

SPEAKER'S RULING

SENATORS' STATEMENTS

Last December 14, 2012, Senator Tardif rose on a point of order after Question Period to complain about a Senator's Statement made earlier in the sitting by Senator Duffy. In that statement, Senator Duffy claimed that certain remarks made during the previous day's debate on Bill C-300 had been against him personally and had violated the prohibition against "personal, sharp or taxing speeches" contained in rule 6-13(1). In her objection, Senator Tardif denied that any rule had been broken. Further discussion on the point of order was largely focussed on what had happened during proceedings on Bill C-300, both in committee and in the Senate, rather than on Senator Duffy's use of a statement to raise a point of order.

In order to assist the Senate, I intend to limit myself to the issue of the proper use of Senators' Statements and Rules 4-2(5) and 4-2(6), which spell out certain limitations with respect to them. First, statements are for matters that senators believe should be brought to the immediate attention of the Senate. Second, a statement should not relate to an order of the day and should relate to a matter that cannot otherwise be brought to the immediate attention of the Senate. Finally, and certainly relevant to this case, matters raised during statements are not subject to debate.

The Senator's Statement subsequently challenged by the point of order of Senator Tardif asserted that the *Rules of the Senate* prohibiting certain behaviour had been breached. Regardless of any merits to the claim, it would have been more appropriate to raise the alleged breach as a proper point of order and not through a Senator's Statement. Had this been done, which is our established practice, it would have allowed for a review of the claim through exchanges among senators. This in turn would have led to a ruling as to whether a breach of order had actually occurred. This is how alleged points of order are routinely raised and resolved in the Senate.

Of course, it is also the case that points of order involving speeches are most usefully raised when the alleged offending remarks are made, so that the breach, if real, can be limited. When this is not done and the complaint is raised as a point of order after the event, it is more difficult to take corrective action since the remarks are already part of the record. In either case, raising the complaint as a point of order allows for a review by the Senate of the alleged breach of its rules or practices. A Senator's Statement does not allow for this, since it cannot be the object of debate. Instead, it is an assertion of an offence without any possibility of an evaluation since debate is not possible under Senators' Statements. This is not a proper use of the Senators' Statements.

I trust that this will help guide the Senate as to how such issues should be dealt with in the future.