

SPEAKER'S RULING SENATORS' STATEMENTS

On Thursday, February 14, Senator Tardif rose on a point of order to object to the statement made earlier in the sitting by Senator Boisvenu. According to the Deputy Leader of the Opposition, the statement made by Senator Boisvenu was inappropriate under the terms of rule 4-2(6) which explains “that matters raised during Senators’ Statements shall not be subject to debate”. Senator Tardif sought guidance on the proper content and use of statements.

In the exchanges that followed involving Senator Carignan and Senator Cowan, it is clear that there are at least two alternative views about the nature and character of statements. According to Senator Carignan, the purpose of rule 4-2(6) is to prohibit any debate arising from a statement whether or not there is agreement about the point of view expressed in the statement. From Senator Cowan’s perspective, however, the nature of the subject matter should have a role in determining whether it is appropriate as a statement or whether it should be presented in the form of an inquiry or motion.

I want to thank honourable senators for raising this matter. I have considered the possibility of guidelines as Senator Tardif and others requested. There have been a number of rulings in recent years which suggests that there is some confusion with the current operation of the rules.

In reality, the practice of having Senators’ Statements has been a feature of the daily sitting since 1991. The rules governing statements have remained fundamentally the same even with the recent revision of the *Rules of the Senate*. The criteria used to determine the subject matter of a statement are not particularly restrictive. The only clear limitation is that the subject of a statement should not relate to an order of the day. This is explained in rule 4-2(5)(b). This rule and 4-2(5)(a) also propose that statements should relate to matters of public interest that a senator believes should be brought to the immediate attention of the Senate. What “immediate attention” means is somewhat difficult to determine precisely. A qualification is raised in Rule 4-2(5)(b) when it suggests that no alternative means

be available for bringing the matter to the attention of the Senate. As Senator Cowan pointed out the subject matter of a statement could be presented in the form of a motion or an inquiry. While this would certainly open the matter up to debate, it would also require notice of either one or two days. If the matter is urgent and immediate, this delay might be unacceptable.

As currently written, the Rules do not provide the Speaker with guidance to determine whether the subject matter of a statement is of such a nature that only through a statement can it be brought to the immediate attention of the Senate. Nor do I believe the Senate would want the Speaker to exercise such authority. This is better left to the judgment of individual senators and to the Senate as a whole. If there is need to refine the rules with respect to Senators' Statements, this is best left to the Standing Committee on Rules, Procedures and the Rights of Parliament. The committee can recommend through a report to the Senate any changes that could better clarify the criteria for determining any further limitations on the subject matter of statements. It would then be up to the Senate to decide whether to accept any recommendations to the rules respecting Senators' Statements.