



# DEBATE

## DEFINITION AND PURPOSE

Parliamentary procedure is based on various principles, including that the majority has the right to dispatch business and the minority has a right to be heard. Debate is the process that gives all senators an opportunity to express their views and have them placed on the record. Debate can take place in particular on motions or on inquiries.

## MOTIONS<sup>1</sup>

A motion is a proposal made by a senator asking the Senate to do something, order that something be done, or express an opinion on a matter. There are several types of motions that can be moved, some of which are debatable while others must be decided upon without debate. The following list describes the most common motions in the Senate and states whether a particular type of motion is debatable or not.

- A **substantive motion** is an independent and complete proposal in itself that does not relate to any other item of business before the Senate. Such motions require notice and can be debated.
- A **procedural motion** is used for routine housekeeping matters such as managing the Senate's business and agenda. It is used to move items of business forward. For example, a motion to put a committee report on the Orders of the Day for consideration at a subsequent sitting is a procedural motion. These motions do not require notice and are non-debatable.
- A **dilatory motion** is used to postpone or delay consideration of an item before the Senate, either temporarily or permanently. Some examples include a motion to adjourn debate and a motion to adjourn the Senate. These motions may be moved without notice and are normally non-debatable.

- A **motion in amendment** is a proposal to alter a motion, bill or committee report. Amendments and subamendments can be moved without notice and are debatable.
- **Other motions** include those relating to a bill or committee report already on the Orders of the Day, such as a motion for second or third reading of a bill or a motion for the adoption of a report. Since these motions relate to an item on the Orders of the Day for which notice has already been given, no further notice is required to move them.

## INQUIRIES

An inquiry allows a senator to call the attention of the Senate to a particular matter with a goal of providing information and having an exchange of views. There is no vote on an inquiry, and the Senate does not make a decision or express a formal opinion on the matter. When no other senator wishes to discuss the matter or adjourn debate, the inquiry is concluded and dropped from the Order Paper.

## PROCESS OF DEBATE

### *INITIATING DEBATE*

The *Rules of the Senate* provide for two types of motions: those that must be decided immediately without any debate and those that may be debated.<sup>2</sup> Prior to the start of the debate on an item of business, lists of senators who want to participate in the debate are normally prepared. Senators wishing to participate in the debate generally consult with their party or group leadership. They may also inform the Speaker directly or simply rise in their place in the Senate at the appropriate time.

Debate begins when a senator proposes the adoption of a motion. The Speaker reads the text of the motion and identifies a seconder, thus placing the motion before the Senate. If a senator wishes to speak, they must stand in their place and wait to be recognized by the Speaker. During debate, senators do not address their remarks to the Speaker. Instead, senators address their remarks directly to other senators, using the expression “Honourable senators”.<sup>3</sup> Ordinarily the senator who proposed the motion will speak first, followed by other senators wishing to speak on the matter. Nonetheless, a senator who moves a motion, but does not speak to it at that time, may still participate in the debate at a subsequent sitting.<sup>4</sup> In the case of an inquiry, debate starts when a senator (normally, the senator who gave notice) is recognized to speak, without a question being formally placed before the Senate.

Debate can span over several sittings. It concludes when the Speaker is satisfied that all senators wishing to speak on the motion or the inquiry have had an opportunity to do so, or when time has expired for the motion under consideration. In the case of a motion, the Speaker will read the motion and ask senators whether

they wish to adopt it. In certain cases, a voice vote or a standing vote may be required if the decision is not unanimous. In the case of an inquiry, the Speaker will simply declare the debate concluded.

Specific rules and procedures governing debate in the Senate are outlined below.

### ***RIGHT TO SPEAK AND TIME LIMITS DURING DEBATE***

#### *LANGUAGE OF DEBATE*

Senators have the right to speak in either of Canada's official languages and simultaneous interpretation is provided. Accommodation may, when possible, also be made for the use of other languages.

#### *SPEAKING ONCE AND GENERAL TIME LIMIT FOR SPEECHES*

Senators are allowed to speak only once on a question unless they are exercising the right of final reply, a concept discussed later in this document, or if the Senate has adopted a special order for different speaking times. However, if a senator's speech has been misunderstood, that senator may, with leave (unanimous consent of the Senate), be given five minutes to clarify their remarks. The senator is not permitted to introduce new matters during this time.<sup>5</sup>

An amendment to a motion is a new question and entitles a senator to speak again. The same principle applies when a subamendment is moved.

