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RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

**Committee Authorized to Study
Private Members' Business—Debate Continued**

Speech by:

The Honourable Vivienne Poy

Tuesday, March 9, 2004

THE SENATE

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RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO STUDY PRIVATE MEMBERS' BUSINESS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Poy:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study the manner in which Private Members Business, including Bills and Motions, are dealt with in this Chamber and that the Committee report back no later than November 30, 2004.—(*Honourable Senator Poy*).

Hon. Vivienne Poy: Honourable senators, I rise today to speak in support of Senator Carstairs' motion to authorize the Standing Committee on Rules, Procedures and the Rights of Parliament to study the manner in which private members' business, including bills and motions, are dealt with in this chamber. I should like to focus on the way in which the other place, in effect, brings back legislation. As we know, there is no similar procedure in the Senate.

Please note that as far back as March 1996, in the Second Session of the Thirty-fifth Parliament, the Honourable Herb Gray proposed in the other place that, during the first 30 sitting days, when proposing a motion for first reading of a bill, if the said bill was in the same form as at the time of the prorogation, that it should be deemed to have been considered and approved at all stages completed at the time of prorogation.

The Honourable Herb Gray's proposal applied to only the Second Session of the Thirty-fifth Parliament, to both government and private members' business. At that time, the Standing Committee on Procedure and House Affairs was tasked to examine the procedures related to private members' business.

In November 1998, the Standing Committee on Procedure and House Affairs recommended that the Standing Orders of the other place be amended to allow for the reinstatement of private members' business. Section 86.1 in the Standing Orders states that "the said bill shall be deemed to have been considered and approved at all stages completed at the time of prorogation," provided that "the said bill is in the same form as at prorogation."

In support of her motion, I concur with Senator Carstairs that consideration should be given to amending the procedures of the Senate in a similar fashion as in the other place. To not undertake this review of existing procedures would suggest that the work in this chamber has less merit than that of the other place.

Honourable senators, there is much current attention on making government more efficient and less costly. The current legislative process as it stands for private members' business is far from efficient, nor is it cost effective.

We are now in the Third Session of the Thirty-seventh Parliament. Just to cite recent events, in the first and second sessions, 10 private members' bills were introduced in both sessions. Of these, almost half went to committee twice, entailing resources of these committees and requiring the recall of witnesses. In fact, third reading of one bill in the Senate occurred twice, but it did not get to the other place.

To continue with our existing procedure is a waste of senators' time and energy and an inefficient use of the limited time and resources of our offices, as well as the committee that performs such valuable work in the Senate. The time, effort and cost of witnesses who are recalled to appear before a committee time and again should be a great concern to many of us in this chamber. Many of these witnesses have to travel from across the country to appear. Is this fair to them? Should this be necessary? It certainly is not cost effective. I believe Canadians are tired of our tax dollars being spent rehashing the same arguments, the same debates and the same bills over and over again.

Honourable senators, a study by the Standing Committee on Rules, Procedures and the Rights of Parliament into the manner in which private members' business is dealt with in this chamber is long overdue. Let us vote on this motion and send this matter to committee for further study.

Hon. Anne C. Cools: Honourable senators, I have followed the debate with some care. I wonder if Senator Poy would take a question.

The Hon. the Speaker *pro tempore*: Will you accept a question, Senator Poy?

Senator Poy: Yes.

Senator Cools: Essentially, I am hearing Senator Poy say that in the interests of cost effectiveness, the Senate should reinstate bills as the House of Commons does. I could submit that the greatest saving of cost would be to never have any debate on anything, but just to pass it all once in the House of Commons and never even bring it to the Senate. Cost effectiveness is a peculiar argument.

I should like to ask Senator Poy about the constitutional underpinnings of what she is proposing. Senator Poy happens to be the sister-in-law of the Governor General. Her Excellency Adrienne Clarkson would have issued, under the Royal Prerogative, a proclamation and writ of prorogation and writ of summoning of Parliament. I wonder if Senator Poy has wrapped her mind around the constitutional task of defeating and overcoming an order of prorogation, which is what a reinstatement essentially does.

• (1700)

Senator Poy: Honourable senators, all I am suggesting is that this matter should be studied. Cost-effectiveness is only one issue. I am talking about efficiency, and about the fact that what we do in this chamber is just as valuable as what happens in the other place. This is a matter of study. It depends on the findings of the committee. All I am saying is that this matter should be studied. I am not suggesting changing anything in the Constitution.

Senator Cools: I listened attentively to the honourable senator. When one makes a proposal, one usually brings forth the legal and constitutional underpinnings to the proposal. Has Senator Poy given any thought to those? Basically, Senator Poy is saying that she has not, and that this is just a suggestion. I take it for exactly what she says.

Does the honourable senator wish to respond to that?

Senator Poy: Honourable senators, I will respond. This is a suggestion. What I am saying is that the matter should be studied.

That is it. There is no change of anything. If the committee should decide, after having studied the matter, that this is not workable for the Senate, that is the way it should be. However, the matter should be studied. We should not have closed minds.

Senator Cools: I agree with the honourable senator. Senator Poy has opened my mind to the matter. I should like to speak on the matter.

On motion of Senator Cools, debate adjourned.
