

THE SENATE

Tuesday, December 11, 1990

The Senate met at 2 p.m., the Speaker in the Chair.
Prayers.

THE SENATE POINT OF ORDER

Hon. William M. Kelly: Honourable senators, I rise on a point of order concerning the business of the Senate and our ability to discharge—

Hon. Royce Frith (Deputy Leader of the Opposition): There is no business.

Senator Kelly:—our duty as senators. This relates to the overall business presently before the Senate.

Honourable senators, I want to take this moment to remind you that I have been in this chamber for eight years. I start my ninth year next year. I have never yelled at any one of you from my seat. Never! I have never interrupted. I have followed every possible rule dictated to me, in order to help me, by Senator Frith. I ask you to return me the same courtesy, please.

Some Hon. Senators: Hear, Hear!

Senator Frith: Just wait until the Speaker calls something so that you can raise your point of order. That is all I ask.

Senator Kelly: There are a number of important public issues on the Scroll, including the debate on the Persian Gulf crisis, the broadcasting bill and others. Committees have been prevented from meeting because of the extraordinary number of hours the Senate has been sitting because of the performances we have witnessed over the past several weeks.

Since September 25, the Senate has been engaged in consideration of Bill C-62. It could have been any other bill, honourable senators, but it happens to have been Bill C-62. We have spent more than 320 hours on this bill. It is now clear, if there ever was a doubt, that it is the goal of some members of the Senate to use their right to speak on this bill to prevent the Senate from coming to a decision, from coming to the point where the Senate decides—as at the end of the day it must always decide—to reach that point and to move on with its other responsibilities.

A significant backlog of public business awaits consideration by the Senate. Just as senators have a right to speak, they also have a right to decide. Indeed, they have an obligation to decide. For this reason, honourable senators, 53 senators took the unprecedented step of preparing a letter to the Speaker. In the letter the senators indicate that they would like an opportunity for the Senate to decide, if the Senate wishes, to determine the question on Bill C-62 and, if the Senate wishes,

that the question be put on or before 5:45 o'clock on Thursday, December 13, 1990. In effect, they are saying that it is time to remove this roadblock and permit the Senate to go ahead with its other responsibilities.

Honourable senators, I have the letter in front of me. I have copies for every senator. The letter has not been delivered to the Speaker yet. It will be delivered to him now. It will be distributed to each senator at the same time.

Some Hon. Senators: Hear, Hear!

Senator Kelly: I would now like to read the letter into the record. It states:

Dear Speaker Charbonneau:

The events of the past two months in the Senate, and the need for the Senate to resolve the question now before it cause us to write in order that you may know our wishes concerning the conduct of matters in the Senate surrounding Bill C-62.

This bill was introduced in the Senate on April 11, 1990. It was debated for approximately two hours at second reading and the motion was carried on May 3, without a recorded vote, but on division. During the summer, 40 days of committee hearings provided an opportunity for the consideration of possible amendments. Since September 25, 1990, the attention of the Senate has been given almost exclusively to Bill C-62. More than 320 hours have been devoted to the bill in the Senate. We believe that it is now time for the Senate to exercise its right to vote on the question now before it.

The rights to speak and to delay are not absolute. The right to delay ends where the right to vote begins. The right to dispose of a question in parliament is as essential as the right to speak.

As Senators we have the right and duty to vote on this matter. The present protracted proceedings prevent us from doing this. We recognize that it is not the Speaker's ultimate responsibility to decide when there has been sufficient debate on the question. The Senate itself must decide this issue. We believe it is your duty to provide the Senate with the opportunity to decide.

We wish you to know that we would like the Senate to dispose of all questions related to Bill C-62 at 5:45 p.m. on Thursday, December 13, 1990 if they have not been earlier disposed of. This will provide all Senators with sufficient advance notice of the vote and there need be no further deferral of the division.