Aside from the exceptions noted in the next two sections, each senator is limited to 15 minutes when making a speech.<sup>6</sup> A senator may accept questions from other senators, usually at the end of a speech, if time permits. The senator asking a question is not considered to have participated in the debate; the time taken for questions and answers is considered to be part of the time of the senator giving the speech.<sup>7</sup>

A clerk at the table records the time taken by each senator in a debate. The Speaker informs the senator when time has expired and calls the senator to order. However, the Senate may be asked for leave to extend the time for a senator's remarks. Usually an additional five minutes is granted; however, a longer or shorter extension could be granted, or leave could be denied.<sup>8</sup>

*TIME ALLOTTED TO LEADERS AND FACILITATORS*

The Leader of the Government and the Leader of the Opposition are generally permitted unlimited time for debate. The leader or facilitator of another recognized party or recognized parliamentary group is permitted a maximum of 45 minutes.<sup>9</sup>

*TIME ALLOTTED TO SPONSOR OF A BILL*

At the second and third reading stages of a bill, the sponsor and critic are each permitted a maximum of 45 minutes, including any time used to answer questions from other senators.<sup>10</sup>

*RIGHT OF FINAL REPLY*

The final reply is the right that certain senators have to speak again at the end of debate. The final reply closes debate and can be exercised by the sponsor of a bill at second reading, the mover of a substantive motion, the sponsor of an inquiry or a senator who is the subject of a committee report made under the *Ethics and Conflict of Interest Code for Senators*. There is no right of final reply at the third reading stage of a bill or on amendments to any bill or motion.

It is the duty of the Speaker to ensure that every senator wishing to speak in the debate has had the opportunity to do so before the right of final reply is exercised.<sup>11</sup> Therefore, if a senator who has the right of final reply wishes to speak, the Speaker informs senators that debate will end once that senator has spoken.

*ADJOURNMENT OF DEBATE*

Debate may, in most cases, be adjourned. This is done by proposing a motion, which, if adopted, postpones debate to the next sitting day or – in the case of an item of non-government business – to a day specified in the motion to adjourn.<sup>12</sup> Practice has been to allow senators to adjourn their own intervention for the balance of their time, although this can only be done once in the case of an item of Other Business, unless leave is granted.<sup>13</sup>

*RESTRICTIONS ON DEBATE**RELEVANCE*

A senator's speech should be relevant to the item under debate. The Speaker may call a senator to order if the senator's comments do not relate to the question being debated. There is no clear definition of relevance and the Speaker will usually give senators considerable latitude in their speeches.

*UNPARLIAMENTARY LANGUAGE*

Senators may be called to order for using unparliamentary language.<sup>14</sup> There is no definitive list of words or expressions that are deemed unparliamentary. Determination of what constitutes unparliamentary language is left primarily to the judgment of the Speaker and is based largely on the circumstances and tone of the debate in question.

*SPEECH MADE IN HOUSE OF COMMONS*

It is out of order to quote a speech made in the House of Commons during the current session unless it is a speech of a minister in relation to government policy.<sup>15</sup>

*SUB JUDICE CONVENTION*

The *sub judice* convention is a voluntary restraint by parliamentarians from discussing matters that are before the courts. Its purpose is to ensure justice and fairness to parties involved in legal proceedings and to maintain the independence and separation of the judicial branch from the legislative branch.<sup>16</sup> This convention is usually applied more strictly to criminal than to civil cases. Furthermore, this convention cannot prevent or block the debate on a bill, even if it relates to a matter before the courts.

*SENATOR CALLED TO ORDER*

A senator called to order by the Speaker during debate on an item must stop speaking, sit down and not speak further on the matter, except on a point of order, until a ruling has been made on the point of order.<sup>17</sup>

**FOR ADDITIONAL INFORMATION ON DEBATE**

[Senate Procedure in Practice](#) (Chapter 5)

**FOR ADDITIONAL INFORMATION ON OTHER POINTS COVERED IN THIS NOTE**

[Senate Procedural Note No. 4, Voting](#)

[Senate Procedural Note No. 5, Legislative Process](#)

[Senate Procedural Note No. 9, The Speaker of the Senate](#)

[Senate Procedural Note No. 10, Decorum](#)

[Senate Procedural Note No. 11, Points of Order](#)

[Senate Procedural Note No. 14, Leave of the Senate](#)

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**References**

- <sup>1</sup> See the definitions of the various types of motions under the heading “motion” in Appendix I of the *Rules of the Senate*.
- <sup>2</sup> Rules 5-8(1) and 5-8(3).
- <sup>3</sup> Rule 6-1.
- <sup>4</sup> Rule 6-11.
- <sup>5</sup> Rule 6-2(2).
- <sup>6</sup> Rule 6-3(1)(d).
- <sup>7</sup> Rule 6-5(3).
- <sup>8</sup> See Speaker’s rulings in the *Journals of the Senate* dated May 11, 2000, pp. 591-593 and April 24, 2007, pp. 1361-1364, as well as a discussion about the practice that appears in the *Debates of the Senate* on April 29, 2014, pp.1394-1397.
- <sup>9</sup> Rule 6-3(1)(a).
- <sup>10</sup> Rules 6-3(1)(b) and 6-3(1)(c).
- <sup>11</sup> Rule 6-12.
- <sup>12</sup> Rule 6-10.
- <sup>13</sup> Rule 4-15(3).
- <sup>14</sup> Rule 6-13.
- <sup>15</sup> Rule 6-6.
- <sup>16</sup> *Senate Procedure in Practice*, June 2015, p. 86.
- <sup>17</sup> Rule 2-7(4).