automatically say, "Carried, Adoptée." I will ask: "Does any other honourable senator wish to speak?," after which I will call for the vote.

If we had moved to another item the case would be different. In this case we have not yet moved to another item. The practice has certainly been to hear any senator who rises, even though I have repeated a second time, after the speeches, "Carried, Adoptée."

Senator Lynch-Staunton: Your Honour, in the spirit of cooperation and because we are not the ones who are bogged down by narrow definitions and narrow legal interpretations, as we have been subjected to, we will certainly abide by so-called tradition and allow the item to be called and discussed.

This is a controversial item. Obviously, we feel strongly about it. However, controversial or not, we do hope that Your Honour's suggestion that you will add the words "Does any honourable senator wish to speak" before actually declaring the item carried will avoid a repetition of this circumstance in the future.

• (1540)

Perhaps before we proceed Senator Graham would like to suggest to the editors of Hansard that they misunderstood two particular words and he really meant to say something else.

Senator Graham: I would be happy to withdraw.

[Translation]

Senator Beaudoin: Honourable senators, on Monday, July 10, 1995, the committee heard testimony from the Honourable Herb Gray, Solicitor General and Leader of the Government in the House of Commons, and from Mr. Jean-Pierre Kingsley, Canada's Chief Electoral Officer. The Honourable Herb Gray was accompanied by his Parliamentary Secretary, Peter Milliken, by Mary Dawson, Counsel, and by Professor Beverley Baines of Queen's University.

Mr. Gray said that the Electoral Boundaries Readjustment Suspension Act — former Bill C-18 — ceased to have effect on June 22, 1995, in accordance with its sub-section 2(2). One purpose of Bill C-69 is to repeal that statute and the Electoral Boundaries Readjustment Act, R.S.C. 1985, ch. E-3. Bill C-69 aims at establishing a new procedure for the readjustment of electoral boundaries. It contains no date for coming into force.

Professor Baines stated that the courts do not become involved in the passage of legislation, as confirmed by the decision in *Native Women's Association of Canada v. Canada* (1994) 3 S.C.R. 627 and Reference re Canada Assistance Plan (B.C.) [1991] 2 S.C.R. 525. She corroborated the minister's statements and expressed the view that Bill C-69 is still on the Order Paper. The courts interpret statutes on the basis of their wording.

Jean-Pierre Kingsley, Chief Electoral Officer, underlined potential difficulties should there be an overlap between the current readjustment regime, as set out in the Electoral Boundaries Readjustment Act, and Bill C-69, if the bill were to be passed later, in the fall.